

By Commissioner Mathis

1 A proposal to revise
2 ARTICLE II, s. 5, Fla. Const.; providing for
3 recall of elected public officials including
4 members of the judicial branch of government.

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6 It is proposed by the Florida Constitution Revision Commission
7 that:

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9 Section 1. Section 5 of Article II of the Florida
10 Constitution is revised by amending that section to read:

11 ARTICLE II

12 GENERAL PROVISIONS

13 SECTION 5. Public officers.--

14 (a) No person holding any office of emolument under
15 any foreign government, or civil office of emolument under the
16 United States or any other state, shall hold any office of
17 honor or of emolument under the government of this state. No
18 person shall hold at the same time more than one office under
19 the government of the state and the counties and
20 municipalities therein, except that a notary public or
21 military officer may hold another office, and any officer may
22 be a member of a constitution revision commission, taxation
23 and budget reform commission, constitutional convention, or
24 statutory body having only advisory powers.

25 (b) Each state and county officer, before entering
26 upon the duties of the office, shall give bond as required by
27 law, and shall swear or affirm:

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29 "I do solemnly swear (or affirm) that I will support,
30 protect, and defend the Constitution and Government of the
31 United States and of the State of Florida; that I am duly

1 qualified to hold office under the Constitution of the state;
2 and that I will well and faithfully perform the duties of
3 ...(title of office)... on which I am now about to enter. So
4 help me God.",

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6 and thereafter shall devote personal attention to the duties
7 of the office, and continue in office until his successor
8 qualifies.

9 (c) The powers, duties, compensation and method of
10 payment of state and county officers shall be fixed by law.

11 (d) Any public officer holding an elective office
12 either by election or appointment, including a justice of the
13 supreme court and a judge of a district court of appeal, may
14 be removed from office by vote of the electors entitled to
15 vote for the election to office or the retention in office of
16 such officer. The legislature shall provide recall procedures
17 by general law. Such procedures are in addition to any other
18 method of removal of a public officer from office provided by
19 this constitution.

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