

1 A bill to be entitled
2 An act relating to community development district
3 recall elections; creating s. 190.0071, F.S.; defining
4 terms; providing that certain members of the governing
5 body of a community development district may be
6 removed by the electors of the community development
7 district; providing that only specified electors are
8 eligible to sign the petition to recall such members
9 under specified circumstances; requiring that a
10 petition to recall a member contain specified
11 information; requiring separate petitions for each
12 member sought to be recalled; requiring a specified
13 percentage of electors to sign the petition; requiring
14 that such signatures be obtained and submitted within
15 specified timeframes; requiring the designation of a
16 recall committee and chair of such committee;
17 providing that the committee and the member to be
18 recalled are subject to specified provisions;
19 providing the grounds for removal of elected members;
20 requiring each elector to sign and date petitions;
21 requiring that each petition contain specified
22 information; requiring that a petition be filed with
23 the Department of Commerce in a specified manner by
24 the chair of the committee; prohibiting the petition
25 from being amended after it is filed; requiring the

26 department to submit the forms to the supervisor of
27 elections to promptly verify signatures and make a
28 certain determination; requiring the committee to pay
29 in advance for such verification; requiring that
30 specified papers and forms be available in alternative
31 formats upon request; requiring the department to make
32 a certain certification under specified circumstances;
33 requiring the department to serve a certified copy of
34 the petition upon the person sought to be recalled
35 under a specified circumstance; authorizing such
36 person to submit a certain response within a specified
37 timeframe; requiring the department to prepare a
38 specified document within a specified timeframe;
39 specifying requirements for such document; requiring
40 the department to deliver such document to the chair
41 of the committee and take his or her receipt therefor;
42 authorizing the committee to circulate the petition;
43 requiring that all signatures be obtained and all
44 forms filed with the department within a specified
45 timeframe; requiring the supervisor to determine the
46 number of valid signatures and certify that the
47 requisite percentage of electors signed the petition;
48 requiring that the supervisor be paid a specified sum
49 for each name checked; requiring the department to
50 certify specified determinations made and provide a

51 certain notice to the governing body of the community
52 development district; requiring that, under a
53 specified condition, recall proceedings be terminated
54 and petitions not be used again; providing that a
55 member designated in the petition may resign and that
56 such resignation is irrevocable; requiring the
57 governing body to fill certain vacancies according to
58 the applicable law; requiring the chief judge of the
59 judicial circuit to fix a day for holding the recall
60 election, which must be held within a prescribed
61 timeframe under specified conditions; requiring that
62 the ballots include specified information; prescribing
63 procedures for holding special elections to fill
64 vacancies created by the recall petition; providing
65 for the filling of a vacancy created by a member
66 resigning before the recall election; prohibiting a
67 member from being the subject of a recall petition
68 until the member has served a specified portion of his
69 or her term of office; prohibiting a member removed by
70 recall or resignation from being eligible to be
71 appointed to the governing body for a specified
72 timeframe after his or her removal; requiring the
73 department to preserve the petitions and related
74 papers for a specified timeframe; prohibiting a person
75 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 board members of community development districts are subject to specified election recall provisions; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

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) "Department" means the Department of Commerce.

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

(2) APPLICATION.—Any member of the governing body of a community development district who is elected to the governing body may be removed from office by the electors of the community development district. If the member represents a district and is elected only by electors residing in that district, only

101 electors residing in that district are eligible to sign the
102 petition to recall that member and are entitled to vote in the
103 recall election. If the member represents a district and is
104 elected at large by the electors of the community development
105 district, all electors of the community development district are
106 eligible to sign the petition to recall that member and are
107 entitled to vote in the recall election. Members may be removed
108 from office pursuant to the procedures provided in this section.

109 (3) RECALL PETITION.—

110 (a) *Petition content.*—A petition must contain the name of
111 the person sought to be recalled and a statement of grounds for
112 recall. The statement of grounds may not exceed 200 words, and
113 the stated grounds are limited solely to those specified in
114 paragraph (d). If more than one member of the governing body is
115 sought to be recalled, regardless of whether such member is
116 elected by the electors of a district or by the electors of the
117 community development district at large, a separate recall
118 petition must be prepared for each member sought to be recalled.
119 Upon request, the content of a petition may be, but is not
120 required to be, provided by the proponent in alternative
121 formats.

122 (b) *Requisite signatures.*—The petition must be signed by
123 at least 10 percent of the total number of registered electors
124 of the community development district or of a district thereof.
125 All signatures must be obtained as provided in paragraph (e)

126 within a period of 30 days, and all signed and dated petition
127 forms must be filed at the same time, no later than 30 days
128 after the date on which the first signature is obtained on the
129 petition.

