

By Senator Haridopolos

26-1532-07

1 A bill to be entitled
 2 An act relating to community development
 3 districts; amending s. 190.003, F.S.;
 4 redefining the terms "community development
 5 district," "cost," "water management and
 6 control facilities," and "water system";
 7 amending s. 190.005, F.S., relating to
 8 establishment of community development
 9 districts; specifying filing fee requirements;
 10 specifying content of establishment rule or
 11 ordinance; providing for establishment of
 12 districts located in more than one
 13 municipality; amending s. 190.006, F.S.;
 14 providing method of calculating size of platted
 15 lots in determining voting units for a district
 16 board of supervisors; providing for filling
 17 certain vacancies on a board; amending s.
 18 190.007, F.S.; prescribing additional
 19 conditions that do not constitute a conflict of
 20 interest; amending s. 190.008, F.S.; revising
 21 the date for preparation of a proposed budget;
 22 revising information that must be included
 23 therein; amending s. 190.009, F.S.; providing
 24 for recording the disclosure document and any
 25 amendments; amending s. 190.011, F.S.; revising
 26 the method of enforcing district assessments;
 27 amending s. 190.012, F.S.; redefining the
 28 district roads, and prescribing additional
 29 facilities, which will be treated as public
 30 improvements or community facilities; providing
 31 for underground placement of utilities;

1 providing for enforcement of deed restrictions
2 by interlocal agreement; amending s. 190.014,
3 F.S.; providing that non-ad valorem assessments
4 levied to pay interest on bond anticipation
5 notes are not an installment of assessments;
6 amending s. 190.021, F.S.; authorizing the use
7 of combined notice of assessment; amending s.
8 190.033, F.S.; providing for procurement of
9 goods, supplies, and materials by alternative
10 means of competitive solicitation; amending s.
11 190.046, F.S.; revising process for amendments
12 to district boundaries; amending s. 190.047,
13 F.S.; eliminating the requirement of a
14 referendum on incorporation of a district when
15 incorporation standards are not met; providing
16 effective dates.

17

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

19

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

23 190.003 Definitions.--As used in this chapter, the
24 term:

25 (6) "Community development district" means a local
26 unit of special-purpose government which is created pursuant
27 to this act and limited to the performance of those
28 specialized functions authorized by this act; ~~the boundaries~~
29 ~~of which are contained wholly within a single county; the~~
30 governing head of which is a body created, organized, and
31 constituted and authorized to function specifically as

1 | prescribed in this act for the delivery of urban community
2 | development services; and the formation, powers, governing
3 | body, operation, duration, accountability, requirements for
4 | disclosure, and termination of which are as required by
5 | general law.

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

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

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

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

1 system" includes dams, reservoirs, storage, tanks, mains,
2 lines, valves, hydrants, pumping stations, laterals, and pipes
3 for the purpose of carrying water to the premises connected
4 with such system, and all rights, easements, and franchises of
5 any nature relating to any such system and necessary or
6 convenient for the 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

1 3. Pay a \$15,000 filing fee to each entity if land to
2 be included within a district is located partially within the
3 unincorporated area of one or more counties and partially
4 within a municipality or within two municipalities.

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

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

28 1. A metes and bounds description of ~~Describe~~ the
29 external boundaries of the district and any real property
30 within the external boundaries of the district which is to be
31 excluded.

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

3 3. The name of the district.

4 (2) The exclusive and uniform method for the
5 establishment of a community development district of less than
6 1,000 acres in size shall be pursuant to an ordinance adopted
7 by the county commission of the county having jurisdiction
8 over the majority of land in the area in which the district is
9 to be located granting a petition for the establishment of a
10 community development district as follows:

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

19 (e) If all of the land in the area for the proposed
20 district is within the territorial jurisdiction of a municipal
21 corporation, then the petition requesting establishment of a
22 community development district under this act shall be filed
23 by the petitioner with that particular municipal corporation.
24 In such event, the duties of the county, hereinabove
25 described, in action upon the petition shall be the duties of
26 the municipal corporation. If any of the land area of a
27 proposed district is within the land area of a municipality,
28 the county commission may not create the district without
29 municipal approval. If all of the land in the proposed
30 district is located in two municipalities, even if less than
31 1,000 acres, the petition shall be filed with the Florida Land

1 and Water Adjudicatory Commission, and the petitioner shall
2 proceed in accordance with subsection (1).

