

By the Committee on Community Affairs; and Senator Arrington

578-02269-26

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

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59 clerk to certify specified determinations made and
60 provide a certain notice to the governing body of the
61 community development district; requiring that, under
62 a specified condition, recall proceedings be
63 terminated and petitions not be used again; providing
64 that a member designated in the petition may resign
65 and that such resignation is irrevocable; requiring
66 the governing body to fill certain vacancies according
67 to the applicable law; requiring the chief judge of
68 the judicial circuit to fix a day for holding the
69 recall election, which must be held within a
70 prescribed timeframe under specified conditions;
71 requiring that the ballots include specified
72 information; prescribing procedures for holding
73 special elections to fill vacancies created by the
74 recall petition; providing for the filling of a
75 vacancy created by a member resigning before the
76 recall election; prohibiting a member from being the
77 subject of a recall petition until the member has
78 served a specified portion of his or her term of
79 office; prohibiting a member removed by recall or
80 resignation from being eligible to be appointed to the
81 governing body for a specified timeframe after his or
82 her removal; requiring the clerk to preserve the
83 petitions and related papers for a specified
84 timeframe; prohibiting a person from impersonating
85 another, purposely writing his or her name or
86 residence falsely, or signing any paper with certain
87 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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117 community development district to enforce deed restrictions.

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

120 190.003 Definitions.—As used in this chapter, the term:

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

129 (a) At least 400,000 square feet of retail development and
130 500 residential units; or

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

135 Section 3. Section 190.0071, Florida Statutes, is created
136 to read:

137 190.0071 Community development district recall.—

138 (1) DEFINITIONS.—As used in this section, the term:

139 (a) “Clerk,” as the context requires, means:

140 1. If the community development district was established by
141 ordinance of a local general-purpose government pursuant to s.
142 190.005(2), the clerk of such local general-purpose government.

143 2. If the community development district was established by
144 rule of the Florida Land and Water Adjudicatory Commission
145 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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175 petition must be prepared for each member sought to be recalled.
176 Upon request, the content of a petition may be, but is not
177 required to be, provided by the proponent in alternative
178 formats.

179 (b) *Requisite signatures.*—The petition must be signed by at
180 least 10 percent of the total number of registered electors of
181 the community development district or of a district thereof. All
182 signatures must be obtained as provided in paragraph (e) within
183 a period of 30 days, and all signed and dated petition forms
184 must be filed at the same time, no later than 35 days after the
185 date on which the first signature is obtained on the petition.

186 (c) *Recall committee.*—Electors of the community development
187 district making charges contained in the statement of grounds
188 for recall, as well as those signing the recall petition, must
189 be designated as the recall committee. A specific person must be
190 designated in the petition as chair of the committee, and this
191 person shall act on behalf of the committee. The recall
192 committee and the officer being recalled are subject to chapter
193 106.

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

- 198 1. Malfeasance;
- 199 2. Misfeasance;
- 200 3. Neglect of duty;
- 201 4. Drunkenness;
- 202 5. Incompetence;
- 203 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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233 signed the individual petition.

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

238 3. If the supervisor determines that the petition does not
239 contain the requisite number of verified and valid signatures,
240 the clerk, upon receipt of such written determination, must
241 certify such determination to the governing body of the
242 community development district and file the petition without
243 taking further action, and the matter ends. No additional names
244 may be added to the petition, and the petition may not be used
245 in any other proceeding.

246 4. If the supervisor of elections determines that the
247 petition has the requisite number of verified and valid
248 signatures, the procedures outlined in subsection (4) must be
249 followed. If the community development district lies in more
250 than one county, the supervisor of elections of each county
251 shall confer as to whether the requisite numbers of verified and
252 valid signatures have been submitted and the supervisor of
253 elections of the county in which the clerk is located shall make
254 a determination whether the petition has the requisite number of
255 verified and valid signatures.

256 (4) RECALL PETITION AND DEFENSE.-

257 (a) Notice.-Upon receipt of a written determination that
258 the requisite number of signatures has been obtained, the clerk
259 shall at once serve upon the member sought to be recalled a
260 certified copy of the petition. Within 5 days after service, the
261 member sought to be recalled may file with the clerk a defensive

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262 statement of not more than 200 words.

