1 Introduced by the Council President at the request of the Supervisor

2 of Elections:

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5 **ORDINANCE 2024-764**

6 AN ORDINANCE REPEALING SECTION 15.01 (RECALL BY

7 VOTERS), ARTICLE 15 (REMOVAL OF OFFICERS), *CITY*

8 *CHARTER*, IN ACCORDANCE WITH SECTION 100.361,

9 *FLORIDA STATUTES*; PROVIDING FOR CODIFICATION

10 INSTRUCTIONS; PROVIDING AN EFFECTIVE DATE.

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12   **WHEREAS**, the State of Florida has legislatively preempted

13 local governments in certain areas thereby precluding cities and

14 counties from regulating the same areas of law; and

15   **WHEREAS**, pursuant to Section 100.361, *Florida Statutes*, which

16 outlines municipal recall procedures, the Florida Legislature clearly

17 states its intent that municipal recall procedures shall be uniform

18 statewide and accordingly all municipal charter and special law

19 provisions which are contrary to Section 100.361, *Florida Statutes*,

20 are repealed to the extent of conflict; and

21   **WHEREAS**, Section 15.01 of the City Charter outlines local

22 recall procedures for the consolidated government of the City of

23 Jacksonville and is in conflict with Section 100.361, *Florida*

24 *Statutes*; and

25   **WHEREAS**, pursuant to Subsection 3.01(e), *City Charter*, the

26 City Council has the power to repeal or amend any provision of the

27 City Charter by Ordinance to the same extent as could be done by the

28 Legislature of the State of Florida; and

29   **WHEREAS**, elimination of preempted language in the City Charter

30 will prevent mistakes in the application, implementation, and use of

31 the law; now therefore

1   **BE IT ORDAINED** by the Council of the City of Jacksonville:

2   **Section 1.** Repealing Section 15.01 (Recall by voters),

3   **Article 15 (Removal of Officers),** *City Charter.* Section 15.01 (Recall

4   by voters), Article 15 (Removal of Officers), *City Charter,* is hereby

5   repealed and shall read as follows:

6   **CHARTER AND RELATED LAWS**

7   **PART A – CHARTER LAWS CHARTER OF THE CITY OF JACKSONVILLE, FLORIDA**

8   *** * ***

9   **ARTICLE 15. – REMOVAL OF OFFICERS**

10   **Section 15.01. – <u>Reserved.</u>~~Recall by voters.~~**

11   ~~Any officer elected in any consolidated government or school~~

12   ~~board election may be removed from office in the following manner:~~

13   ~~(a)   A petition demanding an election of a successor of the elected~~

14   ~~official sought to be removed shall be filled with the~~

15   ~~supervisor of elections.~~

16   ~~(b)   In the petition for recall of a person elected in the city at~~

17   ~~large, there shall be included the signatures of qualified~~

18   ~~voters equal to 10 percent of the number of voters registered~~

19   ~~in that district at the time of the election of the person~~

20   ~~sought to be removed.~~

21   ~~(c)   In the petition for recall of a person elected in a district~~

22   ~~election, there shall be included the signatures of voters~~

23   ~~qualified to vote in that district equal to 10 percent of the~~

24   ~~number of voters registered in that district at the time of~~

25   ~~the election of the person sought to be removed.~~

26   ~~The petition shall contain a general statement of the grounds for~~

27   ~~which the removal is sought. Copies of petitions may be executed,~~

28   ~~but one of the signers of each copy shall affirm under oath before~~

29   ~~an officer competent to administer oaths that he believes that~~

30   ~~each signature to the copy is the genuine signature of the person~~

31   ~~whose name it purports to be. Within 15 normal working days from~~

the date of filing such petition, the supervisor of elections shall examine the petition and ascertain whether the petition is signed by the required number of persons and whether such persons are qualified voters as shown by the registration books. He shall attach to the petition his certificate showing the result of such examination. If the supervisor of elections determines that the petition is insufficient, it may be amended within 15 days from the date of said certificate. The supervisor of elections shall, within 15 days after such amendment, make like examination of the amended petition. If he again determines that the petition is insufficient, it shall be returned to the person filing the same, without prejudice, however, to the filing of a new petition to the same effect. If the supervisor of elections shall determine that any petition is duly executed and in proper form, he shall at once order and fix a date for holding a recall election not less than 30 days or more than 60 days from the date on which he determines the petition to be sufficient. The supervisor of elections shall make or cause to be made publication of notice of such recall election. A majority of the votes cast in such election shall be required to remove the officer. Upon such removal, a vacancy shall exist in the office.

Section 2. **Codification Instructions.** The Codifier and the Office of General Counsel are authorized to make all chapter and division "tables of contents" consistent with the changes set forth herein. Such editorial changes and any others necessary to make the *Ordinance Code* consistent with the intent of this legislation are approved and directed herein, and changes to the *Ordinance Code* shall be made forthwith and when inconsistencies are discovered.

Section 3. **Effective Date.** This Ordinance shall become effective upon signature by the Mayor or upon becoming effective without the Mayor's signature.

1   Form Approved:

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3   /s/ Mary E. Staffopoulos

4   Office of General Counsel

5   Legislation Prepared By: Tiffiny Douglas Pinkstaff

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