

CS/HB 1051

2026

A bill to be entitled  
An act relating to community development district  
recall elections; creating s. 190.0071, F.S.; defining  
terms; providing that certain members of the governing  
body of a community development district may be  
removed by the electors of the community development  
district; providing that only specified electors are  
eligible to sign the petition to recall such members  
under specified circumstances; requiring that a  
petition to recall a member contain specified  
information; requiring separate petitions for each  
member sought to be recalled; requiring a specified  
percentage of electors to sign the petition; requiring  
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

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

51 for the duties of the supervisor of each county if the  
52 community development district lies in more than one  
53 county; requiring the clerk to certify specified  
54 determinations made and provide a certain notice to  
55 the governing body of the community development  
56 district; requiring that, under a specified condition,  
57 recall proceedings be terminated and petitions not be  
58 used again; providing that a member designated in the  
59 petition may resign and that such resignation is  
60 irrevocable; requiring the governing body to fill  
61 certain vacancies according to the applicable law;  
62 requiring the chief judge of the judicial circuit to  
63 fix a day for holding the recall election, which must  
64 be held within a prescribed timeframe under specified  
65 conditions; requiring that the ballots include  
66 specified information; prescribing procedures for  
67 holding special elections to fill vacancies created by  
68 the recall petition; providing for the filling of a  
69 vacancy created by a member resigning before the  
70 recall election; prohibiting a member from being the  
71 subject of a recall petition until the member has  
72 served a specified portion of his or her term of  
73 office; prohibiting a member removed by recall or  
74 resignation from being eligible to be appointed to the  
75 governing body for a specified timeframe after his or

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76       her removal; requiring the clerk to preserve the  
77       petitions and related papers for a specified  
78       timeframe; prohibiting a person from impersonating  
79       another, purposely writing his or her name or  
80       residence falsely, or signing any paper with certain  
81       knowledge; prohibiting a person from employing or  
82       paying another to accept payment for circulating or  
83       witnessing petitions; providing criminal penalties;  
84       providing legislative intent; providing applicability;  
85       amending s. 190.006, F.S.; providing that certain  
86       board members of community development districts are  
87       subject to specified election recall provisions;  
88       providing an effective date.

89  
90       Be It Enacted by the Legislature of the State of Florida:

91  
92       **Section 1. Section 190.0071, Florida Statutes, is created**  
93       **to read:**

94       190.0071 Community development district recall.—  
95       (1) DEFINITIONS.—As used in this section, the term:  
96       (a) "Clerk," as the context requires, means:  
97       1. If the community development district was established  
98       by ordinance of a local general-purpose government pursuant to  
99       s. 190.005(2), the clerk of such local general-purpose  
100       government.

101        2. If the community development district was established  
102        by rule of the Florida Land and Water Adjudicatory Commission  
103        pursuant to s. 190.005(1), the clerk of the circuit court of the  
104        county that contains a majority of the qualified electors of the  
105        district.

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

109        (2) APPLICATION.—Any member of the governing body of a  
110        community development district who is elected to the governing  
111        body by the qualified electors of the community development  
112        district may be removed from office by the electors of the  
113        community development district. If the member represents a  
114        district and is elected only by electors residing in that  
115        district, only electors residing in that district are eligible  
116        to sign the petition to recall that member and are entitled to  
117        vote in the recall election. If the member represents a district  
118        and is elected at large by the electors of the community  
119        development district, all electors of the community development  
120        district are eligible to sign the petition to recall that member  
121        and are entitled to vote in the recall election. Members may be  
122        removed from office pursuant to the procedures provided in this  
123        section.

124        (3) RECALL PETITION.—

125        (a) Petition content.—A petition must contain the name of

126 the person sought to be recalled and a statement of grounds for  
127 recall. The statement of grounds may not exceed 200 words, and  
128 the stated grounds are limited solely to those specified in  
129 paragraph (d). If more than one member of the governing body is  
130 sought to be recalled, regardless of whether such member is  
131 elected by the electors of a district or by the electors of the  
132 community development district at large, a separate recall  
133 petition must be prepared for each member sought to be recalled.  
134 Upon request, the content of a petition may be, but is not  
135 required to be, provided by the proponent in alternative  
136 formats.

