Proposal No. 42

By Commissioner Mathis

A proposal to revise

ARTICLE II, s. 5, Fla. Const.; providing for
recall of elected public officials including
members of the judicial branch of government.

It is proposed by the Florida Constitution Revision Commission that:

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

ARTICLE II

GENERAL PROVISIONS

SECTION 5. Public officers.--

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

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

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

CODING: Words stricken are deletions; words underlined are additions.
qualified to hold office under the Constitution of the state;
and that I will well and faithfully perform the duties of
...(title of office)... on which I am now about to enter. So
help me God.

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

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

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