

1 F.S.; revising statutory authorization for the
2 enforcement of district assessments; amending
3 s. 190.012, F.S.; revising district regulatory
4 jurisdiction and permitting authority for
5 certain public improvements and community
6 facilities; authorizing the district to convey
7 certain activities to utility providers;
8 authorizing the district to adopt rules for
9 enforcement of deed restrictions outside the
10 district pursuant to an interlocal agreement;
11 revising the requirements for the adoption of
12 such rules; amending s. 190.014, F.S.;
13 specifying that non-ad valorem assessments
14 levied to pay interest on bond anticipation
15 notes do not qualify as assessment
16 installments; amending s. 190.021, F.S.;
17 authorizing the use of combined notice of
18 proposed assessments under certain
19 circumstances; providing that assessments
20 authorized under ch. 170, F.S., constitute
21 liens and are subject to certain collection
22 procedures; amending s. 190.026, F.S.;
23 providing that foreclosure proceedings
24 authorized under ch. 170, F.S., apply to
25 certain district proceedings; amending s.
26 190.033, F.S.; providing for competitive
27 solicitation; authorizing the district to
28 proceed with purchasing under certain
29 circumstances; amending s. 190.046, F.S.;
30 revising provisions for termination,
31 contraction, or expansion of districts;

1 specifying payment of certain fees to counties
2 and municipalities; providing limitations for
3 the amendment of certain district boundaries;
4 requiring the written consent of certain
5 landowners; amending s. 190.047, F.S.;
6 specifying the determination of population
7 standards by the Department of Community
8 Affairs for the purposes of incorporation or
9 annexation of districts; requiring
10 unincorporated areas to meet certain criteria
11 for incorporation; requiring certain referenda
12 to be held at general elections; providing
13 effective dates.

14
15 Be It Enacted by the Legislature of the State of Florida:

16
17 Section 1. Subsection (6), paragraph (p) of subsection
18 (7), and subsections (20) and (21) of section 190.003, Florida
19 Statutes, are amended to read:

20 190.003 Definitions.--As used in this chapter, the
21 term:

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

1 | accountability, requirements for disclosure, and termination
2 | of which are as required by general law.

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

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

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

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

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

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

9 190.005 Establishment of district.--

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

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

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

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

30 3. If land to be included within a district is located
31 partially within the unincorporated area of one or more

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

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

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

30 1. A metes and bounds description of ~~Describe~~ the
31 external boundaries of the district and any real property

1 within the external boundaries of the district which is to be
2 excluded.

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

5 3. The name of the district.

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

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

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

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

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

9 190.006 Board of supervisors; members and meetings.--

10 (2)

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

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

20 (3)

21 (b) Elections of board members by qualified electors
22 ~~held pursuant to this subsection~~ shall be nonpartisan and
23 shall be conducted in the manner prescribed by law for holding
24 general elections. The district shall publish a notice of the
25 qualifying period for each election, as determined by the
26 supervisor of elections, at least 2 weeks before the start of
27 the qualifying period. Board members shall assume ~~the~~ office
28 on the second Tuesday following their election. If no elector
29 qualifies for a seat to be filled in an election, a vacancy in
30 that seat shall be declared by the board effective on the
31 second Tuesday following the election. Within 90 days after

1 declaring the vacancy, the board shall appoint a qualified
2 elector to fill the vacancy. Until such appointment, the
3 incumbent board member in that seat shall remain in office.

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

6 190.007 Board of supervisors; general duties.--

7 (1) The board shall employ⁷ and fix the compensation
8 of⁷ a district manager. The district manager shall have
9 charge and supervision of the works of the district and shall
10 be responsible for preserving and maintaining any improvement
11 or facility constructed or erected pursuant to ~~the provisions~~
12 ~~of this chapter act~~, for maintaining and operating the
13 equipment owned by the district, and for performing such other
14 duties as may be prescribed by the board. It ~~is shall~~ not be a
15 conflict of interest under chapter 112 for a board member or
16 the district manager or another employee of the district to be
17 a stockholder, officer, or employee of a landowner or of an
18 entity affiliated with a landowner. The district manager may
19 hire or otherwise employ and terminate the employment of such
20 other persons, including, without limitation, professional,
21 supervisory, and clerical employees, as may be necessary and
22 authorized by the board. The compensation and other
23 conditions of employment of the officers and employees of the
24 district shall be as provided by the board.

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

27 190.008 Budget; reports and reviews.--

28 (2)(a) On or before each ~~June~~ July 15, the district
29 manager shall prepare a proposed budget for the ensuing fiscal
30 year to be submitted to the board for ~~board~~ approval. The
31 proposed budget shall include⁷ at the direction of the board⁷

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

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

24 190.009 Disclosure of public financing.--

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

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

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

13 190.011 General powers.--The district shall have, and
14 the board may exercise, the following powers:

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

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

25 190.012 Special powers; public improvements and
26 community facilities.--The district shall have, and the board
27 may exercise, subject to the regulatory jurisdiction and
28 permitting authority of all applicable governmental bodies,
29 agencies, and special districts having authority with respect
30 to any area included therein, any or all of the following
31

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 Districts may request the underground placement of utility
15 lines by the local retail electric utility provider in
16 accordance with the utility's tariff on file with the Public
17 Service Commission, and may finance the required contribution.

