

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Community Affairs

BILL: SB 1180

INTRODUCER: Senator Arrington

SUBJECT: Community Development District Recall Elections

DATE: January 26, 2026

REVISED: _____

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----|---------|----------------|-----------|--------------------|
| 1. | Tolmich | Fleming | CA | Pre-meeting |
| 2. | | | EE | |
| 3. | | | FP | |

I. Summary:

SB 1180 creates a recall election process to remove members of the governing body of a community development district. The bill mirrors existing law for the recall election process for members of the governing bodies of municipalities and charter counties. 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 also provides penalties for offenses related to the petition process.

The bill takes effect July 1, 2026.

II. Present Situation:

Recall Elections

Recall elections allow citizens to remove and replace a public official before the official's term of office ends.¹ Typically, the recall process involves gathering a certain number of signatures on a petition within a specified amount of time.² Recall elections have historically been used most frequently at the local level.³ Recall elections differ from impeachment in that impeachment typically requires a state legislature's lower chamber to bring specific charges and requires the upper chamber to act as the jury in an impeachment trial.⁴

The recall election process varies by state, however, the process generally follows the following steps:

¹ National Conference of State Legislatures, *Recall of State Officials*, available at: <https://www.ncsl.org/elections-and-campaigns/recall-of-state-officials> (last visited Jan. 26, 2026).

² *Id.*

³ *Id.*

⁴ *Id.*

- File an application to circulate a recall petition.
- Circulate a recall petition and gather a certain number of signatures within a specified period of time.
- Submit petitions to election officials for verification of signatures.
- If enough valid signatures are presented, hold a recall election.⁵

Recall of Municipal and Charter County Officer Governing Body Members

Current law provides for the recall of the members of the governing body of a municipality or charter county.⁶ A member of such governing body may be subject to recall if a petition alleging the grounds for recall is signed by a sufficient number of voters in the county or municipality in which the member was elected.⁷

If a sufficient number of voters sign the petition, the allegations, as well as the member's response to those allegations, are presented to the public in a document entitled "Recall Petition and Defense."⁸ If a sufficient number of voters sign the "Recall Petition and Defense," a recall election is held.⁹

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.¹⁰ Special districts are created by general law, special act, local ordinance, or rule of the Governor and Cabinet.¹¹ 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.¹² Special districts are funded through the imposition of ad valorem taxes, fees, or charges on the users of those services as authorized by law.¹³

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:

⁵ *Id.*

⁶ Section 100.361, F.S.

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

¹⁰ See *Halifax Hospital Medical Center v. State of Fla., et al.*, 278 So. 3d 545, 547 (Fla. 2019).

¹¹ See ss. 189.02(1), 189.031(3), and 190.005(1), F.S. See generally s. 189.012(6), F.S.

¹² Intergovernmental Affairs Subcommittee, *The Local Government Formation Manual*, 56, available at <https://www.flhouse.gov/Sections/Documents/loadoc.aspx?PublicationType=Committees&CommitteeId=3304&Session=2025&DocumentType=General+Publications&FileName=Local+Government+Formation+Manual+%5b2024-2026%5d.pdf> (last visited Jan. 26, 2026).

¹³ The method of financing a district must be stated in its charter. Sections 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. 6 of s. 1, Laws of Fla. (East River Ranch Stewardship District). See also, e.g., ss. 190.021 (community development districts), 191.009 (independent fire control districts), 197.3631 (non-ad valorem assessments), 298.305 (water control districts), 388.221 (mosquito control), ch. 2004-397, s. 27 of s. 3, Laws of Fla. (South Broward Hospital District).

- 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.¹⁴

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 single municipality.¹⁵

The Special District Accountability Program within the Department of Commerce is responsible for maintaining and electronically publishing the official list of all special districts.¹⁶ This list includes all active special districts, as well as a separate list of those declared inactive.¹⁷ According to the official list, as of January 20, 2026, the state had 2,087 special districts.¹⁸ Special districts are governed generally by the Uniform Special District Accountability Act (USDAA).¹⁹ The USDAA centralizes provisions governing special districts and applies to the formation,²⁰ governance,²¹ administration,²² supervision,²³ merger,²⁴ and dissolution²⁵ of special districts, unless otherwise expressly provided in law.²⁶ The USDAA requires notice and publication of tentative budgets and final budgets.²⁷ Certain budget amendments are allowed up to 60 days following the end of the fiscal year.²⁸

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.²⁹

Community Development Districts

Community development districts (CDDs) are a type of independent special district intended to provide urban community services in a cost-effective manner by managing and financing the

¹⁴ Section 189.012(2), F.S.