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

6 190.006 Board of supervisors; members and meetings.--

7 (2)

8 (b) At such meeting, each landowner shall be entitled
9 to cast one vote per acre of land owned by him or her and
10 located within the district for each person to be elected. A
11 landowner may vote in person or by proxy in writing. Each
12 proxy must be signed by one of the legal owners of the
13 property for which the vote is cast and must contain the typed
14 or printed name of the individual who signed the proxy; the
15 street address, legal description of the property, or tax
16 parcel identification number; and the number of authorized
17 votes. If the proxy authorizes more than one vote, each
18 property must be listed and the number of acres of each
19 property must be included. The signature on a proxy need not
20 be notarized. A fraction of an acre shall be treated as 1
21 acre, entitling the landowner to one vote with respect
22 thereto. Platted lots shall be counted individually, with each
23 lot rounded up to the nearest whole acre for purposes of
24 determining voting interests. The acreage of platted lots
25 shall not be aggregated for determining the number of voting
26 units held by a landowner or its proxy. The two candidates
27 receiving the highest number of votes shall be elected for a
28 period of 4 years, and the three candidates receiving the next
29 largest number of votes shall be elected for a period of 2
30 years, with the term of office for each successful candidate
31 commencing upon election. The members of the first board

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

17 | (3)

18 | (b) Elections of board members by qualified electors
19 | held pursuant to this subsection shall be nonpartisan and
20 | shall be conducted in the manner prescribed by law for holding
21 | general elections. Board members shall assume the office on
22 | the second Tuesday following their election. If no qualified
23 | elector qualifies for a seat to be filled in such election, a
24 | vacancy in that seat shall be declared by the board effective
25 | on the second Tuesday in November. The board shall fill the
26 | vacancy by appointing a qualified elector to that seat. Until
27 | such appointment, the incumbent board member in that seat
28 | shall hold office until his or her successor is chosen and
29 | qualified.

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

1 190.007 Board of supervisors; general duties.--

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

20 Section 5. Paragraph (a) of subsection (2) of section
21 190.008, Florida Statutes, is amended to read:

22 190.008 Budget; reports and reviews.--

23 (2)(a) On or before each June ~~July~~ 15, the district
24 manager shall prepare a proposed budget for the ensuing fiscal
25 year to be submitted to the board for board approval. The
26 proposed budget shall include at the direction of the board an
27 estimate of all necessary expenditures of the district for the
28 ensuing fiscal year and an estimate of income to the district
29 from the taxes, ~~and~~ assessments, and other revenues provided
30 in this act. The board shall consider the proposed budget
31 item by item and may either approve the budget as proposed by

1 | the district manager or modify the same in part or in whole.
2 | The board shall indicate its approval of the budget by
3 | resolution, which resolution shall provide for a hearing on
4 | the budget as approved. Notice of the hearing on the budget
5 | shall be published in a newspaper of general circulation in
6 | the area of the district once a week for 2 consecutive weeks,
7 | except that the first publication shall be not fewer than 15
8 | days prior to the date of the hearing. The notice shall
9 | further contain a designation of the day, time, and place of
10 | the public hearing. At the time and place designated in the
11 | notice, the board shall hear all objections to the budget as
12 | proposed and may make such changes as the board deems
13 | necessary. At the conclusion of the budget hearing, the board
14 | shall, by resolution, adopt the budget as finally approved by
15 | the board. The budget shall be adopted prior to October 1 of
16 | each year.

17 | Section 6. Subsection (1) of section 190.009, Florida
18 | Statutes, is amended to read:

19 | 190.009 Disclosure of public financing.--

20 | (1) The district shall take affirmative steps to
21 | provide for the full disclosure of information relating to the
22 | public financing and maintenance of improvements to real
23 | property undertaken by the district. Such information shall be
24 | made available to all existing residents, and to all
25 | prospective residents, of the district. The district shall
26 | furnish each developer of a residential development within the
27 | district with sufficient copies of that information to provide
28 | each prospective initial purchaser of property in that
29 | development with a copy, and any developer of a residential
30 | development within the district, when required by law to
31 | provide a public offering statement, shall include a copy of

1 such information relating to the public financing and
2 maintenance of improvements in the public offering statement.
3 The district shall record in the property records of each
4 county in which the district is located the disclosure
5 document required by this subsection.

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

8 190.011 General powers.--The district shall have, and
9 the board may exercise, the following powers:

10 (14) To determine, order, levy, impose, collect, and
11 enforce special assessments pursuant to this act and chapter
12 170. Such special assessments may, in the discretion of the
13 district, be collected and enforced pursuant to ~~the provisions~~
14 ~~of~~ ss. 197.3631, 197.3632, and 197.3635, or chapter 173 ~~170~~.

