

By Senator Arrington

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1                               A bill to be entitled  
2       An act relating to community development district  
3       recall elections; creating s. 190.0071, F.S.; defining  
4       terms; providing that certain members of the governing  
5       body of a community development district may be  
6       removed by the electors of the community development  
7       district; providing that only specified electors are  
8       eligible to sign the petition to recall such members  
9       under specified circumstances; requiring that a  
10      petition to recall a member contain specified  
11      information; requiring separate petitions for each  
12      member sought to be recalled; requiring a specified  
13      percentage of electors to sign the petition; requiring  
14      that such signatures be obtained and submitted within  
15      specified timeframes; requiring the designation of a  
16      recall committee and chair of such committee;  
17      providing that the committee and the member to be  
18      recalled are subject to specified provisions;  
19      providing the grounds for removal of elected members;  
20      requiring each elector to sign and date petitions;  
21      requiring that each petition contain specified  
22      information; requiring that a petition be filed with  
23      the Department of Commerce in a specified manner by  
24      the chair of the committee; prohibiting the petition  
25      from being amended after it is filed; requiring the  
26      department to submit the forms to the supervisor of  
27      elections to promptly verify signatures and make a  
28      certain determination; requiring the committee to pay  
29      in advance for such verification; requiring that

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specified papers and forms be available in alternative formats upon request; requiring the department to make a certain certification under specified circumstances; requiring the department 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 department to prepare a specified document within a specified timeframe; specifying requirements for such document; requiring the department 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 department 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; requiring the department 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

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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 department to preserve the petitions and related papers for a specified timeframe; prohibiting a person from impersonating another, purposely writing his or her name or residence falsely, or signing any paper with certain knowledge; prohibiting a person from employing or paying another to accept payment for circulating or witnessing petitions; providing criminal penalties; providing legislative intent; providing applicability; amending s. 190.006, F.S.; providing that board members of community development districts are subject to specified election recall provisions; providing an effective date.

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

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Section 1. Section 190.0071, Florida Statutes, is created to read:

190.0071 Community development district recall.—

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

(a) "Department" means the Department of Commerce.

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

(2) APPLICATION.—Any member of the governing body of a community development district who is elected to the governing body may be removed from office by the electors of the community development district. If the member represents a district and is elected only by electors residing in that district, only electors residing in that district are eligible to sign the petition to recall that member and are entitled to vote in the recall election. If the member represents a district and is elected at large by the electors of the community development district, all electors of the community development district are eligible to sign the petition to recall that member and are entitled to vote in the recall election. Members may be removed from office pursuant to the procedures provided in this section.

(3) RECALL PETITION.—

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

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community development district at large, a separate recall 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 30 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;

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146 6. Permanent inability to perform official duties; or

147 7. Conviction of a felony involving moral turpitude.

148 (e) Signature process.—Only electors of the district or the  
149 community development district are eligible to sign the  
150 petition. Each elector signing a petition shall sign and date  
151 his or her name in ink or indelible pencil. Each petition must  
152 contain appropriate lines for each elector's original signature;  
153 printed name; street address; city; county; voter registration  
154 number or date of birth; Florida driver license number, Florida  
155 identification card number issued pursuant to s. 322.051, or the  
156 last four digits of the elector's social security number; and  
157 the date signed.

158 (f) Filing of signed petitions.—All signed petition forms  
159 must be filed at the same time, no later than 35 days after the  
160 date on which the first signature is obtained on the petition.  
161 The person designated as chair of the committee shall file the  
162 signed petition forms with the department. The petition may not  
163 be amended after it is filed with the department.

164 (g) Verification of signatures.—

165 1. No more than 60 days after the date on which all  
166 petition forms are filed, the department shall submit the  
167 petition forms to the supervisor of elections, who shall  
168 promptly verify the signatures in accordance with s. 99.097 and  
169 determine whether the requisite number of valid signatures has  
170 been obtained for the petition. The committee seeking  
171 verification of the signatures must pay in advance to the  
172 supervisor of elections the actual cost of signature  
173 verification.

174 2. Upon filing with the department, the petition and all

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subsequent papers or forms required or permitted to be filed with the department in connection with this section must, upon request, be made available in alternative formats by the department.

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

(4) RECALL PETITION AND DEFENSE.—

(a) *Notice.*—Upon receipt of a written determination that the requisite number of signatures has been obtained, the department 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 department a defensive statement of not more than 200 words.

(b) *Content and preparation.*—Within 5 days after the date of receipt of the defensive statement or after the last date a defensive statement could have been filed, the department 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

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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 department 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 department 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 department 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 signature verification.

(e) Reporting.—If the supervisor of elections determines that the requisite number of signatures has not been obtained, the department 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



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the qualified electors signed the petition, the department 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.

(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 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

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262 elected only at large, candidates to succeed such members for  
263 the unexpired terms must be voted on at the same election and  
264 must be elected in the same manner as provided by the  
265 appropriate law for the election of candidates at general  
266 elections. Candidates may not be elected to succeed any  
267 particular member. If only one member is removed, the candidate  
268 receiving the highest number of votes must be declared elected  
269 to fill the vacancy. If more than one member is removed,  
270 candidates equal in number to the number of members removed must  
271 be declared elected to fill the vacancies; and, among the  
272 successful candidates, those receiving the greatest number of  
273 votes must be declared elected for the longest terms. Cases of  
274 ties, and all other matters not herein specially provided for,  
275 must be determined by the rules governing elections generally.

276 (b) If an election is held for the recall of members  
277 elected only from districts, candidates to succeed such members  
278 for the unexpired terms must be voted on at a special election  
279 called by the chief judge of the judicial circuit in which the  
280 districts are located not less than 30 days or more than 60 days  
281 after the expiration of the recall election. The qualifying  
282 period, for purposes of this section, must be established by the  
283 chief judge of the judicial circuit after consultation with the  
284 department. Any candidate seeking election to fill the unexpired  
285 term of a recalled community development district member must  
286 reside in the district represented by the recalled member and  
287 qualify for office in the manner required by law. Each candidate  
288 receiving the highest number of votes for each office in the  
289 community development district recall election must be declared  
290 elected to fill the unexpired term of the recalled member.

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291 Candidates seeking election to fill a vacancy created by the  
292 removal of a member are subject to chapter 106.

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

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

303 (8) EFFECT OF RESIGNATIONS.—If the member of the governing  
304 body being recalled resigns from office before the recall  
305 election, the remaining members must fill the vacancy created  
306 according to the applicable law for filling vacancies. If all of  
307 the members of the governing body are sought to be recalled and  
308 all of the members resign before the recall election, the recall  
309 election must be canceled, and a special election must be called  
310 to fill the unexpired terms of the resigning members. If all of  
311 the members of the governing body are sought to be recalled and  
312 any of the members resign before the recall election, the  
313 proceedings for the recall of members not resigning and the  
314 election of successors to fill the unexpired terms must continue  
315 and have the same effect as though there had been no  
316 resignation.

317 (9) WHEN PETITION MAY BE FILED.—A petition to recall any  
318 member of the governing body of a community development district  
319 may not be filed until the member has served one-fourth of his

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

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

(13) PROVISIONS APPLICABLE.—The provisions of this act apply to all community development districts.

Section 2. Paragraph (e) is added to subsection (3) of section 190.006, Florida Statutes, to read:

190.006 Board of supervisors; members and meetings.—

(3)

(e) Any board member elected to the board of supervisors is

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349 subject to the recall procedures provided for in s. 190.0071.

350 Section 3. This act shall take effect July 1, 2026.