

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1051 (2026)

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED _____ (Y/N)

ADOPTED AS AMENDED _____ (Y/N)

ADOPTED W/O OBJECTION _____ (Y/N)

FAILED TO ADOPT _____ (Y/N)

WITHDRAWN _____ (Y/N)

OTHER

Committee/Subcommittee hearing bill: Intergovernmental Affairs
Subcommittee

Representative Alvarez, J. offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

**Section 1. Section 190.0071, Florida Statutes, is created
to read:**

190.0071 Community development district recall.—

(1) DEFINITIONS.—As used in this section, the term:

(a) "Clerk," as the context requires, means:

1. If the community development district was established by
ordinance of a local general-purpose government pursuant to s.
190.005(2), the clerk of such local general-purpose government.

2. If the community development district was established by
rule of the Florida Land and Water Adjudicatory Commission

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17 pursuant to s. 190.005(1), the clerk of the circuit court of the
18 county that contains a majority of the qualified electors of the
19 district.

20 (b) "District" means the area or region of a community
21 development district from which a member of the governing board
22 is elected by such area's or region's electors.

23 (2) APPLICATION.—Any member of the governing body of a
24 community development district who is elected to the governing
25 body by the qualified electors of the community development
26 district may be removed from office by the electors of the
27 community development district. If the member represents a
28 district and is elected only by electors residing in that
29 district, only electors residing in that district are eligible
30 to sign the petition to recall that member and are entitled to
31 vote in the recall election. If the member represents a district
32 and is elected at large by the electors of the community
33 development district, all electors of the community development
34 district are eligible to sign the petition to recall that member
35 and are entitled to vote in the recall election. Members may be
36 removed from office pursuant to the procedures provided in this
37 section.

38 (3) RECALL PETITION.—

39 (a) *Petition content.*—A petition must contain the name of
40 the person sought to be recalled and a statement of grounds for
41 recall. The statement of grounds may not exceed 200 words, and

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the stated grounds are limited solely to those specified in paragraph (d). If more than one member of the governing body is sought to be recalled, regardless of whether such member is elected by the electors of a district or by the electors of the community development district at large, a separate recall petition must be prepared for each member sought to be recalled. Upon request, the content of a petition may be, but is not required to be, provided by the proponent in alternative formats.

(b) *Requisite signatures.*—The petition must be signed by at least 10 percent of the total number of registered electors of the community development district or of a district thereof. All signatures must be obtained as provided in paragraph (e) within a period of 30 days, and all signed and dated petition forms must be filed at the same time, no later than 30 days after the date on which the first signature is obtained on the petition.

(c) *Recall committee.*—Electors of the community development district making charges contained in the statement of grounds for recall, as well as those signing the recall petition, must be designated as the recall committee. A specific person must be designated in the petition as chair of the committee, and this person shall act on behalf of the committee. The recall committee and the officer being recalled are subject to chapter 106.

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67 (d) Grounds for recall.—The grounds for removal of elected
68 members of the governing body of a community development
69 district are, for the purposes of this act, limited to the
70 following and must be contained in the petition:

- 71 1. Malfeasance;
- 72 2. Misfeasance;
- 73 3. Neglect of duty;
- 74 4. Drunkenness;
- 75 5. Incompetence;
- 76 6. Permanent inability to perform official duties; or
- 77 7. Conviction of a felony involving moral turpitude.

78 (e) Signature process.—Only electors of the district or
79 the community development district are eligible to sign the
80 petition. Each elector signing a petition shall sign and date
81 his or her name in ink or indelible pencil. Each petition must
82 contain appropriate lines for each elector's original signature;
83 printed name; street address; city; county; voter registration
84 number or date of birth; Florida driver license number, Florida
85 identification card number issued pursuant to s. 322.051, or the
86 last four digits of the elector's social security number; and
87 the date signed.

88 (f) Filing of signed petitions.—All signed petition forms
89 must be filed at the same time, no later than 35 days after the
90 date on which the first signature is obtained on the petition.
91 The person designated as chair of the committee shall file the

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signed petition forms with the clerk. The petition may not be amended after it is filed with the clerk.

