

# FLORIDA HOUSE OF REPRESENTATIVES FINAL BILL ANALYSIS

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<b>BILL #:</b> <a href="#">CS/CS/HB 1051</a> <b>TITLE:</b> Community Development District Recall Elections <b>SPONSOR(S):</b> Alvarez, J.	<b>COMPANION BILL:</b> <a href="#">CS/CS/SB 1180</a> (Arrington) <b>LINKED BILLS:</b> None <b>RELATED BILLS:</b> None
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**FINAL HOUSE FLOOR ACTION:** 112 Y's      0 N's      **GOVERNOR'S ACTION:** Pending

## SUMMARY

### **Effect of the Bill:**

The bill creates a recall election process to remove members of the governing body of a community development district (CDD). The bill establishes recall election procedures, including 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.

The bill clarifies that the prohibition on local government regulation of synthetic turf does not limit a CDD's ability to enforce deed restrictions. The bill also expands the types of developments that can qualify as a "compact, urban, mixed-use district."

### **Fiscal or Economic Impact:**

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

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## ANALYSIS

### **EFFECT OF THE BILL:**

CS/CS/HB 1051 passed as [CS/CS/SB 1180](#).

The bill provides that existing [synthetic turf regulations](#) do not prohibit a community development district (CDD or district) from enforcing deed restrictions. (Section 1)

The bill revises the definition of "[compact, urban, mixed-use district](#)" to mean a district consisting of a maximum of 75 acres which is located within a municipality, and within a qualified opportunity zone designated by the United States Department of the Treasury or a community redevelopment area, which district has development entitlements of:

- At least 400,000 square feet of retail development and 500 residential units; or
- At least 250,000 square feet of commercial development and 500 residential units that are affordable for very-low income, low-income, or moderate-income persons. (Section 2)

The bill creates a [recall election process](#) to remove members of the governing bodies of [community development districts](#). These procedures mirror existing law for the recall election process for members of the governing bodies of [municipalities and charter counties](#).<sup>1</sup> (Section 3)

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 district. 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 elected by

<sup>1</sup> See [s. 100.361, F.S.](#)

the residents of the area of a former CDD that has been merged into another CDD (subdistrict), only the electors residing in that subdistrict may participate in the recall election. (Section 3)

The bill establishes requirements for the petition to initiate a recall election. The petition must include the name of the board member 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 subdistrict, as applicable. The bill designates the circulators of the petition, as well as those signing the recall petition, as the recall committee (Committee). A specific person must be designated in the petition as the Committee chair to act on behalf of the Committee. Only qualified electors of the CDD or subdistrict, as applicable, are eligible to sign the petition and the signatures must contain specified information to verify the identity of the signatory. (Section 3)

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

- Malfeasance;
- Misfeasance;
- Neglect of duty;
- Drunkenness;
- Incompetence;
- Permanent inability to perform official duties; or
- Conviction of a felony involving moral turpitude. (Section 3)

The signed petition must be filed with the applicable city or county clerk within 35 days after the first signature is obtained. If the CDD contains land in more than one county, the petition is 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 notify the district's registered agent and the board member subject to recall that a recall petition has been filed and provide a copy of the petition within seven days. 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 number of signatures have been submitted for their respective jurisdiction 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 recall proceedings are terminated and the clerk must notify the district's registered agent, the board member subject to recall, and the recall committee and take no further action. (Section 3)

If the supervisor determines that the petition has the requisite number of signatures, the clerk must notify the member sought to be recalled. The member may file a rebuttal statement with the clerk within 30 days. The clerk then delivers a document titled "Record of Recall Proceedings," which consists of the recall petition, the supervisor's determination regarding the amount of verified and valid signatures, and the rebuttal statement, if any, to the Committee. The clerk must send the Record of Recall Proceedings to the district's registered agent, the board member subject to recall, and the Committee chair. The district must post the Record of Recall Proceedings on its website within 14 days. (Section 3)

Upon receipt of the Record of Recall Proceedings from the clerk, the Committee may circulate a petition on whether a referendum to recall the board member should be held. A recall referendum petition must contain the name of the person sought to be recalled and a copy of the Record of Recall Proceedings. The petition must obtain the signatures of 15 percent of the qualified electors. The signed petition must be submitted to the clerk within 60 days of the delivery of the Record of Recall Proceedings to the Committee chair. The clerk must provide a copy of the recall referendum petition to the district's registered agent and the board member subject to recall within seven days. (Section 3)

The supervisor is responsible for certifying the number of qualified electors of the CDD that have signed the petition. 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 requisite number of verified and valid signatures on the document have been obtained. The Committee must pay the actual cost of signature verifications to the supervisor in advance. If the required number of signatures is not obtained, the proceedings must be terminated. If the required number of signatures is obtained, the clerk must notify the district's registered agent, the board member sought to be recalled, and the Committee and provide the date, time, and location of the recall referendum. (Section 3)

