

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 clerk in a specified manner by the chair of the
24 committee; prohibiting the petition from being amended
25 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

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.

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) "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.

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

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. If the community development district lies in more than one county, the supervisor of elections of each county shall confer as to whether the requisite numbers of verified and valid signatures have been submitted and the supervisor of elections of the county in which the clerk is located shall make a determination whether the petition has the requisite number of verified and valid signatures.

(4) RECALL PETITION AND DEFENSE.—

(a) *Notice.*—Upon receipt of a written determination that the requisite number of signatures has been obtained, the clerk 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 clerk 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 clerk shall 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

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

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.