(g) Verification of signatures.—

1. No more than 60 days after the date on which all petition forms are filed, the clerk shall submit the petition forms to the supervisor of elections, who shall promptly verify the signatures in accordance with s. 99.097 and determine whether the requisite number of valid signatures has been obtained for the petition. The committee seeking verification of the signatures must pay in advance to the supervisor of elections the actual cost of signature verification. If the community development district lies in more than one county, the clerk shall submit each petition form to the respective supervisor of elections with jurisdiction over the elector that signed the individual petition.

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

3. If the supervisor determines that the petition does not contain the requisite number of verified and valid signatures, the clerk, upon receipt of such written determination, must certify such determination to the governing body of the community development district and file the petition without taking further action, and the matter ends. No additional names

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117 may be added to the petition, and the petition may not be used
118 in any other proceeding.

119 4. If the supervisor of elections determines that the
120 petition has the requisite number of verified and valid
121 signatures, the procedures outlined in subsection (4) must be
122 followed. If the community development district lies in more
123 than one county, the supervisor of elections of each county
124 shall confer as to whether the requisite numbers of verified and
125 valid signatures have been submitted and the supervisor of
126 elections of the county in which the clerk is located shall make
127 a determination whether the petition has the requisite number of
128 verified and valid signatures.

129 (4) RECALL PETITION AND DEFENSE.—

130 (a) Notice.—Upon receipt of a written determination that
131 the requisite number of signatures has been obtained, the clerk
132 shall at once serve upon the member sought to be recalled a
133 certified copy of the petition. Within 5 days after service, the
134 member sought to be recalled may file with the clerk a defensive
135 statement of not more than 200 words.

136 (b) Content and preparation.—Within 5 days after the date
137 of receipt of the defensive statement or after the last date a
138 defensive statement could have been filed, the clerk shall
139 prepare a document entitled "Recall Petition and Defense," which
140 consists of the recall petition, including copies of the
141 originally signed petitions and counterparts. The Recall

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Petition and Defense must contain lines that conform to paragraph (3)(e) and the defensive statement or, if no defensive statement has been filed, a statement to that effect. The clerk shall make copies of the Recall Petition and Defense which are sufficient to carry the signatures of 30 percent of the registered electors. Immediately after preparing and making sufficient copies of the Recall Petition and Defense, the clerk shall deliver the copies to the person designated as chair of the committee and take his or her receipt therefor.

(c) Requisite signatures.—Upon receipt of the Recall Petition and Defense, the committee may circulate the petition to obtain the signatures of 15 percent of the electors. All signatures must be obtained and all signed petition forms filed with the clerk no later than 60 days after delivery of the Recall Petition and Defense to the chair of the committee.

(d) Verification of signatures.—Within 30 days after receipt of the signed Recall Petition and Defense, the supervisor of elections shall determine the number of valid signatures and certify whether 15 percent of the qualified electors of the community development district have signed the petition. The supervisor of elections must be paid by the persons or committee seeking verification the actual cost of signature verification. If the community development district lies in more than one county, the supervisor of elections of each county shall confer as to whether the number of valid

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167 signatures required have been submitted. The supervisor of
168 elections of the county in which the clerk is located shall make
169 a determination whether the petition has the requisite number of
170 verified and valid signatures.

171 (e) Reporting.—If the supervisor of elections determines
172 that the requisite number of signatures has not been obtained,
173 the clerk must certify such determination to the governing body
174 and retain the petitions. The proceedings must be terminated,
175 and the petitions may not be used again. If the supervisor of
176 elections determines that at least 15 percent of the qualified
177 electors signed the petition, the clerk must immediately serve
178 notice of that determination upon the member sought to be
179 recalled and deliver to the governing body a certificate as to
180 the percentage of qualified electors who signed. If the
181 community development district lies in more than one county, the
182 supervisor of elections of each county shall confer as to
183 whether the total number of requisite signatures has not been
184 obtained.

