

By the Committees on Fiscal Policy; and Community Affairs; and
Senator Arrington

594-03161-26

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1 A bill to be entitled
2 An act relating to community development districts;
3 amending s. 125.572, F.S.; providing that specified
4 provisions regarding synthetic turf do not apply to
5 community development districts enforcing deed
6 restrictions; amending s. 190.003, F.S.; revising the
7 definition of the term "compact, urban, mixed-use
8 district"; creating s. 190.0071, F.S.; defining terms;
9 authorizing the removal of certain members of the
10 board of supervisors of a community development
11 district by recall; specifying requirements for the
12 recall procedure; specifying the grounds for recall of
13 elected members; providing for the designation of a
14 recall committee and committee chair; specifying
15 requirements for a recall petition; providing that the
16 recall committee and the member sought to be recalled
17 are subject to specified campaign financing
18 requirements; specifying requirements for certain
19 petitions and signatures; specifying requirements for
20 filing signed petitions; prohibiting the petition from
21 being amended after it is filed; providing an
22 exception; requiring the clerk to make certain
23 notifications within a specified timeframe; specifying
24 requirements for the verification of signatures on a
25 certain petition; requiring the committee to pay in
26 advance to the supervisor of elections the actual cost
27 of such verification; providing requirements for
28 supervisors of elections when verifying signatures;
29 requiring the clerk to take specified actions if the

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30 supervisor makes certain determinations regarding the
31 number of signatures; providing that a recall petition
32 deemed insufficient may not be used in another
33 proceeding; authorizing an elector to request that his
34 or her name be removed from certain petitions in a
35 specified manner; requiring the clerk to take certain
36 actions in response to such request for removal;
37 specifying requirements for a Record of Recall
38 Proceedings; specifying requirements for a recall
39 referendum; requiring that ballots at such referendum
40 meet certain specifications; requiring that a recall
41 referendum be canceled in certain circumstances;
42 specifying that certain resignations are irrevocable;
43 requiring that the district promptly provide a certain
44 copy to the clerk and the supervisor within a
45 specified timeframe; providing that a board member
46 subject to recall immediately ceases to hold office if
47 a majority of qualified electors approves the recall;
48 requiring that vacancies created by recall be filled
49 in a specified manner; providing that recall
50 proceedings are terminated if a majority of qualified
51 electors does not approve the recall; prohibiting
52 certain persons from being eligible for appointment to
53 the board of supervisors for a specified timeframe;
54 requiring the clerk to preserve certain papers for a
55 specified timeframe; prohibiting certain actions
56 related to the specified petitions; providing
57 penalties; amending s. 190.006, F.S.; providing that
58 certain board members of community development

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59 districts are subject to specified election recall
60 provisions; providing an effective date.

61
62 Be It Enacted by the Legislature of the State of Florida:

63
64 Section 1. Subsection (3) of section 125.572, Florida
65 Statutes, is amended to read:

66 125.572 Regulation of synthetic turf.—

67 (3) (a) Upon the Department of Environmental Protection
68 adopting rules pursuant to subsection (4), a local government
69 may not:

70 1. (a) Adopt or enforce any ordinance, resolution, order,
71 rule, or policy that prohibits, or is enforced to prohibit, a
72 property owner from installing synthetic turf that complies with
73 Department of Environmental Protection standards adopted
74 pursuant to this section which apply to single-family
75 residential property.

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

81 (b) This subsection does not apply to the adoption or
82 enforcement of any resolution, order, rule, or policy by a
83 community development district to enforce deed restrictions.

