

Bill No. SB 2700

Barcode 085080

CHAMBER ACTION

Senate

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The Committee on Finance and Tax (Haridopolos) recommended the following amendment:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause

and insert:

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

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

(6) "Community development district" means a local unit of special-purpose government which is created ~~pursuant to this act~~ and limited to the performance of those specialized functions authorized by this chapter act; the ~~boundaries of which are contained wholly within a single county; the~~ governing head of which is a body created, organized, and constituted and authorized to function for the purpose of ~~specifically as prescribed in this act for the~~ delivery of urban community development services; and the

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1 formation, powers, governing body, operation, duration,  
 2 accountability, requirements for disclosure, and termination  
 3 of which are as required by general law.

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

6 (p) Payments, contributions, dedications, fair share  
 7 or concurrency obligations, and any other exactions required  
 8 as a condition for receiving ~~to receive~~ any government  
 9 approval or permit necessary to accomplish any district  
 10 purpose.

11 (20) "Water management and control facilities" means  
 12 any lakes, canals, ditches, reservoirs, dams, levees,  
 13 sluiceways, floodways, curbs, gutters, pumping stations, or  
 14 any other works, structures, or facilities for the  
 15 conservation, control, development, utilization, and disposal  
 16 of water, and any purposes appurtenant, necessary, or  
 17 incidental thereto. The term "water management and control  
 18 facilities" includes all real and personal property and any  
 19 interest therein, rights, easements, and franchises of any  
 20 nature relating to ~~any~~ such water management and control  
 21 facilities or necessary or convenient for the acquisition,  
 22 construction, reconstruction, operation, or maintenance  
 23 thereof.

24 (21) "Water system" means any plant, system, facility,  
 25 or property and additions, extensions, and improvements  
 26 thereto at any future time constructed or acquired as part  
 27 thereof, useful or necessary or having the present capacity  
 28 for future use in connection with the development of sources,  
 29 treatment, or purification and distribution of water. Without  
 30 limiting the generality of the foregoing, the term "water  
 31 system" includes dams, reservoirs, storage, tanks, mains,

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1 | lines, valves, hydrants, pumping stations, chilled water  
 2 | distribution systems, laterals, and pipes for the purpose of  
 3 | carrying water to the premises connected with such system, and  
 4 | all rights, easements, and franchises of any nature relating  
 5 | to ~~any~~ such system and necessary or convenient for the  
 6 | operation thereof.

7 |       Section 2. Paragraphs (b), (c), and (f) of subsection  
 8 | (1) and paragraphs (d) and (e) of subsection (2) of section  
 9 | 190.005, Florida Statutes, are amended to read:

10 |       190.005 Establishment of district.--

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

17 |       (b) Prior to filing the petition, the petitioner  
 18 | shall:

19 |       1. Pay a filing fee of \$15,000 to the county if  
 20 | located within an unincorporated area, or to the municipality  
 21 | if located within an incorporated area, and to each  
 22 | municipality the boundaries of which are contiguous with, or  
 23 | contain all or a portion of the land within, the external  
 24 | boundaries of the district.

25 |       2. Submit a copy of the petition to the county if  
 26 | located within an unincorporated area, or to the municipality  
 27 | if located within an incorporated area, and to each  
 28 | municipality the boundaries of which are contiguous with, or  
 29 | contain all or a portion of, the land within the external  
 30 | boundaries of the district.

31 |       3. If land to be included within a district is located

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1 partially within the unincorporated area of one or more  
 2 counties and partially within a municipality or within two or  
 3 more municipalities, pay a \$15,000 filing fee to each entity.  
 4 Districts established across county boundaries shall be  
 5 required to maintain records, hold meetings and hearings, and  
 6 publish notices only in the county where the majority of the  
 7 acreage within the district lies.

8 (c) Each ~~Such~~ county and ~~each such~~ municipality  
 9 required by law to receive a petition may conduct a public  
 10 hearing to consider the relationship of the petition to the  
 11 factors specified in paragraph (e). The public hearing must  
 12 ~~shall be held concluded~~ within 45 days after the date the  
 13 petition is filed unless an extension of time is requested by  
 14 the petitioner and granted by the county or municipality. The  
 15 county or municipality holding such public hearing may by  
 16 resolution express its support of, or objection to the  
 17 granting of, the petition by the Florida Land and Water  
 18 Adjudicatory Commission. The ~~A~~ resolution must base any  
 19 objection to the granting of the petition on ~~upon~~ the factors  
 20 specified in paragraph (e). Such county or municipality may  
 21 present its resolution of support or objection at the Florida  
 22 Land and Water Adjudicatory Commission hearing and shall be  
 23 provided ~~afforded~~ an opportunity to present relevant  
 24 information in support of its resolution.