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

145 (c) Recall committee.—Electors of the community  
146 development district making charges contained in the statement  
147 of grounds for recall, as well as those signing the recall  
148 petition, must be designated as the recall committee. A specific  
149 person must be designated in the petition as chair of the  
150 committee, and this person shall act on behalf of the committee.

151     The recall committee and the officer being recalled are subject  
152     to chapter 106.

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

- 157         1. Malfeasance;
- 158         2. Misfeasance;
- 159         3. Neglect of duty;
- 160         4. Drunkenness;
- 161         5. Incompetence;
- 162         6. Permanent inability to perform official duties; or
- 163         7. Conviction of a felony involving moral turpitude.

164         (e) Signature process.—Only electors of the district or  
165     the community development district are eligible to sign the  
166     petition. Each elector signing a petition shall sign and date  
167     his or her name in ink or indelible pencil. Each petition must  
168     contain appropriate lines for each elector's original signature;  
169     printed name; street address; city; county; voter registration  
170     number or date of birth; Florida driver license number, Florida  
171     identification card number issued pursuant to s. 322.051, or the  
172     last four digits of the elector's social security number; and  
173     the date signed.

174         (f) Filing of signed petitions.—All signed petition forms  
175     must be filed at the same time, no later than 35 days after the

176 date on which the first signature is obtained on the petition.  
177 The person designated as chair of the committee shall file the  
178 signed petition forms with the clerk. The petition may not be  
179 amended after it is filed with the clerk.

180 (g) Verification of signatures.—

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

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

197 3. If the supervisor determines that the petition does not  
198 contain the requisite number of verified and valid signatures,  
199 the clerk, upon receipt of such written determination, must  
200 certify such determination to the governing body of the

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201 community development district and file the petition without  
202 taking further action, and the matter ends. No additional names  
203 may be added to the petition, and the petition may not be used  
204 in any other proceeding.

205 4. If the supervisor of elections determines that the  
206 petition has the requisite number of verified and valid  
207 signatures, the procedures outlined in subsection (4) must be  
208 followed. If the community development district lies in more  
209 than one county, the supervisor of elections of each county  
210 shall confer as to whether the requisite numbers of verified and  
211 valid signatures have been submitted and the supervisor of  
212 elections of the county in which the clerk is located shall make  
213 a determination whether the petition has the requisite number of  
214 verified and valid signatures.

215 (4) RECALL PETITION AND DEFENSE.—

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

222 (b) Content and preparation.—Within 5 days after the date  
223 of receipt of the defensive statement or after the last date a  
224 defensive statement could have been filed, the clerk shall  
225 prepare a document entitled "Recall Petition and Defense," which

226 consists of the recall petition, including copies of the  
227 originally signed petitions and counterparts. The Recall  
228 Petition and Defense must contain lines that conform to  
229 paragraph (3) (e) and the defensive statement or, if no defensive  
230 statement has been filed, a statement to that effect. The clerk  
231 shall make copies of the Recall Petition and Defense which are  
232 sufficient to carry the signatures of 30 percent of the  
233 registered electors. Immediately after preparing and making  
234 sufficient copies of the Recall Petition and Defense, the clerk  
235 shall deliver the copies to the person designated as chair of  
236 the committee and take his or her receipt therefor.

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

243 (d) Verification of signatures.—Within 30 days after  
244 receipt of the signed Recall Petition and Defense, the  
245 supervisor of elections shall determine the number of valid  
246 signatures and certify whether 15 percent of the qualified  
247 electors of the community development district have signed the  
248 petition. The supervisor of elections must be paid by the  
249 persons or committee seeking verification the actual cost of  
250 signature verification. If the community development district

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251     lies in more than one county, the supervisor of elections of  
252     each county shall confer as to whether the number of valid  
253     signatures required have been submitted. The supervisor of  
254     elections of the county in which the clerk is located shall make  
255     a determination whether the petition has the requisite number of  
256     verified and valid signatures.