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

86 190.003 Definitions.—As used in this chapter, the term:

87 (7) "Compact, urban, mixed-use district" means a district

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88 consisting of a maximum of 75 acres which is located within a
 89 municipality, and within either a qualified opportunity zone
 90 designated by the United States Department of the Treasury
 91 pursuant to 26 U.S.C. s. 1400Z-1 or a community redevelopment
 92 area created pursuant to s. 163.356, which district ~~that~~
 93 ~~consists of a maximum of 75 acres, and~~ has development
 94 entitlements of:

95 (a) At least 400,000 square feet of retail development and
 96 500 residential units; or

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

101 Section 3. Section 190.0071, Florida Statutes, is created
 102 to read:

103 190.0071 Community development district recall.-

104 (1) DEFINITIONS.-As used in this section, the term:

105 (a) "Clerk," as the context requires, means:

106 1. If the community development district was established by
 107 ordinance of a local general-purpose government pursuant to s.
 108 190.005(2), the clerk of such local general-purpose government.

109 2. If the community development district was established by
 110 rule of the Florida Land and Water Adjudicatory Commission
 111 pursuant to s. 190.005(1), the clerk of the circuit court of the
 112 county that contains a majority of the qualified electors of the
 113 district.

114 (b) "Subdistrict" means the area or region previously
 115 contained in a community development district that has been
 116 merged with one or more other community development districts to

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117 form a surviving merged district pursuant to s. 190.046.

118 (2) APPLICATION.—Any member of the board of supervisors of
119 a community development district who is elected to the board by
120 the qualified electors of the community development district may
121 be removed from office by the qualified electors of the
122 district. To be subject to recall, the member must have served
123 at least one-fourth of his or her term of office at the time a
124 petition is filed as provided in subsection (4). If the member
125 represents a subdistrict and is elected only by electors
126 residing in that subdistrict, only electors residing in that
127 subdistrict are eligible to sign the petition to recall that
128 member and are entitled to vote in the recall election. If the
129 member is elected at large by the electors of the district, all
130 electors of the district are eligible to sign the petition to
131 recall that member and are entitled to vote in the recall
132 election. Members may be removed from office pursuant to the
133 procedures provided in this section.

134 (3) GROUNDS FOR RECALL.—The grounds for removal of members
135 of the board of supervisors of a district elected by qualified
136 electors are, for the purposes of this act, limited to the
137 following reasons and must be contained in the recall petition:

138 (a) Malfeasance;

139 (b) Misfeasance;

140 (c) Neglect of duty;

141 (d) Drunkenness;

142 (e) Incompetence;

143 (f) Permanent inability to perform official duties; or

144 (g) Conviction of a felony involving moral turpitude.

145 (4) RECALL PETITION.—

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146 (a) *Petition content.*—A recall petition must contain the
147 name of the board member sought to be recalled and a statement
148 of grounds for recall, which are limited solely to those
149 specified in subsection (3). If more than one member of the
150 board of supervisors is sought to be recalled, regardless of
151 whether such member is elected by the electors of a district or
152 by the electors of a subdistrict, a separate recall petition
153 must be prepared for each board member sought to be recalled.

154 (b) *Requisite signatures.*—The petition must be signed by at
155 least 10 percent of the total number of registered electors of
156 the district or of a subdistrict.

157 (c) *Recall committee.*—The qualified electors of the
158 district making charges contained in the statement of grounds
159 for recall, as well as those signing the recall petition, must
160 be designated as the recall committee. A specific person must be
161 designated in the petition as chair of the committee, and such
162 person shall act on behalf of the committee. The recall
163 committee and the board member being recalled are subject to
164 chapter 106.

165 (d) *Signature process.*—Only electors of the district or
166 subdistrict, as applicable, are eligible to sign the recall
167 petition. Each petition must contain appropriate lines for each
168 elector's original signature, which signature must be made in
169 ink or indelible pencil; printed name; street address; city;
170 county; voter registration number or date of birth; Florida
171 driver license number, Florida identification card number issued
172 pursuant to s. 322.051, or the last four digits of the elector's
173 social security number; and the date signed.

174 (e) *Filing of signed petitions.*—The recall petition and its

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175 accompanying signature pages must be filed by the chair of the
176 recall committee no later than 35 days after the date on which
177 the first signature is obtained on the recall petition. The
178 petition may not be amended after it is filed with the clerk,
179 except as provided in subparagraph (h)3.

