

1 A bill to be entitled
2 An act relating to community development districts;
3 amending s. 190.003, F.S.; defining the term "compact,
4 urban, mixed-use district"; amending s. 190.006, F.S.;
5 providing for application of certain board of supervisors
6 election time periods to compact, urban, mixed-use
7 districts; providing for retroactive application; amending
8 ss. 190.005, 190.011, 190.016, 190.021, and 348.968, F.S.;
9 conforming cross-references; amending s. 190.012, F.S.;
10 revising deed restriction enforcement rulemaking authority
11 of boards of directors of community development districts;
12 authorizing certain property owners to elect a district
13 board advisor; providing advisor responsibilities;
14 providing requirements for district board advisor review
15 and recommendations relating to enforcement of the
16 district rules outside the boundaries of the district;
17 requiring creation of a district board advisor seat after
18 an interlocal agreement is entered into; providing for
19 election of the advisor and the term of office; providing
20 election procedures and requirements; amending s. 190.046,
21 F.S.; revising procedures and requirements to amend the
22 boundaries of a community development district; revising
23 procedures and requirements to merge community development
24 districts; providing limitations; providing for petition
25 filing fees; preserving rights of creditors, liens upon
26 property, and claims and pending actions or proceedings;
27 providing an effective date.
28

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

30 Section 1. Subsections (7) through (21) of section
 31 190.003, Florida Statutes, are renumbered as subsections (8)
 32 through (22), respectively, and a new subsection (7) is added to
 33 that section to read:

34 190.003 Definitions.--As used in this chapter, the term:
 35 (7) "Compact, urban, mixed-use district" means a district
 36 located within a municipality and within a community
 37 redevelopment area created pursuant to s. 163.356, that consists
 38 of a maximum of 75 acres, and has development entitlements of at
 39 least 400,000 square feet of retail development and 500
 40 residential units.

41 Section 2. Paragraph (a) of subsection (3) of section
 42 190.006, Florida Statutes, is amended to read:

43 190.006 Board of supervisors; members and meetings.--

44 (3) (a) 1. If the board proposes to exercise the ad valorem
 45 taxing power authorized by s. 190.021, the district board shall
 46 call an election at which the members of the board of
 47 supervisors will be elected. Such election shall be held in
 48 conjunction with a primary or general election unless the
 49 district bears the cost of a special election. Each member shall
 50 be elected by the qualified electors of the district for a term
 51 of 4 years, except that, at the first such election, three
 52 members shall be elected for a period of 4 years and two members
 53 shall be elected for a period of 2 years. All elected board
 54 members must be qualified electors of the district.

55 2.a. Regardless of whether a district has proposed to levy
 56 ad valorem taxes, commencing 6 years after the initial

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57 | appointment of members or, for a district exceeding 5,000 acres
58 | in area or for a compact, urban, mixed-use district, 10 years
59 | after the initial appointment of members, the position of each
60 | member whose term has expired shall be filled by a qualified
61 | elector of the district, elected by the qualified electors of
62 | the district. However, for those districts established after
63 | June 21, 1991, and for those existing districts established
64 | after December 31, 1983, which have less than 50 qualified
65 | electors on June 21, 1991, sub-subparagraphs b. and d. shall
66 | apply. If, in the 6th year after the initial appointment of
67 | members, or 10 years after such initial appointment for
68 | districts exceeding 5,000 acres in area or for a compact, urban,
69 | mixed-use district, there are not at least 250 qualified
70 | electors in the district, or for a district exceeding 5,000
71 | acres or for a compact, urban, mixed-use district, there are not
72 | at least 500 qualified electors, members of the board shall
73 | continue to be elected by landowners.

74 | b. After the 6th or 10th year, once a district reaches 250
75 | or 500 qualified electors, respectively, then the positions of
76 | two board members whose terms are expiring shall be filled by
77 | qualified electors of the district, elected by the qualified
78 | electors of the district for 4-year terms. The remaining board
79 | member whose term is expiring shall be elected for a 4-year term
80 | by the landowners and is not required to be a qualified elector.
81 | Thereafter, as terms expire, board members shall be qualified
82 | electors elected by qualified electors of the district for a
83 | term of 4 years.