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

- 31 1. A metes and bounds description of ~~Describe~~ the

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1 external boundaries of the district and any real property  
2 within the external boundaries of the district which is to be  
3 excluded.

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

6       3. The name of the district.

7       (2) The exclusive and uniform method for the  
8 establishment of a community development district of less than  
9 1,000 acres in size shall be pursuant to an ordinance adopted  
10 by the county commission of the county having jurisdiction  
11 over the majority of land in the area in which the district is  
12 to be located granting a petition for the establishment of a  
13 community development district as follows:

14       (d) The county commission shall not adopt any  
15 ordinance which would expand, modify, or delete any provision  
16 of the uniform community development district charter as set  
17 forth in ss. 190.006-190.041. An ordinance establishing a  
18 community development district shall include only the matters  
19 provided for in paragraph (1)(f) unless the petitioner has  
20 requested, and the county consents to any of the optional  
21 powers identified in s. 190.012(2).

22       (e) If all of the land in the area for the proposed  
23 district is within the territorial jurisdiction of a municipal  
24 corporation, then the petition requesting establishment of the  
25 ~~a~~ community development district ~~under this act~~ shall be filed  
26 by the petitioner with that particular municipal corporation.  
27 In such event, the duties of the county, ~~hereinabove~~  
28 ~~described,~~ in action upon the petition shall be the duties of  
29 the municipal corporation. If any of the land area of a  
30 proposed district is within the land area of a municipality,  
31 the county commission may not create the district without

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1 municipal approval. If all of the land in the area for the  
 2 proposed district, even if less than 1,000 acres, is within  
 3 the territorial jurisdiction of two or more municipalities,  
 4 the petition shall be filed with the Florida Land and Water  
 5 Adjudicatory Commission, and the petitioner shall proceed in  
 6 accordance with subsection (1).

7 Section 3. Paragraph (b) of subsection (2) and  
 8 paragraph (b) of subsection (3) of section 190.006, Florida  
 9 Statutes, are amended to read:

10 190.006 Board of supervisors; members and meetings.--

11 (2)

12 /t) At such meeting, each landowner shall be entitled  
 13 to cast one vote per acre of land owned ~~by him or her~~ and  
 14 located within the district for each person to be elected. A  
 15 landowner may vote in person or by written proxy ~~in writing~~.  
 16 Each proxy must be signed by one of the legal owners of the  
 17 property for which the vote is cast and must contain the typed  
 18 or printed name of the individual who signed the proxy; the  
 19 street address, legal description of the property, or tax  
 20 parcel identification number; and the number of authorized  
 21 votes. If the proxy authorizes more than one vote, each  
 22 property must be listed and the number of acres of each  
 23 property must be included. The signature on a proxy need not  
 24 be notarized. A fraction of an acre shall be treated as 1  
 25 acre, entitling the landowner to one vote ~~with respect~~  
 26 ~~thereto~~. For the purpose of determining voting interests,  
 27 platted lots shall be counted individually and rounded up to  
 28 the nearest whole acre. The acreage of platted lots is not  
 29 aggregated for determining the number of voting units held by  
 30 a landowner or a landowner's proxy. The two candidates

31 receiving the highest number of votes shall be elected for a

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1 period of 4 years, and the three candidates receiving the next  
2 largest number of votes shall be elected for a period of 2  
3 years, with the term of office for each successful candidate  
4 commencing upon election. The members of the first board  
5 elected by landowners shall be elected to ~~serve~~ their  
6 respective 4-year or 2-year terms; however, the next election  
7 ~~by landowners~~ shall be held on the first Tuesday in November.  
8 Thereafter, there shall be an election of supervisors for the  
9 district every 2 years in November on a date established by  
10 the board and noticed pursuant to paragraph (a). The second  
11 and subsequent landowners' election shall be announced at a  
12 public meeting of the board at least 90 days before ~~prior to~~  
13 the date of the landowners' meeting and shall also be noticed  
14 pursuant to paragraph (a). Instructions on how ~~all~~ landowners  
15 may participate in the election, along with sample proxies,  
16 shall be provided during the board meeting that announces the  
17 landowners' meeting. The two candidates receiving the highest  
18 number of votes shall be elected to serve for a 4-year period,  
19 and the remaining candidate elected shall be elected to serve  
20 for a 2-year period.