180 (f) Notification.—The clerk shall provide written notice,
181 by certified mail, to both the district's registered agent and
182 the board member subject to recall that a recall petition has
183 been filed, and provide a copy of such petition, within 7 days
184 of receipt of the recall petition.

185 (g) Verification of signatures.—

186 1. No more than 60 days after the date on which the recall
187 petition is filed, the clerk shall submit the recall petition to
188 the supervisor of elections, who shall promptly verify the
189 signatures in accordance with s. 99.097 and determine whether
190 the requisite number of valid signatures has been obtained. The
191 recall committee must pay in advance to the supervisor of
192 elections the actual cost of such signature verification. If the
193 community development district lies in more than one county, the
194 clerk must submit the recall petition to the supervisor of
195 elections in each county in which the district is located. In
196 such event, the supervisor of elections of each county shall
197 determine the number of verified and valid signatures that have
198 been submitted for their respective jurisdictions, and upon
199 receipt of such determinations, the supervisor of elections of
200 the county in which the clerk is located shall be responsible
201 for providing the reporting required by paragraph (h).

202 2. The petition and its accompanying documents provided to
203 the clerk must, upon request, be made available in alternative

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204 formats by the recall committee as requested by the clerk.

205 (h) Reporting.—

206 1. If the supervisor of elections determines that the
207 recall petition does not contain the requisite number of
208 verified and valid signatures, the recall proceedings are
209 terminated and the clerk must provide written notice of such
210 insufficiency determination and termination of recall
211 proceedings to the district's registered agent, the board member
212 subject to recall, and the recall committee without taking
213 further action. Any recall petition deemed insufficient may not
214 be used in any other proceeding.

215 2. If the supervisor of elections determines that the
216 petition has the requisite number of verified and valid
217 signatures, the clerk must provide written notice, by certified
218 mail, to the district's registered agent and the recall
219 committee of the recall petition sufficiency determination, and
220 shall serve upon the board member sought to be recalled, by
221 certified mail, notice of such certification and a request that
222 the board member submit a rebuttal statement to the clerk within
223 30 days after receipt of the request.

224 3. A qualified elector may have his or her name removed
225 from the recall petition by submitting a signed request in
226 writing to the clerk stating such intention. Such request must
227 be made no later than 30 days after the date the elector signed
228 the petition. Within 7 days after a qualified elector notifying
229 the clerk to remove his or her name from the recall petition,
230 the clerk shall recalculate the current percentage of verified
231 and valid signatures. If the clerk determines that the number of
232 current verified and valid signatures falls below the threshold

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233 required by paragraph (b), the clerk must send written notice of
234 such insufficiency determination and termination of recall
235 proceedings to the district's registered agent, the board member
236 subject to recall, and the recall committee without taking
237 further action.

238 (5) RECORD OF RECALL PROCEEDINGS.—If the supervisor of
239 elections determines that a recall petition has the requisite
240 number of verified and valid signatures, and within 30 days
241 after the date of receipt of the rebuttal statement or after the
242 last date a rebuttal statement could have been filed, the clerk
243 must prepare a document entitled "Record of Recall Proceedings."
244 The Record of Recall Proceedings must include the recall
245 petition, the determination of the supervisor of elections
246 regarding the amount of verified and valid signatures, and the
247 rebuttal statement, if provided, or, if no rebuttal statement
248 was received, an indication that none was received. The Record
249 of Recall Proceedings must be sent by certified mail to the
250 district's registered agent, the board member subject to recall,
251 and the chair of the recall committee. The district shall post
252 the Record of Recall Proceedings on its website within 14 days
253 after receipt.

254 (6) RECALL REFERENDUM PETITION.—

255 (a) *Petition content.*—Upon the receipt of the Record of
256 Recall Proceedings, the recall committee may circulate a
257 petition on whether a referendum to recall the board member
258 should be held. A recall referendum petition must contain the
259 name of the person sought to be recalled and a copy of the
260 Record of Recall Proceedings.

