

By the Committee on Community Affairs; and Senator Arrington

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A bill to be entitled

An act relating to community development districts; amending s. 125.572, F.S.; providing that specified provisions regarding synthetic turf do not apply to community development districts enforcing deed restrictions; amending s. 190.003, F.S.; revising the definition of the term "compact, urban, mixed-use district"; 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 and are entitled to vote 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

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after it is filed; requiring the clerk to submit the forms to the supervisor of elections to promptly verify signatures and make a certain determination within a specified timeframe; requiring the committee to pay in advance for such verification; providing for the duties of supervisors in each county if the community development district lies in more than one county; requiring that specified papers and forms be available in alternative formats upon request; requiring the clerk to make a certain certification under specified circumstances; requiring the clerk to serve a certified copy of the petition upon the person sought to be recalled under a specified circumstance; authorizing such person to submit a certain response within a specified timeframe; requiring the clerk to prepare a specified document within a specified timeframe; specifying requirements for such document; requiring the clerk to deliver such document to the chair of the committee and take his or her receipt therefor; authorizing the committee to circulate the petition; requiring that all signatures be obtained and all forms filed with the clerk within a specified timeframe; requiring the supervisor to determine the number of valid signatures and certify that the requisite percentage of electors signed the petition; requiring that the supervisor be paid a specified sum for each name checked; providing for the duties of the supervisor of each county if the community development district lies in more than one county; requiring the

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clerk to certify specified determinations made and provide a certain notice to the governing body of the community development district; requiring that, under a specified condition, recall proceedings be terminated and petitions not be used again; providing that a member designated in the petition may resign and that such resignation is irrevocable; requiring the governing body to fill certain vacancies according to the applicable law; requiring the chief judge of the judicial circuit to fix a day for holding the recall election, which must be held within a prescribed timeframe under specified conditions; requiring that the ballots include specified information; prescribing procedures for holding special elections to fill vacancies created by the recall petition; providing for the filling of a vacancy created by a member resigning before the recall election; prohibiting a member from being the subject of a recall petition until the member has served a specified portion of his or her term of office; prohibiting a member removed by recall or resignation from being eligible to be appointed to the 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

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88 paying another to accept payment for circulating or
89 witnessing petitions; providing criminal penalties;
90 providing legislative intent; providing applicability;
91 amending s. 190.006, F.S.; providing that certain
92 board members of community development districts are
93 subject to specified election recall provisions;
94 providing an effective date.

95
96 Be It Enacted by the Legislature of the State of Florida:

97
98 Section 1. Subsection (3) of section 125.572, Florida
99 Statutes, is amended to read:

100 125.572 Regulation of synthetic turf.—

101 (3) (a) Upon the Department of Environmental Protection
102 adopting rules pursuant to subsection (4), a local government
103 may not:

104 1. (a) Adopt or enforce any ordinance, resolution, order,
105 rule, or policy that prohibits, or is enforced to prohibit, a
106 property owner from installing synthetic turf that complies with
107 Department of Environmental Protection standards adopted
108 pursuant to this section which apply to single-family
109 residential property.

110 2. (b) Adopt or enforce any ordinance, resolution, order,
111 rule, or policy that regulates synthetic turf which is
112 inconsistent with the Department of Environmental Protection
113 standards adopted pursuant to this section which apply to
114 single-family residential property.

115 (b) This subsection does not apply to the adoption or
116 enforcement of any resolution, order, rule, or policy by a

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community development district to enforce deed restrictions.

Section 2. Subsection (7) of section 190.003, Florida Statutes, is amended to read:

190.003 Definitions.—As used in this chapter, the term:

(7) "Compact, urban, mixed-use district" means a district consisting of a maximum of 75 acres which is located within a municipality, and within either a qualified opportunity zone designated by the United States Department of the Treasury pursuant to 26 U.S.C. s. 1400Z-1 or a community redevelopment area created pursuant to s. 163.356, which district ~~that consists of a maximum of 75 acres, and~~ has development entitlements of:

(a) At least 400,000 square feet of retail development and 500 residential units; or

(b) At least 250,000 square feet of commercial development and 500 residential rental units that are affordable for very-low-income, low-income, or moderate-income persons, as defined in s. 420.0004, s. 420.602, or s. 420.9071.

Section 3. 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.

2. If the community development district was established by rule of the Florida Land and Water Adjudicatory Commission pursuant to s. 190.005(1), the clerk of the circuit court of the

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146 county that contains a majority of the qualified electors of the
147 district.

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

151 (2) APPLICATION.—Any member of the governing body of a
152 community development district who is elected to the governing
153 body by the qualified electors of the community development
154 district may be removed from office by the electors of the
155 community development district. If the member represents a
156 district and is elected only by electors residing in that
157 district, only electors residing in that district are eligible
158 to sign the petition to recall that member and are entitled to
159 vote in the recall election. If the member represents a district
160 and is elected at large by the electors of the community
161 development district, all electors of the community development
162 district are eligible to sign the petition to recall that member
163 and are entitled to vote in the recall election. Members may be
164 removed from office pursuant to the procedures provided in this
165 section.