21 (3)

22 (b) Elections of board members by qualified electors  
23 ~~held pursuant to this subsection~~ shall be nonpartisan and  
24 shall be conducted in the manner prescribed by law for holding  
25 general elections. The district shall publish a notice of the  
26 qualifying period for each election, as determined by the  
27 supervisor of elections, at least 2 weeks before the start of  
28 the qualifying period. Board members shall assume ~~the~~ office  
29 on the second Tuesday following their election. If no elector  
30 qualifies for a seat to be filled in an election, a vacancy in  
31 that seat shall be declared by the board effective on the

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1 second Tuesday following the election. Within 90 days after  
 2 declaring the vacancy, the board shall appoint a qualified  
 3 elector to fill the vacancy. Until such appointment, the  
 4 incumbent board member in that seat shall remain in office.

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

7 190.007 Board of supervisors; general duties.--

8 (1) The board shall employ~~7~~, and fix the compensation  
 9 of~~7~~ a district manager. The district manager shall have  
 10 charge and supervision of the works of the district and shall  
 11 be responsible for preserving and maintaining any improvement  
 12 or facility constructed or erected pursuant to ~~the provisions~~  
 13 ~~of this chapter act~~, for maintaining and operating the  
 14 equipment owned by the district, and for performing such other  
 15 duties as may be prescribed by the board. It ~~is shall not be a~~  
 16 conflict of interest under chapter 112 for a board member or  
 17 the district manager or another employee of the district to be  
 18 a stockholder, officer, or employee of a landowner or of an  
 19 entity affiliated with a landowner. The district manager may  
 20 hire or otherwise employ and terminate the employment of such  
 21 other persons, including, without limitation, professional,  
 22 supervisory, and clerical employees, as may be necessary and  
 23 authorized by the board. The compensation and other  
 24 conditions of employment of the officers and employees of the  
 25 district shall be as provided by the board.

26 Section 5. Paragraph (a) of subsection (2) of section  
 27 190.008, Florida Statutes, is amended to read:

28 190.008 Budget; reports and reviews.--

29 (2)(a) On or before each June ~~July~~ 15, the district  
 30 manager shall prepare a proposed budget for the ensuing fiscal  
 31 year to be submitted to the board for ~~board~~ approval. The



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1 proposed budget shall include, at the direction of the board,  
 2 an estimate of all necessary expenditures of the district for  
 3 the ensuing fiscal year and an estimate of income to the  
 4 district from the taxes, ~~and~~ assessments, and other revenues  
 5 provided in this chapter ~~act~~. The board shall consider the  
 6 proposed budget item by item and may either approve the budget  
 7 as proposed by the district manager or modify the same in part  
 8 or in whole. The board shall indicate its approval of the  
 9 budget by resolution, which resolution shall provide for a  
 10 hearing on the budget as approved. Notice of the hearing ~~on~~  
 11 ~~the budget~~ shall be published in a newspaper of general  
 12 circulation in the area of the district once a week for 2  
 13 consecutive weeks, except that the first publication shall be  
 14 at least ~~not fewer than~~ 15 days before ~~prior to~~ the date of  
 15 the hearing. The notice shall further contain a designation of  
 16 the day, time, and place of the public hearing. At the time  
 17 and place designated in the notice, the board shall hear all  
 18 objections to the budget as proposed and may make such changes  
 19 as the board deems necessary. At the conclusion of the budget  
 20 hearing, the board shall, by resolution, adopt the budget as  
 21 finally approved by the board. The budget must ~~shall~~ be  
 22 adopted by ~~prior to~~ October 1 of each year.

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

25 190.009 Disclosure of public financing.--

26 (1) The district shall take affirmative steps to  
 27 provide for the full disclosure of information relating to the  
 28 public financing and maintenance of improvements to real  
 29 property undertaken by the district. Such information shall be  
 30 made available to all current ~~existing~~ residents, ~~and to all~~  
 31 prospective residents, of the district. The district shall

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1 furnish each developer of a residential development within the  
 2 district with sufficient copies of that information to provide  
 3 each prospective initial purchaser of property in that  
 4 development with a copy, and any developer of a residential  
 5 development within the district, ~~when~~ required by law to  
 6 provide a public offering statement, shall include a copy of  
 7 such information ~~relating to the public financing and~~  
 8 ~~maintenance of improvements~~ in the public offering statement.  
 9 The district shall file the disclosure documents required by  
 10 this subsection and any amendments thereto in the property  
 11 records of each county in which the district is located.

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

14 190.011 General powers.--The district shall have, and  
 15 the board may exercise, the following powers:

16 (14) To determine, order, levy, impose, collect, and  
 17 enforce special assessments pursuant to this chapter act and  
 18 chapter 170. Such special assessments may, in the discretion  
 19 of the district, be collected and enforced pursuant to ~~the~~  
 20 ~~provisions of~~ ss. 197.3631, 197.3632, and 197.3635, ~~or~~ chapter  
 21 170 or chapter 173.