84 | c. Once a district qualifies to have any of its board

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85 members elected by the qualified electors of the district, the
86 initial and all subsequent elections by the qualified electors
87 of the district shall be held at the general election in
88 November. The board shall adopt a resolution if necessary to
89 implement this requirement when the board determines the number
90 of qualified electors as required by sub-subparagraph d., to
91 extend or reduce the terms of current board members.

92 d. On or before June 1 of each year, the board shall
93 determine the number of qualified electors in the district as of
94 the immediately preceding April 15. The board shall use and rely
95 upon the official records maintained by the supervisor of
96 elections and property appraiser or tax collector in each county
97 in making this determination. Such determination shall be made
98 at a properly noticed meeting of the board and shall become a
99 part of the official minutes of the district.

100 Section 3. The amendment to s. 190.006, Florida Statutes,
101 made by this act shall apply retroactively to districts
102 established prior to July 1, 2009.

103 Section 4. Paragraph (a) of subsection (1) of section
104 190.005, Florida Statutes, is amended to read:

105 190.005 Establishment of district.--

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

112 (a) A petition for the establishment of a community

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113 development district shall be filed by the petitioner with the
114 Florida Land and Water Adjudicatory Commission. The petition
115 shall contain:

116 1. A metes and bounds description of the external
117 boundaries of the district. Any real property within the
118 external boundaries of the district which is to be excluded from
119 the district shall be specifically described, and the last known
120 address of all owners of such real property shall be listed. The
121 petition shall also address the impact of the proposed district
122 on any real property within the external boundaries of the
123 district which is to be excluded from the district.

124 2. The written consent to the establishment of the
125 district by all landowners whose real property is to be included
126 in the district or documentation demonstrating that the
127 petitioner has control by deed, trust agreement, contract, or
128 option of 100 percent of the real property to be included in the
129 district, and when real property to be included in the district
130 is owned by a governmental entity and subject to a ground lease
131 as described in s. 190.003 (14) ~~(13)~~, the written consent by such
132 governmental entity.

133 3. A designation of five persons to be the initial members
134 of the board of supervisors, who shall serve in that office
135 until replaced by elected members as provided in s. 190.006.

136 4. The proposed name of the district.

137 5. A map of the proposed district showing current major
138 trunk water mains and sewer interceptors and outfalls if in
139 existence.

140 6. Based upon available data, the proposed timetable for

141 construction of the district services and the estimated cost of
 142 constructing the proposed services. These estimates shall be
 143 submitted in good faith but shall not be binding and may be
 144 subject to change.

145 7. A designation of the future general distribution,
 146 location, and extent of public and private uses of land proposed
 147 for the area within the district by the future land use plan
 148 element of the effective local government comprehensive plan of
 149 which all mandatory elements have been adopted by the applicable
 150 general-purpose local government in compliance with the Local
 151 Government Comprehensive Planning and Land Development
 152 Regulation Act.

153 8. A statement of estimated regulatory costs in accordance
 154 with the requirements of s. 120.541.

155 Section 5. Paragraph (b) of subsection (7) of section
 156 190.011, Florida Statutes, is amended to read:

157 190.011 General powers.--The district shall have, and the
 158 board may exercise, the following powers:

159 (7)

160 (b) When real property in the district is owned by a
 161 governmental entity and subject to a ground lease as described
 162 in s. 190.003(14)~~(13)~~, to collect ground rent from landowners
 163 pursuant to a contract with such governmental entity and to
 164 contract with the county tax collector for collection of such
 165 ground rent using the procedures authorized in s. 197.3631,
 166 other than the procedures contained in s. 197.3632.