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

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

- 142 1. Malfeasance;
- 143 2. Misfeasance;
- 144 3. Neglect of duty;
- 145 4. Drunkenness;
- 146 5. Incompetence;
- 147 6. Permanent inability to perform official duties; or
- 148 7. Conviction of a felony involving moral turpitude.

149 (e) Signature process.—Only electors of the district or
150 the community development district are eligible to sign the

petition. Each elector signing a petition shall sign and date his or her name in ink or indelible pencil. Each petition must contain appropriate lines for each elector's original signature; printed name; street address; city; county; voter registration number or date of birth; Florida driver license number, Florida identification card number issued pursuant to s. 322.051, or the last four digits of the elector's social security number; and the date signed.

(f) *Filing of signed petitions.*—All signed petition forms must be filed at the same time, no later than 35 days after the date on which the first signature is obtained on the petition. The person designated as chair of the committee shall file the signed petition forms with the department. The petition may not be amended after it is filed with the department.

(g) *Verification of signatures.*—

1. No more than 60 days after the date on which all petition forms are filed, the department 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.

2. Upon filing with the department, the petition and all

subsequent papers or forms required or permitted to be filed with the department in connection with this section must, upon request, be made available in alternative formats by the department.

3. If the supervisor determines that the petition does not contain the requisite number of verified and valid signatures, the department, 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 may be added to the petition, and the petition may not be used in any other proceeding.

4. If the supervisor of elections determines that the petition has the requisite number of verified and valid signatures, the procedures outlined in subsection (4) must be followed.

(4) RECALL PETITION AND DEFENSE.—

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

(b) *Content and preparation.*—Within 5 days after the date of receipt of the defensive statement or after the last date a

defensive statement could have been filed, the department shall prepare a document entitled "Recall Petition and Defense," which consists of the recall petition, including copies of the originally signed petitions and counterparts. The Recall 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 department 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 department 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 department 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

226 persons or committee seeking verification the actual cost of
227 signature verification.

228 (e) Reporting.—If the supervisor of elections determines
229 that the requisite number of signatures has not been obtained,
230 the department must certify such determination to the governing
231 body and retain the petitions. The proceedings must be
232 terminated, and the petitions may not be used again. If the
233 supervisor of elections determines that at least 15 percent of
234 the qualified electors signed the petition, the department must
235 immediately serve notice of that determination upon the member
236 sought to be recalled and deliver to the governing body a
237 certificate as to the percentage of qualified electors who
238 signed.

239 (5) RECALL ELECTION.—If the member designated in the
240 petition files his or her written resignation within 5 days
241 after the last-mentioned notice, the resignation is irrevocable.
242 The governing body shall then proceed to fill the vacancy
243 according to the applicable law. In the absence of a
244 resignation, the chief judge of the judicial circuit in which
245 the community development district is located shall fix a day
246 for holding a recall election for the removal of any member not
247 resigning. Any such election must be held not less than 30 days
248 or more than 60 days after the expiration of the last-mentioned
249 5-day period and at the same time as any other general or
250 special election held within the period; but if no such election

251 is to be held within that period, the judge must call a special
252 recall election to be held within the period aforesaid.

253 (6) BALLOTS.—The ballots at the recall election must
254 conform to the following: With respect to each person whose
255 removal is sought, the question must be submitted: "Shall
256 be removed from the office of by recall?" Immediately
257 following each question there must be printed on the ballots the
258 two propositions in the following order:

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

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

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

262 (a) If an election is held for the recall of members
263 elected only at large, candidates to succeed such members for
264 the unexpired terms must be voted on at the same election and
265 must be elected in the same manner as provided by the
266 appropriate law for the election of candidates at general
267 elections. Candidates may not be elected to succeed any
268 particular member. If only one member is removed, the candidate
269 receiving the highest number of votes must be declared elected
270 to fill the vacancy. If more than one member is removed,
271 candidates equal in number to the number of members removed must
272 be declared elected to fill the vacancies; and, among the
273 successful candidates, those receiving the greatest number of
274 votes must be declared elected for the longest terms. Cases of
275 ties, and all other matters not herein specially provided for,

276 must be determined by the rules governing elections generally.

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

294 (c) If an election is held for the recall of members of
295 the governing body composed of both members elected at large and
296 elected by and representing a district, candidates to succeed
297 such members for the unexpired terms must be voted on at a
298 special election as provided in paragraph (b).

299 (d) In any recall election held pursuant to paragraph (b)
300 or paragraph (c), if only one member is voted to be removed from

office, the vacancy created by the recall must be filled by the governing body according to the applicable law for filling vacancies.

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

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

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

190.006 Board of supervisors; members and meetings.—

(3)

(e) Any board member elected to the board of supervisors
is subject to the recall procedures provided for in s. 190.0071.

HB 1051

2026

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