185 (5) RECALL ELECTION.—If the member designated in the
186 petition files his or her written resignation within 5 days
187 after the last-mentioned notice, the resignation is irrevocable.
188 The governing body shall then proceed to fill the vacancy
189 according to the applicable law. In the absence of a
190 resignation, the chief judge of the judicial circuit in which
191 the community development district is located shall fix a day

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192 for holding a recall election for the removal of any member not
193 resigning. Any such election must be held not less than 30 days
194 or more than 60 days after the expiration of the last-mentioned
195 5-day period and at the same time as any other general or
196 special election held within the period; but if no such election
197 is to be held within that period, the judge must call a special
198 recall election to be held within the period aforesaid.

199 (6) BALLOTS.—The ballots at the recall election must
200 conform to the following: With respect to each person whose
201 removal is sought, the question must be submitted: "Shall
202 be removed from the office of by recall?" Immediately
203 following each question there must be printed on the ballots the
204 two propositions in the following order:

205 "...(name of person)... should be removed from office."

206 "...(name of person)... should not be removed from office."

207 (7) FILLING OF VACANCIES; SPECIAL ELECTIONS.—

208 (a) If an election is held for the recall of members
209 elected only at large, candidates to succeed such members for
210 the unexpired terms must be voted on at the same election and
211 must be elected in the same manner as provided by the
212 appropriate law for the election of candidates at general
213 elections. Candidates may not be elected to succeed any
214 particular member. If only one member is removed, the candidate
215 receiving the highest number of votes must be declared elected
216 to fill the vacancy. If more than one member is removed,

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candidates equal in number to the number of members removed must be declared elected to fill the vacancies; and, among the successful candidates, those receiving the greatest number of votes must be declared elected for the longest terms. Cases of ties, and all other matters not herein specially provided for, must be determined by the rules governing elections generally.

(b) If an election is held for the recall of members elected only from districts, candidates to succeed such members for the unexpired terms must be voted on at a special election called by the chief judge of the judicial circuit in which the districts are located not less than 30 days or more than 60 days after the expiration of the recall election. The qualifying period, for purposes of this section, must be established by the chief judge of the judicial circuit after consultation with the clerk. Any candidate seeking election to fill the unexpired term of a recalled community development district member must reside in the district represented by the recalled member and qualify for office in the manner required by law. Each candidate receiving the highest number of votes for each office in the community development district recall election must be declared elected to fill the unexpired term of the recalled member. Candidates seeking election to fill a vacancy created by the removal of a member are subject to chapter 106.

(c) If an election is held for the recall of members of the governing body composed of both members elected at large and

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242 elected by and representing a district, candidates to succeed
243 such members for the unexpired terms must be voted on at a
244 special election as provided in paragraph (b).

245 (d) In any recall election held pursuant to paragraph (b)
246 or paragraph (c), if only one member is voted to be removed from
247 office, the vacancy created by the recall must be filled by the
248 governing body according to the applicable law for filling
249 vacancies.

250 (8) EFFECT OF RESIGNATIONS.—If the member of the governing
251 body being recalled resigns from office before the recall
252 election, the remaining members must fill the vacancy created
253 according to the applicable law for filling vacancies. If all of
254 the members of the governing body are sought to be recalled and
255 all of the members resign before the recall election, the recall
256 election must be canceled, and a special election must be called
257 to fill the unexpired terms of the resigning members. If all of
258 the members of the governing body are sought to be recalled and
259 any of the members resign before the recall election, the
260 proceedings for the recall of members not resigning and the
261 election of successors to fill the unexpired terms must continue
262 and have the same effect as though there had been no
263 resignation.

264 (9) WHEN PETITION MAY BE FILED.—A petition to recall any
265 member of the governing body of a community development district
266 may not be filed until the member has served one-fourth of his

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or her term of office. A person who is removed by a recall, or resigns after a petition has been filed against him or her, is not eligible to be appointed to the governing body within a period of 2 years after the date of such recall or resignation.

(10) RETENTION OF PETITION.—The clerk shall preserve all papers comprising or connected with a petition for recall for a period of 2 years after they are filed.

