



637228

LEGISLATIVE ACTION

Senate

.

House

.

.

Floor: WD/3R

.

03/09/2018 07:59 PM

.

.

Senator Lee moved the following:

Senate Amendment (with title amendment)

Between lines 211 and 212

insert:

Section 1. Paragraph (h) is added to subsection (1) of section 190.046, Florida Statutes, and subsection (3) of that section is amended, to read:

190.046 Termination, contraction, or expansion of district.—

(1) A landowner or the board may petition to contract or expand the boundaries of a community development district in the



637228

12 following manner:

13 (h) For a petition to establish a new community development
14 district of less than 2,500 acres on land located solely in one
15 county or one municipality, sufficiently contiguous lands
16 located within the county or municipality which the petitioner
17 anticipates adding to the boundaries of the district within 10
18 years after the effective date of the ordinance establishing the
19 district may also be identified. If such sufficiently contiguous
20 land is identified, the petition must include a legal
21 description of each additional parcel within the sufficiently
22 contiguous land, the current owner of the parcel, the acreage of
23 the parcel, and the current land use designation of the parcel.
24 At least 14 days before the hearing required under s.
25 190.005(2)(b), the petitioner must give the current owner of
26 each such parcel notice of filing the petition to establish the
27 district, the date and time of the public hearing on the
28 petition, and the name and address of the petitioner. A parcel
29 may not be included in the district without the written consent
30 of the owner of the parcel.

31 1. After establishment of the district, a person may
32 petition the county or municipality to amend the boundaries of
33 the district to include a previously identified parcel that was
34 a proposed addition to the district before its establishment. A
35 filing fee may not be charged for this petition. Each such
36 petition must include:

37 a. A legal description by metes and bounds of the parcel to
38 be added;

39 b. A new legal description by metes and bounds of the
40 district;



637228

41 c. Written consent of all owners of the parcel to be added;
42 d. A map of the district including the parcel to be added;
43 e. A description of the development proposed on the
44 additional parcel; and
45 f. A copy of the original petition identifying the parcel
46 to be added.

47 2. Before filing with the county or municipality, the
48 person must provide the petition to the district and to the
49 owner of the proposed additional parcel, if the owner is not the
50 petitioner.

51 3. Once the petition is determined sufficient and complete,
52 the county or municipality must process the addition of the
53 parcel to the district as an amendment to the ordinance that
54 establishes the district. The county or municipality may process
55 all petitions to amend the ordinance for parcels identified in
56 the original petition, even if, by adding such parcels, the
57 district exceeds 2,500 acres.

58 4. The petitioner shall cause to be published in a
59 newspaper of general circulation in the proposed district a
60 notice of the intent to amend the ordinance that establishes the
61 district, which notice shall be in addition to any notice
62 required for adoption of the ordinance amendment. Such notice
63 must be published at least 10 days before the scheduled hearing
64 on the ordinance amendment and may be published in the section
65 of the newspaper reserved for legal notices. The notice must
66 include a general description of the land to be added to the
67 district and the date and time of the scheduled hearing to amend
68 the ordinance. The petitioner shall deliver, including by mail
69 or hand delivery, the notice of the hearing on the ordinance



637228

70 amendment to the owner of the parcel and to the district at
71 least 14 days before the scheduled hearing.

72 5. The amendment of a district by the addition of a parcel
73 pursuant to this paragraph does not alter the transition from
74 landowner voting to qualified elector voting pursuant to s.
75 190.006, even if the total size of the district after the
76 addition of the parcel exceeds 5,000 acres. Upon adoption of the
77 ordinance expanding the district, the petitioner must cause to
78 be recorded a notice of boundary amendment which reflects the
79 new boundaries of the district.

80 6. This paragraph is intended to facilitate the orderly
81 addition of lands to a district under certain circumstances and
82 does not preclude the addition of lands to any district using
83 the procedures in the other provisions of this section.

84 (3) The district may merge with other community development
85 districts upon filing a petition for merger, which petition
86 shall include the elements set forth in s. 190.005(1) and which
87 shall be evaluated using the criteria set forth in s.
88 190.005(1) (e). The filing fee shall be as set forth in s.
89 190.005(1) (b). In addition, the petition shall state whether a
90 new district is to be established or whether one district shall
91 be the surviving district. A community development district may
92 also merge with another type of special district created by
93 special act pursuant to the terms of that special act or by
94 filing a petition for establishment of a new ~~The district may~~
95 ~~merge with any other special districts upon filing a petition~~
96 ~~for establishment of a community development~~ district pursuant
97 to s. 190.005. The government formed by a merger involving a
98 community development district pursuant to this section shall



637228

99 assume all indebtedness of, and receive title to, all property
100 owned by the preexisting special districts, and the rights of
101 creditors and liens upon property shall not be impaired by such
102 merger. Any claim existing or action or proceeding pending by or
103 against any district that is a party to the merger may be
104 continued as if the merger had not occurred, or the surviving
105 district may be substituted in the proceeding for the district
106 that ceased to exist. Prior to filing a ~~the~~ petition, the
107 districts desiring to merge shall enter into a merger agreement
108 and shall provide for the proper allocation of the indebtedness
109 so assumed and the manner in which such debt shall be retired.
110 The approval of the merger agreement and the petition by the
111 board of supervisors of the district shall constitute consent of
112 the landowners within the district. A community development
113 district merging with another type of district may also enter
114 into a merger agreement to address issues of transition,
115 including the allocation of indebtedness and retirement of debt.

116
117 ===== T I T L E A M E N D M E N T =====

118 And the title is amended as follows:

119 Delete line 2

120 and insert:

121 An act relating growth management; amending s.
122 190.046, F.S.; authorizing sufficiently contiguous
123 lands located within the county or municipality which
124 a petitioner anticipates adding to the boundaries of a
125 new community development district to also be
126 identified in a petition to establish the new district
127 under certain circumstances; providing requirements



637228

128 for the petition; providing notification requirements
129 for the petition; prohibiting a parcel from being
130 included in the district without the written consent
131 of the owner of the parcel; authorizing a person to
132 petition the county or municipality to amend the
133 boundaries of the district to include a certain parcel
134 after establishment of the district; prohibiting a
135 filing fee for such petition; providing requirements
136 for the petition; requiring the person to provide the
137 petition to the district and to the owner of the
138 proposed additional parcel before filing the petition
139 with the county or municipality; requiring the county
140 or municipality to process the addition of the parcel
141 to the district as an amendment to the ordinance that
142 establishes the district once the petition is
143 determined sufficient and complete; authorizing the
144 county or municipality to process all such petitions
145 even if the addition exceeds specified acreage;
146 providing notice requirements for the intent to amend
147 the ordinance establishing the district; providing
148 that the amendment of a district by the addition of a
149 parcel does not alter the transition from landowner
150 voting to qualified elector voting; requiring the
151 petitioner to cause to be recorded a certain notice of
152 boundary amendment upon adoption of the ordinance
153 expanding the district; providing construction;
154 authorizing community development districts to merge
155 with another type of special district created by
156 special act or by filing a petition for establishment



637228

157 | of a new district; authorizing a community development
158 | district merging with another type of district to
159 | enter into merger agreements for certain purposes;