

By the Committee on Judiciary; and Senator Perry

590-02641-18

20181348c1

1 A bill to be entitled
2 An act relating to community development districts;
3 amending s. 190.046, F.S.; authorizing sufficiently
4 contiguous lands located within the county or
5 municipality which a petitioner anticipates adding to
6 the boundaries of a new community development district
7 to also be identified in a petition to establish the
8 new district under certain circumstances; providing
9 requirements for the petition; providing notification
10 requirements for the petition; prohibiting a parcel
11 from being included in the district without the
12 written consent of the owner of the parcel;
13 authorizing a person to petition the county or
14 municipality to amend the boundaries of the district
15 to include a certain parcel after establishment of the
16 district; prohibiting a filing fee for such petition;
17 providing requirements for the petition; requiring the
18 person to provide the petition to the district and to
19 the owner of the proposed additional parcel before
20 filing the petition with the county or municipality;
21 requiring the county or municipality to process the
22 addition of the parcel to the district as an amendment
23 to the ordinance that establishes the district once
24 the petition is determined sufficient and complete;
25 authorizing the county or municipality to process all
26 such petitions even if the addition exceeds specified
27 acreage; providing notice requirements for the intent
28 to amend the ordinance establishing the district;
29 providing that the amendment of a district by the

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30 addition of a parcel does not alter the transition
31 from landowner voting to qualified elector voting;
32 requiring the petitioner to cause to be recorded a
33 certain notice of boundary amendment upon adoption of
34 the ordinance expanding the district; providing
35 construction; providing an effective date.
36

37 Be It Enacted by the Legislature of the State of Florida:
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39 Section 1. Paragraph (h) is added to subsection (1) of
40 section 190.046, Florida Statutes, to read:

41 190.046 Termination, contraction, or expansion of
42 district.—

43 (1) A landowner or the board may petition to contract or
44 expand the boundaries of a community development district in the
45 following manner:

46 (h) For a petition to establish a new community development
47 district of less than 2,500 acres on land located solely in one
48 county or one municipality, sufficiently contiguous lands
49 located within the county or municipality which the petitioner
50 anticipates adding to the boundaries of the district within 10
51 years after the effective date of the ordinance establishing the
52 district may also be identified. If such sufficiently contiguous
53 land is identified, the petition must include a legal
54 description of each additional parcel within the sufficiently
55 contiguous land, the current owner of the parcel, the acreage of
56 the parcel, and the current land use designation of the parcel.
57 At least 14 days before the hearing required under s.
58 190.005(2)(b), the petitioner must give the current owner of

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59 each such parcel notice of filing the petition to establish the
60 district, the date and time of the public hearing on the
61 petition, and the name and address of the petitioner. A parcel
62 may not be included in the district without the written consent
63 of the owner of the parcel.

64 1. After establishment of the district, a person may
65 petition the county or municipality to amend the boundaries of
66 the district to include a previously identified parcel that was
67 a proposed addition to the district before its establishment. A
68 filing fee may not be charged for this petition. Each such
69 petition must include:

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

72 b. A new legal description by metes and bounds of the
73 district;

74 c. Written consent of all owners of the parcel to be added;

75 d. A map of the district including the parcel to be added;

76 e. A description of the development proposed on the
77 additional parcel; and

78 f. A copy of the original petition identifying the parcel
79 to be added.

80 2. Before filing with the county or municipality, the
81 person must provide the petition to the district and to the
82 owner of the proposed additional parcel, if the owner is not the
83 petitioner.

84 3. Once the petition is determined sufficient and complete,
85 the county or municipality must process the addition of the
86 parcel to the district as an amendment to the ordinance that
87 establishes the district. The county or municipality may process

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88 all petitions to amend the ordinance for parcels identified in
89 the original petition, even if, by adding such parcels, the
90 district exceeds 2,500 acres.

91 4. The petitioner shall cause to be published in a
92 newspaper of general circulation in the proposed district a
93 notice of the intent to amend the ordinance that establishes the
94 district, which notice shall be in addition to any notice
95 required for adoption of the ordinance amendment. Such notice
96 must be published at least 10 days before the scheduled hearing
97 on the ordinance amendment and may be published in the section
98 of the newspaper reserved for legal notices. The notice must
99 include a general description of the land to be added to the
100 district and the date and time of the scheduled hearing to amend
101 the ordinance. The petitioner shall deliver, including by mail
102 or hand delivery, the notice of the hearing on the ordinance
103 amendment to the owner of the parcel and to the district at
104 least 14 days before the scheduled hearing.

105 5. The amendment of a district by the addition of a parcel
106 pursuant to this paragraph does not alter the transition from
107 landowner voting to qualified elector voting pursuant to s.
108 190.006, even if the total size of the district after the
109 addition of the parcel exceeds 5,000 acres. Upon adoption of the
110 ordinance expanding the district, the petitioner must cause to
111 be recorded a notice of boundary amendment which reflects the
112 new boundaries of the district.

113 6. This paragraph is intended to facilitate the orderly
114 addition of lands to a district under certain circumstances and
115 does not preclude the addition of lands to any district using
116 the procedures in the other provisions of this section.

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Section 2. This act shall take effect July 1, 2018.