15 Section 8. Paragraph (d) of subsection (1) of section
16 190.012, Florida Statutes, is amended, paragraph (h) is added
17 to that subsection, and subsection (2) and paragraph (a) of
18 subsection (4) of that section are amended, to read:

19 190.012 Special powers; public improvements and
20 community facilities.--The district shall have, and the board
21 may exercise, subject to the regulatory jurisdiction and
22 permitting authority of all applicable governmental bodies,
23 agencies, and special districts having authority with respect
24 to any area included therein, any or all of the following
25 special powers relating to public improvements and community
26 facilities authorized by this act:

27 (1) To finance, fund, plan, establish, acquire,
28 construct or reconstruct, enlarge or extend, equip, operate,
29 and maintain systems, facilities, and basic infrastructures
30 for the following:

1 (d)1. District roads equal to or exceeding the
2 applicable specifications of the county in which such district
3 roads are located, roads and improvements to existing roads
4 onsite or offsite which are owned by or are to be conveyed to
5 the local general-purpose government, the state, or the
6 Federal Government; and street lights; landscaping; and
7 hardscaping. Districts may provide for underground placement
8 of utility lines to be conveyed to the retail electric utility
9 provider within the district.

10 2. Buses, trolleys, transit shelters, ridesharing
11 facilities and services, parking improvements, and related
12 signage.

13 (h) Any other project, facility, or service, within or
14 without the boundaries of a district, required by a
15 development approval, zoning condition, or permit for land
16 within a district which was issued by a governmental authority
17 having jurisdiction.

18 (2) After the ~~board has obtained the consent of the~~
19 local general-purpose government within the jurisdiction of
20 which a power specified in this subsection is to be exercised
21 consents to the exercise of such power by the district, the
22 district shall have the power to plan, establish, acquire,
23 construct or reconstruct, enlarge or extend, equip, operate,
24 and maintain additional systems and facilities for:

25 (a) Parks and facilities for indoor and outdoor
26 recreational, cultural, and educational uses.

27 (b) Fire prevention and control, including fire
28 stations, water mains and plugs, fire trucks, and other
29 vehicles and equipment.

30 (c) School buildings and related structures, which may
31 be leased, sold, or donated to the school district, for use in

1 | the educational system when authorized by the district school
2 | board.

3 | (d) Security, including, but not limited to,
4 | guardhouses, fences and gates, electronic intrusion-detection
5 | systems, and patrol cars, when authorized by proper
6 | governmental agencies; except that the district may not
7 | exercise any police power, but may contract with the
8 | appropriate local general-purpose government agencies for an
9 | increased level of such services within the district
10 | boundaries.

11 | (e) Control and elimination of mosquitoes and other
12 | arthropods of public health importance.

13 | (f) Waste collection and disposal.

14 | (4)(a) To adopt rules necessary for the district to
15 | enforce certain deed restrictions pertaining to the use and
16 | operation of real property within the district or outside the
17 | district if pursuant to an interlocal agreement under chapter
18 | 163. For the purpose of this subsection, "deed restrictions"
19 | are those covenants, conditions, and restrictions contained in
20 | any applicable declarations of covenants and restrictions that
21 | govern the use and operation of real property within the
22 | district and, for which covenants, conditions, and
23 | restrictions, there is no homeowners' association or property
24 | owner's association having respective enforcement powers. The
25 | district may adopt by rule all or certain portions of the deed
26 | restrictions that:

27 | 1. Relate to limitations or prohibitions that apply
28 | only to external structures and are deemed by the district to
29 | be generally beneficial for the district's landowners and for
30 | which enforcement by the district is appropriate, as
31 | determined by the district's board of supervisors; or

