

1 A bill to be entitled
2 An act relating to community development districts;
3 amending s. 190.003, F.S.; revising definitions relating
4 to community development districts; amending s. 190.005,
5 F.S.; specifying petition and filing fee requirements for
6 the establishment of districts; specifying requirements
7 for the adoption of certain rules by the Florida Land and
8 Water Adjudicatory Commission; providing requirements for
9 the establishment of districts located in multiple
10 municipalities; amending s. 190.006, F.S.; revising
11 provisions for determining certain voting units for
12 landowners within a district; requiring districts to
13 publish notice of qualifying periods for elections;
14 providing procedures for filling district board vacancies;
15 authorizing the board to appoint qualified electors to the
16 board under certain circumstances; amending s. 190.007,
17 F.S.; specifying that certain affiliations are not a
18 conflict of interest for district board members, managers,
19 and employees; amending s. 190.008, F.S.; revising
20 timeframes and requirements for the preparation of
21 proposed district budgets; amending s. 190.009, F.S.;
22 requiring the district to file disclosure documents and
23 amendments relating to the public financing and
24 maintenance of certain property in the property records of
25 each county in which the district is located; amending s.
26 190.011, F.S.; revising statutory authorization for the
27 enforcement of district assessments; amending s. 190.012,
28 F.S.; revising district regulatory jurisdiction and

29 | permitting authority for certain public improvements and
30 | community facilities; authorizing the district to convey
31 | certain activities to utility providers; authorizing the
32 | district to adopt rules for enforcement of deed
33 | restrictions outside the district pursuant to an
34 | interlocal agreement; revising the requirements for the
35 | adoption of such rules; amending s. 190.014, F.S.;
36 | specifying that non-ad valorem assessments levied to pay
37 | interest on bond anticipation notes do not qualify as
38 | assessment installments; amending s. 190.021, F.S.;
39 | authorizing the use of combined notice of proposed
40 | assessments under certain circumstances; providing that
41 | assessments authorized under ch. 170, F.S., constitute
42 | liens and are subject to certain collection procedures;
43 | amending s. 190.026, F.S.; providing that foreclosure
44 | proceedings authorized under ch. 170, F.S., apply to
45 | certain district proceedings; amending s. 190.033, F.S.;
46 | providing for competitive solicitation; authorizing the
47 | district to proceed with purchasing under certain
48 | circumstances; amending s. 190.046, F.S.; revising
49 | provisions for termination, contraction, or expansion of
50 | districts; specifying payment of certain fees to counties
51 | and municipalities; providing limitations for the
52 | amendment of certain district boundaries; requiring the
53 | written consent of certain landowners; amending s.
54 | 190.047, F.S.; specifying the determination of population
55 | standards by the Department of Community Affairs for the
56 | purposes of incorporation or annexation of districts;

57 requiring unincorporated areas to meet certain criteria
 58 for incorporation; requiring certain referenda to be held
 59 at general elections; providing effective dates.

60

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

62

63 Section 1. Subsection (6), paragraph (p) of subsection
 64 (7), and subsections (20) and (21) of section 190.003, Florida
 65 Statutes, are amended to read:

66 190.003 Definitions.--As used in this chapter, the term:

67 (6) "Community development district" means a local unit of
 68 special-purpose government which is created pursuant to this act
 69 and limited to the performance of those specialized functions
 70 authorized by this act; ~~the boundaries of which are contained~~
 71 ~~wholly within a single county;~~ the governing head of which is a
 72 body created, organized, and constituted and authorized to
 73 function specifically as prescribed in this act for the purpose
 74 of the delivery of urban community development services; and the
 75 formation, powers, governing body, operation, duration,
 76 accountability, requirements for disclosure, and termination of
 77 which are as required by general law.

78 (7) "Cost," when used with reference to any project,
 79 includes, but is not limited to:

80 (p) Payments, contributions, dedications, fair share or
 81 concurrency obligations, and any other exactions required as a
 82 condition to receive any government approval or permit necessary
 83 to accomplish any district purpose.

84 (20) "Water management and control facilities" means any

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85 lakes, canals, ditches, reservoirs, dams, levees, sluiceways,
86 floodways, curbs, gutters, pumping stations, or any other works,
87 structures, or facilities for the conservation, control,
88 development, utilization, and disposal of water, and any
89 purposes appurtenant, necessary, or incidental thereto. The term
90 "water management and control facilities" includes all real and
91 personal property and any interest therein, rights, easements,
92 and franchises of any nature relating to any such water
93 management and control facilities or necessary or convenient for
94 the acquisition, construction, reconstruction, operation, or
95 maintenance thereof.