22 Section 8. Paragraph (d) of subsection (1) of section  
 23 190.012, Florida Statutes, is amended, paragraph (h) is added  
 24 to that subsection, and subsection (2) and paragraph (a) and  
 25 (b) of subsection (4) of that section are amended, to read:

26 190.012 Special powers; public improvements and  
 27 community facilities.--The district shall have, and the board  
 28 may exercise, subject to the regulatory jurisdiction and  
 29 permitting authority of all applicable governmental bodies,  
 30 agencies, and special districts having authority with respect  
 31 to any area included therein, any or all of the following

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1 special powers relating to public improvements and community  
2 facilities authorized by this act:

3 (1) To finance, fund, plan, establish, acquire,  
4 construct or reconstruct, enlarge or extend, equip, operate,  
5 and maintain systems, facilities, and basic infrastructures  
6 for the following:

7 (d)1. District roads equal to or exceeding the  
8 applicable specifications of the county in which such district  
9 roads are located; roads and improvements to existing public  
10 roads that are owned by or conveyed to the local  
11 general-purpose government, the state, or the Federal  
12 Government; , and street lights; alleys; landscaping;  
13 hardscaping; and the undergrounding of electric utility lines.  
14 The district may convey undergrounding of electric utility  
15 lines to the retail electric utility provider within the  
16 district.

17 2. Buses, trolleys, transit shelters, ridesharing  
18 facilities and services, parking improvements, and related  
19 signage.

20 (h) Any other project, facility, or service required  
21 by a development approval, interlocal agreement, zoning  
22 condition, or permit issued by a governmental authority having  
23 jurisdiction in the district.

24 (2) After the ~~board has obtained the consent of the~~  
25 local general-purpose government consents to the exercise by  
26 the district of a power within the jurisdiction of the local  
27 government ~~which a power specified in this subsection is to be~~  
28 ~~exercised,~~ the district shall have the power to plan,  
29 establish, acquire, construct or reconstruct, enlarge or  
30 extend, equip, operate, and maintain additional systems and  
31 facilities for:

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1 (a) Parks and facilities for indoor and outdoor  
2 recreational, cultural, and educational uses.

3 (b) Fire prevention and control, including fire  
4 stations, water mains and plugs, fire trucks, and other  
5 vehicles and equipment.

6 (c) School buildings and related structures and site  
7 improvements, which may be leased, sold, or donated to the  
8 school district, for use in the educational system if ~~when~~  
9 authorized by the district school board.

10 (d) Security, including, but not limited to,  
11 guardhouses, fences and gates, electronic intrusion-detection  
12 systems, and patrol cars, if ~~when~~ authorized by proper  
13 governmental agencies; except that the district may not  
14 exercise any police power, but may contract with the  
15 appropriate local general-purpose government agencies for an  
16 increased level of such services within the district  
17 boundaries.

18 (e) Control and elimination of mosquitoes and other  
19 arthropods of public health importance.

20 (f) Waste collection and disposal.

21 (4)(a) To adopt rules necessary for enforcing the  
22 ~~district to enforce~~ certain deed restrictions pertaining to  
23 the use and operation of real property within the district and  
24 outside the district if pursuant to an interlocal agreement  
25 under chapter 163. For the purpose of this subsection, "deed  
26 restrictions" are those covenants, conditions, and  
27 restrictions contained in any applicable declarations of  
28 covenants and restrictions that govern the use and operation  
29 of real property within the district and, for which covenants,  
30 conditions, and restrictions, there is no homeowners'  
31 association or property owner's association having respective

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1 enforcement powers. The district may adopt by rule all or  
2 certain portions of ~~the~~ deed restrictions that:

3           1. Relate to limitations or prohibitions that apply  
4 only to external structures and are deemed by the district to  
5 be generally beneficial for the district's landowners and for  
6 which enforcement by the district is appropriate, as  
7 determined by the district's board of supervisors; or

8           2. Are consistent with the requirements of a  
9 development order or regulatory agency permit.