263 (b) Content and preparation.—Within 5 days after the date
264 of receipt of the defensive statement or after the last date a
265 defensive statement could have been filed, the clerk shall
266 prepare a document entitled "Recall Petition and Defense," which
267 consists of the recall petition, including copies of the
268 originally signed petitions and counterparts. The Recall
269 Petition and Defense must contain lines that conform to
270 paragraph (3) (e) and the defensive statement or, if no defensive
271 statement has been filed, a statement to that effect. The clerk
272 shall make copies of the Recall Petition and Defense which are
273 sufficient to carry the signatures of 30 percent of the
274 registered electors. Immediately after preparing and making
275 sufficient copies of the Recall Petition and Defense, the clerk
276 shall deliver the copies to the person designated as chair of
277 the committee and take his or her receipt therefor.

278 (c) Requisite signatures.—Upon receipt of the Recall
279 Petition and Defense, the committee may circulate the petition
280 to obtain the signatures of 15 percent of the electors. All
281 signatures must be obtained and all signed petition forms filed
282 with the clerk no later than 60 days after delivery of the
283 Recall Petition and Defense to the chair of the committee.

284 (d) Verification of signatures.—Within 30 days after
285 receipt of the signed Recall Petition and Defense, the
286 supervisor of elections shall determine the number of valid
287 signatures and certify whether 15 percent of the qualified
288 electors of the community development district have signed the
289 petition. The supervisor of elections must be paid by the
290 persons or committee seeking verification the actual cost of

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291 signature verification. If the community development district
292 lies in more than one county, the supervisor of elections of
293 each county shall confer as to whether the number of valid
294 signatures required have been submitted. The supervisor of
295 elections of the county in which the clerk is located shall make
296 a determination whether the petition has the requisite number of
297 verified and valid signatures.

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

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

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320 resigning. Any such election must be held not less than 30 days
321 or more than 60 days after the expiration of the last-mentioned
322 5-day period and at the same time as any other general or
323 special election held within the period; but if no such election
324 is to be held within that period, the judge must call a special
325 recall election to be held within the period aforesaid.

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

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

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

335 (a) If an election is held for the recall of members
336 elected only at large, candidates to succeed such members for
337 the unexpired terms must be voted on at the same election and
338 must be elected in the same manner as provided by the
339 appropriate law for the election of candidates at general
340 elections. Candidates may not be elected to succeed any
341 particular member. If only one member is removed, the candidate
342 receiving the highest number of votes must be declared elected
343 to fill the vacancy. If more than one member is removed,
344 candidates equal in number to the number of members removed must
345 be declared elected to fill the vacancies; and, among the
346 successful candidates, those receiving the greatest number of
347 votes must be declared elected for the longest terms. Cases of
348 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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378 body being recalled resigns from office before the recall
379 election, the remaining members must fill the vacancy created
380 according to the applicable law for filling vacancies. If all of
381 the members of the governing body are sought to be recalled and
382 all of the members resign before the recall election, the recall
383 election must be canceled, and a special election must be called
384 to fill the unexpired terms of the resigning members. If all of
385 the members of the governing body are sought to be recalled and
386 any of the members resign before the recall election, the
387 proceedings for the recall of members not resigning and the
388 election of successors to fill the unexpired terms must continue
389 and have the same effect as though there had been no
390 resignation.

391 (9) WHEN PETITION MAY BE FILED.—A petition to recall any
392 member of the governing body of a community development district
393 may not be filed until the member has served one-fourth of his
394 or her term of office. A person who is removed by a recall, or
395 resigns after a petition has been filed against him or her, is
396 not eligible to be appointed to the governing body within a
397 period of 2 years after the date of such recall or resignation.

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

401 (11) OFFENSES RELATING TO PETITIONS.—A person may not
402 impersonate another, purposely write his or her name or
403 residence falsely in the signing of any petition for recall or
404 forge any name thereto, or sign any paper with knowledge that he
405 or she is not a qualified elector of the community development
406 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.