96 (21) "Water system" means any plant, system, facility, or
97 property and additions, extensions, and improvements thereto at
98 any future time constructed or acquired as part thereof, useful
99 or necessary or having the present capacity for future use in
100 connection with the development of sources, treatment, or
101 purification and distribution of water. Without limiting the
102 generality of the foregoing, the term "water system" includes
103 dams, reservoirs, storage, tanks, mains, lines, valves,
104 hydrants, pumping stations, chilled water distribution systems,
105 laterals, and pipes for the purpose of carrying water to the
106 premises connected with such system, and all rights, easements,
107 and franchises of any nature relating to any such system and
108 necessary or convenient for the operation thereof.

109 Section 2. Paragraphs (b), (c), and (f) of subsection (1)
110 and paragraphs (d) and (e) of subsection (2) of section 190.005,
111 Florida Statutes, are amended to read:

112 190.005 Establishment of district.--

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

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

120 1. Pay a filing fee of \$15,000 to the county, if located
 121 within an unincorporated area, or to the municipality, if
 122 located within an incorporated area, and to each municipality
 123 the boundaries of which are contiguous with, or contain all or a
 124 portion of the land within, the external boundaries of the
 125 district.

126 2. Submit a copy of the petition to the county, if located
 127 within an unincorporated area, or to the municipality, if
 128 located within an incorporated area, and to each municipality
 129 the boundaries of which are contiguous with, or contain all or a
 130 portion of, the land within the external boundaries of the
 131 district.

132 3. If land to be included within a district is located
 133 partially within the unincorporated area of one or more counties
 134 and partially within a municipality or within two or more
 135 municipalities, pay a \$15,000 filing fee to each entity.
 136 Districts established across county boundaries shall be required
 137 to maintain records, hold meetings and hearings, and publish
 138 notices only in the county where the majority of the acreage
 139 within the district lies.

140 (c) Such county and each such municipality required by law

141 to receive a petition may conduct a public hearing to consider
 142 the relationship of the petition to the factors specified in
 143 paragraph (e). The public hearing shall be concluded within 45
 144 days after the date the petition is filed unless an extension of
 145 time is requested by the petitioner and granted by the county or
 146 municipality. The county or municipality holding such public
 147 hearing may by resolution express its support of, or objection
 148 to the granting of, the petition by the Florida Land and Water
 149 Adjudicatory Commission. A resolution must base any objection to
 150 the granting of the petition upon the factors specified in
 151 paragraph (e). Such county or municipality may present its
 152 resolution of support or objection at the Florida Land and Water
 153 Adjudicatory Commission hearing and shall be afforded an
 154 opportunity to present relevant information in support of its
 155 resolution.

156 (f) The Florida Land and Water Adjudicatory Commission
 157 shall not adopt any rule which would expand, modify, or delete
 158 any provision of the uniform community development district
 159 charter as set forth in ss. 190.006-190.041, except as provided
 160 in s. 190.012. A rule establishing a community development
 161 district shall only contain the following:

162 1. A metes and bounds description of ~~Describe~~ the external
 163 boundaries of the district and any real property within the
 164 external boundaries of the district which is to be excluded.

165 2. The names of ~~Name~~ five persons designated to be the
 166 initial members of the board of supervisors.

167 3. The name of the district.

168 (2) The exclusive and uniform method for the establishment

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169 of a community development district of less than 1,000 acres in
170 size shall be pursuant to an ordinance adopted by the county
171 commission of the county having jurisdiction over the majority
172 of land in the area in which the district is to be located
173 granting a petition for the establishment of a community
174 development district as follows:

175 (d) The county commission shall not adopt any ordinance
176 which would expand, modify, or delete any provision of the
177 uniform community development district charter as set forth in
178 ss. 190.006-190.041. An ordinance establishing a community
179 development district shall only include the matters provided for
180 in paragraph (1)(f) unless the commission consents to any of the
181 optional powers under s. 190.012(2) at the request of the
182 petitioner.

