



HB 0885

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A bill to be entitled  
 An act relating to community development districts;  
 amending s. 190.005, F.S.; increasing the size of  
 community development districts established by county  
 commissions; amending s. 190.011, F.S.; authorizing the  
 district to enforce deed restrictions and architectural  
 review for residential properties within its boundaries;  
 amending s. 190.048, F.S.; revising and clarifying  
 requirements relating to disclosure to purchasers of real  
 estate within a district; providing an effective date.

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

Section 1. Section 190.005, Florida Statutes, is amended  
 to read:

190.005 Establishment of district.--

(1) The exclusive and uniform method for the establishment  
 of a community development district with a size of 2,500 ~~1,000~~  
 acres or more shall be pursuant to a rule, adopted under chapter  
 120 by the Florida Land and Water Adjudicatory Commission,  
 granting a petition for the establishment of a community  
 development district.

(a) A petition for the establishment of a community  
 development district shall be filed by the petitioner with the  
 Florida Land and Water Adjudicatory Commission. The petition  
 shall contain:

1. A metes and bounds description of the external  
 boundaries of the district. Any real property within the  
 external boundaries of the district which is to be excluded from  
 the district shall be specifically described, and the last known



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31 address of all owners of such real property shall be listed. The  
32 petition shall also address the impact of the proposed district  
33 on any real property within the external boundaries of the  
34 district which is to be excluded from the district.

35 2. The written consent to the establishment of the  
36 district by all landowners whose real property is to be included  
37 in the district or documentation demonstrating that the  
38 petitioner has control by deed, trust agreement, contract, or  
39 option of 100 percent of the real property to be included in the  
40 district, and when real property to be included in the district  
41 is owned by a governmental entity and subject to a ground lease  
42 as described in s. 190.003(13), the written consent by such  
43 governmental entity.

44 3. A designation of five persons to be the initial members  
45 of the board of supervisors, who shall serve in that office  
46 until replaced by elected members as provided in s. 190.006.

47 4. The proposed name of the district.

48 5. A map of the proposed district showing current major  
49 trunk water mains and sewer interceptors and outfalls if in  
50 existence.

51 6. Based upon available data, the proposed timetable for  
52 construction of the district services and the estimated cost of  
53 constructing the proposed services. These estimates shall be  
54 submitted in good faith but shall not be binding and may be  
55 subject to change.

56 7. A designation of the future general distribution,  
57 location, and extent of public and private uses of land proposed  
58 for the area within the district by the future land use plan  
59 element of the effective local government comprehensive plan of  
60 which all mandatory elements have been adopted by the applicable



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61 general-purpose local government in compliance with the Local  
62 Government Comprehensive Planning and Land Development  
63 Regulation Act.

64 8. A statement of estimated regulatory costs in accordance  
65 with the requirements of s. 120.541.

66 (b) Prior to filing the petition, the petitioner shall:

67 1. Pay a filing fee of \$15,000 to the county and to each  
68 municipality the boundaries of which are contiguous with, or  
69 contain all or a portion of the land within, the external  
70 boundaries of the district.

71 2. Submit a copy of the petition to the county and to each  
72 municipality the boundaries of which are contiguous with, or  
73 contain all or a portion of, the land within the external  
74 boundaries of the district.

75 (c) Such county and each such municipality may conduct a  
76 public hearing to consider the relationship of the petition to  
77 the factors specified in paragraph (e). The public hearing shall  
78 be concluded within 45 days after the date the petition is filed  
79 unless an extension of time is requested by the petitioner and  
80 granted by the county or municipality. The county or  
81 municipality holding such public hearing may by resolution  
82 express its support of, or objection to the granting of, the  
83 petition by the Florida Land and Water Adjudicatory Commission.  
84 A resolution must base any objection to the granting of the  
85 petition upon the factors specified in paragraph (e). Such  
86 county or municipality may present its resolution of support or  
87 objection at the Florida Land and Water Adjudicatory Commission  
88 hearing and shall be afforded an opportunity to present relevant  
89 information in support of its resolution.