261 (b) *Requisite signatures.*—The signed recall referendum must

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262 be signed by at least 15 percent of the electors.

263 (c) Signature process.—All qualified electors of the
264 district are eligible to sign the recall referendum petition.
265 Each recall referendum petition must contain appropriate lines
266 for each qualified elector's original signature, which signature
267 shall be made in ink or indelible pencil; printed name; street
268 address; city; county; voter registration number or date of
269 birth; Florida driver license number, Florida identification
270 card number issued pursuant to s. 322.051, or the last four
271 digits of the qualified elector's social security number; and
272 the date signed.

273 (d) Filing of signed petitions.—The signed recall
274 referendum petition and its accompanying signature pages must be
275 filed with the clerk no later than 60 days after the chair of
276 the recall committee's receipt of the Record of Recall
277 Proceedings.

278 (e) Notification.—The clerk shall provide written notice,
279 by certified mail, to both the district's registered agent and
280 the board member subject to recall that a recall referendum
281 petition has been filed, and provide a copy of such petition,
282 within 7 days after receipt of the recall referendum petition.

283 (f) Verification of signatures.—

284 1. No more than 30 days after the date on which the recall
285 referendum petition is filed, the clerk shall submit the recall
286 referendum petition to the supervisor of elections, who shall
287 promptly verify the signatures in accordance with s. 99.097 and
288 determine whether the requisite number of valid signatures has
289 been obtained. The recall committee must pay in advance to the
290 supervisor of elections the actual cost of such signature

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291 verification. If the community development district lies in more
292 than one county, the clerk must submit the recall referendum
293 petition to the supervisor of elections in each county in which
294 the district is located. In such event, the supervisor of
295 elections of each county shall determine the number of verified
296 and valid signatures that have been submitted for his or her
297 respective jurisdiction, and upon receipt of such
298 determinations, the supervisor of elections of the county in
299 which the clerk is located shall be responsible for providing
300 the reporting required by paragraph (g).

301 2. The recall referendum petition and its accompanying
302 documents provided to the clerk must, upon request, be made
303 available in alternative formats by the recall committee as
304 requested by the clerk.

305 (g) Reporting.—

306 1. If the supervisor of elections determines that the
307 recall referendum petition does not contain the requisite number
308 of verified and valid signatures, the recall vote proceedings
309 are terminated and the clerk must provide written notice of such
310 insufficiency determination and termination of recall vote
311 proceedings to the registered agent of the district, the board
312 member subject to recall, and the recall committee without
313 taking further action. Any recall referendum petition deemed
314 insufficient may not be used in any other proceeding.

315 2. If the supervisor of elections determines that the
316 recall referendum petition has the requisite number of verified
317 and valid signatures, the clerk must provide written notice, by
318 certified mail, to the district's registered agent, the board
319 member sought to be recalled, and the recall committee of the

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320 recall referendum petition sufficiency determination and the
321 date, time, and location of the recall referendum.

322 3. A qualified elector may have his or her name removed
323 from the recall referendum petition by submitting a signed
324 written request to the clerk stating such intention. Such
325 request must be made no later than 30 days after the date the
326 elector signed the petition. Within 7 days after a qualified
327 elector notifying the clerk to remove his or her name from the
328 recall referendum petition, the clerk shall recalculate the
329 current percentage of verified and valid signatures. If the
330 number of current verified and valid signatures falls below the
331 threshold required by paragraph (b), the clerk must send written
332 notice of such insufficiency determination and termination of
333 recall proceedings to the district's registered agent, the board
334 member subject to recall, and the recall committee without
335 taking further action.

