

27 Florida Statutes, are amended to read:

28 190.005 Establishment of district.—

29 (1) The exclusive and uniform method for the establishment
30 of a community development district with a size of 2,500 ~~1,000~~
31 acres or more shall be pursuant to a rule, adopted under chapter
32 120 by the Florida Land and Water Adjudicatory Commission,
33 granting a petition for the establishment of a community
34 development district.

35 (a) A petition for the establishment of a community
36 development district shall be filed by the petitioner with the
37 Florida Land and Water Adjudicatory Commission. The petition
38 shall contain:

39 1. A metes and bounds description of the external
40 boundaries of the district. Any real property within the
41 external boundaries of the district which is to be excluded from
42 the district shall be specifically described, and the last known
43 address of all owners of such real property shall be listed. The
44 petition shall also address the impact of the proposed district
45 on any real property within the external boundaries of the
46 district which is to be excluded from the district.

47 2. The written consent to the establishment of the
48 district by all landowners whose real property is to be included
49 in the district or documentation demonstrating that the
50 petitioner has control by deed, trust agreement, contract, or
51 option of 100 percent of the real property to be included in the
52 district, and when real property to be included in the district

53 is owned by a governmental entity and subject to a ground lease
54 as described in s. 190.003(14), the written consent by such
55 governmental entity.

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

59 4. The proposed name of the district.

60 5. A map of the proposed district showing current major
61 trunk water mains and sewer interceptors and outfalls if in
62 existence.

63 6. Based upon available data, the proposed timetable for
64 construction of the district services and the estimated cost of
65 constructing the proposed services. These estimates shall be
66 submitted in good faith but are not binding and may be subject
67 to change.

68 7. A designation of the future general distribution,
69 location, and extent of public and private uses of land proposed
70 for the area within the district by the future land use plan
71 element of the effective local government comprehensive plan of
72 which all mandatory elements have been adopted by the applicable
73 general-purpose local government in compliance with the
74 Community Planning Act.

75 8. A statement of estimated regulatory costs in accordance
76 with the requirements of s. 120.541.

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

78 1. Pay a filing fee of \$15,000 to the county, if located

79 | within an unincorporated area, or to the municipality, if
80 | located within an incorporated area, and to each municipality
81 | the boundaries of which are contiguous with, or contain all or a
82 | portion of the land within, the external boundaries of the
83 | district.

84 | 2. Submit a copy of the petition to the county, if located
85 | within an unincorporated area, or to the municipality, if
86 | located within an incorporated area, and to each municipality
87 | the boundaries of which are contiguous with, or contain all or a
88 | portion of, the land within the external boundaries of the
89 | district.

90 | 3. If land to be included within a district is located
91 | partially within the unincorporated area of one or more counties
92 | and partially within a municipality or within two or more
93 | municipalities, pay a \$15,000 filing fee to each entity.
94 | Districts established across county boundaries shall be required
95 | to maintain records, hold meetings and hearings, and publish
96 | notices only in the county where the majority of the acreage
97 | within the district lies.

98 | (c) Such county and each such municipality required by law
99 | to receive a petition may conduct a public hearing to consider
100 | the relationship of the petition to the factors specified in
101 | paragraph (e). The public hearing shall be concluded within 45
102 | days after the date the petition is filed unless an extension of
103 | time is requested by the petitioner and granted by the county or
104 | municipality. The county or municipality holding such public

105 hearing may by resolution express its support of, or objection
106 to the granting of, the petition by the Florida Land and Water
107 Adjudicatory Commission. A resolution must base any objection to
108 the granting of the petition upon the factors specified in
109 paragraph (e). Such county or municipality may present its
110 resolution of support or objection at the Florida Land and Water
111 Adjudicatory Commission hearing and shall be afforded an
112 opportunity to present relevant information in support of its
113 resolution.

114 (d) A local public hearing on the petition shall be
115 conducted by a hearing officer in conformance with the
116 applicable requirements and procedures of the Administrative
117 Procedure Act. The hearing shall include oral and written
118 comments on the petition pertinent to the factors specified in
119 paragraph (e). The hearing shall be held at an accessible
120 location in the county in which the community development
121 district is to be located. The petitioner shall cause a notice
122 of the hearing to be published in a newspaper at least once a
123 week for the 4 successive weeks immediately prior to the
124 hearing. Such notice shall give the time and place for the
125 hearing, a description of the area to be included in the
126 district, which description shall include a map showing clearly
127 the area to be covered by the district, and any other relevant
128 information which the establishing governing bodies may require.
129 The advertisement shall not be placed in that portion of the
130 newspaper where legal notices and classified advertisements