¹⁵ Section 189.012(3), F.S.

¹⁶ Section 189.061, F.S.

¹⁷ Sections 189.061, 189.062(6), F.S.

¹⁸ Florida Department of Commerce, *Official List of Special Districts*, available at: <https://www.floridajobs.org/community-planning-and-development/special-districts/special-district-accountability-program/official-list-of-special-districts> (last visited Jan. 26, 2026).

¹⁹ Section 189.01, F.S. *See additionally* 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).

²⁰ *See* sections 189.02 (creation of dependent special districts) and 189.031, F.S. (creation of independent special districts).

²¹ *See* section 189.0311, F.S. (charter requirements for independent special districts).

²² *See* section 189.019, F.S. (requiring codification of charters incorporating all special acts for the district).

²³ *See* section 189.0651, F.S. (oversight for special districts created by special act of the Legislature).

²⁴ Sections 189.071 and 189.074, F.S.

²⁵ Sections 189.071 and 189.072, F.S.

²⁶ *See* section 190.004, F.S. (Ch. 190, F.S. as “sole authorization” for creation of community development districts).

²⁷ Section 189.016(4), F.S.

²⁸ Section 189.016(6), F.S.

²⁹ *See* ch. 2006-354, Laws of Fla. (Argyle Fire District may impose special assessments, but has no ad valorem tax authority).

delivery of basic services and capital infrastructure to developing communities without overburdening other governments and their taxpayers.³⁰ 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,³¹ whereas CDDs with less than 2,500 acres are created pursuant to county or municipal ordinance.³² As of January 20, 2026, there are 1,076 active CDDs in Florida.³³

CDDs 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.³⁴ 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.³⁵ The board may enter into contracts, borrow money, issue bonds, levy ad valorem taxes (subject to voter approval at a referendum),³⁶ levy special assessments and non-ad valorem taxes, adopt administrative rules pursuant to ch. 120, F.S., and exercise the power of eminent domain.³⁷

Each CDD is governed by a five-member board elected by the landowners of the district on a one-acre, one-vote basis.³⁸ Board members serve four-year terms, except some initial board members serve a two-year term for the purpose of creating staggered terms.³⁹ 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 district⁴⁰) following the CDD's creation, each member of the board is subject to election by the electors of the district at the conclusion of their term. However, this transition does not occur 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.⁴¹

III. Effect of Proposed Changes:

The bill creates a recall election process to remove members of the governing bodies of community development districts (CDDs). The bill applies to all CDDs and repeals all special law provisions that are contrary to the provisions of the bill.

³⁰ Section 190.002(1)(a), F.S.

³¹ Section 190.005(1), F.S.

³² Section 190.005(2), F.S.

³³ *Supra* note 18.

³⁴ Section 190.012(1), F.S.

³⁵ Section 190.012(2), F.S.

³⁶ *See* section 190.021(1), F.S., and art. VII, s. 9, FLA CONST.

³⁷ Section 190.011, F.S.

³⁸ Section 190.006(2), F.S.

³⁹ Section 190.006(1), F.S.

⁴⁰ Section 190.006(3)(a)2.a., F.S. 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. Section 190.003(7), F.S.

⁴¹ Section 190.006(3)(a)2.b., F.S.

The bill provides that any member elected to the governing body of a CDD may be removed from office by the electors of the CDD. If a 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.

The bill provides that the grounds for removal of a member of the governing body of a CDD is limited to:

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

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, which may not exceed 200 words. A separate recall petition must be prepared for each member sought to be recalled. The content of a petition may be provided by the proponent in alternative formats upon request. The petition must be signed by at least 10 percent of the total number of registered qualified electors of the CDD or a single-member district which the member represents. All signatures must be obtained within a period of 30 days. 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.

The bill designates the circulators of the petition and those signing the recall petition as the recall committee. A specific person must be designated in the petition as the chair of the committee who acts on behalf of the committee.

All signed petition forms must be filed at the same time and within 35 days (see discussion in Technical Deficiencies below) after the date on which the first signature is obtained on the petition. The chair of the committee must file the signed petition forms with the Department of Commerce (department). After filing with the department, the petition and all subsequent papers or forms required to be filed with the department must be made available in alternative formats by the department upon request.