336 (7) RECALL REFERENDUM.-

337 (a) Upon its confirmation that the recall referendum
338 petition has the requisite number of verified and valid
339 signatures, the supervisor of elections shall fix a day for
340 holding the recall referendum. The supervisor of elections shall
341 administer such referendum in accordance with s. 190.006(3)(d).
342 The recall committee must pay in advance to the supervisor of
343 elections the actual cost of holding the recall referendum.

344 (b) Any recall election must be held not less than 30 days
345 or more than 90 days after the certification, and at the same
346 time as any other general or special election held within such
347 period; but if no such election is to be held within that
348 period, the referendum must be conducted at a special election

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349 to be held within the period aforesaid.

350 (c) Notice of the recall referendum shall be published by
351 the district in a newspaper of general circulation in the area
352 of the district at least 14 days in advance of such referendum.
353 Notice of the recall referendum shall also be mailed to each
354 qualified elector at his or her last known address at least 14
355 days in advance of such referendum. The board shall use and rely
356 upon the official records maintained by the supervisor of
357 elections and property appraiser or tax collector in each county
358 in determining such addresses. The notices shall contain the
359 date, time, and location of the referendum and shall include a
360 statement that the Record of Recall Proceedings is available for
361 review on the district's website. The recall committee must pay
362 in advance to the district the actual cost of the recall
363 referendum notices.

364 (d) The ballots at the recall referendum must conform to
365 the following: With respect to each person whose removal is
366 sought, the question must be submitted: "Shall (name of person)
367 be removed as a member of the board of supervisors of (name of
368 community development district) by recall?" Immediately
369 following each question there must be printed on the ballots the
370 two propositions in the following order:

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

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

373 (e) A recall referendum authorized by this section must be
374 canceled by the supervisor of elections if the board member
375 subject to the recall submits his or her resignation, which is
376 irrevocable, within 20 days after notice is sent via certified
377 mail pursuant to paragraph (6) (e). The district shall promptly

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378 provide the clerk and the supervisor of elections a copy of any
379 such resignation, but no more than 7 days after receipt of such
380 resignation.

381 (8) FILLING OF VACANCIES CREATED BY RECALL.-

382 (a) If a majority of the qualified electors of the district
383 or subdistrict voting in the recall referendum approves the
384 recall of the board member in the recall referendum, as
385 determined by the supervisor of elections, the board member
386 subject to the recall immediately ceases to hold office. The
387 vacancy created by the recall must be filled by the board of
388 supervisors pursuant to s. 190.006(4), except that, if three or
389 more board members are recalled at the same referendum, the
390 Governor must fill the vacancy pursuant to s. 114.04.

391 (b) If a majority of the qualified electors of the district
392 or subdistrict voting in the recall referendum do not approve
393 the recall, the recall proceedings are terminated.

394 (9) RESTRICTIONS ON BOARD APPOINTMENT.-A person who is
395 removed by a recall pursuant to this section, or who resigns
396 after a petition has been filed against him or her, is not
397 eligible to be appointed to the district's board of supervisors
398 within a period of 2 years after the date of such recall or
399 resignation.

400 (10) RETENTION OF PETITION.-The clerk shall preserve all
401 papers comprising of or connected with a petition for recall for
402 a period of 2 years after such papers are filed.

403 (11) OFFENSES RELATING TO RECALL PETITIONS AND RECALL
404 REFERENDUM PETITIONS.-A person may not impersonate another,
405 purposely write his or her name or residence falsely in the
406 signing of any recall petition or recall referendum petition or

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407 forge any name thereto, or sign any paper with knowledge that he
408 or she is not a qualified elector of the district. A person may
409 not employ or pay another to accept employment or payment for
410 circulating or witnessing a recall petition or recall referendum
411 petition. A person who violates this subsection commits a
412 misdemeanor of the second degree, punishable as provided in s.
413 775.082 or s. 775.083.

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

416 190.006 Board of supervisors; members and meetings.—

417 (3)

418 (e) Any board member elected to the board of supervisors by
419 the qualified electors of the district pursuant to this
420 subsection is subject to the recall procedures provided for in
421 s. 190.0071.

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