131 appear. The advertisement shall be published in a newspaper of
132 general paid circulation in the county and of general interest
133 and readership in the community, not one of limited subject
134 matter, pursuant to chapter 50. Whenever possible, the
135 advertisement shall appear in a newspaper that is published at
136 least 5 days a week, unless the only newspaper in the community
137 is published fewer than 5 days a week. In addition to being
138 published in the newspaper, the map referenced above must be
139 part of the online advertisement required pursuant to s.
140 50.0211. All affected units of general-purpose local government
141 and the general public shall be given an opportunity to appear
142 at the hearing and present oral or written comments on the
143 petition.

144 (e) The Florida Land and Water Adjudicatory Commission
145 shall consider the entire record of the local hearing, the
146 transcript of the hearing, resolutions adopted by local general-
147 purpose governments as provided in paragraph (c), and the
148 following factors and make a determination to grant or deny a
149 petition for the establishment of a community development
150 district:

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

153 2. Whether the establishment of the district is
154 inconsistent with any applicable element or portion of the state
155 comprehensive plan or of the effective local government
156 comprehensive plan.

157 3. Whether the area of land within the proposed district
 158 is of sufficient size, is sufficiently compact, and is
 159 sufficiently contiguous to be developable as one functional
 160 interrelated community.

161 4. Whether the district is the best alternative available
 162 for delivering community development services and facilities to
 163 the area that will be served by the district.

164 5. Whether the community development services and
 165 facilities of the district will be incompatible with the
 166 capacity and uses of existing local and regional community
 167 development services and facilities.

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

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

176 1. A metes and bounds description of the external
 177 boundaries of the district and any real property within the
 178 external boundaries of the district which is to be excluded.

179 2. The names of five persons designated to be the initial
 180 members of the board of supervisors.

181 3. The name of the district.

182 (g) The Florida Land and Water Adjudicatory Commission may

183 adopt rules setting forth its procedures for considering
184 petitions to establish, expand, modify, or delete uniform
185 community development districts or portions thereof consistent
186 with the provisions of this section.

187 (2) The exclusive and uniform method for the establishment
188 of a community development district of less than 2,500 ~~1,000~~
189 acres in size or a community development district of up to 7,000
190 acres in size located within a connected-city corridor
191 established pursuant to s. 163.3246(14) shall be pursuant to an
192 ordinance adopted by the county commission of the county having
193 jurisdiction over the majority of land in the area in which the
194 district is to be located granting a petition for the
195 establishment of a community development district as follows:

196 (a) A petition for the establishment of a community
197 development district shall be filed by the petitioner with the
198 county commission. The petition shall contain the same
199 information as required in paragraph (1) (a).

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

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

207 (d) The county commission shall not adopt any ordinance
208 which would expand, modify, or delete any provision of the

209 uniform community development district charter as set forth in
 210 ss. 190.006-190.041. An ordinance establishing a community
 211 development district shall only include the matters provided for
 212 in paragraph (1)(f) unless the commission consents to any of the
 213 optional powers under s. 190.012(2) at the request of the
 214 petitioner.

215 (e) If all of the land in the area for the proposed
 216 district is within the territorial jurisdiction of a municipal
 217 corporation, then the petition requesting establishment of a
 218 community development district under this act shall be filed by
 219 the petitioner with that particular municipal corporation. In
 220 such event, the duties of the county, hereinabove described, in
 221 action upon the petition shall be the duties of the municipal
 222 corporation. If any of the land area of a proposed district is
 223 within the land area of a municipality, the county commission
 224 may not create the district without municipal approval. If all
 225 of the land in the area for the proposed district, even if less
 226 than 2,500 ~~1,000~~ acres, is within the territorial jurisdiction
 227 of two or more municipalities or two or more counties, except
 228 for proposed districts within a connected-city corridor
 229 established pursuant to s. 163.3246(14), the petition shall be
 230 filed with the Florida Land and Water Adjudicatory Commission
 231 and proceed in accordance with subsection (1).

232 (f) Notwithstanding any other provision of this
 233 subsection, within 90 days after a petition for the
 234 establishment of a community development district has been filed

235 | pursuant to this subsection, the governing body of the county or
 236 | municipal corporation may transfer the petition to the Florida
 237 | Land and Water Adjudicatory Commission, which shall make the
 238 | determination to grant or deny the petition as provided in
 239 | subsection (1). A county or municipal corporation shall have no
 240 | right or power to grant or deny a petition that has been
 241 | transferred to the Florida Land and Water Adjudicatory
 242 | Commission.