167 Section 6. Subsection (2) of section 190.016, Florida
 168 Statutes, is amended to read:

169 | 190.016 Bonds.--

170 | (2) AUTHORIZATION AND FORM OF BONDS.--Any general

171 | obligation bonds, benefit bonds, or revenue bonds may be

172 | authorized by resolution or resolutions of the board which shall

173 | be adopted by a majority of all the members thereof then in

174 | office. Such resolution or resolutions may be adopted at the

175 | same meeting at which they are introduced and need not be

176 | published or posted. The board may, by resolution, authorize the

177 | issuance of bonds and fix the aggregate amount of bonds to be

178 | issued; the purpose or purposes for which the moneys derived

179 | therefrom shall be expended, including, but not limited to,

180 | payment of costs as defined in s. 190.003(8)~~(7)~~; the rate or

181 | rates of interest, in compliance with s. 215.84; the

182 | denomination of the bonds; whether or not the bonds are to be

183 | issued in one or more series; the date or dates of maturity,

184 | which shall not exceed 40 years from their respective dates of

185 | issuance; the medium of payment; the place or places within or

186 | without the state where payment shall be made; registration

187 | privileges; redemption terms and privileges, whether with or

188 | without premium; the manner of execution; the form of the bonds,

189 | including any interest coupons to be attached thereto; the

190 | manner of execution of bonds and coupons; and any and all other

191 | terms, covenants, and conditions thereof and the establishment

192 | of revenue or other funds. Such authorizing resolution or

193 | resolutions may further provide for the contracts authorized by

194 | s. 159.825(1)(f) and (g) regardless of the tax treatment of such

195 | bonds being authorized, subject to the finding by the board of a

196 | net saving to the district resulting by reason thereof. Such

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197 authorizing resolution may further provide that such bonds may
 198 be executed in accordance with the Registered Public Obligations
 199 Act, except that bonds not issued in registered form shall be
 200 valid if manually countersigned by an officer designated by
 201 appropriate resolution of the board. The seal of the district
 202 may be affixed, lithographed, engraved, or otherwise reproduced
 203 in facsimile on such bonds. In case any officer whose signature
 204 shall appear on any bonds or coupons shall cease to be such
 205 officer before the delivery of such bonds, such signature or
 206 facsimile shall nevertheless be valid and sufficient for all
 207 purposes the same as if he or she had remained in office until
 208 such delivery.

209 Section 7. Subsection (10) of section 190.021, Florida
 210 Statutes, is amended to read:

211 190.021 Taxes; non-ad valorem assessments.--

212 (10) LAND OWNED BY GOVERNMENTAL ENTITY.--Except as
 213 otherwise provided by law, no levy of ad valorem taxes or non-ad
 214 valorem assessments under this chapter, or chapter 170, chapter
 215 197, or otherwise, by a board of a district on property of a
 216 governmental entity that is subject to a ground lease as
 217 described in s. 190.003 (14) ~~(13)~~, shall constitute a lien or
 218 encumbrance on the underlying fee interest of such governmental
 219 entity.

220 Section 8. Paragraph (g) of subsection (2) of section
 221 348.968, Florida Statutes, is amended to read:

222 348.968 Purposes and powers.--

223 (2) The authority is granted, and shall have and may
 224 exercise, all powers necessary, appurtenant, convenient, or

225 incidental to the carrying out of said purposes, including, but
 226 not limited to, the following rights and powers:

227 (g) To borrow money and make and issue bonds, which bonds
 228 may be issued pursuant to the State Bond Act or, in the
 229 alternative, pursuant to the provisions of s. 348.969(2), in
 230 either case, for any purpose of the authority authorized,
 231 including the financing of all or part of the cost, as specified
 232 in s. 190.003(8)~~(7)~~, of all or any part of the system and the
 233 refunding of any and all previous issues of bonds of the
 234 authority at or prior to maturity.

235 Section 9. Subsection (4) of section 190.012, Florida
 236 Statutes, is amended to read:

237 190.012 Special powers; public improvements and community
 238 facilities.--The district shall have, and the board may
 239 exercise, subject to the regulatory jurisdiction and permitting
 240 authority of all applicable governmental bodies, agencies, and
 241 special districts having authority with respect to any area
 242 included therein, any or all of the following special powers
 243 relating to public improvements and community facilities
 244 authorized by this act:

245 (4) (a) To adopt rules necessary for the district to
 246 enforce certain deed restrictions pertaining to the use and
 247 operation of real property within the district and outside the
 248 district ~~if~~ pursuant to an interlocal agreement under chapter
 249 163 if within another district or, if not within another
 250 district, with the consent of the county or municipality in
 251 which the deed restriction enforcement is proposed to occur. For
 252 the purpose of this subsection, the term "deed restrictions"