The petition may not be amended after it is filed with the department. The department must then submit the petition to the supervisor of elections within 60 days after the petition forms are filed. The supervisor of elections (SOE) is responsible for verifying the signatures and determining whether the required number of valid signatures have been obtained. The committee seeking verification of the signatures must pay the SOE the actual cost of signature verification in advance.

If the SOE determines that the petition does not contain the required number of verified and valid signatures, the department, upon receipt of such written determination, must certify such

determination to the governing body of the CDD and file the petition without taking any further action. No additional names may be added to the petition, and the petition may not be used in any other proceeding.

If the SOE determines that the petition has the required number of signatures, the department must immediately serve the member sought to be recalled a certified copy of the petition. The member may file a defensive statement with the department not to exceed 200 words within five days after receipt of the petition. Within five days after the date of receipt of the defensive statement or after the last date a defensive statement could have been filed, the department must prepare a document entitled "Recall Petition and Defense," which contains the recall petition and copies of the originally signed petitions defensive statement, if any. The department 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. Immediately after preparing and making sufficient copies of the Recall Petition and Defense, the department must deliver the copies to the chair of the committee.

Upon receipt of the Recall Petition and Defense from the department, 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 must be filed with the department within 60 days after the delivery of the Recall Petition and Defense to the chair of the committee. Within 30 days after receipt of the signed Recall Petition and Defense, the SOE must determine the number of valid signatures and certify whether 15 percent of the qualified electors of the CDD have signed the petition. The persons or committee seeking verification must pay the actual cost of signature verification to the SOE.

If the SOE determines that the required number of signatures has not been obtained, the department must certify such determination to the governing body and retain the petitions, which may not be used again, and the proceedings must be terminated. If the required signatures are obtained, the department must immediately serve notice of such determination to the member sought to be recalled and deliver a certificate to the CDD's governing body stating the percentage of signatures obtained.

If the member resigns within five days of being notified, the governing body of the CDD must fill the vacancy according to applicable law. Such resignation of a member is irrevocable. If the member does not resign, the chief judge of the judicial circuit in which the CDD is located must 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 and at the same time as any other general or special election held within that time. If no general or special election is already scheduled during that period, the judge must call a special recall election.

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 an election is held for the recall of members elected at-large, candidates to succeed such members for the unexpired terms must be voted on at the same election and must be elected in the same manner as provided by the applicable law for the election of candidates at general elections. Candidates may not be elected to succeed any particular member. If only one member is removed, the candidate who receives the highest number of votes shall be elected to fill the vacancy. If more than one member is removed,

candidates equal in number to the number of members removed shall be elected to fill the vacancies. The candidates who receive the greatest number of votes shall be elected for the longest terms.

If an election is held for the recall of members elected only from districts, the candidates succeeding such members for the unexpired terms must be voted on at a special election called by the chief judge of the judicial circuit in which the districts are located between 30 and 60 days after the recall election. The qualifying period must be established by the chief judge of the judicial circuit after consultation with the department. Candidates must reside in the district represented by the recalled member and qualify for office in the manner required by law. Each candidate receiving the highest number of votes for each office in the recall election shall be elected to fill the unexpired term of the recalled member. This procedure also applies if an election is held for the recall of members of the governing body composed of both members elected at large and elected by representing a district. If only one member is voted to be removed from office by such recall election, the vacancy created by the recall must be filled by the governing body according to the applicable law for filling vacancies.

If all of the members of a CDD are subject to a recall petition and 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.

A member of a CDD must have served one-fourth of their term of office before a petition to recall the member 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.

The department must preserve all papers comprising or connected with a petition for recall for a period of two years after they are filed.

The bill also provides penalties for offenses related to the petition process. A person commits a second-degree misdemeanor punishable by law⁴² for the following offenses:

- Impersonating another.
- 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.

The bill amends 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.

The bill takes effect July 1, 2026.

⁴² Sections 775.082 or 775.083, F.S. A second-degree misdemeanor is punishable by a term of imprisonment not exceeding 60 days and a fine of up to \$500.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

The bill does not appear to require counties and municipalities to expend funds or limit their authority to raise revenue or receive state-shared revenues as specified by Article VII, s. 18, of the State Constitution.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill may have an indeterminate negative fiscal impact on state government to the extent the Department of Commerce will need to process recall petition application. The bill may also 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.

VI. Technical Deficiencies:

At line 127, the bill requires the signed petition forms to be filed with the Department of Commerce no later than 30 days after the date on which the first signature is obtained. However, line 159 specifies a 35-day timeframe.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 190.006 of the Florida Statutes.
This bill creates section 190.0071 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
