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CS/HB 1491, Engrossed 1

2007 Legislature

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

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29 | permitting authority for certain public improvements and
30 | community facilities; authorizing districts to request
31 | certain activities by local retail utility providers and
32 | to finance such activities; authorizing the district to
33 | adopt rules for enforcement of deed restrictions outside
34 | the district pursuant to an interlocal agreement; revising
35 | the requirements for the adoption of such rules; amending
36 | s. 190.014, F.S.; specifying that non-ad valorem
37 | assessments levied to pay interest on bond anticipation
38 | notes do not qualify as assessment installments; amending
39 | s. 190.021, F.S.; authorizing the use of combined notice
40 | of proposed assessments under certain circumstances;
41 | providing that assessments authorized under ch. 170, F.S.,
42 | constitute liens and are subject to certain collection
43 | procedures; amending s. 190.026, F.S.; providing that
44 | foreclosure proceedings authorized under ch. 170, F.S.,
45 | apply to certain district proceedings; amending s.
46 | 190.033, F.S.; providing for competitive solicitation;
47 | authorizing the district to proceed with purchasing under
48 | certain circumstances; amending s. 190.047, F.S.;
49 | specifying the determination of population standards by
50 | the Department of Community Affairs for the purposes of
51 | incorporation or annexation of districts; requiring
52 | unincorporated areas to meet certain criteria for
53 | incorporation; requiring certain referenda to be held at
54 | general elections; providing effective dates.

55 |
56 | Be It Enacted by the Legislature of the State of Florida:

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57
 58 Section 1. Subsection (6), paragraph (p) of subsection
 59 (7), and subsections (20) and (21) of section 190.003, Florida
 60 Statutes, are amended to read:

61 190.003 Definitions.--As used in this chapter, the term:

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

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

75 (p) Payments, contributions, dedications, fair share or
 76 concurrency obligations, and any other exactions required as a
 77 condition to receive any government approval or permit necessary
 78 to accomplish any district purpose.

79 (20) "Water management and control facilities" means any
 80 lakes, canals, ditches, reservoirs, dams, levees, sluiceways,
 81 floodways, curbs, gutters, pumping stations, or any other works,
 82 structures, or facilities for the conservation, control,
 83 development, utilization, and disposal of water, and any
 84 purposes appurtenant, necessary, or incidental thereto. The term

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85 "water management and control facilities" includes all real and
86 personal property and any interest therein, rights, easements,
87 and franchises of any nature relating to any such water
88 management and control facilities or necessary or convenient for
89 the acquisition, construction, reconstruction, operation, or
90 maintenance thereof.

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

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

107 190.005 Establishment of district.--

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

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113 district.

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

115 1. Pay a filing fee of \$15,000 to the county, if located
 116 within an unincorporated area, or to the municipality, if
 117 located within an incorporated area, and to each municipality
 118 the boundaries of which are contiguous with, or contain all or a
 119 portion of the land within, the external boundaries of the
 120 district.

121 2. Submit a copy of the petition to the county, if located
 122 within an unincorporated area, or to the municipality, if
 123 located within an incorporated area, and to each municipality
 124 the boundaries of which are contiguous with, or contain all or a
 125 portion of, the land within the external boundaries of the
 126 district.

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

135 (c) Such county and each such municipality required by law
 136 to receive a petition may conduct a public hearing to consider
 137 the relationship of the petition to the factors specified in
 138 paragraph (e). The public hearing shall be concluded within 45
 139 days after the date the petition is filed unless an extension of
 140 time is requested by the petitioner and granted by the county or

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141 municipality. The county or municipality holding such public
 142 hearing may by resolution express its support of, or objection
 143 to the granting of, the petition by the Florida Land and Water
 144 Adjudicatory Commission. A resolution must base any objection to
 145 the granting of the petition upon the factors specified in
 146 paragraph (e). Such county or municipality may present its
 147 resolution of support or objection at the Florida Land and Water
 148 Adjudicatory Commission hearing and shall be afforded an
 149 opportunity to present relevant information in support of its
 150 resolution.