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90 (d) A local public hearing on the petition shall be  
91 conducted by a hearing officer in conformance with the  
92 applicable requirements and procedures of the Administrative  
93 Procedure Act. The hearing shall include oral and written  
94 comments on the petition pertinent to the factors specified in  
95 paragraph (e). The hearing shall be held at an accessible  
96 location in the county in which the community development  
97 district is to be located. The petitioner shall cause a notice  
98 of the hearing to be published in a newspaper at least once a  
99 week for the 4 successive weeks immediately prior to the  
100 hearing. Such notice shall give the time and place for the  
101 hearing, a description of the area to be included in the  
102 district, which description shall include a map showing clearly  
103 the area to be covered by the district, and any other relevant  
104 information which the establishing governing bodies may require.  
105 The advertisement shall not be placed in that portion of the  
106 newspaper where legal notices and classified advertisements  
107 appear. The advertisement shall be published in a newspaper of  
108 general paid circulation in the county and of general interest  
109 and readership in the community, not one of limited subject  
110 matter, pursuant to chapter 50. Whenever possible, the  
111 advertisement shall appear in a newspaper that is published at  
112 least 5 days a week, unless the only newspaper in the community  
113 is published fewer than 5 days a week. All affected units of  
114 general-purpose local government and the general public shall be  
115 given an opportunity to appear at the hearing and present oral  
116 or written comments on the petition.

117 (e) The Florida Land and Water Adjudicatory Commission  
118 shall consider the entire record of the local hearing, the  
119 transcript of the hearing, resolutions adopted by local general-



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120 purpose governments as provided in paragraph (c), and the  
121 following factors and make a determination to grant or deny a  
122 petition for the establishment of a community development  
123 district:

124 1. Whether all statements contained within the petition  
125 have been found to be true and correct.

126 2. Whether the establishment of the district is  
127 inconsistent with any applicable element or portion of the state  
128 comprehensive plan or of the effective local government  
129 comprehensive plan.

130 3. Whether the area of land within the proposed district  
131 is of sufficient size, is sufficiently compact, and is  
132 sufficiently contiguous to be developable as one functional  
133 interrelated community.

134 4. Whether the district is the best alternative available  
135 for delivering community development services and facilities to  
136 the area that will be served by the district.

137 5. Whether the community development services and  
138 facilities of the district will be incompatible with the  
139 capacity and uses of existing local and regional community  
140 development services and facilities.

141 6. Whether the area that will be served by the district is  
142 amenable to separate special-district government.

143 (f) The Florida Land and Water Adjudicatory Commission  
144 shall not adopt any rule which would expand, modify, or delete  
145 any provision of the uniform community development district  
146 charter as set forth in ss. 190.006-190.041, except as provided  
147 in s. 190.012. A rule establishing a community development  
148 district shall:



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149           1. Describe the external boundaries of the district and  
 150 any real property within the external boundaries of the district  
 151 which is to be excluded.

152           2. Name five persons designated to be the initial members  
 153 of the board of supervisors.

154           3. Name the district.

155           (g) The Florida Land and Water Adjudicatory Commission may  
 156 adopt rules setting forth its procedures for considering  
 157 petitions to establish, expand, modify, or delete uniform  
 158 community development districts or portions thereof consistent  
 159 with the provisions of this section.

160           (2) The exclusive and uniform method for the establishment  
 161 of a community development district of less than 2,500 ~~1,000~~  
 162 acres in size shall be pursuant to an ordinance adopted by the  
 163 county commission of the county having jurisdiction over the  
 164 majority of land in the area in which the district is to be  
 165 located granting a petition for the establishment of a community  
 166 development district as follows:

167           (a) A petition for the establishment of a community  
 168 development district shall be filed by the petitioner with the  
 169 county commission. The petition shall contain the same  
 170 information as required in paragraph (1)(a).

171           (b) A public hearing on the petition shall be conducted by  
 172 the county commission in accordance with the requirements and  
 173 procedures of paragraph (1)(d).

174           (c) The county commission shall consider the record of the  
 175 public hearing and the factors set forth in paragraph (1)(e) in  
 176 making its determination to grant or deny a petition for the  
 177 establishment of a community development district.



