

**By** Senator Arrington

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30       specified papers and forms be available in alternative  
31       formats upon request; requiring the department to make  
32       a certain certification under specified circumstances;  
33       requiring the department to serve a certified copy of  
34       the petition upon the person sought to be recalled  
35       under a specified circumstance; authorizing such  
36       person to submit a certain response within a specified  
37       timeframe; requiring the department to prepare a  
38       specified document within a specified timeframe;  
39       specifying requirements for such document; requiring  
40       the department to deliver such document to the chair  
41       of the committee and take his or her receipt therefor;  
42       authorizing the committee to circulate the petition;  
43       requiring that all signatures be obtained and all  
44       forms filed with the department within a specified  
45       timeframe; requiring the supervisor to determine the  
46       number of valid signatures and certify that the  
47       requisite percentage of electors signed the petition;  
48       requiring that the supervisor be paid a specified sum  
49       for each name checked; requiring the department to  
50       certify specified determinations made and provide a  
51       certain notice to the governing body of the community  
52       development district; requiring that, under a  
53       specified condition, recall proceedings be terminated  
54       and petitions not be used again; providing that a  
55       member designated in the petition may resign and that  
56       such resignation is irrevocable; requiring the  
57       governing body to fill certain vacancies according to  
58       the applicable law; requiring the chief judge of the

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59       judicial circuit to fix a day for holding the recall  
60       election, which must be held within a prescribed  
61       timeframe under specified conditions; requiring that  
62       the ballots include specified information; prescribing  
63       procedures for holding special elections to fill  
64       vacancies created by the recall petition; providing  
65       for the filling of a vacancy created by a member  
66       resigning before the recall election; prohibiting a  
67       member from being the subject of a recall petition  
68       until the member has served a specified portion of his  
69       or her term of office; prohibiting a member removed by  
70       recall or resignation from being eligible to be  
71       appointed to the governing body for a specified  
72       timeframe after his or her removal; requiring the  
73       department to preserve the petitions and related  
74       papers for a specified timeframe; prohibiting a person  
75       from impersonating another, purposely writing his or  
76       her name or residence falsely, or signing any paper  
77       with certain knowledge; prohibiting a person from  
78       employing or paying another to accept payment for  
79       circulating or witnessing petitions; providing  
80       criminal penalties; providing legislative intent;  
81       providing applicability; amending s. 190.006, F.S.;  
82       providing that board members of community development  
83       districts are subject to specified election recall  
84       provisions; providing an effective date.

85  
86       Be It Enacted by the Legislature of the State of Florida:

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**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

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

90       190.0071 Community development district recall.—

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

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

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

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

109       (3) RECALL PETITION.—

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

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117 community development district at large, a separate recall  
118 petition must be prepared for each member sought to be recalled.  
119 Upon request, the content of a petition may be, but is not  
120 required to be, provided by the proponent in alternative  
121 formats.

122 (b) Requisite signatures.—The petition must be signed by at  
123 least 10 percent of the total number of registered electors of  
124 the community development district or of a district thereof. All  
125 signatures must be obtained as provided in paragraph (e) within  
126 a period of 30 days, and all signed and dated petition forms  
127 must be filed at the same time, no later than 30 days after the  
128 date on which the first signature is obtained on the petition.

129 (c) Recall committee.—Electors of the community development  
130 district making charges contained in the statement of grounds  
131 for recall, as well as those signing the recall petition, must  
132 be designated as the recall committee. A specific person must be  
133 designated in the petition as chair of the committee, and this  
134 person shall act on behalf of the committee. The recall  
135 committee and the officer being recalled are subject to chapter  
136 106.

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

- 141 1. Malfeasance;
- 142 2. Misfeasance;
- 143 3. Neglect of duty;
- 144 4. Drunkenness;
- 145 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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175 subsequent papers or forms required or permitted to be filed  
176 with the department in connection with this section must, upon  
177 request, be made available in alternative formats by the  
178 department.

179 3. If the supervisor determines that the petition does not  
180 contain the requisite number of verified and valid signatures,  
181 the department, upon receipt of such written determination, must  
182 certify such determination to the governing body of the  
183 community development district and file the petition without  
184 taking further action, and the matter ends. No additional names  
185 may be added to the petition, and the petition may not be used  
186 in any other proceeding.