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

157 1. A metes and bounds description of ~~Describe~~ the external
 158 boundaries of the district and any real property within the
 159 external boundaries of the district which is to be excluded.

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

162 3. The name of the district.

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

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169 development district as follows:

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

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

193 Section 3. Paragraph (b) of subsection (2) and paragraph
 194 (b) of subsection (3) of section 190.006, Florida Statutes, are
 195 amended to read:

196 190.006 Board of supervisors; members and meetings.--

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197 (2)

198 (b) At such meeting, each landowner shall be entitled to

199 cast one vote per acre of land owned by him or her and located

200 within the district for each person to be elected. A landowner

201 may vote in person or by proxy in writing. Each proxy must be

202 signed by one of the legal owners of the property for which the

203 vote is cast and must contain the typed or printed name of the

204 individual who signed the proxy; the street address, legal

205 description of the property, or tax parcel identification

206 number; and the number of authorized votes. If the proxy

207 authorizes more than one vote, each property must be listed and

208 the number of acres of each property must be included. The

209 signature on a proxy need not be notarized. A fraction of an

210 acre shall be treated as 1 acre, entitling the landowner to one

211 vote with respect thereto. For purposes of determining voting

212 interests, platted lots shall be counted individually and

213 rounded up to the nearest whole acre. The acreage of platted

214 lots shall not be aggregated for determining the number of

215 voting units held by a landowner or a landowner's proxy. The two

216 candidates receiving the highest number of votes shall be

217 elected for a period of 4 years, and the three candidates

218 receiving the next largest number of votes shall be elected for

219 a period of 2 years, with the term of office for each successful

220 candidate commencing upon election. The members of the first

221 board elected by landowners shall serve their respective 4-year

222 or 2-year terms; however, the next election by landowners shall

223 be held on the first Tuesday in November. Thereafter, there

224 shall be an election of supervisors for the district every 2

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225 | years in November on a date established by the board and noticed
 226 | pursuant to paragraph (a). The second and subsequent landowners'
 227 | election shall be announced at a public meeting of the board at
 228 | least 90 days prior to the date of the landowners' meeting and
 229 | shall also be noticed pursuant to paragraph (a). Instructions on
 230 | how all landowners may participate in the election, along with
 231 | sample proxies, shall be provided during the board meeting that
 232 | announces the landowners' meeting. The two candidates receiving
 233 | the highest number of votes shall be elected to serve for a 4-
 234 | year period, and the remaining candidate elected shall serve for
 235 | a 2-year period.

236 | (3)

237 | (b) Elections of board members by qualified electors held
 238 | pursuant to this subsection shall be nonpartisan and shall be
 239 | conducted in the manner prescribed by law for holding general
 240 | elections. The district shall publish a notice of the qualifying
 241 | period set by the supervisor of elections for each election at
 242 | least 2 weeks prior to the start of the qualifying period. Board
 243 | members shall assume the office on the second Tuesday following
 244 | their election. If no elector qualifies for a seat to be filled
 245 | in an election, a vacancy in that seat shall be declared by the
 246 | board effective on the second Tuesday following the election.
 247 | Within 90 days thereafter, the board shall appoint a qualified
 248 | elector to fill the vacancy. Until such appointment, the
 249 | incumbent board member in that seat shall remain in office.

