

1 A bill to be entitled
 2 An act relating to the recall of county commissioners;
 3 amending s. 100.361, F.S.; providing that members of
 4 the governing body of a noncharter county may be
 5 removed from office by the electors of the county;
 6 making technical changes; providing a contingent
 7 effective date.

8

9 Be It Enacted by the Legislature of the State of Florida:

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11 Section 1. Subsection (1) and paragraphs (d), (f), and (g)
 12 of subsection (2) of section 100.361, Florida Statutes, are
 13 amended to read:

14 100.361 Municipal and county official recall.—

15 (1) APPLICATION; DEFINITION.—Any member of the governing
 16 body of a municipality, ~~or~~ charter county, or noncharter county,
 17 hereinafter referred to in this section as "municipality," may
 18 be removed from office by the electors of the municipality. When
 19 the official represents a district and is elected only by
 20 electors residing in that district, only electors from that
 21 district are eligible to sign the petition to recall that
 22 official and are entitled to vote in the recall election. When
 23 the official represents a district and is elected at-large by
 24 the electors of the municipality, all electors of the
 25 municipality are eligible to sign the petition to recall that

26 official and are entitled to vote in the recall election. As
 27 ~~where~~ used in this section, the term "district" means ~~shall be~~
 28 ~~construed to mean~~ the area or region of a municipality from
 29 which a member of the governing body is elected by the electors
 30 from such area or region. Members may be removed from office
 31 pursuant to the procedures provided in this section. This method
 32 of removing members of the governing body of a municipality is
 33 in addition to any other method provided by state law.

34 (2) RECALL PETITION.—

35 (d) Grounds for recall.—The grounds for removal of elected
 36 ~~municipal~~ officials shall, for the purposes of this act, be
 37 limited to the following and must be contained in the petition:

- 38 1. Malfeasance .†
- 39 2. Misfeasance .†
- 40 3. Neglect of duty .†
- 41 4. Drunkenness .†
- 42 5. Incompetence .†
- 43 6. Permanent inability to perform official duties .† ~~and~~
- 44 7. Conviction of a felony involving moral turpitude.

45 (f) Filing of signed petitions.—All signed petition forms
 46 shall be filed at the same time, no later than 30 days after the
 47 date on which the first signature is obtained on the petition.
 48 The person designated as chair of the committee shall file the
 49 signed petition forms with the auditor or clerk of the
 50 municipality ~~or charter county~~, or his or her equivalent,

51 hereinafter referred to as "clerk." The petition may not be
 52 amended after it is filed with the clerk.

53 (g) Verification of signatures.—

54 1. Immediately after the filing of the petition forms, the
 55 clerk shall submit such forms to the county supervisor of
 56 elections. No more than 30 days after the date on which all
 57 petition forms are submitted to the supervisor by the clerk, the
 58 supervisor shall promptly verify the signatures in accordance
 59 with s. 99.097~~7~~ and determine whether the requisite number of
 60 valid signatures has been obtained for the petition. The
 61 committee seeking verification of the signatures shall pay in
 62 advance to the supervisor the sum of 10 cents for each signature
 63 checked or the actual cost of checking such signatures,
 64 whichever is less.

65 2. Upon filing with the clerk, the petition and all
 66 subsequent papers or forms required or permitted to be filed
 67 with the clerk in connection with this section must, upon
 68 request, be made available in alternative formats by the clerk.

69 3. If the supervisor determines that the petition does not
 70 contain the requisite number of verified and valid signatures,
 71 the clerk shall, upon receipt of such written determination, so
 72 certify to the governing body of the municipality ~~or charter~~
 73 ~~county~~ and file the petition without taking further action, and
 74 the matter shall be at an end. No additional names may be added
 75 to the petition, and the petition shall not be used in any other

76 proceeding.

77 4. If the supervisor determines that the petition has the
78 requisite number of verified and valid signatures, then the
79 procedures outlined in subsection (3) must be followed.

80 Section 2. This act shall take effect on the effective
81 date of the amendment to the State Constitution proposed by HJR
82 131 or a joint resolution having substantially the same specific
83 intent and purpose, if such amendment to the State Constitution
84 is approved at the next general election or at an earlier
85 special election specifically authorized by law for that
86 purpose.