183 (e) If all of the land in the area for the proposed
184 district is within the territorial jurisdiction of a municipal
185 corporation, then the petition requesting establishment of a
186 community development district under this act shall be filed by
187 the petitioner with that particular municipal corporation. In
188 such event, the duties of the county, hereinabove described, in
189 action upon the petition shall be the duties of the municipal
190 corporation. If any of the land area of a proposed district is
191 within the land area of a municipality, the county commission
192 may not create the district without municipal approval. If all
193 of the land in the area for the proposed district, even if less
194 1,000 acres, is within the territorial jurisdiction of two or
195 more municipalities, the petition shall be filed with the

196 Florida Land and Water Adjudicatory Commission and proceed in
 197 accordance with subsection (1).

198 Section 3. Paragraph (b) of subsection (2) and paragraph
 199 (b) of subsection (3) of section 190.006, Florida Statutes, are
 200 amended to read:

201 190.006 Board of supervisors; members and meetings.--

202 (2)

203 (b) At such meeting, each landowner shall be entitled to
 204 cast one vote per acre of land owned by him or her and located
 205 within the district for each person to be elected. A landowner
 206 may vote in person or by proxy in writing. Each proxy must be
 207 signed by one of the legal owners of the property for which the
 208 vote is cast and must contain the typed or printed name of the
 209 individual who signed the proxy; the street address, legal
 210 description of the property, or tax parcel identification
 211 number; and the number of authorized votes. If the proxy
 212 authorizes more than one vote, each property must be listed and
 213 the number of acres of each property must be included. The
 214 signature on a proxy need not be notarized. A fraction of an
 215 acre shall be treated as 1 acre, entitling the landowner to one
 216 vote with respect thereto. For purposes of determining voting
 217 interests, platted lots shall be counted individually and
 218 rounded up to the nearest whole acre. The acreage of platted
 219 lots shall not be aggregated for determining the number of
 220 voting units held by a landowner or a landowner's proxy. The two
 221 candidates receiving the highest number of votes shall be
 222 elected for a period of 4 years, and the three candidates
 223 receiving the next largest number of votes shall be elected for

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224 a period of 2 years, with the term of office for each successful
225 candidate commencing upon election. The members of the first
226 board elected by landowners shall serve their respective 4-year
227 or 2-year terms; however, the next election by landowners shall
228 be held on the first Tuesday in November. Thereafter, there
229 shall be an election of supervisors for the district every 2
230 years in November on a date established by the board and noticed
231 pursuant to paragraph (a). The second and subsequent landowners'
232 election shall be announced at a public meeting of the board at
233 least 90 days prior to the date of the landowners' meeting and
234 shall also be noticed pursuant to paragraph (a). Instructions on
235 how all landowners may participate in the election, along with
236 sample proxies, shall be provided during the board meeting that
237 announces the landowners' meeting. The two candidates receiving
238 the highest number of votes shall be elected to serve for a 4-
239 year period, and the remaining candidate elected shall serve for
240 a 2-year period.

241 (3)

242 (b) Elections of board members by qualified electors held
243 pursuant to this subsection shall be nonpartisan and shall be
244 conducted in the manner prescribed by law for holding general
245 elections. The district shall publish a notice of the qualifying
246 period set by the supervisor of elections for each election at
247 least 2 weeks prior to the start of the qualifying period. Board
248 members shall assume the office on the second Tuesday following
249 their election. If no elector qualifies for a seat to be filled
250 in an election, a vacancy in that seat shall be declared by the
251 board effective on the second Tuesday following the election.

252 Within 90 days thereafter, the board shall appoint a qualified
 253 elector to fill the vacancy. Until such appointment, the
 254 incumbent board member in that seat shall remain in office.

255 Section 4. Effective October 1, 2007, subsection (1) of
 256 section 190.007, Florida Statutes, is amended to read:

257 190.007 Board of supervisors; general duties.--

258 (1) The board shall employ, and fix the compensation of, a
 259 district manager. The district manager shall have charge and
 260 supervision of the works of the district and shall be
 261 responsible for preserving and maintaining any improvement or
 262 facility constructed or erected pursuant to the provisions of
 263 this act, for maintaining and operating the equipment owned by
 264 the district, and for performing such other duties as may be
 265 prescribed by the board. It shall not be a conflict of interest
 266 under chapter 112 for a board member or the district manager or
 267 another employee of the district to be a stockholder, officer,
 268 or employee of a landowner or of an entity affiliated with a
 269 landowner. The district manager may hire or otherwise employ and
 270 terminate the employment of such other persons, including,
 271 without limitation, professional, supervisory, and clerical
 272 employees, as may be necessary and authorized by the board. The
 273 compensation and other conditions of employment of the officers
 274 and employees of the district shall be as provided by the board.