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

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

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

18           3. For residential districts, the majority of the  
19 board has been elected by qualified electors pursuant to the  
20 provisions of s. 190.006; and

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

25           Section 9. Section 190.014, Florida Statutes, is  
26 amended to read:

27           190.014 Issuance of bond anticipation notes.--In  
28 addition to the other powers provided for under this chapter  
29 ~~in this act, and not in limitation thereof,~~ the district shall  
30 have the power, ~~at any time, and from time to time after the~~  
31 ~~issuance of any bonds of the district shall have been~~

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1 ~~authorized,~~ to borrow money ~~for the purposes for which such~~  
2 ~~bonds are to be issued~~ in anticipation of the receipt of ~~the~~  
3 proceeds ~~from~~ of the sale of ~~such~~ bonds and to issue bond  
4 anticipation notes in a principal sum that does exceed ~~not in~~  
5 ~~excess of~~ the authorized maximum amount of the ~~such~~ bond  
6 issue. The ~~Such~~ notes shall be in such denomination or  
7 denominations, bear interest at such rate as the board may  
8 determine in compliance with s. 215.84, mature at such time or  
9 times not later than 5 years from the date of issuance, and be  
10 in such form and executed in such manner as the board shall  
11 prescribe. The ~~Such~~ notes may be sold at either public or  
12 private sale or, if such notes are ~~shall be~~ renewal notes, may  
13 be exchanged for notes then outstanding on such terms as the  
14 board shall determine. The ~~Such~~ notes shall be paid from the  
15 proceeds of such bonds when issued. The board may, in its  
16 discretion, in lieu of retiring the notes by means of bonds,  
17 retire them by means of current revenues or from any taxes or  
18 assessments levied for the payment of such bonds; but in such  
19 event a like amount of the bonds authorized may ~~shall~~ not be  
20 issued. Non-ad valorem assessments levied to pay interest on  
21 bond anticipation notes do not constitute an installment of  
22 assessments under s. 190.022.

23 Section 10. Subsections (2), (3), and (9) of section  
24 190.021, Florida Statutes, are amended to read:

25 190.021 Taxes; non-ad valorem assessments.--

26 (2) BENEFIT SPECIAL ASSESSMENTS.--The board shall  
27 annually determine, order, and levy the annual installment of  
28 the total benefit special assessments for bonds issued and  
29 related expenses to finance district facilities and projects  
30 which are levied under this chapter ~~act~~. These assessments may  
31 be due and collected during each year that county taxes are

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1 due and collected, in which case such annual installment and  
2 levy shall be evidenced to and certified to the property  
3 appraiser by the board not later than August 31 of each year,  
4 and such assessment shall be entered by the property appraiser  
5 on the county tax rolls, and shall be collected and enforced  
6 by the tax collector in the same manner and at the same time  
7 as county taxes, and the proceeds ~~thereof shall be~~ paid to the  
8 district. However, this subsection does ~~shall~~ not prohibit the  
9 district in its discretion from using the method prescribed in  
10 either s. 197.363 or s. 197.3632 for collecting and enforcing  
11 these assessments. Notice of the proposed amount of the  
12 assessment provided pursuant to s. 200.069 which includes the  
13 date and time of the hearing may be used in lieu of the notice  
14 provisions of s. 197.3632(4)(b). These benefit special  
15 assessments are ~~shall be~~ a lien on the property against which  
16 assessed until paid and are ~~shall be~~ enforceable in like  
17 manner as county taxes. The amount of the assessment for the  
18 exercise of the district's powers under ss. 190.011 and  
19 190.012 shall be determined by the board based upon a report  
20 of the district's engineer and assessed by the board upon such  
21 lands, which may be part or all of the lands within the  
22 district benefited by the improvement, apportioned between  
23 benefited lands in proportion to the benefits received by each  
24 tract of land.

25 (3) MAINTENANCE SPECIAL ASSESSMENTS.--To maintain and  
26 preserve the facilities and projects of the district, the  
27 board may levy a maintenance special assessment. This  
28 assessment may be evidenced to and certified to the property  
29 appraiser by the board of supervisors not later than August 31  
30 of each year and shall be entered by the property appraiser on  
31 the county tax rolls and shall be collected and enforced by

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1 the tax collector in the same manner and at the same time as  
2 county taxes, and the proceeds ~~therefrom shall be~~ paid to the  
3 district. However, this subsection does ~~shall~~ not prohibit the  
4 district in its discretion from using the method prescribed in  
5 either s. 197.363 or s. 197.3632 for collecting and enforcing  
6 these assessments. Notice of the proposed amount of the  
7 assessment provided pursuant to s. 200.069 which includes the  
8 date and time of the hearing may be used in lieu of the notice  
9 provisions of s. 197.3632(4)(b). These maintenance special  
10 assessments are ~~shall be~~ a lien on the property against which  
11 assessed until paid and are ~~shall be~~ enforceable in like  
12 manner as county taxes. The amount of the maintenance special  
13 assessment for the exercise of the district's powers under ss.  
14 190.011 and 190.012 shall be determined by the board based  
15 upon a report of the district's engineer and assessed by the  
16 board upon such lands, which may be all of the lands within  
17 the district benefited by the maintenance thereof, apportioned  
18 between the benefited lands in proportion to the benefits  
19 received by each tract of land.