243 | Section 2. Paragraph (d) of subsection (2) of section
 244 | 190.012, Florida Statutes, is amended to read:

245 | 190.012 Special powers; public improvements and community
 246 | facilities.—The district shall have, and the board may exercise,
 247 | subject to the regulatory jurisdiction and permitting authority
 248 | of all applicable governmental bodies, agencies, and special
 249 | districts having authority with respect to any area included
 250 | therein, any or all of the following special powers relating to
 251 | public improvements and community facilities authorized by this
 252 | act:

253 | (2) After the local general-purpose government within the
 254 | jurisdiction of which a power specified in this subsection is to
 255 | be exercised consents to the exercise of such power by the
 256 | district, the district shall have the power to plan, establish,
 257 | acquire, construct or reconstruct, enlarge or extend, equip,
 258 | operate, and maintain additional systems and facilities for:

259 | (d) Security, including, but not limited to, guardhouses,
 260 | fences and gates, electronic intrusion-detection systems, and

261 patrol cars, when authorized by proper governmental agencies;
 262 except that the district may not exercise any police power, but
 263 may contract with the appropriate local general-purpose
 264 government agencies for an increased level of such services
 265 within the district boundaries. However, this paragraph does not
 266 prohibit a district from contracting with a towing operator to
 267 remove a vehicle or vessel from a district-owned facility or
 268 property if the district follows the authorization and notice
 269 and procedural requirements in s. 715.07 for an owner or lessee
 270 of private property. The district's selection of a towing
 271 operator is not subject to public bidding if the towing operator
 272 is included in an approved list of towing operators maintained
 273 by the local government that has jurisdiction over the
 274 district's facility or property.

275 Section 3. Paragraph (e) of subsection (1) and subsection
 276 (2) of section 190.046, Florida Statutes, are amended,
 277 subsections (4) through (9) are renumbered as subsections (5)
 278 through (10), respectively, and a new subsection (4) is added to
 279 that section, to read:

280 190.046 Termination, contraction, or expansion of
 281 district.—

282 (1) A landowner or the board may petition to contract or
 283 expand the boundaries of a community development district in the
 284 following manner:

285 (e)1. During the existence of a district initially
 286 established by administrative rule, the process to amend the

287 boundaries of the district pursuant to paragraphs (a)-(d) shall
 288 not permit a cumulative net total greater than 50 ~~40~~ percent of
 289 the land in the initial district, and in no event greater than
 290 1,000 ~~250~~ acres on a cumulative net basis.

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

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

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

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

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

307 (4) (a) To achieve economies of scale, reduce costs to
 308 affected district residents and businesses in areas with
 309 multiple existing districts, and encourage the merger of
 310 multiple districts, up to five districts that were established
 311 by the same local general-purpose government and whose board
 312 memberships are composed entirely of qualified electors may

313 merge into one surviving district through adoption of an
314 ordinance by the local general purpose government,
315 notwithstanding the acreage limitations otherwise set forth for
316 the establishment of a district in this chapter. The filing of a
317 petition by the majority of the members of each of the district
318 board of supervisors seeking to merge constitutes consent of the
319 landowners within each applicable district.

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

323 1. Require the surviving merged district board to consist
324 of five elected board members.

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

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

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

331 a. If two districts merge, two board members shall be
332 elected from each of the districts and one member shall be
333 elected at-large.

334 b. If three districts merge, one board member shall be
335 elected from each of the three districts and two board members
336 shall be elected at-large.

337 c. If four districts merge, one board member shall be
338 elected from each of the four districts and one board member

339 shall be elected at-large.

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

342 5. Require the election of board members for the surviving
343 merged district to be held at the next general election
344 following the merger, at which time all terms of preexisting
345 board members shall end and the merger shall be legally in
346 effect.

347 (c) Before filing the merger petition with the local
348 general-purpose government under this subsection, each district
349 proposing to merge must hold a public hearing within its
350 district to provide information about and take public comment on
351 the proposed merger, merger agreement, and assignment of board
352 seats. Notice of the hearing shall be published at least 14 days
353 before the hearing. If, after the public hearing, a district
354 board decides that it no longer wants to merge and cancels the
355 proposed merger agreement, the remaining districts must each
356 hold another public hearing on the revised merger agreement. A
357 petition to merge may not be filed for at least 30 days after
358 the last public hearing held by the districts proposing to
359 merge.

360 Section 4. This act shall take effect July 1, 2016.