275 Section 5. Paragraph (a) of subsection (2) of section
 276 190.008, Florida Statutes, is amended to read:

277 190.008 Budget; reports and reviews.--

278 (2) (a) On or before each June ~~July~~ 15, the district
 279 manager shall prepare a proposed budget for the ensuing fiscal

280 year to be submitted to the board for board approval. The
 281 proposed budget shall include at the direction of the board an
 282 estimate of all necessary expenditures of the district for the
 283 ensuing fiscal year and an estimate of income to the district
 284 from the taxes, ~~and assessments,~~ and other revenues provided in
 285 this act. The board shall consider the proposed budget item by
 286 item and may either approve the budget as proposed by the
 287 district manager or modify the same in part or in whole. The
 288 board shall indicate its approval of the budget by resolution,
 289 which resolution shall provide for a hearing on the budget as
 290 approved. Notice of the hearing on the budget shall be published
 291 in a newspaper of general circulation in the area of the
 292 district once a week for 2 consecutive weeks, except that the
 293 first publication shall be not fewer than 15 days prior to the
 294 date of the hearing. The notice shall further contain a
 295 designation of the day, time, and place of the public hearing.
 296 At the time and place designated in the notice, the board shall
 297 hear all objections to the budget as proposed and may make such
 298 changes as the board deems necessary. At the conclusion of the
 299 budget hearing, the board shall, by resolution, adopt the budget
 300 as finally approved by the board. The budget shall be adopted
 301 prior to October 1 of each year.

302 Section 6. Subsection (1) of section 190.009, Florida
 303 Statutes, is amended to read:

304 190.009 Disclosure of public financing.--

305 (1) The district shall take affirmative steps to provide
 306 for the full disclosure of information relating to the public
 307 financing and maintenance of improvements to real property

308 undertaken by the district. Such information shall be made
 309 available to all existing residents, and to all prospective
 310 residents, of the district. The district shall furnish each
 311 developer of a residential development within the district with
 312 sufficient copies of that information to provide each
 313 prospective initial purchaser of property in that development
 314 with a copy, and any developer of a residential development
 315 within the district, when required by law to provide a public
 316 offering statement, shall include a copy of such information
 317 relating to the public financing and maintenance of improvements
 318 in the public offering statement. The district shall file the
 319 disclosure documents required by this subsection and any
 320 amendments thereto in the property records of each county in
 321 which the district is located.

322 Section 7. Subsection (14) of section 190.011, Florida
 323 Statutes, is amended to read:

324 190.011 General powers.--The district shall have, and the
 325 board may exercise, the following powers:

326 (14) To determine, order, levy, impose, collect, and
 327 enforce special assessments pursuant to this act and chapter
 328 170. Such special assessments may, in the discretion of the
 329 district, be collected and enforced pursuant to the provisions
 330 of ss. 197.3631, 197.3632, and 197.3635, ~~or~~ chapter 170, or
 331 chapter 173.

332 Section 8. Paragraph (d) of subsection (1), subsection
 333 (2), and paragraphs (a) and (b) of subsection (4) of section
 334 190.012, Florida Statutes, are amended, and paragraph (h) is
 335 added to subsection (1) of that section, to read:

336 190.012 Special powers; public improvements and community
 337 facilities.--The district shall have, and the board may
 338 exercise, subject to the regulatory jurisdiction and permitting
 339 authority of all applicable governmental bodies, agencies, and
 340 special districts having authority with respect to any area
 341 included therein, any or all of the following special powers
 342 relating to public improvements and community facilities
 343 authorized by this act:

344 (1) To finance, fund, plan, establish, acquire, construct
 345 or reconstruct, enlarge or extend, equip, operate, and maintain
 346 systems, facilities, and basic infrastructures for the
 347 following:

348 (d)1. District roads equal to or exceeding the applicable
 349 specifications of the county in which such district roads are
 350 located, roads and improvements to existing public roads that
 351 are owned by or conveyed to the local general-purpose
 352 government, the state, or the Federal Government, street lights,
 353 alleys, landscaping, hardscaping, and the undergrounding of
 354 electric utility lines. The district may convey undergrounding
 355 of electric utility lines to the retail electric utility
 356 provider within the district ~~and street lights.~~

357 2. Buses, trolleys, transit shelters, ridesharing
 358 facilities and services, parking improvements, and related
 359 signage.

360 (h) Any other project, facility, or service required by a
 361 development approval, interlocal agreement, zoning condition, or
 362 permit issued by a governmental authority with jurisdiction in
 363 the district.

364 (2) After ~~the board has obtained the consent of~~ the local
 365 general-purpose government within the jurisdiction of which a
 366 power specified in this subsection is to be exercised consents
 367 to the exercise of such power by the district, the district
 368 shall have the power to plan, establish, acquire, construct or
 369 reconstruct, enlarge or extend, equip, operate, and maintain
 370 additional systems and facilities for:

371 (a) Parks and facilities for indoor and outdoor
 372 recreational, cultural, and educational uses.

