

THE FLORIDA SENATE
2019 SUMMARY OF LEGISLATION PASSED
Committee on Community Affairs

CS/CS/HB 437 — Community Development Districts

by State Affairs Committee; Local, Federal and Veterans Affairs Subcommittee; and Rep. Buchanan (CS/SB 728 by Infrastructure and Security Committee and Senator Lee)

A community development district (CDD) is a “local unit of special-purpose government” which is often created to facilitate the funding and management of new housing developments. Expanding a CDD involves a different process depending on its original size. For CDDs that began as less than 2,500 acres in size, a person must file a petition with the county. For larger CDDs, a person must file a petition, along with a \$1,500 filing fee, with the Florida Land and Water Adjudicatory Commission. Then, in either case, a public hearing must be held. However, special requirements apply if someone is seeking a particularly large expansion of a CDD. Any expansion of more than 50 percent of the initial size of the CDD or more than 1,000 acres must be processed according to the statute that governs creation of a new CDD.

CS/CS/HB 437 authorizes CDDs of less than 2,500 acres and solely in one county or municipality to include a list of parcels in the CDD’s establishment petition to the county that the CDD expects to add within the next 10 years. A parcel may only be included with the consent of the landowner. The bill provides a process for expanding the boundaries of the CDD to include these additional parcels. The bill also provides that the expansion of CDD boundaries to include these parcels does not alter the time period for transition from a landowner board to a board composed of qualified electors under s. 190.006, F.S., and states that the parcels may be added even if the resulting CDD is greater than 2,500 acres.

The bill also provides that a CDD may also merge with another type of special district created by special act, pursuant to the terms of that special act. A CDD is authorized to enter into a merger agreement to address transition issues, including the allocation and retirement of existing debt.

If approved by the Governor, these provisions take effect upon becoming a law.

Vote: Senate 40-0; House 106-9