

FLORIDA HOUSE OF REPRESENTATIVES

BILL ANALYSIS

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BILL #: [CS/HB 1051](#)

TITLE: Community Development District Recall
Elections

SPONSOR(S): Alvarez, J.

COMPANION BILL: [CS/SB 1180](#) (Arrington)

LINKED BILLS: None

RELATED BILLS: None

Committee References

[Intergovernmental Affairs](#)

16 Y, 0 N, As CS

[Government Operations](#)

[State Affairs](#)

SUMMARY

Effect of the Bill:

The bill creates a recall election process to remove members of the governing body of a community development district. The bill establishes recall election procedures, including the requirements for the petition to initiate a recall election, the ballot language to be used, and the filling of vacancies created by the recall election. The bill provides penalties for offenses related to the petition process.

Fiscal or Economic Impact:

The bill may have an indeterminate, negative impact on local government expenditure to the extent recall petitions are filed and special elections are necessary.

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ANALYSIS

EFFECT OF THE BILL:

The bill creates a [recall election process](#) to remove members of the governing bodies of [community development districts](#) (CDDs). These procedures mirror existing law for the recall election process for members of the governing bodies of [municipalities and charter counties](#).¹ The bill applies to all CDDs and repeals all special law provisions that are contrary to the provisions of the bill. (Section [1](#))

The bill provides that any member elected to the governing body of a CDD by the qualified electors of the CDD may be removed from office by the electors of the CDD. If the member is elected at-large in a district-wide election, then all electors of the CDD may sign the recall petition and vote in the recall election. If the member is from a single-member district, only the electors residing in that district may participate in the recall election. (Section [1](#))

The bill establishes requirements for the petition to initiate a recall election. The petition must contain the name of the person sought to be recalled and a statement of grounds for recall. A separate recall petition must be prepared for each member sought to be recalled. The petition must be signed by at least 10 percent of the total number of registered qualified electors of the CDD or single-member district which the member represents. The bill designates the circulators of the petition, as well as those signing the recall petition, as the recall committee (Committee). Only qualified electors of the CDD or single-member district the member represents are eligible to sign the petition and the signatures must contain specified information to verify the identity of the signatory. (Section [1](#))

The bill provides that a member of the governing body may be removed for:

- Malfeasance;

¹ See [s. 100.361, F.S.](#)

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- Misfeasance;
- Neglect of duty;
- Drunkenness;
- Incompetence;
- Permanent inability to perform official duties; or
- Conviction of a felony involving moral turpitude. (Section [1](#))

The signed petition forms must be filed with the applicable city or county clerk within 30 days after the first signature is obtained. If the CDD contains land in more than one county, these forms are submitted to the clerk of the circuit court of the county that contains a majority of the qualified electors of the CDD. The petition may not be amended after it is filed. The clerk must then submit the petition to the supervisor of elections (supervisor) within 60 days after the petitions are filed. The supervisor is responsible for verifying the signatures on the petition forms. If the CDD lies in more than one county, the supervisor of each county determines whether the requisite numbers of signatures have been submitted and the supervisor of the county containing the clerk to which forms are submitted is responsible for verifying whether the petition has the requisite number of verified and valid signatures. If the required number of signatures is not obtained, the supervisor must notify the clerk, who shall certify that determination to the governing body of the CDD and take no further action. (Section [1](#))

If the supervisor determines that the petition has the requisite number of signatures, the clerk will notify the member sought to be recalled. The member may file a defensive statement with the clerk within 5 days. The clerk will then deliver a document titled "Recall Petition and Defense," which consists of the recall petition, including copies of the original signed petition and defensive statement, if any, to the Committee. The clerk must prepare a number of copies of the Recall Petition and Defense equal to 30 percent of the registered electors eligible to vote in the recall election. (Section [1](#))