20 (9) ASSESSMENTS CONSTITUTE LIENS; COLLECTION.--Benefit  
21 special assessments and maintenance special assessments  
22 authorized by this section, and special assessments authorized  
23 by s. 190.022 and chapter 170, shall constitute a lien on the  
24 property against which assessed from the date of imposition  
25 ~~thereof~~ until paid, coequal with the lien of state, county,  
26 municipal, and school board taxes. These non-ad valorem  
27 assessments may be collected, at the district's discretion, by  
28 the tax collector pursuant to ~~the provisions of~~ s. 197.363 or  
29 s. 197.3632, or in accordance with other collection measures  
30 provided by law.

31 Section 11. Section 190.026, Florida Statutes, is



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1 amended to read:

2           190.026 Foreclosure of liens.--Any lien in favor of  
3 the district arising under this chapter ~~act~~ may be foreclosed  
4 by the district by foreclosure proceedings in the name of the  
5 district in a court of competent jurisdiction as provided  
6 under chapter 170 or ~~by general law in like manner as is~~  
7 ~~provided in chapter 173 and amendments thereto~~; the provisions  
8 of those chapters ~~that chapter~~ shall be applicable to such  
9 proceedings with the same force and effect as if those  
10 provisions were expressly set forth in this chapter ~~act~~. Any  
11 act required or authorized to be done by or on behalf of a  
12 municipality in foreclosure proceedings under chapter 170 or  
13 chapter 173 may be performed by such officer or agent of the  
14 district as the board of supervisors may designate. Such  
15 foreclosure proceedings may be brought ~~at any time after the~~  
16 ~~expiration of 1 year~~ after ~~from~~ the date any tax, or  
17 installment thereof, becomes delinquent; however no lien may  
18 ~~shall~~ be foreclosed against any political subdivision or  
19 agency of the state. Other legal remedies shall remain  
20 available.

21           Section 12. Subsections (1) and (3) of section  
22 190.033, Florida Statutes, are amended to read:

23           190.033 Bids required.--

24           (1) A ~~No~~ contract may not ~~shall~~ be let by the board  
25 for any goods, supplies, or materials to be purchased when the  
26 amount ~~thereof~~ to be paid by the district exceeds ~~shall exceed~~  
27 the amount provided in s. 287.017 for category four, unless  
28 notice of bids or other competitive solicitation, including a  
29 request for proposals or qualifications, is ~~shall be~~  
30 advertised once in a newspaper in general circulation in the  
31 county and in the district. Any board seeking to construct or

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1 improve a public building, structure, or other public works  
 2 must ~~shall~~ comply with the bidding procedures of s. 255.20 and  
 3 other applicable general law. In each case, the bid of the  
 4 lowest responsive and responsible bidder shall be accepted  
 5 unless all bids are rejected because the bids are too high, or  
 6 the board determines it is in the best interests of the  
 7 district to reject all bids. In each case in which requests  
 8 for proposals, qualifications, or other competitive  
 9 solicitations are used, the district shall determine which  
 10 response is most advantageous to the district and award the  
 11 contract to the proposer. The board may require the bidders or  
 12 proposers to furnish bond with a responsible surety to be  
 13 approved by the board. If the district does not receive a  
 14 response to its competitive solicitation, the district may  
 15 proceed to purchase such goods, supplies, materials, or  
 16 construction services in the manner it deems to be in the best  
 17 interest of the district. ~~Nothing in~~ This section does not  
 18 ~~shall~~ prevent the board from undertaking and performing the  
 19 construction, operation, and maintenance of any project or  
 20 facility authorized by this chapter ~~act~~ by the employment of  
 21 labor, material, and machinery.

22 (3) Contracts for maintenance services for any  
 23 district facility or project are ~~shall be~~ subject to  
 24 competitive solicitation ~~bidding~~ requirements when the amount  
 25 ~~thereof~~ to be paid by the district exceeds the amount provided  
 26 in s. 287.017 for category four. The district shall adopt  
 27 rules, policies, or procedures establishing competitive  
 28 solicitation ~~bidding~~ procedures for maintenance services.  
 29 Contracts for other services shall not be subject to  
 30 competitive solicitation ~~bidding~~ unless the district adopts a  
 31 rule, policy, or procedure applying competitive solicitation

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1 ~~bidding~~ procedures to such ~~said~~ contracts.