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

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

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

1 extend, equip, operate, and maintain additional systems and
2 facilities for:

3 (a) Parks and facilities for indoor and outdoor
4 recreational, cultural, and educational uses.

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

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

12 (d) Security, including, but not limited to,
13 guardhouses, fences and gates, electronic intrusion-detection
14 systems, and patrol cars, if when authorized by proper
15 governmental agencies; except that the district may not
16 exercise any police power~~7~~ but may contract with the
17 appropriate local general-purpose government agencies for an
18 increased level of such services within the district
19 boundaries.

20 (e) Control and elimination of mosquitoes and other
21 arthropods of public health importance.

22 (f) Waste collection and disposal.

23 (4)(a) To adopt rules necessary for enforcing the
24 ~~district to enforce~~ certain deed restrictions pertaining to
25 the use and operation of real property within the district and
26 outside the district if pursuant to an interlocal agreement
27 under chapter 163. For the purpose of this subsection, "deed
28 restrictions" are those covenants, conditions, and
29 restrictions contained in any applicable declarations of
30 covenants and restrictions that govern the use and operation
31 of real property within the district and, for which covenants,

1 conditions, and restrictions, there is no homeowners'
2 association or property owner's association having respective
3 enforcement powers. The district may adopt by rule all or
4 certain portions of ~~the~~ deed restrictions that:

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

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

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

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

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

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

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

27 Section 9. Section 190.014, Florida Statutes, is
28 amended to read:

29 190.014 Issuance of bond anticipation notes.--In
30 addition to the other powers provided for under this chapter
31 ~~in this act, and not in limitation thereof,~~ the district shall

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

25 | Section 10. Subsections (2), (3), and (9) of section
26 | 190.021, Florida Statutes, are amended to read:

27 | 190.021 Taxes; non-ad valorem assessments.--

28 | (2) BENEFIT SPECIAL ASSESSMENTS.--The board shall
29 | annually determine, order, and levy the annual installment of
30 | the total benefit special assessments for bonds issued and
31 | related expenses to finance district facilities and projects

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

27 | (3) MAINTENANCE SPECIAL ASSESSMENTS.--To maintain and
28 | preserve the facilities and projects of the district, the
29 | board may levy a maintenance special assessment. This
30 | assessment may be evidenced to and certified to the property
31 | appraiser by the board of supervisors not later than August 31

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

22 (9) ASSESSMENTS CONSTITUTE LIENS; COLLECTION.--Benefit
23 special assessments and maintenance special assessments
24 authorized by this section, and special assessments authorized
25 by s. 190.022 and chapter 170, shall constitute a lien on the
26 property against which assessed from the date of imposition
27 ~~thereof~~ until paid, coequal with the lien of state, county,
28 municipal, and school board taxes. These non-ad valorem
29 assessments may be collected, at the district's discretion, by
30 the tax collector pursuant to ~~the provisions of~~ s. 197.363 or
31

1 s. 197.3632, or in accordance with other collection measures
2 provided by law.

3 Section 11. Section 190.026, Florida Statutes, is
4 amended to read:

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

24 Section 12. Subsections (1) and (3) of section
25 190.033, Florida Statutes, are amended to read:

26 190.033 Bids required.--

27 (1) ~~A No~~ contract may not shall be let by the board
28 for any goods, supplies, or materials to be purchased when the
29 amount ~~thereof~~ to be paid by the district exceeds shall exceed
30 the amount provided in s. 287.017 for category four, unless
31 notice of bids or other competitive solicitation, including a

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

25 (3) Contracts for maintenance services for any
26 district facility or project are shall be subject to
27 competitive solicitation bidding requirements when the amount
28 thereof to be paid by the district exceeds the amount provided
29 in s. 287.017 for category four. The district shall adopt
30 rules, policies, or procedures establishing competitive
31 solicitation bidding procedures for maintenance services.

1 Contracts for other services shall not be subject to
2 competitive solicitation ~~bidding~~ unless the district adopts a
3 rule, policy, or procedure applying competitive solicitation
4 ~~bidding~~ procedures to such ~~said~~ contracts.

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

7 190.046 Termination, contraction, or expansion of
8 district.--

9 (1) The board may petition to contract or expand the
10 boundaries of a community development district in the
11 following manner:

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

29 (b) For those districts initially established by
30 county ordinance, the petition for ordinance amendment must
31 ~~shall~~ be filed with the county commission. If the land to be

1 included or excluded is, in whole or in part, within the
2 boundaries of a municipality, then the county commission may
3 ~~shall~~ not amend the ordinance without municipal approval. A
4 public hearing must ~~shall~~ be held in the same manner and with
5 the same public notice as other ordinance amendments. The
6 county commission shall consider the record of the public
7 hearing and the factors set forth in s. 190.005(1)(e) in
8 making its determination to grant or deny the petition for
9 ordinance amendment.