During this process, a qualified elector may remove his or her name from the recall petition or recall referendum petition by submitting a signed request in writing to the clerk within 30 days of signing the petition, who must then recalculate the current percentage of verified and valid signatures within seven days of receiving the request. If the clerk determines that the number of current signatures falls below the minimum threshold, the clerk must notify the district's registered agent, the board member subject to recall, and the Committee that the recall has been terminated and take no further action. (Section 3)

After confirming that the recall referendum petition has sufficient signatures, the supervisor sets a day for holding the recall referendum. The Committee must pay the supervisor in advance for the actual cost of holding the recall referendum. The recall election must occur between 30 and 90 days after the confirmation. If no general or special election is already scheduled during that period, the referendum must be conducted at a special recall election. (Section 3)

The CDD must publish a notice of the recall referendum in a newspaper of general circulation in the area, and mail a notice of the recall referendum to each qualified elector at his or her last known address, at least 14 days in advance of the referendum. The notices must contain the date, time, and location of the referendum and include a statement that the Record of Recall Proceedings is available for review on the district's website. The Committee must pay in advance to the CDD the actual cost of the recall referendum notices. (Section 3)

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 a majority of the qualified electors of the district or subdistrict voting in the election approve the recall of the board member in the recall referendum, the board member subject to the recall immediately ceases to hold office. The vacancy created by the recall must be filled by the CDD board of supervisors pursuant to current law. However, if three or more board members are recalled at the same referendum, the Governor fills the vacancy. (Section 3)

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 3)

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 3)

The bill provides penalties for offenses related to the petition process. A person commits a second-degree misdemeanor punishable by law<sup>2</sup> 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 3)

<sup>2</sup> Ss. [775.082](#) or [s. 775.083, F.S.](#)

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 4)

Subject to the Governor’s veto powers, the effective date of this bill is July 1, 2026. (Section 5)

## **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.<sup>3</sup> 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.<sup>4</sup>

#### **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.<sup>5</sup> 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.

Except as otherwise provided in the Constitution, the Governor is authorized to fill by appointment any vacancy in a state, district, or county office, other than a member or officer of the Legislature, for the remainder of the term if there is less than 28 months remaining in the term.<sup>6</sup>

### **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.<sup>7</sup> Special districts are created by general law, special act, local ordinance, or rule of the Governor and Cabinet.<sup>8</sup> 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

<sup>3</sup> National Conference of State Legislatures, [Recall of State Officials](#) (last visited Feb. 12, 2026).

<sup>4</sup> *Id.*

<sup>5</sup> [S. 100.361, F.S.](#)

<sup>6</sup> [S. 114.04, F.S.](#)

<sup>7</sup> See *Halifax Hospital Medical Center v. State of Fla., et al.*, 278 So. 3d 545, 547 (Fla. 2019).

<sup>8</sup> See ss. [189.02\(1\)](#), [189.031\(3\)](#), and [190.005\(1\)](#), F.S. See generally [s. 189.012\(6\)](#), F.S.

addition to, or in place of, those provided by a municipality or county.<sup>9</sup> Special districts are funded through the imposition of ad valorem taxes, fees, or charges on the users of those services as authorized by law.<sup>10</sup>

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.<sup>11</sup>

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.<sup>12</sup>

Special districts are governed generally by the Uniform Special District Accountability Act (USDAA).<sup>13</sup> The USDAA centralizes provisions governing special districts and applies to the formation,<sup>14</sup> governance,<sup>15</sup> administration,<sup>16</sup> supervision,<sup>17</sup> merger,<sup>18</sup> and dissolution<sup>19</sup> of special districts, unless otherwise expressly provided in law.<sup>20</sup> The USDAA requires notice and publication of tentative budgets and final budgets.<sup>21</sup> Certain budget amendments are allowed up to 60 days following the end of the fiscal year.<sup>22</sup>

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.<sup>23</sup>

### Community Development Districts

Community development districts (CDDs or districts) are the most frequently created form of independent special district in Florida.<sup>24</sup> 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.<sup>25</sup> Districts

<sup>9</sup> Intergovernmental Affairs Subcommittee, *Local Government Formation Manual*, p. 56 (last visited Feb. 12, 2026).

<sup>10</sup> 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).

<sup>11</sup> [S. 189.012\(2\), F.S.](#)

<sup>12</sup> [S. 189.012\(3\), F.S.](#)

<sup>13</sup> [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).

<sup>14</sup> *See* ss. [189.02](#) (creation of dependent special districts) and [189.031, F.S.](#) (creation of independent special districts).

<sup>15</sup> *See* [s. 189.0311, F.S.](#) (charter requirements for independent special districts).

<sup>16</sup> *See* [s. 189.019, F.S.](#) (requiring codification of charters incorporating all special acts for the district).