373 (b) Fire prevention and control, including fire stations,
 374 water mains and plugs, fire trucks, and other vehicles and
 375 equipment.

376 (c) School buildings and related structures and site
 377 improvements, which may be leased, sold, or donated to the
 378 school district, for use in the educational system when
 379 authorized by the district school board.

380 (d) Security, including, but not limited to, guardhouses,
 381 fences and gates, electronic intrusion-detection systems, and
 382 patrol cars, when authorized by proper governmental agencies;
 383 except that the district may not exercise any police power, but
 384 may contract with the appropriate local general-purpose
 385 government agencies for an increased level of such services
 386 within the district boundaries.

387 (e) Control and elimination of mosquitoes and other
 388 arthropods of public health importance.

389 (f) Waste collection and disposal.

390 (4) (a) To adopt rules necessary for the district to
 391 enforce certain deed restrictions pertaining to the use and

392 operation of real property within the district and outside the
393 district if pursuant to an interlocal agreement under chapter
394 163. For the purpose of this subsection, "deed restrictions" are
395 those covenants, conditions, and restrictions contained in any
396 applicable declarations of covenants and restrictions that
397 govern the use and operation of real property within the
398 district and, for which covenants, conditions, and restrictions,
399 there is no homeowners' association or property owner's
400 association having respective enforcement powers. The district
401 may adopt by rule all or certain portions of the deed
402 restrictions that:

403 1. Relate to limitations or prohibitions that apply only
404 to external structures and are deemed by the district to be
405 generally beneficial for the district's landowners and for which
406 enforcement by the district is appropriate, as determined by the
407 district's board of supervisors; or

408 2. Are consistent with the requirements of a development
409 order or regulatory agency permit.

410 (b) The board may vote to adopt such rules only when all
411 of the following conditions exist:

412 1. The district's geographic area contains no homeowners'
413 associations as defined in s. 720.301(9);

414 2. The district was in existence on the effective date of
415 this subsection, or is located within a development that
416 consists of multiple developments of regional impact and a
417 Florida Quality Development;

418 3. For residential districts, the majority of the board
419 has been elected by qualified electors pursuant to the

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420 provisions of s. 190.006; and

421 4. The declarant in any applicable declarations of
422 covenants and restrictions has provided the board with a written
423 agreement that such rules may be adopted. A memorandum of the
424 agreement shall be recorded in the public records.

425 Section 9. Section 190.014, Florida Statutes, is amended
426 to read:

427 190.014 Issuance of bond anticipation notes.--In addition
428 to the other powers provided for in this act, and not in
429 limitation thereof, the district shall have the power, at any
430 time, and from time to time after the issuance of any bonds of
431 the district shall have been authorized, to borrow money for the
432 purposes for which such bonds are to be issued in anticipation
433 of the receipt of the proceeds of the sale of such bonds and to
434 issue bond anticipation notes in a principal sum not in excess
435 of the authorized maximum amount of such bond issue. Such notes
436 shall be in such denomination or denominations, bear interest at
437 such rate as the board may determine in compliance with s.
438 215.84, mature at such time or times not later than 5 years from
439 the date of issuance, and be in such form and executed in such
440 manner as the board shall prescribe. Such notes may be sold at
441 either public or private sale or, if such notes shall be renewal
442 notes, may be exchanged for notes then outstanding on such terms
443 as the board shall determine. Such notes shall be paid from the
444 proceeds of such bonds when issued. The board may, in its
445 discretion, in lieu of retiring the notes by means of bonds,
446 retire them by means of current revenues or from any taxes or
447 assessments levied for the payment of such bonds; but in such

448 event a like amount of the bonds authorized shall not be issued.
 449 Non-ad valorem assessments levied to pay interest on bond
 450 anticipation notes shall not constitute an installment of
 451 assessments under s. 190.022.

