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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/19/2016	.	
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The Committee on Community Affairs (Hutson) recommended the following:

Senate Amendment (with title amendment)

Delete lines 130 - 370
and insert:
week for the 4 successive weeks immediately before ~~prior to~~ the hearing. Such notice shall give the time and place for the hearing, a description of the area to be included in the district, which description shall include a map showing clearly the area to be covered by the district, and any other relevant information which the establishing governing bodies may require.



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11 The advertisement shall not be placed in that portion of the
12 newspaper where legal notices and classified advertisements
13 appear. The advertisement shall be published in a newspaper of
14 general paid circulation in the county and of general interest
15 and readership in the community, not one of limited subject
16 matter, pursuant to chapter 50. If ~~Whenever~~ possible, the
17 advertisement shall appear in a newspaper that is published at
18 least 5 days a week, unless the only newspaper in the community
19 is published fewer than 5 days a week. In addition to being
20 published in the newspaper, the map referenced above must be
21 part of the online advertisement required pursuant to s.
22 50.0211. All affected units of general-purpose local government
23 and the general public shall be given an opportunity to appear
24 at the hearing and present oral or written comments on the
25 petition.

26 (e) The Florida Land and Water Adjudicatory Commission
27 shall consider the entire record of the local hearing, the
28 transcript of the hearing, resolutions adopted by local general-
29 purpose governments as provided in paragraph (c), and the
30 following factors and make a determination to grant or deny a
31 petition for the establishment of a community development
32 district:

33 1. Whether all statements contained within the petition
34 have been found to be true and correct.

35 2. Whether the establishment of the district is
36 inconsistent with any applicable element or portion of the state
37 comprehensive plan or of the effective local government
38 comprehensive plan.

39 3. Whether the area of land within the proposed district is



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40 of sufficient size, is sufficiently compact, and is sufficiently
41 contiguous to be developable as one functional interrelated
42 community.

43 4. Whether the district is the best alternative available
44 for delivering community development services and facilities to
45 the area that will be served by the district.

46 5. Whether the community development services and
47 facilities of the district will be incompatible with the
48 capacity and uses of existing local and regional community
49 development services and facilities.

50 6. Whether the area that will be served by the district is
51 amenable to separate special-district government.

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

58 1. A metes and bounds description of the external
59 boundaries of the district and any real property within the
60 external boundaries of the district which is to be excluded.

61 2. The names of five persons designated to be the initial
62 members of the board of supervisors.

63 3. The name of the district.

64 (g) The Florida Land and Water Adjudicatory Commission may
65 adopt rules setting forth its procedures for considering
66 petitions to establish, expand, modify, or delete uniform
67 community development districts or portions thereof consistent
68 with the provisions of this section.



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69 (2) The exclusive and uniform method for the establishment
70 of a community development district of less than 2,500 ~~1,000~~
71 acres in size or a community development district of up to 7,000
72 acres in size located within a connected-city corridor
73 established pursuant to s. 163.3246(14) shall be pursuant to an
74 ordinance adopted by the county commission of the county having
75 jurisdiction over the majority of land in the area in which the
76 district is to be located granting a petition for the
77 establishment of a community development district as follows:

78 (a) A petition for the establishment of a community
79 development district shall be filed by the petitioner with the
80 county commission. The petition shall contain the same
81 information as required in paragraph (1) (a).

82 (b) A public hearing on the petition shall be conducted by
83 the county commission in accordance with the requirements and
84 procedures of paragraph (1) (d).

85 (c) The county commission shall consider the record of the
86 public hearing and the factors set forth in paragraph (1) (e) in
87 making its determination to grant or deny a petition for the
88 establishment of a community development district.

89 (d) The county commission shall not adopt any ordinance
90 which would expand, modify, or delete any provision of the
91 uniform community development district charter as set forth in
92 ss. 190.006-190.041. An ordinance establishing a community
93 development district shall only include the matters provided for
94 in paragraph (1) (f) unless the commission consents to any of the
95 optional powers under s. 190.012(2) at the request of the
96 petitioner.