187 4. If the supervisor of elections determines that the  
188 petition has the requisite number of verified and valid  
189 signatures, the procedures outlined in subsection (4) must be  
190 followed.

191 (4) RECALL PETITION AND DEFENSE.—

192 (a) Notice.—Upon receipt of a written determination that  
193 the requisite number of signatures has been obtained, the  
194 department shall at once serve upon the member sought to be  
195 recalled a certified copy of the petition. Within 5 days after  
196 service, the member sought to be recalled may file with the  
197 department a defensive statement of not more than 200 words.

198 (b) Content and preparation.—Within 5 days after the date  
199 of receipt of the defensive statement or after the last date a  
200 defensive statement could have been filed, the department shall  
201 prepare a document entitled "Recall Petition and Defense," which  
202 consists of the recall petition, including copies of the  
203 originally signed petitions and counterparts. The Recall

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204 Petition and Defense must contain lines that conform to  
205 paragraph (3)(e) and the defensive statement or, if no defensive  
206 statement has been filed, a statement to that effect. The  
207 department shall make copies of the Recall Petition and Defense  
208 which are sufficient to carry the signatures of 30 percent of  
209 the registered electors. Immediately after preparing and making  
210 sufficient copies of the Recall Petition and Defense, the  
211 department shall deliver the copies to the person designated as  
212 chair of the committee and take his or her receipt therefor.

213 (c) Requisite signatures.—Upon receipt of the Recall  
214 Petition and Defense, the committee may circulate the petition  
215 to obtain the signatures of 15 percent of the electors. All  
216 signatures must be obtained and all signed petition forms filed  
217 with the department no later than 60 days after delivery of the  
218 Recall Petition and Defense to the chair of the committee.

219 (d) Verification of signatures.—Within 30 days after  
220 receipt of the signed Recall Petition and Defense, the  
221 supervisor of elections shall determine the number of valid  
222 signatures and certify whether 15 percent of the qualified  
223 electors of the community development district have signed the  
224 petition. The supervisor of elections must be paid by the  
225 persons or committee seeking verification the actual cost of  
226 signature verification.

227 (e) Reporting.—If the supervisor of elections determines  
228 that the requisite number of signatures has not been obtained,  
229 the department must certify such determination to the governing  
230 body and retain the petitions. The proceedings must be  
231 terminated, and the petitions may not be used again. If the  
232 supervisor of elections determines that at least 15 percent of

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233 the qualified electors signed the petition, the department must  
234 immediately serve notice of that determination upon the member  
235 sought to be recalled and deliver to the governing body a  
236 certificate as to the percentage of qualified electors who  
237 signed.

238 (5) RECALL ELECTION.—If the member designated in the  
239 petition files his or her written resignation within 5 days  
240 after the last-mentioned notice, the resignation is irrevocable.  
241 The governing body shall then proceed to fill the vacancy  
242 according to the applicable law. In the absence of a  
243 resignation, the chief judge of the judicial circuit in which  
244 the community development district is located shall fix a day  
245 for holding a recall election for the removal of any member not  
246 resigning. Any such election must be held not less than 30 days  
247 or more than 60 days after the expiration of the last-mentioned  
248 5-day period and at the same time as any other general or  
249 special election held within the period; but if no such election  
250 is to be held within that period, the judge must call a special  
251 recall election to be held within the period aforesaid.

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

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

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

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

261 (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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320 or her term of office. A person who is removed by a recall, or  
321 resigns after a petition has been filed against him or her, is  
322 not eligible to be appointed to the governing body within a  
323 period of 2 years after the date of such recall or resignation.

324 (10) RETENTION OF PETITION.—The department shall preserve  
325 all papers comprising or connected with a petition for recall  
326 for a period of 2 years after they are filed.

327 (11) OFFENSES RELATING TO PETITIONS.—A person may not  
328 impersonate another, purposely write his or her name or  
329 residence falsely in the signing of any petition for recall or  
330 forge any name thereto, or sign any paper with knowledge that he  
331 or she is not a qualified elector of the community development  
332 district. A person may not employ or pay another to accept  
333 employment or payment for circulating or witnessing a recall  
334 petition. A person who violates this section commits a  
335 misdemeanor of the second degree, punishable as provided in s.  
336 775.082 or s. 775.083.

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

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

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

346 190.006 Board of supervisors; members and meetings.—

347 (3)

348 (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.