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

252 | 190.007 Board of supervisors; general duties.--

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

270 Section 5. Paragraph (a) of subsection (2) of section
 271 190.008, Florida Statutes, is amended to read:

272 190.008 Budget; reports and reviews.--

273 (2) (a) On or before each June ~~July~~ 15, the district
 274 manager shall prepare a proposed budget for the ensuing fiscal
 275 year to be submitted to the board for board approval. The
 276 proposed budget shall include at the direction of the board an
 277 estimate of all necessary expenditures of the district for the
 278 ensuing fiscal year and an estimate of income to the district
 279 from the taxes, ~~and~~ assessments, and other revenues provided in
 280 this act. The board shall consider the proposed budget item by

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281 item and may either approve the budget as proposed by the
282 district manager or modify the same in part or in whole. The
283 board shall indicate its approval of the budget by resolution,
284 which resolution shall provide for a hearing on the budget as
285 approved. Notice of the hearing on the budget shall be published
286 in a newspaper of general circulation in the area of the
287 district once a week for 2 consecutive weeks, except that the
288 first publication shall be not fewer than 15 days prior to the
289 date of the hearing. The notice shall further contain a
290 designation of the day, time, and place of the public hearing.
291 At the time and place designated in the notice, the board shall
292 hear all objections to the budget as proposed and may make such
293 changes as the board deems necessary. At the conclusion of the
294 budget hearing, the board shall, by resolution, adopt the budget
295 as finally approved by the board. The budget shall be adopted
296 prior to October 1 of each year.

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

299 190.009 Disclosure of public financing.--

300 (1) The district shall take affirmative steps to provide
301 for the full disclosure of information relating to the public
302 financing and maintenance of improvements to real property
303 undertaken by the district. Such information shall be made
304 available to all existing residents, and to all prospective
305 residents, of the district. The district shall furnish each
306 developer of a residential development within the district with
307 sufficient copies of that information to provide each
308 prospective initial purchaser of property in that development

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309 with a copy, and any developer of a residential development
 310 within the district, when required by law to provide a public
 311 offering statement, shall include a copy of such information
 312 relating to the public financing and maintenance of improvements
 313 in the public offering statement. The district shall file the
 314 disclosure documents required by this subsection and any
 315 amendments thereto in the property records of each county in
 316 which the district is located.

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

319 190.011 General powers.--The district shall have, and the
 320 board may exercise, the following powers:

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

327 Section 8. Paragraph (d) of subsection (1), subsection
 328 (2), and paragraphs (a) and (b) of subsection (4) of section
 329 190.012, Florida Statutes, are amended, and paragraph (h) is
 330 added to subsection (1) of that section, to read:

331 190.012 Special powers; public improvements and community
 332 facilities.--The district shall have, and the board may
 333 exercise, subject to the regulatory jurisdiction and permitting
 334 authority of all applicable governmental bodies, agencies, and
 335 special districts having authority with respect to any area
 336 included therein, any or all of the following special powers

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337 relating to public improvements and community facilities
 338 authorized by this act:

339 (1) To finance, fund, plan, establish, acquire, construct
 340 or reconstruct, enlarge or extend, equip, operate, and maintain
 341 systems, facilities, and basic infrastructures for the
 342 following:

343 (d)1. District roads equal to or exceeding the applicable
 344 specifications of the county in which such district roads are
 345 located, roads and improvements to existing public roads that
 346 are owned by or conveyed to the local general-purpose
 347 government, the state, or the Federal Government, street lights,
 348 alleys, landscaping, hardscaping, and the undergrounding of
 349 electric utility lines. Districts may request the underground
 350 placement of utility lines by the local retail electric utility
 351 provider in accordance with the utility's tariff on file with
 352 the Public Service Commission and may finance the required
 353 contribution and street lights.

354 2. Buses, trolleys, transit shelters, ridesharing
 355 facilities and services, parking improvements, and related
 356 signage.

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

361 (2) After ~~the board has obtained the consent of~~ the local
 362 general-purpose government within the jurisdiction of which a
 363 power specified in this subsection is to be exercised consents
 364 to the exercise of such power by the district, the district

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365 shall have the power to plan, establish, acquire, construct or
 366 reconstruct, enlarge or extend, equip, operate, and maintain
 367 additional systems and facilities for:

368 (a) Parks and facilities for indoor and outdoor
 369 recreational, cultural, and educational uses.

