

By Senator Diaz de la Portilla

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A bill to be entitled
An act relating to community development
districts; amending s. 190.011, F.S.; providing
for such districts to collect ground rent from
owners of long-term ground leases with
governmental entities; amending s. 190.021,
F.S.; providing for the inclusion in certain
maintenance special assessments the ground rent
to be collected by a district; providing an
effective date.

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

Section 1. Subsection (7) of section 190.011, Florida
Statutes, is amended to read:

190.011 General powers.--The district shall have, and
the board may exercise, the following powers:

(7)(a) To hold, control, and acquire by donation,
purchase, or condemnation, or dispose of, any public
easements, dedications to public use, platted reservations for
public purposes, or any reservations for those purposes
authorized by this act and to make use of such easements,
dedications, or reservations for any of the purposes
authorized by this act.

(b) When real property in the district is owned by a
governmental entity and subject to a ground lease as described
in s. 190.003(13), to collect ground rent from landowners
pursuant to contract with such governmental entity, including
the levy of maintenance special assessments pursuant to s.
190.021(3).

1 Section 2. Subsection (3) of section 190.021, Florida
2 Statutes, is amended to read:

3 190.021 Taxes; non-ad valorem assessments.--

4 (3) MAINTENANCE SPECIAL ASSESSMENTS.--

5 (a) To maintain and preserve the facilities and
6 projects of the district, the board may levy a maintenance
7 special assessment. This assessment may be evidenced to and
8 certified to the property appraiser by the board of
9 supervisors not later than August 31 of each year and shall be
10 entered by the property appraiser on the county tax rolls and
11 shall be collected and enforced by the tax collector in the
12 same manner and at the same time as county taxes, and the
13 proceeds therefrom shall be paid to the district. However,
14 this subsection does ~~shall~~ not prohibit the district in its
15 discretion from using the method prescribed in ~~either~~ s.
16 197.363 or s. 197.3632 for collecting and enforcing these
17 assessments. ~~These~~ Maintenance special assessments are ~~shall~~
18 ~~be~~ a lien on the property against which assessed until paid
19 and are ~~shall be~~ enforceable in like manner as county taxes.
20 The amount of the maintenance special assessment for the
21 exercise of the district's powers under ss. 190.011 and
22 190.012 shall be determined by the board based upon a report
23 of the district's engineer and assessed by the board upon such
24 lands, which may be all of the lands within the district
25 benefited by the maintenance thereof, apportioned between the
26 benefited lands in proportion to the benefits received by each
27 tract of land.

28 (b) When real property in the district is owned by a
29 governmental entity and subject to a ground lease as described
30 in s. 190.003(13), the district may, pursuant to a contract
31 with a governmental entity, include in the maintenance special

1 assessment the amount of any ground rent due to be collected
2 each year by the district on behalf of the governmental
3 entity.

4 Section 3. This act shall take effect July 1, 2003.

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7 SENATE SUMMARY

8 Provides for community development districts to collect
9 ground rent from owners of long-term ground leases with
10 governmental entities and provides for such ground rent
11 to be included in certain maintenance special
12 assessments.
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