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

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

22 ~~1.2-~~ Prior to filing the petition, the petitioner
23 shall pay a filing fee of \$1,500 to the county if the district
24 or the land to be added or deleted from the district is
25 located within an unincorporated area, or to the municipality
26 if the district or the land to be added or deleted is located
27 within an incorporated area, and to each municipality the
28 boundaries of which are contiguous with or contain all or a
29 portion of the land within or to be added to or deleted from
30 the external boundaries of the district ~~or the proposed~~
31 ~~amendment, and submit a copy of the petition to the county and~~

1 ~~to each such municipality. The petitioner shall submit a copy~~
2 ~~of the petition to the same entities entitled to receive the~~
3 ~~filing fee.~~ In addition, if the district is not the
4 petitioner, the petitioner shall file the petition with the
5 district board of supervisors.

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

12 ~~3.4.~~ The district board of supervisors shall, in lieu
13 of a hearing officer, hold the local public hearing provided
14 for by s. 190.005(1)(d). This local public hearing shall be
15 noticed in the same manner as provided in s. 190.005(1)(d).
16 Within 45 days of the conclusion of the hearing, the district
17 board of supervisors shall transmit to the Florida Land and
18 Water Adjudicatory Commission the full record of the local
19 hearing, the transcript of the hearing, any resolutions
20 adopted by the local general-purpose governments, and its
21 recommendation whether to grant the petition for amendment.
22 The commission shall then proceed in accordance with s.
23 190.005(1)(e).

24 ~~4.5.~~ A rule amending a district boundary shall
25 describe the land to be added or deleted.

26 ~~(e) In all cases, written consent of all the~~
27 ~~landowners whose land is to be added to or deleted from the~~
28 ~~district shall be required. The filing of the petition for~~
29 ~~expansion or contraction by the district board of supervisors~~
30 ~~shall constitute consent of the landowners within the district~~
31

1 ~~other than of landowners whose land is proposed to be added to~~
2 ~~or removed from the district.~~

3 ~~(e)1.(f)1.~~ During the existence of a district
4 initially established by administrative rule, the process
5 ~~petitions~~ to amend the boundaries of the district pursuant to
6 paragraphs(a)-(d) ~~may not exceed~~(a) ~~(e) shall be limited to~~
7 a cumulative net total of ~~no more than~~ 10 percent of the land
8 in the initial district, and in no event exceed ~~shall all such~~
9 ~~petitions to amend the boundaries ever encompass more than a~~
10 ~~total of~~ 250 acres on a cumulative net basis.

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

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

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

1 (g) In all cases of a petition to amend the boundaries
2 of the district, the filing of the petition by the district
3 board of supervisors constitutes the consent of the landowners
4 within the district, with the exception of those landowners
5 whose land is to be added to or deleted from the district. In
6 such cases, the written consent of those landowners is
7 required.

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

10 190.047 Incorporation or annexation of district.--

11 (1) Upon attaining the population standards for
12 incorporation contained in s. 165.061, as determined by the
13 Department of Community Affairs, any district wholly contained
14 within the unincorporated area of a county which also meets
15 the other requirements for incorporation contained in s.
16 165.061 shall hold a referendum at a general election on the
17 question of whether to incorporate. However, any district
18 contiguous to the boundary of a municipality may be annexed to
19 ~~the such~~ municipality pursuant to ~~the provisions of~~ chapter
20 171.

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

1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 SB 2700

4 The committee substitute makes several technical and
5 clarifying changes to the bill. It:

- 6 1. Adds chilled water distribution systems to the definition
7 of "water system."
- 8 2. Requires the maintaining of records, holding of meetings
9 and hearings, and publishing of notices to occur in
10 county where the majority of a district's acreage is
11 located if the district is located in two or more
12 counties.
- 13 3. Requires districts to publish notice of the qualifying
14 period for a general election at least 2 weeks before the
15 start of the qualifying period.
- 16 4. Requires an appointment by the board to fill a vacant
17 seat to be made within 90 days after declaring the
18 vacancy.
- 19 5. Requires districts to "file", rather than "record",
20 certain disclosure documents in the county where the
21 district is located.
- 22 6. Restores ch. 170, F.S., to the list of chapters that
23 districts must comply with when collecting special
24 assessments.
- 25 8. Includes "alleys" and "site improvements related to
26 schools" in the list of infrastructure that a district
27 may finance and construct.
- 28 9. Adds a new section that amends s. 190.26, F.S., to
29 require a district to use the foreclosure proceedings in
30 chapters 170 or 173, F.S., when foreclosing a lien in
31 favor of the district.