253 means ~~are~~ those covenants, conditions, ~~and~~ restrictions,
 254 compliance mechanisms, and enforcement remedies contained in any
 255 applicable declarations of covenants and restrictions that
 256 govern the use and operation of real property ~~within the~~
 257 ~~district~~ and, for which covenants, conditions, and restrictions,
 258 there is no homeowners' association or property owner's
 259 association having respective enforcement powers unless, with
 260 respect to a homeowners' association whose board is under member
 261 control, the association and the district agree in writing to
 262 enforcement by the district. The district may adopt by rule all
 263 or certain portions of the deed restrictions that:

264 1. Relate to limitations, ~~or~~ prohibitions, compliance
 265 mechanisms, or enforcement remedies that apply only to external
 266 appearances or uses ~~structures~~ and are deemed by the district to
 267 be generally beneficial for the district's landowners and for
 268 which enforcement by the district is appropriate, as determined
 269 by the district's board of supervisors; or

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

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

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

276 ~~1.2.~~ The district was in existence on the effective date
 277 of this subsection, or is located within a development that
 278 consists of multiple developments of regional impact and a
 279 Florida Quality Development.~~;~~

280 ~~2.3.~~ For residential districts, the majority of the board

281 has been elected by qualified electors pursuant to the
 282 provisions of s. 190.006.~~;~~ ~~and~~

283 3. For residential districts, less than 25 percent of
 284 residential units are in a homeowners' association.

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

289 (c) Within 60 days after such rules take effect, the
 290 district shall record a notice of rule adoption stating
 291 generally what rules were adopted and where a copy of the rules
 292 may be obtained. Districts may impose fines for violations of
 293 such rules and enforce such rules and fines in circuit court
 294 through injunctive relief.

295 (d) The owners of property located outside the boundary of
 296 the district shall elect an advisor to the district board
 297 pursuant to paragraph (e). The sole responsibilities of the
 298 district board advisor are to review enforcement actions
 299 proposed by the district board against properties located
 300 outside the district and make recommendations relating to those
 301 proposed actions. Before the district board may enforce its
 302 rules against any owner of property located outside the
 303 district, the district board shall request the district board
 304 advisor to make a recommendation on the proposed enforcement
 305 action. The district board advisor must render a recommendation
 306 within 30 days after receiving a request from the district board
 307 or is deemed to have no objection to the district board's
 308 proposed decision or action.

309 (e)1. Whenever an interlocal agreement is entered into
310 pursuant to paragraph (a), a district board advisor seat shall
311 be created for one elected landowner whose property is within
312 the jurisdiction of the governmental entity entering into the
313 interlocal agreement but not within the boundaries of the
314 district. The district board advisor shall be elected by
315 landowners whose land is subject to enforcement by the district
316 but whose land is not within the boundaries of the district. The
317 district board advisor shall be elected for a 2-year term. The
318 first election for a district board advisor shall be within 90
319 days after the effective date of the interlocal agreement
320 between the district and the government entity.

321 2. The election of the district board advisor shall occur
322 at a meeting of eligible landowners. The district shall publish
323 notice of the meeting and election once a week for 2 consecutive
324 weeks in a newspaper of general circulation in the area of the
325 parties to the interlocal agreement. The notice must include
326 instructions on how all landowners may participate in the
327 election and how to obtain a proxy form. The last day of
328 publication may not be less than 14 days or more than 28 days
329 before the date of the election. The landowners, when assembled
330 at the meeting, shall organize by electing a chair who shall
331 conduct the meeting. The chair may be any person present at the
332 meeting. If the chair is a landowner or proxy holder of a
333 landowner, he or she may nominate candidates and make and second
334 motions.

335 3. At the meeting, each landowner is entitled to cast one
336 vote per acre of land owned by him or her and located within the

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337 district for each person to be elected. A landowner may vote in
338 person or by proxy in writing. Each proxy must be signed by one
339 of the legal owners of the property for which the vote is cast
340 and must contain the typed or printed name of the individual who
341 signed the proxy; the street address, legal description of the
342 property, or tax parcel identification number; and the number of
343 authorized votes. If the proxy authorizes more than one vote,
344 each property must be listed and the number of acres of each
345 property must be included. The signature on a proxy need not be
346 notarized. A fraction of an acre shall be treated as 1 acre,
347 entitling the landowner to one vote with respect thereto. For
348 purposes of determining voting interests, platted lots shall be
349 counted individually and rounded up to the nearest whole acre.
350 The acreage of platted lots may not be aggregated for purposes
351 of determining the number of voting units held by a landowner or
352 a landowner's proxy.