Upon receipt of the Recall Petition and Defense from the clerk, the Committee may circulate the document to obtain the signatures of 15 percent of the qualified electors. These forms must be submitted to the supervisor within 60 days of the delivery of the Recall Petition and Defense to the chair of the Committee. The supervisor is responsible for certifying the number of qualified electors of the CDD have signed the document. If the CDD lies in more than one county, the supervisor of elections of each county determines whether the requisite numbers of signatures have been submitted and the supervisor of elections of the county containing the clerk to which forms are submitted is responsible for verifying whether the requisite number of verified and valid signatures on the document have been obtained. The persons or committee seeking verification must pay the actual cost of signature verifications to the supervisor of elections. If the required number of signatures is not obtained, the proceedings must be terminated. If the required number of signatures is obtained, the clerk will notify the member sought to be recalled and deliver a certificate to the CDD's governing body stating the percentage of signatures obtained. (Section [1](#))

If the member resigns within five days of being notified, the CDD will fill the vacancy according to applicable law. If the member does not resign, the chief judge of the judicial circuit in which the CDD is located will set a day for holding a recall election for the removal of the member. The election must occur between 30 and 60 days after the five-day period the member has to resign. If no general or special election is already scheduled during that period, the judge must call a special recall election. (Section [1](#))

The bill provides the ballot language to be used in the recall election and provides procedures for filling the vacancies created by the recall election. If all of the members of a CDD are subject to a recall petition and resign before the recall election, the election must be canceled and a special election must be called to fill the unexpired terms of the resigning members. (Section [1](#))

A member must have served one-fourth of his or her term of office before a recall petition may be filed. 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 CDD's governing body for two years after the date of the recall or resignation. (Section [1](#))

The clerk must preserve all papers comprising or connected with a petition for recall for a period of two years after they are filed. (Section [1](#))

The bill provides penalties for offenses related to the petition process. A person commits a second-degree misdemeanor punishable by law² for the following offenses:

- Impersonating another person.
- Forging any name or purposely writing their name or residence falsely in the signing of any petition for recall.
- Signing any paper with knowledge that he or she is not a qualified elector of the CDD.
- Employing or paying another to accept employment or payment for circulating or witnessing a recall petition. (Section [1](#))

The bill amends provisions of current law concerning members elected by the qualified electors of the CDD to specify that any board member elected to a CDD board of supervisors is subject to these recall procedures. (Section [2](#))

The effective date of the bill is July 1, 2026. (Section [3](#))

FISCAL OR ECONOMIC IMPACT:

LOCAL GOVERNMENT:

The bill may have an indeterminate, negative fiscal impact on local governments to the extent recall petitions are filed and special elections are necessary to fill any vacancies on CDD governing boards.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Recall Elections

Recall elections allow citizens to remove an elected official from office before the official's term of office ends.³ Typically, the recall process consists of gathering a certain number of signatures on a petition in a certain amount of time. Recall elections have historically been used most frequently at the local level. Recalls differ from impeachment in that impeachment typically requires a state legislature to act first through an impeachment and then through a trial, while the recall of a government official is accomplished through an election.

The recall process varies by state. In general, the recall process follows the following steps:

- File an application to circulate a recall petition.
- Circulate a recall petition and gather a specified number of signatures in a specified period of time.
- Submit petitions to election officials for verification of signatures.
- If enough valid signatures are presented, hold a recall election.⁴

Recall of Municipal and Charter Officer Governing Body Members

Florida law provides for the recall of members of the governing body of a municipality or charter county.⁵ A member of these governing bodies may be subject to recall if a petition alleging the grounds for recall is signed by a sufficient number of voters in the municipality or county in which the member was elected. If enough voters sign the petition, the allegations, as well as the member's response to those allegations, are presented to the public as a document entitled "Recall Petition and Defense." If a sufficient number of voters sign the "Recall Petition and Defense," a recall election is held.

² Ss. [775.082](#) or [s. 775.083, F.S.](#)

³ National Conference of State Legislatures, [Recall of State Officials](#) (last visited Feb. 2, 2026).