370 (b) Fire prevention and control, including fire stations,
 371 water mains and plugs, fire trucks, and other vehicles and
 372 equipment.

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

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

384 (e) Control and elimination of mosquitoes and other
 385 arthropods of public health importance.

386 (f) Waste collection and disposal.

387 (4) (a) To adopt rules necessary for the district to
 388 enforce certain deed restrictions pertaining to the use and
 389 operation of real property within the district and outside the
 390 district if pursuant to an interlocal agreement under chapter
 391 163. For the purpose of this subsection, "deed restrictions" are
 392 those covenants, conditions, and restrictions contained in any

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393 applicable declarations of covenants and restrictions that
394 govern the use and operation of real property within the
395 district and, for which covenants, conditions, and restrictions,
396 there is no homeowners' association or property owner's
397 association having respective enforcement powers. The district
398 may adopt by rule all or certain portions of the deed
399 restrictions that:

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

405 2. Are consistent with the requirements of a development
406 order or regulatory agency permit.

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

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

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

415 3. For residential districts, the majority of the board
416 has been elected by qualified electors pursuant to the
417 provisions of s. 190.006; and

418 4. The declarant in any applicable declarations of
419 covenants and restrictions has provided the board with a written
420 agreement that such rules may be adopted. A memorandum of the

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421 agreement shall be recorded in the public records.

422 Section 9. Section 190.014, Florida Statutes, is amended
 423 to read:

424 190.014 Issuance of bond anticipation notes.--In addition
 425 to the other powers provided for in this act, and not in
 426 limitation thereof, the district shall have the power, at any
 427 time, and from time to time after the issuance of any bonds of
 428 the district shall have been authorized, to borrow money for the
 429 purposes for which such bonds are to be issued in anticipation
 430 of the receipt of the proceeds of the sale of such bonds and to
 431 issue bond anticipation notes in a principal sum not in excess
 432 of the authorized maximum amount of such bond issue. Such notes
 433 shall be in such denomination or denominations, bear interest at
 434 such rate as the board may determine in compliance with s.
 435 215.84, mature at such time or times not later than 5 years from
 436 the date of issuance, and be in such form and executed in such
 437 manner as the board shall prescribe. Such notes may be sold at
 438 either public or private sale or, if such notes shall be renewal
 439 notes, may be exchanged for notes then outstanding on such terms
 440 as the board shall determine. Such notes shall be paid from the
 441 proceeds of such bonds when issued. The board may, in its
 442 discretion, in lieu of retiring the notes by means of bonds,
 443 retire them by means of current revenues or from any taxes or
 444 assessments levied for the payment of such bonds; but in such
 445 event a like amount of the bonds authorized shall not be issued.
 446 Non-ad valorem assessments levied to pay interest on bond
 447 anticipation notes shall not constitute an installment of
 448 assessments under s. 190.022.

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449 Section 10. Subsections (2), (3), and (9) of section
 450 190.021, Florida Statutes, are amended to read:

451 190.021 Taxes; non-ad valorem assessments.--

452 (2) BENEFIT SPECIAL ASSESSMENTS.--The board shall annually
 453 determine, order, and levy the annual installment of the total
 454 benefit special assessments for bonds issued and related
 455 expenses to finance district facilities and projects which are
 456 levied under this act. These assessments may be due and
 457 collected during each year that county taxes are due and
 458 collected, in which case such annual installment and levy shall
 459 be evidenced to and certified to the property appraiser by the
 460 board not later than August 31 of each year, and such assessment
 461 shall be entered by the property appraiser on the county tax
 462 rolls, and shall be collected and enforced by the tax collector
 463 in the same manner and at the same time as county taxes, and the
 464 proceeds thereof shall be paid to the district. However, this
 465 subsection shall not prohibit the district in its discretion
 466 from using the method prescribed in either s. 197.363 or s.
 467 197.3632 for collecting and enforcing these assessments. Notice
 468 of the proposed amount of the assessment pursuant to s. 200.069
 469 that includes the date and time of the hearing may be used in
 470 lieu of the notice provisions of s. 197.3632(4)(b). These
 471 benefit special assessments shall be a lien on the property
 472 against which assessed until paid and shall be enforceable in
 473 like manner as county taxes. The amount of the assessment for
 474 the exercise of the district's powers under ss. 190.011 and
 475 190.012 shall be determined by the board based upon a report of
 476 the district's engineer and assessed by the board upon such