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

3 Section 9. Section 190.014, Florida Statutes, is
4 amended to read:

5 190.014 Issuance of bond anticipation notes.--In
6 addition to the other powers provided for in this act, and not
7 in limitation thereof, the district shall have the power, at
8 any time, and from time to time after the issuance of any
9 bonds of the district shall have been authorized, to borrow
10 money for the purposes for which such bonds are to be issued
11 in anticipation of the receipt of the proceeds of the sale of
12 such bonds and to issue bond anticipation notes in a principal
13 sum not in excess of the authorized maximum amount of such
14 bond issue. Such notes shall be in such denomination or
15 denominations, bear interest at such rate as the board may
16 determine in compliance with s. 215.84, mature at such time or
17 times not later than 5 years from the date of issuance, and be
18 in such form and executed in such manner as the board shall
19 prescribe. Such notes may be sold at either public or private
20 sale or, if such notes shall be renewal notes, may be
21 exchanged for notes then outstanding on such terms as the
22 board shall determine. Such notes shall be paid from the
23 proceeds of such bonds when issued. The board may, in its
24 discretion, in lieu of retiring the notes by means of bonds,
25 retire them by means of current revenues or from any taxes or
26 assessments levied for the payment of such bonds; but in such
27 event a like amount of the bonds authorized shall not be
28 issued. Non-ad valorem assessments levied to pay interest on
29 bond anticipation notes do not constitute an installment of
30 assessments under s. 190.022.
31

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

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

4 (2) BENEFIT SPECIAL ASSESSMENTS.--The board shall
5 annually determine, order, and levy the annual installment of
6 the total benefit special assessments for bonds issued and
7 related expenses to finance district facilities and projects
8 which are levied under this act. These assessments may be due
9 and collected during each year that county taxes are due and
10 collected, in which case such annual installment and levy
11 shall be evidenced to and certified to the property appraiser
12 by the board not later than August 31 of each year, and such
13 assessment shall be entered by the property appraiser on the
14 county tax rolls, and shall be collected and enforced by the
15 tax collector in the same manner and at the same time as
16 county taxes, and the proceeds thereof shall be paid to the
17 district. However, this subsection shall not prohibit the
18 district in its discretion from using the method prescribed in
19 either s. 197.363 or s. 197.3632 for collecting and enforcing
20 these assessments; however, notice of the proposed amount of
21 the assessment and the date and time of the hearing pursuant
22 to s. 197.3635 may be used in lieu of the notice provisions of
23 s. 197.3632(4)(b). These benefit special assessments shall be
24 a lien on the property against which assessed until paid and
25 shall be enforceable in like manner as county taxes. The
26 amount of the assessment for the exercise of the district's
27 powers under ss. 190.011 and 190.012 shall be determined by
28 the board based upon a report of the district's engineer and
29 assessed by the board upon such lands, which may be part or
30 all of the lands within the district benefited by the
31

1 improvement, apportioned between benefited lands in proportion
2 to the benefits received by each tract of land.

3 (3) MAINTENANCE SPECIAL ASSESSMENTS.--To maintain and
4 preserve the facilities and projects of the district, the
5 board may levy a maintenance special assessment. This
6 assessment may be evidenced to and certified to the property
7 appraiser by the board of supervisors not later than August 31
8 of each year and shall be entered by the property appraiser on
9 the county tax rolls and shall be collected and enforced by
10 the tax collector in the same manner and at the same time as
11 county taxes, and the proceeds therefrom shall be paid to the
12 district. However, this subsection shall not prohibit the
13 district in its discretion from using the method prescribed in
14 either s. 197.363 or s. 197.3632 for collecting and enforcing
15 these assessments; however, notice of the proposed amount of
16 the assessment and the date and time of the hearing pursuant
17 to s. 197.3635 may be used in lieu of the notice provisions of
18 s. 197.3632(4)(b). These maintenance special assessments shall
19 be a lien on the property against which assessed until paid
20 and shall be enforceable in like manner as county taxes. The
21 amount of the maintenance special assessment for the exercise
22 of the district's powers under ss. 190.011 and 190.012 shall
23 be determined by the board based upon a report of the
24 district's engineer and assessed by the board upon such lands,
25 which may be all of the lands within the district benefited by
26 the maintenance thereof, apportioned between the benefited
27 lands in proportion to the benefits received by each tract of
28 land.

29 (9) ASSESSMENTS CONSTITUTE LIENS; COLLECTION.--Benefit
30 special assessments and maintenance special assessments
31 authorized by this section, and special assessments authorized

1 by s. 190.022 and chapter 170, shall constitute a lien on the
2 property against which assessed from the date of imposition
3 thereof until paid, coequal with the lien of state, county,
4 municipal, and school board taxes. These non-ad valorem
5 assessments may be collected, at the district's discretion, by
6 the tax collector pursuant to the provisions of s. 197.363 or
7 s. 197.3632, or in accordance with other collection measures
8 provided by law.

