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2009 Legislature

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

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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:

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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

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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"

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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

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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.

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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

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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.

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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.

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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

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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.