452 Section 10. Subsections (2), (3), and (9) of section
 453 190.021, Florida Statutes, are amended to read:

454 190.021 Taxes; non-ad valorem assessments.--

455 (2) BENEFIT SPECIAL ASSESSMENTS.--The board shall annually
 456 determine, order, and levy the annual installment of the total
 457 benefit special assessments for bonds issued and related
 458 expenses to finance district facilities and projects which are
 459 levied under this act. These assessments may be due and
 460 collected during each year that county taxes are due and
 461 collected, in which case such annual installment and levy shall
 462 be evidenced to and certified to the property appraiser by the
 463 board not later than August 31 of each year, and such assessment
 464 shall be entered by the property appraiser on the county tax
 465 rolls, and shall be collected and enforced by the tax collector
 466 in the same manner and at the same time as county taxes, and the
 467 proceeds thereof shall be paid to the district. However, this
 468 subsection shall not prohibit the district in its discretion
 469 from using the method prescribed in either s. 197.363 or s.
 470 197.3632 for collecting and enforcing these assessments. Notice
 471 of the proposed amount of the assessment pursuant to s. 200.069
 472 that includes the date and time of the hearing may be used in
 473 lieu of the notice provisions of s. 197.3632(4)(b). These
 474 benefit special assessments shall be a lien on the property
 475 against which assessed until paid and shall be enforceable in

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476 like manner as county taxes. The amount of the assessment for
477 the exercise of the district's powers under ss. 190.011 and
478 190.012 shall be determined by the board based upon a report of
479 the district's engineer and assessed by the board upon such
480 lands, which may be part or all of the lands within the district
481 benefited by the improvement, apportioned between benefited
482 lands in proportion to the benefits received by each tract of
483 land.

484 (3) MAINTENANCE SPECIAL ASSESSMENTS.--To maintain and
485 preserve the facilities and projects of the district, the board
486 may levy a maintenance special assessment. This assessment may
487 be evidenced to and certified to the property appraiser by the
488 board of supervisors not later than August 31 of each year and
489 shall be entered by the property appraiser on the county tax
490 rolls and shall be collected and enforced by the tax collector
491 in the same manner and at the same time as county taxes, and the
492 proceeds therefrom shall be paid to the district. However, this
493 subsection shall not prohibit the district in its discretion
494 from using the method prescribed in either s. 197.363 or s.
495 197.3632 for collecting and enforcing these assessments. Notice
496 of the proposed amount of the assessment pursuant to s. 200.069
497 that includes the date and time of the hearing may be used in
498 lieu of the notice provisions of s. 197.3632(4)(b). These
499 maintenance special assessments shall be a lien on the property
500 against which assessed until paid and shall be enforceable in
501 like manner as county taxes. The amount of the maintenance
502 special assessment for the exercise of the district's powers
503 under ss. 190.011 and 190.012 shall be determined by the board

504 based upon a report of the district's engineer and assessed by
 505 the board upon such lands, which may be all of the lands within
 506 the district benefited by the maintenance thereof, apportioned
 507 between the benefited lands in proportion to the benefits
 508 received by each tract of land.

509 (9) ASSESSMENTS CONSTITUTE LIENS; COLLECTION.--Benefit
 510 special assessments and maintenance special assessments
 511 authorized by this section, and special assessments authorized
 512 by s. 190.022 and chapter 170, shall constitute a lien on the
 513 property against which assessed from the date of imposition
 514 thereof until paid, coequal with the lien of state, county,
 515 municipal, and school board taxes. These non-ad valorem
 516 assessments may be collected, at the district's discretion, by
 517 the tax collector pursuant to the provisions of s. 197.363 or s.
 518 197.3632, or in accordance with other collection measures
 519 provided by law.

520 Section 11. Section 190.026, Florida Statutes, is amended
 521 to read:

522 190.026 Foreclosure of liens.--Any lien in favor of the
 523 district arising under this act may be foreclosed by the
 524 district by foreclosure proceedings in the name of the district
 525 in a court of competent jurisdiction as provided by general law
 526 in like manner as is provided in chapter 170 or chapter 173 and
 527 amendments thereto; the provisions of those chapters ~~that~~
 528 ~~chapter~~ shall be applicable to such proceedings with the same
 529 force and effect as if those provisions were expressly set forth
 530 in this act. Any act required or authorized to be done by or on
 531 behalf of a municipality in foreclosure proceedings under

532 chapter 170 or chapter 173 may be performed by such officer or
 533 agent of the district as the board of supervisors may designate.
 534 Such foreclosure proceedings may be brought at any time after
 535 the expiration of 1 year from the date any tax, or installment
 536 thereof, becomes delinquent; however no lien shall be foreclosed
 537 against any political subdivision or agency of the state. Other
 538 legal remedies shall remain available.