353 4. If a vacancy occurs in the district advisor seat, a
354 special landowner election shall be held within 60 days after
355 the vacancy using the notice, proxy, and acreage voting
356 provisions of this subsection.

357 Section 10. Subsections (1) and (3) of section 190.046,
358 Florida Statutes, are amended to read:

359 190.046 Termination, contraction, or expansion of
360 district.--

361 (1) A landowner or the board may petition to contract or
362 expand the boundaries of a community development district in the
363 following manner:

364 (a) The petition shall contain the same information

365 required by s. 190.005(1)(a)1. and 8. In addition, if the
366 petitioner seeks to expand the district, the petition shall
367 describe the proposed timetable for construction of any district
368 services to the area, the estimated cost of constructing the
369 proposed services, and the designation of the future general
370 distribution, location, and extent of public and private uses of
371 land proposed for the area by the future land use plan element
372 of the adopted local government local comprehensive plan. If the
373 petitioner seeks to contract the district, the petition shall
374 describe what services and facilities are currently provided by
375 the district to the area being removed, and the designation of
376 the future general distribution, location, and extent of public
377 and private uses of land proposed for the area by the future
378 land element of the adopted local government comprehensive plan.

379 (b) For those districts initially established by county
380 ordinance, the petition for ordinance amendment shall be filed
381 with the county commission. If the land to be included or
382 excluded is, in whole or in part, within the boundaries of a
383 municipality, then the county commission shall not amend the
384 ordinance without municipal approval. A public hearing shall be
385 held in the same manner and with the same public notice as other
386 ordinance amendments. The county commission shall consider the
387 record of the public hearing and the factors set forth in s.
388 190.005(1)(e) in making its determination to grant or deny the
389 petition for ordinance amendment.

390 (c) For those districts initially established by municipal
391 ordinance pursuant to s. 190.005(2)(e), the municipality shall
392 assume the duties of the county commission set forth in

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393 paragraph (b); however, if any of the land to be included or
394 excluded, in whole or in part, is outside the boundaries of the
395 municipality, then the municipality shall not amend its
396 ordinance without county commission approval.

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

401 2. Prior to filing the petition, the petitioner shall pay
402 a filing fee of \$1,500, to the county if the district or the
403 land to be added or deleted from the district is located within
404 an unincorporated area or to the municipality if the district or
405 the land to be added or deleted is located within an
406 incorporated area, and to each municipality the boundaries of
407 which are contiguous with or contain all or a portion of the
408 land within or to be added to or deleted from the external
409 boundaries of the district ~~or the proposed amendment,~~ and submit
410 ~~a copy of the petition to the county and to each such~~
411 ~~municipality.~~ The petitioner shall submit a copy of the petition
412 to the same entities entitled to receive the filing fee. In
413 addition, if the district is not the petitioner, the petitioner
414 shall file the petition with the district board of supervisors.

415 3. Each ~~The~~ county and each municipality shall have the
416 option of holding a public hearing as provided by s.
417 190.005(1)(c). However, the ~~such~~ public hearing shall be limited
418 to consideration of the contents of the petition and whether the
419 petition for amendment should be supported by the county or
420 municipality.

421 4. The district board of supervisors shall, in lieu of a
 422 hearing officer, hold the local public hearing provided for by
 423 s. 190.005(1)(d). This local public hearing shall be noticed in
 424 the same manner as provided in s. 190.005(1)(d). Within 45 days
 425 of the conclusion of the hearing, the district board of
 426 supervisors shall transmit to the Florida Land and Water
 427 Adjudicatory Commission the full record of the local hearing,
 428 the transcript of the hearing, any resolutions adopted by the
 429 local general-purpose governments, and its recommendation
 430 whether to grant the petition for amendment. The commission
 431 shall then proceed in accordance with s. 190.005(1)(e).