257         (e) Reporting.—If the supervisor of elections determines  
258     that the requisite number of signatures has not been obtained,  
259     the clerk must certify such determination to the governing body  
260     and retain the petitions. The proceedings must be terminated,  
261     and the petitions may not be used again. If the supervisor of  
262     elections determines that at least 15 percent of the qualified  
263     electors signed the petition, the clerk must immediately serve  
264     notice of that determination upon the member sought to be  
265     recalled and deliver to the governing body a certificate as to  
266     the percentage of qualified electors who signed. If the  
267     community development district lies in more than one county, the  
268     supervisor of elections of each county shall confer as to  
269     whether the total number of requisite signatures has not been  
270     obtained.

271         (5) RECALL ELECTION.—If the member designated in the  
272     petition files his or her written resignation within 5 days  
273     after the last-mentioned notice, the resignation is irrevocable.  
274     The governing body shall then proceed to fill the vacancy  
275     according to the applicable law. In the absence of a

276 resignation, the chief judge of the judicial circuit in which  
277 the community development district is located shall fix a day  
278 for holding a recall election for the removal of any member not  
279 resigning. Any such election must be held not less than 30 days  
280 or more than 60 days after the expiration of the last-mentioned  
281 5-day period and at the same time as any other general or  
282 special election held within the period; but if no such election  
283 is to be held within that period, the judge must call a special  
284 recall election to be held within the period aforesaid.

285 (6) BALLOTS.—The ballots at the recall election must  
286 conform to the following: With respect to each person whose  
287 removal is sought, the question must be submitted: "Shall ....  
288 be removed from the office of .... by recall?" Immediately  
289 following each question there must be printed on the ballots the  
290 two propositions in the following order:

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

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

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

294 (a) If an election is held for the recall of members  
295 elected only at large, candidates to succeed such members for  
296 the unexpired terms must be voted on at the same election and  
297 must be elected in the same manner as provided by the  
298 appropriate law for the election of candidates at general  
299 elections. Candidates may not be elected to succeed any  
300 particular member. If only one member is removed, the candidate

301 receiving the highest number of votes must be declared elected  
302 to fill the vacancy. If more than one member is removed,  
303 candidates equal in number to the number of members removed must  
304 be declared elected to fill the vacancies; and, among the  
305 successful candidates, those receiving the greatest number of  
306 votes must be declared elected for the longest terms. Cases of  
307 ties, and all other matters not herein specially provided for,  
308 must be determined by the rules governing elections generally.

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

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

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

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

350        (9) WHEN PETITION MAY BE FILED.—A petition to recall any

351 member of the governing body of a community development district  
352 may not be filed until the member has served one-fourth of his  
353 or her term of office. A person who is removed by a recall, or  
354 resigns after a petition has been filed against him or her, is  
355 not eligible to be appointed to the governing body within a  
356 period of 2 years after the date of such recall or resignation.

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

360 (11) OFFENSES RELATING TO PETITIONS.—A person may not  
361 impersonate another, purposely write his or her name or  
362 residence falsely in the signing of any petition for recall or  
363 forge any name thereto, or sign any paper with knowledge that he  
364 or she is not a qualified elector of the community development  
365 district. A person may not employ or pay another to accept  
366 employment or payment for circulating or witnessing a recall  
367 petition. A person who violates this section commits a  
368 misdemeanor of the second degree, punishable as provided in s.  
369 775.082 or s. 775.083.

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

375 (13) PROVISIONS APPLICABLE.—The provisions of this act

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376 apply to all community development districts.

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

379 190.006 Board of supervisors; members and meetings.—

380 (3)

381 (e) Any board member elected to the board of supervisors  
382 by the qualified electors of the district pursuant to this  
383 subsection is subject to the recall procedures provided for in  
384 s. 190.0071.

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