9 Section 11. Subsections (1) and (3) of section
10 190.033, Florida Statutes, are amended to read:

11 190.033 Bids required.--

12 (1) No contract shall be let by the board for any
13 goods, supplies, or materials to be purchased when the amount
14 thereof to be paid by the district shall exceed the amount
15 provided in s. 287.017 for category four, unless notice of
16 bids or other competitive solicitation, including a request
17 for proposals or qualifications, shall be advertised once in a
18 newspaper in general circulation in the county and in the
19 district. Any board seeking to construct or improve a public
20 building, structure, or other public works shall comply with
21 the bidding procedures of s. 255.20 and other applicable
22 general law. In each case, the bid of the lowest responsive
23 and responsible bidder shall be accepted unless all bids are
24 rejected because the bids are too high, or the board
25 determines it is in the best interests of the district to
26 reject all bids. In each case in which requests for proposals,
27 requests for qualifications, or other competitive
28 solicitations are used, the proposer whose response is most
29 advantageous to the district as determined by the district
30 shall be awarded the contract. The board may require the
31 bidders or proposers to furnish bond with a responsible surety

1 to be approved by the board. If the district receives no
2 response to its competitive solicitation, it may proceed to
3 purchase such goods, supplies, materials, or construction
4 services in the manner it deems in the best interest of the
5 district. Nothing in this section shall prevent the board from
6 undertaking and performing the construction, operation, and
7 maintenance of any project or facility authorized by this act
8 by the employment of labor, material, and machinery.

9 (3) Contracts for maintenance services for any
10 district facility or project shall be subject to competitive
11 solicitation ~~bidding~~ requirements when the amount thereof to
12 be paid by the district exceeds the amount provided in s.
13 287.017 for category four. The district shall adopt rules,
14 policies, or procedures establishing competitive solicitation
15 ~~bidding~~ procedures for maintenance services. Contracts for
16 other services shall not be subject to competitive
17 solicitation ~~bidding~~ unless the district adopts a rule,
18 policy, or procedure applying competitive solicitation ~~bidding~~
19 procedures to such ~~said~~ contracts.

20 Section 12. Subsection (1) of section 190.046, Florida
21 Statutes, is amended to read:

22 190.046 Termination, contraction, or expansion of
23 district.--

24 (1) The board may petition to contract or expand the
25 boundaries of a community development district in the
26 following manner:

27 (a) The petition shall contain the same information
28 required by s. 190.005(1)(a)1. and 8. In addition, if the
29 petitioner seeks to expand the district, the petition shall
30 describe the proposed timetable for construction of any
31 district services to the area, the estimated cost of

1 constructing the proposed services, and the designation of the
2 future general distribution, location, and extent of public
3 and private uses of land proposed for the area by the future
4 land use plan element of the adopted local government local
5 comprehensive plan. If the petitioner seeks to contract the
6 district, the petition shall describe what services and
7 facilities are currently provided by the district to the area
8 being removed, and the designation of the future general
9 distribution, location, and extent of public and private uses
10 of land proposed for the area by the future land element of
11 the adopted local government comprehensive plan.

12 (b) For those districts initially established by
13 county ordinance, the petition for ordinance amendment shall
14 be filed with the county commission. If the land to be
15 included or excluded is, in whole or in part, within the
16 boundaries of a municipality, then the county commission shall
17 not amend the ordinance without municipal approval. A public
18 hearing shall be held in the same manner and with the same
19 public notice as other ordinance amendments. The county
20 commission shall consider the record of the public hearing and
21 the factors set forth in s. 190.005(1)(e) in making its
22 determination to grant or deny the petition for ordinance
23 amendment.

24 (c) For those districts initially established by
25 municipal ordinance pursuant to s. 190.005(2)(e), the
26 municipality shall assume the duties of the county commission
27 set forth in paragraph (b); however, if any of the land to be
28 included or excluded, in whole or in part, is outside the
29 boundaries of the municipality, then the municipality shall
30 not amend its ordinance without county commission approval.
31

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

5 2. Prior to filing the petition, the petitioner shall
6 pay a filing fee of \$1,500 to the county if the district or
7 the land to be added or deleted is located within an
8 unincorporated area, or to the municipality if the district or
9 the land to be added or deleted is located within an
10 incorporated area, and to each municipality the boundaries of
11 which are contiguous with or contain all or a portion of the
12 land within or to be added to or deleted from the external
13 boundaries of the district ~~or the proposed amendment,~~ and
14 ~~submit a copy of the petition to the county and to each such~~
15 ~~municipality.~~ The petitioner shall submit a copy of the
16 petition to the same entities entitled to receive the filing
17 fee. In addition, if the district is not the petitioner, the
18 petitioner shall file the petition with the district board of
19 supervisors.