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178 (d) The county commission shall not adopt any ordinance  
179 which would expand, modify, or delete any provision of the  
180 uniform community development district charter as set forth in  
181 ss. 190.006-190.041. An ordinance establishing a community  
182 development district shall include the matters provided for in  
183 paragraph (1)(f).

184 (e) If all of the land in the area for the proposed  
185 district is within the territorial jurisdiction of a municipal  
186 corporation, then the petition requesting establishment of a  
187 community development district under this act shall be filed by  
188 the petitioner with that particular municipal corporation. In  
189 such event, the duties of the county, hereinabove described, in  
190 action upon the petition shall be the duties of the municipal  
191 corporation. If any of the land area of a proposed district is  
192 within the land area of a municipality, the county commission  
193 may not create the district without municipal approval.

194 (f) Notwithstanding any other provision of this  
195 subsection, within 90 days after a petition for the  
196 establishment of a community development district has been filed  
197 pursuant to this subsection, the governing body of the county or  
198 municipal corporation may transfer the petition to the Florida  
199 Land and Water Adjudicatory Commission, which shall make the  
200 determination to grant or deny the petition as provided in  
201 subsection (1). A county or municipal corporation shall have no  
202 right or power to grant or deny a petition that has been  
203 transferred to the Florida Land and Water Adjudicatory  
204 Commission.

205 (3) The governing body of any existing special district,  
206 created to provide one or more of the public improvements and  
207 community facilities authorized by this act, may petition for



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208 reestablishment of the existing district as a community  
 209 development district pursuant to this act. The petition shall  
 210 contain the information specified in subparagraphs (1)(a)1., 3.,  
 211 4., 5., 6., and 7. and shall not require payment of a fee  
 212 pursuant to paragraph (1)(b). In such case, the new district so  
 213 formed shall assume the existing obligations, indebtedness, and  
 214 guarantees of indebtedness of the district so subsumed, and the  
 215 existing district shall be terminated.

216 Section 2. Subsection (17) is added to section 190.011,  
 217 Florida Statutes, to read:

218 190.011 General powers.--The district shall have, and the  
 219 board may exercise, the following powers:

220 (17) To enforce deed restrictions and architectural review  
 221 for residential properties within its boundaries, as described  
 222 in s. 720.305.

223 Section 3. Section 190.048, Florida Statutes, is amended  
 224 to read:

225 190.048 Sale of real estate within a district; required  
 226 disclosure to purchaser.--Subsequent to the establishment of a  
 227 district under this chapter, each contract for the initial sale  
 228 of a parcel of real property and each contract for the initial  
 229 sale of a residential unit within the district shall include,  
 230 immediately prior to the space reserved in the contract for the  
 231 signature of the purchaser, the following disclosure statement  
 232 in boldfaced and conspicuous type which is larger than the type  
 233 in the remaining text of the contract: "THE ... (Name of  
 234 District) COMMUNITY DEVELOPMENT DISTRICT MAY IMPOSE AND LEVY  
 235 TAXES OR ASSESSMENTS, OR BOTH TAXES AND ASSESSMENTS, ON THIS  
 236 PROPERTY. THESE TAXES AND ASSESSMENTS PAY THE CONSTRUCTION,  
 237 OPERATION, AND MAINTENANCE COSTS OF CERTAIN PUBLIC FACILITIES





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238 AND SERVICES OF THE DISTRICT AND ARE SET ANNUALLY BY THE  
 239 GOVERNING BOARD OF THE DISTRICT. THESE TAXES AND ASSESSMENTS ARE  
 240 IN ADDITION TO COUNTY AND OTHER LOCAL GOVERNMENTAL TAXES AND  
 241 ASSESSMENTS AND ALL OTHER TAXES AND ASSESSMENTS PROVIDED FOR BY  
 242 LAW. THE BOND ASSESSMENT FOR THE CURRENT FISCAL YEAR IS (amount)  
 243 AND THE TOTAL OF THE OTHER ASSESSMENTS FOR THE CURRENT FISCAL  
 244 YEAR IS (amount)."

245 Section 4. This act shall take effect upon becoming a law.