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

434 ~~(e) In all cases, written consent of all the landowners~~
 435 ~~whose land is to be added to or deleted from the district shall~~
 436 ~~be required. The filing of the petition for expansion or~~
 437 ~~contraction by the district board of supervisors shall~~
 438 ~~constitute consent of the landowners within the district other~~
 439 ~~than of landowners whose land is proposed to be added to or~~
 440 ~~removed from the district.~~

441 (e)-(f)1. During the existence of a district initially
 442 established by administrative rule, the process ~~petitions~~ to
 443 amend the boundaries of the district pursuant to paragraphs (a)-
 444 (d) ~~(a)-(e)~~ shall not permit ~~be limited to~~ a cumulative net
 445 total greater ~~of no more~~ than 10 percent of the land in the
 446 initial district, and in no event greater ~~shall all such~~
 447 ~~petitions to amend the boundaries ever encompass more than a~~
 448 ~~total of~~ 250 acres on a cumulative net basis.

449 2. During the existence of a district ~~For districts~~
 450 initially established by county or municipal ordinance, the
 451 process to amend the boundaries of the district pursuant to
 452 paragraphs (a)-(d) limitation provided by this paragraph shall
 453 not permit ~~be~~ a cumulative net total greater ~~of no more~~ than 50
 454 percent of the land in the initial district, and in no event
 455 greater ~~shall all such petitions to amend the boundaries ever~~
 456 ~~encompass more than a total of~~ 500 acres on a cumulative net
 457 basis.

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

461 ~~(f)-(g)~~ Petitions to amend the boundaries of the district
 462 that ~~which~~ exceed the amount of land specified in paragraph (e)
 463 ~~(f)~~ shall be processed in accordance with s. 190.005, and the
 464 petition shall include only the elements set forth in s.
 465 190.005(1)(a)1. and 5.-8. and the consent required by paragraph
 466 (g) considered petitions to establish a new district and shall
 467 follow all of the procedures specified in s. 190.005. However,
 468 the resulting administrative rule or ordinance may only amend
 469 the boundaries of the district and may not establish a new
 470 district or cause a new 6-year or 10-year period to begin
 471 pursuant to s. 190.006(3)(a)2. The filing fee for such
 472 petitions shall be as set forth in s. 190.005(1)(b) and (2), as
 473 applicable.

474 (g) In all cases of a petition to amend the boundaries of
 475 a district, the filing of the petition by the district board of
 476 supervisors constitutes consent of the landowners within the

477 district. In all cases, written consent of those landowners
478 whose land is to be added to or deleted from the district as
479 provided in s. 190.005(1)(a)2. is required.

480 (3) The district may merge with other community
481 development districts upon filing a petition for merger, which
482 petition shall include the elements set forth in s. 190.005(1)
483 and which shall be evaluated using the criteria set forth in s.
484 190.005(1)(e). The filing fee shall be as set forth in s.
485 190.005(1)(b). In addition, the petition shall state whether a
486 new district is to be established or whether one district shall
487 be the surviving district. The district ~~establishment of a~~
488 ~~community development district pursuant to s. 190.005 or may~~
489 merge with any other special districts upon filing a petition
490 for establishment of a community development district pursuant
491 to s. 190.005. The government formed by a merger involving a
492 community development district pursuant to this section shall
493 assume all indebtedness of, and receive title to, all property
494 owned by the preexisting special districts, and the rights of
495 creditors and liens upon property shall not be impaired by such
496 merger. Any claim existing or action or proceeding pending by or
497 against any district that is a party to the merger may be
498 continued as if the merger had not occurred, or the surviving
499 district may be substituted in the proceeding for the district
500 that ceased to exist. Prior to filing the ~~said~~ petition, the
501 districts desiring to merge shall enter into a merger agreement
502 and shall provide for the proper allocation of the indebtedness
503 so assumed and the manner in which such ~~said~~ debt shall be
504 retired. The approval of the merger agreement and the petition

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505 | by the board of supervisors ~~elected by the electors~~ of the
506 | district shall constitute consent of the landowners within the
507 | district.

508 | Section 11. This act shall take effect July 1, 2009.