539 Section 12. Subsections (1) and (3) of section 190.033,
 540 Florida Statutes, are amended to read:

541 190.033 Bids required.--

542 (1) No contract shall be let by the board for any goods,
 543 supplies, or materials to be purchased when the amount thereof
 544 to be paid by the district shall exceed the amount provided in
 545 s. 287.017 for category four, unless notice of bids or other
 546 competitive solicitation, including requests for proposals or
 547 qualifications, is ~~shall be~~ advertised once in a newspaper in
 548 general circulation in the county and in the district. Any board
 549 seeking to construct or improve a public building, structure, or
 550 other public works shall comply with the bidding procedures of
 551 s. 255.20 and other applicable general law. In each case, the
 552 bid of the lowest responsive and responsible bidder shall be
 553 accepted unless all bids are rejected because the bids are too
 554 high, or the board determines it is in the best interests of the
 555 district to reject all bids. In each case in which requests for
 556 proposals, qualifications, or other competitive solicitations
 557 are used, the district shall determine which response is most
 558 advantageous for the district and award the contract to that
 559 proposer. The board may require the bidders or proposers to

560 furnish bond with a responsible surety to be approved by the
561 board. If the district does not receive a response to its
562 competitive solicitation, the district may proceed to purchase
563 such goods, supplies, materials, or construction services in the
564 manner it deems in the best interests of the district. Nothing
565 in this section shall prevent the board from undertaking and
566 performing the construction, operation, and maintenance of any
567 project or facility authorized by this act by the employment of
568 labor, material, and machinery.

569 (3) Contracts for maintenance services for any district
570 facility or project shall be subject to competitive solicitation
571 ~~bidding~~ requirements when the amount thereof to be paid by the
572 district exceeds the amount provided in s. 287.017 for category
573 four. The district shall adopt rules, policies, or procedures
574 establishing competitive solicitation ~~bidding~~ procedures for
575 maintenance services. Contracts for other services shall not be
576 subject to competitive solicitation ~~bidding~~ unless the district
577 adopts a rule, policy, or procedure applying competitive
578 solicitation ~~bidding~~ procedures to said contracts.

579 Section 13. Subsection (1) of section 190.046, Florida
580 Statutes, is amended to read:

581 190.046 Termination, contraction, or expansion of
582 district.--

583 (1) The board may petition to contract or expand the
584 boundaries of a community development district in the following
585 manner:

586 (a) The petition shall contain the same information
587 required by s. 190.005(1)(a)1. and 8. In addition, if the

588 petitioner seeks to expand the district, the petition shall
589 describe the proposed timetable for construction of any district
590 services to the area, the estimated cost of constructing the
591 proposed services, and the designation of the future general
592 distribution, location, and extent of public and private uses of
593 land proposed for the area by the future land use plan element
594 of the adopted local government local comprehensive plan. If the
595 petitioner seeks to contract the district, the petition shall
596 describe what services and facilities are currently provided by
597 the district to the area being removed, and the designation of
598 the future general distribution, location, and extent of public
599 and private uses of land proposed for the area by the future
600 land element of the adopted local government comprehensive plan.

601 (b) For those districts initially established by county
602 ordinance, the petition for ordinance amendment shall be filed
603 with the county commission. If the land to be included or
604 excluded is, in whole or in part, within the boundaries of a
605 municipality, then the county commission shall not amend the
606 ordinance without municipal approval. A public hearing shall be
607 held in the same manner and with the same public notice as other
608 ordinance amendments. The county commission shall consider the
609 record of the public hearing and the factors set forth in s.
610 190.005(1)(e) in making its determination to grant or deny the
611 petition for ordinance amendment.

612 (c) For those districts initially established by municipal
613 ordinance pursuant to s. 190.005(2)(e), the municipality shall
614 assume the duties of the county commission set forth in
615 paragraph (b); however, if any of the land to be included or

616 excluded, in whole or in part, is outside the boundaries of the
 617 municipality, then the municipality shall not amend its
 618 ordinance without county commission approval.

619 (d)1. For those districts initially established by
 620 administrative rule pursuant to s. 190.005(1), the petition
 621 shall be filed with the Florida Land and Water Adjudicatory
 622 Commission.

623 2. Prior to filing the petition, the petitioner shall pay
 624 a filing fee of \$1,500 to the county, if the district or the
 625 land to be added to or deleted from the district is located
 626 within an unincorporated area, or to the municipality, if the
 627 district or the land to be added to or deleted from the district
 628 is located within an incorporated area, and to each municipality
 629 the boundaries of which are contiguous with or contain all or a
 630 portion of the land to be added to or deleted from the external
 631 boundaries of ~~within~~ the district. The petitioner shall submit a
 632 copy of the petition to the same entities entitled to receive
 633 the filing fee ~~or the proposed amendment, and submit a copy of~~
 634 the petition to the county and to each such municipality. In
 635 addition, if the district is not the petitioner, the petitioner
 636 shall file the petition with the district board of supervisors.