97 (e) If all of the land in the area for the proposed



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98 district is within the territorial jurisdiction of a municipal
99 corporation, then the petition requesting establishment of a
100 community development district under this act shall be filed by
101 the petitioner with that particular municipal corporation. In
102 such event, the duties of the county, hereinabove described, in
103 action upon the petition shall be the duties of the municipal
104 corporation. If any of the land area of a proposed district is
105 within the land area of a municipality, the county commission
106 may not create the district without municipal approval. If all
107 of the land in the area for the proposed district, even if less
108 than 2,500 ~~1,000~~ acres, is within the territorial jurisdiction
109 of two or more municipalities or two or more counties, except
110 for proposed districts within a connected-city corridor
111 established pursuant to s. 163.3246(14), the petition shall be
112 filed with the Florida Land and Water Adjudicatory Commission
113 and proceed in accordance with subsection (1).

114 (f) Notwithstanding any other provision of this subsection,
115 within 90 days after a petition for the establishment of a
116 community development district has been filed pursuant to this
117 subsection, the governing body of the county or municipal
118 corporation may transfer the petition to the Florida Land and
119 Water Adjudicatory Commission, which shall make the
120 determination to grant or deny the petition as provided in
121 subsection (1). A county or municipal corporation does not ~~shall~~
122 have the ~~no~~ right or power to grant or deny a petition that has
123 been transferred to the Florida Land and Water Adjudicatory
124 Commission.

125 Section 2. Paragraph (d) of subsection (2) of section
126 190.012, Florida Statutes, is amended to read:



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127 190.012 Special powers; public improvements and community
128 facilities.—The district shall have, and the board may exercise,
129 subject to the regulatory jurisdiction and permitting authority
130 of all applicable governmental bodies, agencies, and special
131 districts having authority with respect to any area included
132 therein, any or all of the following special powers relating to
133 public improvements and community facilities authorized by this
134 act:

135 (2) After the local general-purpose government within the
136 jurisdiction of which a power specified in this subsection is to
137 be exercised consents to the exercise of such power by the
138 district, the district shall have the power to plan, establish,
139 acquire, construct or reconstruct, enlarge or extend, equip,
140 operate, and maintain additional systems and facilities for:

141 (d) Security, including, but not limited to, guardhouses,
142 fences and gates, electronic intrusion-detection systems, and
143 patrol cars, when authorized by proper governmental agencies;
144 except that the district may not exercise any police power, but
145 may contract with the appropriate local general-purpose
146 government agencies for an increased level of such services
147 within the district boundaries. This paragraph does not prohibit
148 a district from contracting with a towing operator to remove a
149 vehicle or vessel from a district-owned facility or property.
150 When removing a vehicle or vessel from a district-owned facility
151 or property, the district has the same authorization and is
152 subject to the same notice and procedural requirements as the
153 authorization and the notice and procedural requirements
154 provided in s. 715.07 for an owner or lessee of private
155 property. The district's selection of a towing operator is not



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156 subject to public bidding if the towing operator is included in
157 an approved list of towing operators maintained by the local
158 government that has jurisdiction over the district's facility or
159 property.

160 Section 3. Paragraph (e) of subsection (1) and subsection
161 (2) of section 190.046, Florida Statutes, are amended, present
162 subsections (4) through (9) of that section are redesignated as
163 subsections (5) through (10), respectively, and a new subsection
164 (4) is added to that section, to read:

165 190.046 Termination, contraction, or expansion of
166 district.—

167 (1) A landowner or the board may petition to contract or
168 expand the boundaries of a community development district in the
169 following manner:

170 (e)1. During the existence of a district initially
171 established by administrative rule, the process to amend the
172 boundaries of the district pursuant to paragraphs (a)-(d) shall
173 not permit a cumulative net total greater than 50 ~~10~~ percent of
174 the land in the initial district, and in no event greater than
175 1,000 ~~250~~ acres on a cumulative net basis.

176 2. During the existence of a district initially established
177 by county or municipal ordinance, the process to amend the
178 boundaries of the district pursuant to paragraphs (a)-(d) shall
179 not permit a cumulative net total greater than 50 percent of the
180 land in the initial district, and in no event greater than 1,000
181 ~~500~~ acres on a cumulative net basis.