20 3. Each ~~The~~ county and each municipality shall have
21 the option of holding a public hearing as provided by s.
22 190.005(1)(c). However, such public hearing shall be limited
23 to consideration of the contents of the petition and whether
24 the petition for amendment should be supported by the county
25 or municipality.

26 4. The district board of supervisors shall, in lieu of
27 a hearing officer, hold the local public hearing provided for
28 by s. 190.005(1)(d). This local public hearing shall be
29 noticed in the same manner as provided in s. 190.005(1)(d).
30 Within 45 days of the conclusion of the hearing, the district
31 board of supervisors shall transmit to the Florida Land and

1 Water Adjudicatory Commission the full record of the local
2 hearing, the transcript of the hearing, any resolutions
3 adopted by the local general-purpose governments, and its
4 recommendation whether to grant the petition for amendment.
5 The commission shall then proceed in accordance with s.
6 190.005(1)(e).

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

9 ~~(e) In all cases, written consent of all the~~
10 ~~landowners whose land is to be added to or deleted from the~~
11 ~~district shall be required. The filing of the petition for~~
12 ~~expansion or contraction by the district board of supervisors~~
13 ~~shall constitute consent of the landowners within the district~~
14 ~~other than of landowners whose land is proposed to be added to~~
15 ~~or removed from the district.~~

16 ~~(e)1.(f)1.~~ During the existence of a district
17 initially established by administrative rule, the process
18 ~~petitions~~ to amend the boundaries of the district pursuant to
19 paragraphs ~~(a)-(d)(a)-(e)~~ shall not exceed ~~be limited to~~ a
20 cumulative net total of ~~no more than~~ 10 percent of the land in
21 the initial district, and in no event exceed ~~shall all such~~
22 ~~petitions to amend the boundaries ever encompass more than a~~
23 ~~total of 250 acres on a cumulative net basis.~~

24 2. During the existence of a district ~~For districts~~
25 initially established by county or municipal ordinance,
26 boundary amendments processed pursuant to paragraphs (a)-(d)
27 ~~the limitation provided by this paragraph~~ shall not exceed ~~be~~
28 a cumulative net total of ~~no more than~~ 50 percent of the land
29 in the initial district, and in no event ~~shall all such~~
30 ~~petitions to amend the boundaries ever encompass more than a~~
31 ~~total of 500 acres on a cumulative net basis.~~

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

4 ~~(f)(g)~~ Petitions to amend the boundaries of the
5 district which exceed the amount of land specified in
6 paragraph~~(e)(f)~~ shall include ~~be considered petitions to~~
7 ~~establish a new district and shall follow all of the~~
8 information set forth ~~procedures specified in s.~~
9 190.005(1)(a)1., 5., 6., 7., and 8. and shall follow the
10 process set forth in s. 190.005 for establishment of a new
11 district. However, the resulting administrative rule or
12 ordinance shall have the effect only of amending the boundary
13 of the district and shall not serve to establish a new
14 district or cause a new 6-year or 10-year period to begin
15 pursuant to s. 190.006(3)(a)2. s. 190.005.

16 ~~(g)~~ In all cases of any petition to amend the
17 boundaries of the district, written consent of all the
18 landowners whose land is to be added to or deleted from the
19 district is required. In all cases of any petition to amend
20 the boundaries of the district, the filing of the petition for
21 expansion or contraction by the district board of supervisors
22 constitutes consent of the landowners within the district
23 other than of landowners whose land is proposed to be added to
24 or deleted from the district.

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

27 190.047 Incorporation or annexation of district.--

28 (1) Upon attaining the population standards for
29 incorporation contained in s. 165.061, as determined by the
30 Department of Community Affairs, any district wholly contained
31 within the unincorporated area of a county which also meets

1 the other requirements for incorporation contained in s.
2 165.061 shall hold a referendum at a general election on the
3 question of whether to incorporate. However, any district
4 contiguous to the boundary of a municipality may be annexed to
5 such municipality pursuant to the provisions of chapter 171.

6 Section 14. Except as otherwise expressly provided in
7 this act, this act shall take effect upon becoming a law.

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SENATE SUMMARY

Revises a variety of provisions relating to community development districts, including the method of their establishment, fee requirements, establishment of districts in more than one municipality, determining voting units for a district board of supervisors and filling vacancies on a board, the date for preparing a proposed budget and information to be contained therein, enforcement of district assessments, roads and other improvements, procurement of supplies by alternative competitive solicitation, and amending district boundaries. (See bill for details.)