

1 A bill to be entitled
 2 An act relating to community development districts;
 3 amending s. 190.012, F.S.; revising deed restriction
 4 enforcement rulemaking authority of boards of directors of
 5 community development districts; authorizing district
 6 boards to enforce rule violations in circuit court;
 7 providing an effective date.

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

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 11 Section 1. Subsection (4) of section 190.012, Florida
 12 Statutes, is amended to read:

13 190.012 Special powers; public improvements and community
 14 facilities.--The district shall have, and the board may
 15 exercise, subject to the regulatory jurisdiction and permitting
 16 authority of all applicable governmental bodies, agencies, and
 17 special districts having authority with respect to any area
 18 included therein, any or all of the following special powers
 19 relating to public improvements and community facilities
 20 authorized by this act:

21 (4) (a) To adopt rules necessary for the district to
 22 enforce certain deed restrictions pertaining to the use and
 23 operation of real property within the district and outside the
 24 district ~~if~~ pursuant to an interlocal agreement under chapter
 25 163 if within another district or, if not within another
 26 district, with the consent of the county or municipality in
 27 which the deed restriction enforcement is proposed to occur. For
 28 the purpose of this subsection, the term "deed restrictions"

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29 means ~~are~~ those covenants, conditions, ~~and~~ restrictions,
30 compliance mechanisms, and enforcement remedies contained in any
31 applicable declarations of covenants and restrictions that
32 govern the use and operation of real property ~~within the~~
33 ~~district~~ and, for which covenants, conditions, and restrictions,
34 there is no homeowners' association or property owner's
35 association having respective enforcement powers unless, with
36 respect to a homeowners' association whose board is under member
37 control, the association and the district agree in writing to
38 enforcement by the district. The district may adopt by rule all
39 or certain portions of the deed restrictions that:

40 1. Relate to limitations, ~~or~~ prohibitions, compliance
41 mechanisms, or enforcement remedies that apply only to external
42 appearances or uses ~~structures~~ and are deemed by the district to
43 be generally beneficial for the district's landowners and for
44 which enforcement by the district is appropriate, as determined
45 by the district's board of supervisors; or

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

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

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

52 ~~1.2.~~ The district was in existence on the effective date
53 of this subsection, or is located within a development that
54 consists of multiple developments of regional impact and a
55 Florida Quality Development;

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56 ~~2.3.~~ For residential districts, the majority of the board
57 has been elected by qualified electors pursuant to the
58 provisions of s. 190.006; and

59 ~~3.4.~~ The declarant in any applicable declarations of
60 covenants and restrictions has provided the board with a written
61 agreement that such rules may be adopted. A memorandum of the
62 agreement shall be recorded in the public records.

63 (c) Within 60 days after such rules take effect, the
64 district shall record a notice of rule adoption stating
65 generally what rules were adopted and where a copy of the rules
66 may be obtained. Districts may impose fines for violations of
67 such rules and enforce such rules and fines in circuit court
68 through injunctive relief.

69 (d) In addition to using the compliance mechanisms and
70 enforcement remedies adopted pursuant to subparagraph (a)1., a
71 district may enforce such rules in circuit court through
72 injunctive relief as provided in s. 190.041.

73 Section 2. This act shall take effect July 1, 2009.