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477 lands, which may be part or all of the lands within the district
 478 benefited by the improvement, apportioned between benefited
 479 lands in proportion to the benefits received by each tract of
 480 land.

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

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505 received by each tract of land.

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

517 Section 11. Section 190.026, Florida Statutes, is amended
 518 to read:

519 190.026 Foreclosure of liens.--Any lien in favor of the
 520 district arising under this act may be foreclosed by the
 521 district by foreclosure proceedings in the name of the district
 522 in a court of competent jurisdiction as provided by general law
 523 in like manner as is provided in chapter 170 or chapter 173 and
 524 amendments thereto; the provisions of those chapters ~~that~~
 525 ~~chapter~~ shall be applicable to such proceedings with the same
 526 force and effect as if those provisions were expressly set forth
 527 in this act. Any act required or authorized to be done by or on
 528 behalf of a municipality in foreclosure proceedings under
 529 chapter 170 or chapter 173 may be performed by such officer or
 530 agent of the district as the board of supervisors may designate.
 531 Such foreclosure proceedings may be brought at any time after
 532 the expiration of 1 year from the date any tax, or installment

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533 thereof, becomes delinquent; however no lien shall be foreclosed
534 against any political subdivision or agency of the state. Other
535 legal remedies shall remain available.

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

538 190.033 Bids required.--

539 (1) No contract shall be let by the board for any goods,
540 supplies, or materials to be purchased when the amount thereof
541 to be paid by the district shall exceed the amount provided in
542 s. 287.017 for category four, unless notice of bids or other
543 competitive solicitation, including requests for proposals or
544 qualifications, is ~~shall be~~ advertised once in a newspaper in
545 general circulation in the county and in the district. Any board
546 seeking to construct or improve a public building, structure, or
547 other public works shall comply with the bidding procedures of
548 s. 255.20 and other applicable general law. In each case, the
549 bid of the lowest responsive and responsible bidder shall be
550 accepted unless all bids are rejected because the bids are too
551 high, or the board determines it is in the best interests of the
552 district to reject all bids. In each case in which requests for
553 proposals, qualifications, or other competitive solicitations
554 are used, the district shall determine which response is most
555 advantageous for the district and award the contract to that
556 proposer. The board may require the bidders or proposers to
557 furnish bond with a responsible surety to be approved by the
558 board. If the district does not receive a response to its
559 competitive solicitation, the district may proceed to purchase
560 such goods, supplies, materials, or construction services in the

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561 manner it deems in the best interests of the district. Nothing
 562 in this section shall prevent the board from undertaking and
 563 performing the construction, operation, and maintenance of any
 564 project or facility authorized by this act by the employment of
 565 labor, material, and machinery.

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

576 Section 13. Subsection (1) of section 190.047, Florida
 577 Statutes, is amended to read:

578 190.047 Incorporation or annexation of district.--

579 (1) Upon attaining the population standards for
 580 incorporation contained in s. 165.061 and as determined by the
 581 Department of Community Affairs, any district wholly contained
 582 within the unincorporated area of a county that also meets the
 583 other requirements for incorporation contained in s. 165.061
 584 shall hold a referendum at a general election on the question of
 585 whether to incorporate. However, any district contiguous to the
 586 boundary of a municipality may be annexed to such municipality
 587 pursuant to the provisions of chapter 171.

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588 Section 14. Except as otherwise expressly provided in this
589 act, this act shall take effect July 1, 2007.