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

4 190.046 Termination, contraction, or expansion of  
5 district.--

6 (1) The board may petition to contract or expand the  
7 boundaries of a community development district in the  
8 following manner:

9 (a) The petition must ~~shall~~ contain the same  
10 information required by s. 190.005(1)(a)1. and 8. In  
11 addition, if the petitioner seeks to expand the district, the  
12 petition must ~~shall~~ describe the proposed timetable for  
13 construction of any district services to the area, the  
14 estimated cost of constructing the proposed services, and the  
15 designation of the future general distribution, location, and  
16 extent of public and private uses of land proposed for the  
17 area by the future land use plan element of the adopted local  
18 government local comprehensive plan. If the petitioner seeks  
19 to contract the district, the petition must ~~shall~~ describe  
20 what services and facilities are currently provided by the  
21 district to the area being removed, and the designation of the  
22 future general distribution, location, and extent of public  
23 and private uses of land proposed for the area by the future  
24 land element of the adopted local government comprehensive  
25 plan.

26 (b) For those districts initially established by  
27 county ordinance, the petition for ordinance amendment must  
28 ~~shall~~ be filed with the county commission. If the land to be  
29 included or excluded is, in whole or in part, within the  
30 boundaries of a municipality, then the county commission may  
31 ~~shall~~ not amend the ordinance without municipal approval. A

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1 public hearing must ~~shall~~ be held in the same manner and with  
2 the same public notice as other ordinance amendments. The  
3 county commission shall consider the record of the public  
4 hearing and the factors set forth in s. 190.005(1)(e) in  
5 making its determination to grant or deny the petition for  
6 ordinance amendment.

7 (c) For those districts initially established by  
8 municipal ordinance pursuant to s. 190.005(2)(e), the  
9 municipality shall assume the duties of the county commission  
10 set forth in paragraph (b); however, if any of the land to be  
11 included or excluded, in whole or in part, is outside the  
12 boundaries of the municipality, then the municipality may  
13 ~~shall~~ not amend its ordinance without county commission  
14 approval.

15 (d)~~1.~~ For those districts initially established by  
16 administrative rule pursuant to s. 190.005(1), the petition  
17 shall be filed with the Florida Land and Water Adjudicatory  
18 Commission.

19 ~~1.2.~~ Prior to filing the petition, the petitioner  
20 shall pay a filing fee of \$1,500 to the county if the district  
21 or the land to be added or deleted from the district is  
22 located within an unincorporated area, or to the municipality  
23 if the district or the land to be added or deleted is located  
24 within an incorporated area, and to each municipality the  
25 boundaries of which are contiguous with or contain all or a  
26 portion of the land within or to be added to or deleted from  
27 the external boundaries of the district ~~or the proposed~~  
28 ~~amendment, and submit a copy of the petition to the county and~~  
29 ~~to each such municipality. The petitioner shall submit a copy~~  
30 of the petition to the same entities entitled to receive the  
31 filing fee. In addition, if the district is not the

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1 petitioner, the petitioner shall file the petition with the  
 2 district board of supervisors.

3 ~~2.3.~~ Each ~~The~~ county and each municipality shall have  
 4 the option of holding a public hearing as provided by s.  
 5 190.005(1)(c). However, the ~~such~~ public hearing shall be  
 6 limited to consideration of the contents of the petition and  
 7 whether the petition for amendment should be supported by the  
 8 county or municipality.

9 ~~3.4.~~ The district board of supervisors shall, in lieu  
 10 of a hearing officer, hold the local public hearing provided  
 11 for by s. 190.005(1)(d). This local public hearing shall be  
 12 noticed in the same manner as provided in s. 190.005(1)(d).  
 13 Within 45 days of the conclusion of the hearing, the district  
 14 board of supervisors shall transmit to the Florida Land and  
 15 Water Adjudicatory Commission the full record of the local  
 16 hearing, the transcript of the hearing, any resolutions  
 17 adopted by the local general-purpose governments, and its  
 18 recommendation whether to grant the petition for amendment.  
 19 The commission shall then proceed in accordance with s.  
 20 190.005(1)(e).

21 ~~4.5.~~ A rule amending a district boundary shall  
 22 describe the land to be added or deleted.