637 3. Each ~~The~~ county and each municipality shall have the
 638 option of holding a public hearing as provided by s.
 639 190.005(1)(c). However, such public hearing shall be limited to
 640 consideration of the contents of the petition and whether the
 641 petition for amendment should be supported by the county or
 642 municipality.

643 4. The district board of supervisors shall, in lieu of a

644 hearing officer, hold the local public hearing provided for by
 645 s. 190.005(1)(d). This local public hearing shall be noticed in
 646 the same manner as provided in s. 190.005(1)(d). Within 45 days
 647 of the conclusion of the hearing, the district board of
 648 supervisors shall transmit to the Florida Land and Water
 649 Adjudicatory Commission the full record of the local hearing,
 650 the transcript of the hearing, any resolutions adopted by the
 651 local general-purpose governments, and its recommendation
 652 whether to grant the petition for amendment. The commission
 653 shall then proceed in accordance with s. 190.005(1)(e).

654 5. A rule amending a district boundary shall describe the
 655 land to be added or deleted.

656 ~~(e) In all cases, written consent of all the landowners~~
 657 ~~whose land is to be added to or deleted from the district shall~~
 658 ~~be required. The filing of the petition for expansion or~~
 659 ~~contraction by the district board of supervisors shall~~
 660 ~~constitute consent of the landowners within the district other~~
 661 ~~than of landowners whose land is proposed to be added to or~~
 662 ~~removed from the district.~~

663 (e)(f)1. During the existence of a district initially
 664 established by administrative rule, the process petitions to
 665 amend the boundaries of the district pursuant to paragraphs (a)-
 666 (d) ~~(a) (e)~~ shall not exceed ~~be limited to~~ a cumulative net
 667 total of ~~no more than~~ 10 percent of the land in the initial
 668 district, and in no event exceed ~~shall all such petitions to~~
 669 ~~amend the boundaries ever encompass more than a total of 250~~
 670 acres on a cumulative net basis.

671 2. During the existence of a district ~~For districts~~

672 initially established by county or municipal ordinance, the
673 limitation provided by this paragraph shall not exceed be a
674 cumulative net total of ~~no more than~~ 50 percent of the land in
675 the initial district, and in no event exceed ~~shall all such~~
676 ~~petitions to amend the boundaries ever encompass more than a~~
677 ~~total of~~ 500 acres on a cumulative basis.

678 ~~3. Boundary expansions for districts initially established~~
679 ~~by county or municipal ordinance shall follow the procedure set~~
680 ~~forth in paragraph (b) or paragraph (c).~~

681 ~~(f)(g)~~ (f) Petitions to amend the boundaries of the district
682 which exceed the amount of land specified in paragraph (e) ~~(f)~~
683 shall be considered petitions to establish a new district, and
684 shall follow all of the procedures specified in s.

685 190.005(1)(a)1., 5., 6., 7., and 8., and shall follow the
686 process set forth in s. 190.005 for establishment of a new
687 district. However, the resulting administrative rule or
688 ordinance shall only have the effect of amending the boundary of
689 the district and shall not serve to establish a new district or
690 cause a new 6-year or 10-year period to begin pursuant to s.
691 190.006(3)(a)2.

692 (g) In all cases of any petition to amend the boundaries
693 of the district, the filing of the petition for expansion or
694 contraction by the district board of supervisors shall
695 constitute consent of the landowners within the district, with
696 the exception of those landowners whose land is to be added to
697 or deleted from the district. In all cases of any petition to
698 amend the boundaries of the district, the written consent of
699 those landowners whose land is to be added to or deleted from

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700 the district shall be required.

701 Section 14. Subsection (1) of section 190.047, Florida
702 Statutes, is amended to read:

703 190.047 Incorporation or annexation of district.--

704 (1) Upon attaining the population standards for
705 incorporation contained in s. 165.061 and as determined by the
706 Department of Community Affairs, any district wholly contained
707 within the unincorporated area of a county that also meets the
708 other requirements for incorporation contained in s. 165.061
709 shall hold a referendum at a general election on the question of
710 whether to incorporate. However, any district contiguous to the
711 boundary of a municipality may be annexed to such municipality
712 pursuant to the provisions of chapter 171.

713 Section 15. Except as otherwise expressly provided in this
714 act, this act shall take effect July 1, 2007.