182 (2) The district shall remain in existence unless:

183 (a) The district is merged with another district as
184 provided in subsection (3) or subsection (4);



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185 (b) All of the specific community development systems,
186 facilities, and services that it is authorized to perform have
187 been transferred to a general-purpose unit of local government
188 in the manner provided in subsections ~~(4)~~, (5), (6), and (7)
189 ~~(6)~~; or

190 (c) The district is dissolved as provided in ~~subsection~~
191 ~~(7)~~, subsection (8), ~~or~~ subsection (9), or subsection (10).

192 (4) (a) To achieve economies of scale, reduce costs to
193 affected district residents and businesses in areas with
194 multiple existing districts, and encourage the merger of
195 multiple districts, up to five districts that were established
196 by the same local general-purpose government and whose board
197 memberships are composed entirely of qualified electors may
198 merge into one surviving district through adoption of an
199 ordinance by the local general-purpose government,
200 notwithstanding the acreage limitations otherwise set forth for
201 the establishment of a district in this chapter. The filing of a
202 petition by the majority of the members of each of the district
203 board of supervisors seeking to merge constitutes consent of the
204 landowners within each applicable district.

205 (b) In addition to meeting the requirements of subsection
206 (3), a merger agreement entered into between the district boards
207 subject to this subsection must also:

208 1. Require the surviving merged district board to consist
209 of five elected board members.

210 2. Require each at-large board seat to represent the entire
211 geographic area of the surviving merged district.

212 3. Ensure that each district to be merged is entitled to
213 elect at least one board member from its former boundary.



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214 4. Ensure a fair allocation of board membership to
215 represent the districts being merged. To that end:

216 a. If two districts merge, two board members shall be
217 elected from each of the districts and one board member shall be
218 elected at-large.

219 b. If three districts merge, one board member shall be
220 elected from each of the three districts and two board members
221 shall be elected at-large.

222 c. If four districts merge, one board member shall be
223 elected from each of the four districts and one board member
224 shall be elected at-large.

225 d. If five districts merge, one board member shall be
226 elected from each of the five districts.

227 5. Require the election of board members for the surviving
228 merged district to be held at the next general election
229 following the merger, at which time all terms of preexisting
230 board members shall end and the merger shall be legally in
231 effect.

232 (c) Before filing the merger petition with the local
233 general-purpose government under this subsection, each district
234 proposing to merge must hold a public hearing within its
235 district to provide information about and take public comment on
236 the proposed merger, merger agreement, and assignment of board
237 seats. Notice of the hearing shall be published at least 14 days
238 before the hearing. If, after the public hearing, a district
239 board decides that it no longer wants to merge and cancels the
240 proposed merger agreement, the remaining districts shall each
241 hold another public hearing on the revised merger agreement. A
242 petition to merge may not be filed for at least 30 days after



243 the last public hearing held by the districts proposing to
244 merge.

245 ===== T I T L E A M E N D M E N T =====

246 And the title is amended as follows:

247 Delete lines 6 - 28

248 and insert:

249 increasing maximum size requirements for the
250 establishment of community development districts under
251 certain circumstances; providing certain petition
252 requirements if all of the land in the area for a
253 proposed district is within the territorial
254 jurisdiction of two or more counties; conforming a
255 provision to changes made by the act; amending s.
256 190.012, F.S.; providing that a district is not
257 prohibited from contracting with a towing operator to
258 remove vehicles or vessels from specified facilities
259 or properties, subject to certain requirements;
260 amending s. 190.046, F.S.; revising requirements
261 related to the process of amending community
262 development district boundaries; authorizing up to a
263 certain number of districts to merge into one
264 surviving district, subject to certain requirements;
265 providing requirements of the merger agreement;
266 providing for membership of the surviving merged
267 district board; providing for public hearings subject
268 to certain requirements; prohibiting a petition to
269 merge from being filed within a specified timeframe;
270 conforming cross-references; providing an effective
271 date.