23 ~~(e) In all cases, written consent of all the~~  
 24 ~~landowners whose land is to be added to or deleted from the~~  
 25 ~~district shall be required. The filing of the petition for~~  
 26 ~~expansion or contraction by the district board of supervisors~~  
 27 ~~shall constitute consent of the landowners within the district~~  
 28 ~~other than of landowners whose land is proposed to be added to~~  
 29 ~~or removed from the district.~~

30 ~~(e)1.(f)1.~~ During the existence of a district  
 31 initially established by administrative rule, the process

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1 ~~petitions~~ to amend the boundaries of the district pursuant to  
 2 paragraphs (a)-(d) may not exceed ~~(a)-(e) shall be limited to~~  
 3 a cumulative net total of ~~no more than~~ 10 percent of the land  
 4 in the initial district, and in no event exceed ~~shall all such~~  
 5 ~~petitions to amend the boundaries ever encompass more than a~~  
 6 ~~total of~~ 250 acres on a cumulative net basis.

7       2. During the existence of a district ~~For districts~~  
 8 initially established by county or municipal ordinance, the  
 9 limitation provided by this paragraph may not exceed ~~shall be~~  
 10 a cumulative net total of ~~no more than~~ 50 percent of the land  
 11 in the initial district, and in no event ~~shall all such~~  
 12 ~~petitions to amend the boundaries ever encompass more than a~~  
 13 ~~total of~~ 500 acres on a cumulative net basis.

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

17       (f)(g) Petitions to amend the boundaries of the  
 18 district which exceed the amount of land specified in  
 19 paragraph (e) ~~(f)~~ shall be considered petitions to establish a  
 20 new district and shall follow all of the procedures specified  
 21 in s. 190.005(1)(a)1. and 5.-8. and must follow the process  
 22 provided in s. 190.005 for establishment of a new district.  
 23 However, the resulting administrative rule or ordinance only  
 24 amends the boundary of the district and does not establish a  
 25 new district or cause a new 6-year or 10-year period to begin  
 26 pursuant to s. 190.006(3)(a)2. s. 190.005.

27       (g) In all cases of a petition to amend the boundaries  
 28 of the district, the filing of the petition by the district  
 29 board of supervisors constitutes the consent of the landowners  
 30 within the district, with the exception of those landowners  
 31 whose land is to be added to or deleted from the district. In

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1 such cases, the written consent of those landowners is  
2 required.

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

5 190.047 Incorporation or annexation of district.--

6 (1) Upon attaining the population standards for  
7 incorporation contained in s. 165.061, as determined by the  
8 Department of Community Affairs, any district wholly contained  
9 within the unincorporated area of a county which also meets  
10 the other requirements for incorporation contained in s.  
11 165.061 shall hold a referendum at a general election on the  
12 question of whether to incorporate. However, any district  
13 contiguous to the boundary of a municipality may be annexed to  
14 the ~~such~~ municipality pursuant to ~~the provisions of~~ chapter  
15 171.

16 Section 15. Except as otherwise expressly provided in  
17 this act, this act shall take effect upon becoming a law.

18  
19

20 ===== T I T L E A M E N D M E N T =====

21 And the title is amended as follows:

22 Delete everything before the enacting clause

23

24 and insert:

25 A bill to be entitled  
26 An act relating to community development  
27 districts; amending s. 190.003, F.S.; revising  
28 definitions relating to community development  
29 districts; amending s. 190.005, F.S. ;  
30 specifying petition and filing fee requirements  
31 for the establishment of districts; specifying

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



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1 authorizing the district to adopt rules for  
2 enforcement of deed restrictions outside the  
3 district pursuant to an interlocal agreement;  
4 revising the requirements for the adoption of  
5 such rules; amending s. 190.014, F.S.;

6 specifying that non-ad valorem assessments  
7 levied to pay interest on bond anticipation  
8 notes do not qualify as assessment  
9 installments; amending s. 190.021, F.S.;

10 authorizing the use of combined notice of  
11 proposed assessments under certain  
12 circumstances; providing that assessments  
13 authorized under ch. 170, F.S., constitute  
14 liens and are subject to certain collection  
15 procedures; amending s. 190.026, F.S.;

16 providing that foreclosure proceedings  
17 authorized under ch. 170, F.S., apply to  
18 certain district proceedings; amending s.  
19 190.033, F.S.; providing for competitive  
20 solicitation; authorizing the district to  
21 proceed with purchasing under certain  
22 circumstances; amending s. 190.046, F.S.;

23 revising provisions for termination,  
24 contraction, or expansion of districts;  
25 specifying payment of certain fees to counties  
26 and municipalities; providing limitations for  
27 the amendment of certain district boundaries;  
28 requiring the written consent of certain  
29 landowners; amending s. 190.047, F.S.;

30 specifying the determination of population  
31 standards by the Department of Community

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1 Affairs for the purposes of incorporation or  
2 annexation of districts; requiring  
3 unincorporated areas to meet certain criteria  
4 for incorporation; requiring certain referenda  
5 to be held at general elections; providing  
6 effective dates.

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