166 (3) RECALL PETITION.—

167 (a) *Petition content.*—A petition must contain the name of
168 the person sought to be recalled and a statement of grounds for
169 recall. The statement of grounds may not exceed 200 words, and
170 the stated grounds are limited solely to those specified in
171 paragraph (d). If more than one member of the governing body is
172 sought to be recalled, regardless of whether such member is
173 elected by the electors of a district or by the electors of the
174 community development district at large, a separate recall

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petition must be prepared for each member sought to be recalled.
Upon request, the content of a petition may be, but is not
required to be, provided by the proponent in alternative
formats.

(b) Requisite signatures.—The petition must be signed by at
least 10 percent of the total number of registered electors of
the community development district or of a district thereof. All
signatures must be obtained as provided in paragraph (e) within
a period of 30 days, and all signed and dated 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.

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

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

1. Malfeasance;
2. Misfeasance;
3. Neglect of duty;
4. Drunkenness;
5. Incompetence;
6. Permanent inability to perform official duties; or

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204 7. Conviction of a felony involving moral turpitude.

205 (e) Signature process.—Only electors of the district or the
206 community development district are eligible to sign the
207 petition. Each elector signing a petition shall sign and date
208 his or her name in ink or indelible pencil. Each petition must
209 contain appropriate lines for each elector's original signature;
210 printed name; street address; city; county; voter registration
211 number or date of birth; Florida driver license number, Florida
212 identification card number issued pursuant to s. 322.051, or the
213 last four digits of the elector's social security number; and
214 the date signed.

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

221 (g) Verification of signatures.—

222 1. No more than 60 days after the date on which all
223 petition forms are filed, the clerk shall submit the petition
224 forms to the supervisor of elections, who shall promptly verify
225 the signatures in accordance with s. 99.097 and determine
226 whether the requisite number of valid signatures has been
227 obtained for the petition. The committee seeking verification of
228 the signatures must pay in advance to the supervisor of
229 elections the actual cost of signature verification. If the
230 community development district lies in more than one county, the
231 clerk shall submit each petition form to the respective
232 supervisor of elections with jurisdiction over the elector that

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signed the individual petition.

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

3. If the supervisor determines that the petition does not contain the requisite number of verified and valid signatures, the clerk, 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. 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

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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 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 clerk 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 clerk 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 clerk 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 persons or committee seeking verification the actual cost of

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signature verification. If the community development district lies in more than one county, the supervisor of elections of each county shall confer as to whether the number of valid signatures required have been submitted. 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.

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

(5) RECALL ELECTION.—If the member designated in the petition files his or her written resignation within 5 days after the last-mentioned notice, the resignation is irrevocable. The governing body shall then proceed to fill the vacancy according to the applicable law. In the absence of a resignation, the chief judge of the judicial circuit in which the community development district is located shall fix a day for holding a recall election for the removal of any member not

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resigning. Any such election must be held not less than 30 days or more than 60 days after the expiration of the last-mentioned 5-day period and at the same time as any other general or special election held within the period; but if no such election is to be held within that period, the judge must call a special recall election to be held within the period aforesaid.

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

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

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

(7) FILLING OF VACANCIES; SPECIAL ELECTIONS.—

(a) If an election is held for the recall of members elected only 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 appropriate 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 receiving the highest number of votes must be declared elected to fill the vacancy. If more than one member is removed, candidates equal in number to the number of members removed must be declared elected to fill the vacancies; and, among the successful candidates, those receiving the greatest number of votes must be declared elected for the longest terms. Cases of ties, and all other matters not herein specially provided for,

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349 must be determined by the rules governing elections generally.

350 (b) If an election is held for the recall of members
351 elected only from districts, candidates to succeed such members
352 for the unexpired terms must be voted on at a special election
353 called by the chief judge of the judicial circuit in which the
354 districts are located not less than 30 days or more than 60 days
355 after the expiration of the recall election. The qualifying
356 period, for purposes of this section, must be established by the
357 chief judge of the judicial circuit after consultation with the
358 clerk. Any candidate seeking election to fill the unexpired term
359 of a recalled community development district member must reside
360 in the district represented by the recalled member and qualify
361 for office in the manner required by law. Each candidate
362 receiving the highest number of votes for each office in the
363 community development district recall election must be declared
364 elected to fill the unexpired term of the recalled member.
365 Candidates seeking election to fill a vacancy created by the
366 removal of a member are subject to chapter 106.

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

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

377 (8) EFFECT OF RESIGNATIONS.—If the member of the governing

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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 clerk 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

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407 employment or payment for circulating or witnessing a recall
408 petition. A person who violates this section commits a
409 misdemeanor of the second degree, punishable as provided in s.
410 775.082 or s. 775.083.

411 (12) INTENT.—It is the intent of the Legislature that the
412 recall procedures provided in this section be uniform statewide.
413 Therefore, all special law provisions that are contrary to the
414 provisions of this section are hereby repealed to the extent of
415 this conflict.

416 (13) APPLICABILITY.—The provisions of this section apply to
417 all community development districts.

418 Section 4. Paragraph (e) is added to subsection (3) of
419 section 190.006, Florida Statutes, to read:

420 190.006 Board of supervisors; members and meetings.—

421 (3)

422 (e) Any board member elected to the board of supervisors by
423 the qualified electors of the district pursuant to this
424 subsection is subject to the recall procedures provided for in
425 s. 190.0071.

426 Section 5. This act shall take effect July 1, 2026.