⁴ *Id.*

⁵ [S. 100.361, F.S.](#)

Special Districts

A “special district” is a unit of local government created for a particular purpose, with jurisdiction to operate within a limited geographic boundary.⁶ Special districts are created by general law, special act, local ordinance, or rule of the Governor and Cabinet.⁷ A special district has only those powers expressly provided by, or reasonably implied from, the authority provided in the district’s charter. Special districts provide specific municipal services in addition to, or in place of, those provided by a municipality or county.⁸ Special districts are funded through the imposition of ad valorem taxes, fees, or charges on the users of those services as authorized by law.⁹

Special districts may be classified as dependent or independent based on their relationship with local general-purpose governments. A special district is classified as “dependent” if the governing body of a single county or municipality:

- Serves as governing body of the district;
- Appoints the governing body of the district;
- May remove members of the district’s governing body at-will during their unexpired terms; or
- Approves or can veto the budget of the district.¹⁰

A district is classified as “independent” if it does not meet any of the above criteria or is located in more than one county, unless the district lies entirely within the boundaries of a single municipality.¹¹

Special districts are governed generally by the Uniform Special District Accountability Act (USDAA).¹² The USDAA centralizes provisions governing special districts and applies to the formation,¹³ governance,¹⁴ administration,¹⁵ supervision,¹⁶ merger,¹⁷ and dissolution¹⁸ of special districts, unless otherwise expressly provided in law.¹⁹ The USDAA requires notice and publication of tentative budgets and final budgets.²⁰ Certain budget amendments are allowed up to 60 days following the end of the fiscal year.²¹

Special districts do not possess “home rule” powers and may impose only those taxes, assessments, or fees authorized by special or general law. The special act creating an independent special district may provide for funding from a variety of sources while prohibiting others. For example, ad valorem tax authority is not mandatory for a special district.²²

⁶ See *Halifax Hospital Medical Center v. State of Fla.*, et al., 278 So. 3d 545, 547 (Fla. 2019).

⁷ See ss. [189.02\(1\)](#), [189.031\(3\)](#), and [190.005\(1\)](#), F.S. See generally [s. 189.012\(6\)](#), F.S.

⁸ Intergovernmental Affairs Subcommittee, [Local Government Formation Manual](#), p. 56 (last visited Feb. 2, 2026).

⁹ The method of financing a district must be stated in its charter. Ss. [189.02\(4\)\(g\)](#) and [189.031\(3\)](#), F.S. Independent special districts may be authorized to impose ad valorem taxes as well as non-ad valorem special assessments in the special acts comprising their charters. See, e.g., [ch. 2023-335, s. 1\(6\)](#), [Laws of Fla.](#) (East River Ranch Stewardship District). See also, e.g., ss. [190.021](#) (community development districts), [191.009](#) (independent special fire control districts), [197.3631](#) (non-ad valorem assessments), [298.305](#) (water control districts), and [388.221](#), F.S. (mosquito control districts), See also [ch. 2004-397, s. 3\(27\)](#), [Laws of Fla.](#) (South Broward Hospital District).

¹⁰ [S. 189.012\(2\)](#), F.S.

¹¹ [S. 189.012\(3\)](#), F.S.

¹² [S. 189.01](#), F.S., but see ch. 190, F.S. (community development districts), ch. 191, F.S. (independent special fire control districts), ch. 298, F.S. (water control districts), ch. 388, F.S. (mosquito control districts), and ch. 582, F.S. (soil and water conservation districts).

¹³ See ss. [189.02](#) (creation of dependent special districts) and [189.031](#), F.S. (creation of independent special districts).

¹⁴ See [s. 189.0311](#), F.S. (charter requirements for independent special districts).

¹⁵ See [s. 189.019](#), F.S. (requiring codification of charters incorporating all special acts for the district).

¹⁶ See [s. 189.0651](#), F.S. (oversight for special districts created by special act of the Legislature).

¹⁷ Ss. [189.071](#) and [189.074](#), F.S.

¹⁸ Ss. [189.071](#) and [189.072](#), F.S.

¹⁹ See, e.g., [s. 190.004](#), F.S. (Ch. 190, F.S. as “sole authorization” for creation of community development districts).

²⁰ [S. 189.016\(4\)](#), F.S.

²¹ [S. 189.016\(6\)](#), F.S.

²² See, e.g., [ch. 2006-354](#), [Laws of Fla.](#) (Argyle Fire District may impose special assessments, but has no ad valorem tax authority).