<sup>17</sup> *See* [s. 189.0651, F.S.](#) (oversight for special districts created by special act of the Legislature).

<sup>18</sup> Ss. [189.071](#) and [189.074, F.S.](#)

<sup>19</sup> Ss. [189.071](#) and [189.072, F.S.](#)

<sup>20</sup> *See, e.g.,* [s. 190.004, F.S.](#) (Ch. 190, F.S. as “sole authorization” for creation of community development districts).

<sup>21</sup> [S. 189.016\(4\), F.S.](#)

<sup>22</sup> [S. 189.016\(6\), F.S.](#)

<sup>23</sup> *See, e.g.,* [ch. 2006-354, Laws of Fla.](#) (Argyle Fire District may impose special assessments, but has no ad valorem tax authority).

<sup>24</sup> Intergovernmental Affairs Subcommittee, *Local Government Formation Manual*, p. 52 (last visited Feb. 12, 2026).

<sup>25</sup> Ch. 190, F.S.

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,<sup>26</sup> whereas CDDs with less than 2,500 acres are created pursuant to county or municipal ordinance.<sup>27</sup>

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.<sup>28</sup> 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.<sup>29</sup> The board may enter into contracts, borrow money, issue bonds, levy ad valorem taxes (subject to voter approval at a referendum),<sup>30</sup> levy special assessments and non-ad valorem taxes, adopt administrative rules pursuant to ch. 120, F.S., and exercise the power of eminent domain.<sup>31</sup>

Each CDD is governed by a five-member board elected by the landowners of the district on a one-acre, one-vote basis.<sup>32</sup> Board members serve four-year terms, except some initial board members serve a two-year term for the purpose of creating staggered terms.<sup>33</sup> If a vacancy occurs during a CDD board member's term of office, the remaining members of the board fill the vacancy by an appointment for the remainder of the unexpired term.<sup>34</sup> 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;<sup>35</sup> 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)<sup>36</sup> following the CDD's creation.<sup>37</sup>

CDD board members are elected by the qualified electors in nonpartisan elections held at the general election.<sup>38</sup>

### **Compact, Urban, Mixed-use Districts**

A "compact, urban, mixed-use district" is a district located within a municipality and within 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.<sup>39</sup> Such districts are a specialized type of CDD that operate under the same laws as CDDs, except that they have a longer transition period from governing board members being elected by the landowners of the CDD to being elected by the qualified electors.<sup>40</sup>

### **Synthetic Turf Regulations**

Synthetic turf is a manufactured product that resembles natural grass and is used as a surface for landscaping and recreational areas.<sup>41</sup> In 2025, the Legislature directed the Department of Environmental Protection (DEP) to adopt

<sup>26</sup> [S. 190.005\(1\), F.S.](#)

<sup>27</sup> [S. 190.005\(2\), F.S.](#)

<sup>28</sup> [S. 190.012\(1\), F.S.](#)

<sup>29</sup> [S. 190.012\(2\), F.S.](#)

<sup>30</sup> See [s. 190.021\(1\), F.S.](#) and [art. VII, s. 9, Fla. Const.](#)

<sup>31</sup> [S. 190.011, F.S.](#)

<sup>32</sup> [S. 190.006\(2\), F.S.](#)

<sup>33</sup> [S. 190.006\(1\), F.S.](#)

<sup>34</sup> [S. 190.006\(4\), F.S.](#)

<sup>35</sup> [S. 190.006\(3\)\(a\)1, F.S.](#)

<sup>36</sup> 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.](#)

<sup>37</sup> [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.

<sup>38</sup> [S. 190.006\(3\)\(a\), F.S.](#)

<sup>39</sup> [S. 190.003\(7\), F.S.](#)

<sup>40</sup> [S. 190.006\(3\)\(a\), F.S.](#)

<sup>41</sup> [S. 125.572\(1\), F.S.](#)

minimum standards for the installation of synthetic turf on single-family residential properties of one acre or less in size.<sup>42</sup> Currently, a rule providing such standards has been proposed and is awaiting adoption.<sup>43</sup> Upon the adoption of such rule, a local government may not:

- Prohibit a property owner from installing synthetic turf that complies with DEP standards that apply to single-family residential property.
- Regulate synthetic turf inconsistent with adopted DEP standards that apply to single-family residential property.<sup>44</sup>

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<sup>42</sup> [Ch. 2025-140, Laws of Fla., codified as s. 125.572\(2\), F.S.](#)

<sup>43</sup> See Florida Department of Environmental Protection, [Proposed Rule - Synthetic Turf Standards](#), January 2026 (last visited Feb. 12, 2026) and Florida Administrative Code, [Ch. 62-308](#) (last visited Feb. 12, 2026).

<sup>44</sup> [S. 125.572\(3\), F.S.](#)