(11) OFFENSES RELATING TO PETITIONS.—A person may not impersonate another, purposely write his or her name or residence falsely in the signing of any petition for recall or forge any name thereto, or sign any paper with knowledge that he or she is not a qualified elector of the community development district. A person may not employ or pay another to accept employment or payment for circulating or witnessing a recall petition. A person who violates this section commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(12) INTENT.—It is the intent of the Legislature that the recall procedures provided in this section be uniform statewide. Therefore, all special law provisions that are contrary to the provisions of this section are hereby repealed to the extent of this conflict.

(13) PROVISIONS APPLICABLE.—The provisions of this act apply to all community development districts.

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291 **Section 2. Paragraph (e) is added to subsection (3) of**
292 **section 190.006, Florida Statutes, to read:**

293 190.006 Board of supervisors; members and meetings.—

294 (3)

295 (e) Any board member elected to the board of supervisors
296 by the qualified electors of the district pursuant to this
297 subsection is subject to the recall procedures provided for in
298 s. 190.0071.

299 **Section 3.** This act shall take effect July 1, 2026.

300
301 -----
302 **T I T L E A M E N D M E N T**

303 Remove everything before the enacting clause and insert:

304 An act relating to community development district
305 recall elections; creating s. 190.0071, F.S.; defining
306 terms; providing that certain members of the governing
307 body of a community development district may be
308 removed by the electors of the community development
309 district; providing that only specified electors are
310 eligible to sign the petition to recall such members
311 under specified circumstances; requiring that a
312 petition to recall a member contain specified
313 information; requiring separate petitions for each
314 member sought to be recalled; requiring a specified
315 percentage of electors to sign the petition; requiring

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that such signatures be obtained and submitted within
specified timeframes; requiring the designation of a
recall committee and chair of such committee;
providing that the committee and the member to be
recalled are subject to specified provisions;
providing the grounds for removal of elected members;
requiring each elector to sign and date petitions;
requiring that each petition contain specified
information; requiring that a petition be filed with
the clerk in a specified manner by the chair of the
committee; prohibiting the petition from being amended
after it is filed; requiring the clerk to submit the
forms to the supervisor of elections to promptly
verify signatures and make a certain determination;
requiring the committee to pay in advance for such
verification; providing for the duties of supervisors
in each county if the community development district
lies in more than one county; requiring that specified
papers and forms be available in alternative formats
upon request; requiring the clerk to make a certain
certification under specified circumstances; requiring
the clerk to serve a certified copy of the petition
upon the person sought to be recalled under a
specified circumstance; authorizing such person to
submit a certain response within a specified

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timeframe; requiring the clerk to prepare a specified document within a specified timeframe; specifying requirements for such document; requiring the clerk to deliver such document to the chair of the committee and take his or her receipt therefor; authorizing the committee to circulate the petition; requiring that all signatures be obtained and all forms filed with the clerk within a specified timeframe; requiring the supervisor to determine the number of valid signatures and certify that the requisite percentage of electors signed the petition; requiring that the supervisor be paid a specified sum for each name checked; providing for the duties of the supervisor of each county if the community development district lies in more than one county; requiring the clerk to certify specified determinations made and provide a certain notice to the governing body of the community development district; requiring that, under a specified condition, recall proceedings be terminated and petitions not be used again; providing that a member designated in the petition may resign and that such resignation is irrevocable; requiring the governing body to fill certain vacancies according to the applicable law; requiring the chief judge of the judicial circuit to fix a day for holding the recall election, which must

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be held within a prescribed timeframe under specified conditions; requiring that the ballots include specified information; prescribing procedures for holding special elections to fill vacancies created by the recall petition; providing for the filling of a vacancy created by a member resigning before the recall election; prohibiting a member from being the subject of a recall petition until the member has served a specified portion of his or her term of office; prohibiting a member removed by recall or resignation from being eligible to be appointed to the governing body for a specified timeframe after his or her removal; requiring the clerk to preserve the petitions and related papers for a specified timeframe; prohibiting a person from impersonating another, purposely writing his or her name or residence falsely, or signing any paper with certain knowledge; prohibiting a person from employing or paying another to accept payment for circulating or witnessing petitions; providing criminal penalties; providing legislative intent; providing applicability; amending s. 190.006, F.S.; providing that certain board members of community development districts are subject to specified election recall provisions; providing an effective date.

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