Community Development Districts

Community development districts (CDDs) are the most frequently created form of independent special district in Florida.²³ The Uniform Community Development District Act of 1980 allows for the establishment of CDDs with governmental authority to manage and finance infrastructure for planned developments.²⁴ Districts consisting of 2,500 acres or more must be created by rule adopted by the Florida Cabinet acting as the Florida Land and Water Adjudicatory Commission,²⁵ whereas CDDs with less than 2,500 acres are created pursuant to county or municipal ordinance.²⁶

Districts are authorized to provide infrastructure relating to water management and control; water supply, sewer and wastewater management, reclamation and reuse; bridges or culverts; and roads and street lights.²⁷ With the consent of the applicable local purpose government, a CDD may also be authorized to provide infrastructure for parks and other outdoor recreational, cultural, and educational facilities; fire prevention and control; school buildings and related structures; security; mosquito control; and waste collection and disposal.²⁸ The board may enter into contracts, borrow money, issue bonds, levy ad valorem taxes (subject to voter approval at a referendum),²⁹ levy special assessments and non-ad valorem taxes, adopt administrative rules pursuant to ch. 120, F.S., and exercise the power of eminent domain.³⁰

Each CDD is governed by a five-member board elected by the landowners of the district on a one-acre, one-vote basis.³¹ Board members serve four-year terms, except some initial board members serve a two-year term for the purpose of creating staggered terms.³² A CDD board transitions to a board elected by the qualified electors of the district:

- If the board proposes to exercise ad valorem tax authority;³³ or
- After the sixth year (for districts of up to 5,000 acres) or the tenth year (for districts exceeding 5,000 acres or for a compact, urban, mixed-use district)³⁴ following the CDD's creation.³⁵ CDD board members are elected by the qualified electors in nonpartisan elections held at the general election.³⁶

²³ Intergovernmental Affairs Subcommittee, *Local Government Formation Manual*, p. 52 (last visited Feb. 2, 2026).

²⁴ Ch. 190, F.S.

²⁵ [S. 190.005\(1\), F.S.](#)

²⁶ [S. 190.005\(2\), F.S.](#)

²⁷ [S. 190.012\(1\), F.S.](#)

²⁸ [S. 190.012\(2\), F.S.](#)

²⁹ See [s. 190.021\(1\), F.S.](#) and [art. VII, s. 9, Fla. Const.](#)

³⁰ [S. 190.011, F.S.](#)

³¹ [S. 190.006\(2\), F.S.](#)

³² [S. 190.006\(1\), F.S.](#)

³³ [S. 190.006\(3\)\(a\)1, F.S.](#)

³⁴ A "compact, urban, mixed-use district" is a district located within a municipality and a community redevelopment area that consists of a maximum of 75 acres and has development entitlements of at least 400,000 square feet of retail development and 500 residential units. S. [190.003\(7\), F.S.](#)

³⁵ [S. 190.006\(3\)\(a\)2.a, F.S.](#) This provision does not apply if the district has fewer than 250 (for districts of up to 5,000 acres) or 500 (for districts exceeding 5,000 acres or for a compact, urban, mixed-use district) qualified electors.

³⁶ [S. 190.006\(3\)\(a\), F.S.](#)

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
<u>Intergovernmental Affairs Subcommittee</u>	16 Y, 0 N, As CS	1/20/2026	Darden	Hilliard
THE CHANGES ADOPTED BY THE COMMITTEE:	<ul style="list-style-type: none"> • Clarifies that the provisions of the bill only apply to CDD board members elected by the qualified electors of the district. • Requires the petition to be submitted to the applicable city or county clerk instead of the Department of Commerce. • Clarifies the role of the county clerk and the supervisor of elections in each county when a CDD contains lands in multiple counties. 			
<u>Government Operations Subcommittee</u>			Toliver	Villa
<u>State Affairs Committee</u>				

THIS BILL ANALYSIS HAS BEEN UPDATED TO INCORPORATE ALL OF THE CHANGES DESCRIBED ABOVE.
