

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)
ADOPTED AS AMENDED	_____	(Y/N)
ADOPTED W/O OBJECTION	_____	(Y/N)
FAILED TO ADOPT	_____	(Y/N)
WITHDRAWN	_____	(Y/N)
OTHER		

1 Committee/Subcommittee hearing bill: State Affairs Committee
2 Representative Buchanan offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and 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 following manner:

(h) For a petition to establish a new community development district of less than 2,500 acres on land located

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

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

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

41 b. A new legal description by metes and bounds of the

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42 district;
43 c. Written consent of all owners of the parcel to be
44 added;
45 d. A map of the district including the parcel to be added;
46 e. A description of the development proposed on the
47 additional parcel; and
48 f. A copy of the original petition identifying the parcel
49 to be added.
50 2. Before filing with the county or municipality, the
51 person must provide the petition to the district and to the
52 owner of the proposed additional parcel, if the owner is not the
53 petitioner.
54 3. Once the petition is determined sufficient and
55 complete, the county or municipality must process the addition
56 of the parcel to the district as an amendment to the ordinance
57 that establishes the district. The county or municipality may
58 process all petitions to amend the ordinance for parcels
59 identified in the original petition, even if, by adding such
60 parcels, the district exceeds 2,500 acres.
61 4. The petitioner shall cause to be published in a
62 newspaper of general circulation in the proposed district a
63 notice of the intent to amend the ordinance that establishes the
64 district. The notice must be in addition to any notice required
65 for adoption of the ordinance amendment. Such notice must be
66 published at least 10 days before the scheduled hearing on the

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67 ordinance amendment and may be published in the section of the
68 newspaper reserved for legal notices. The notice must include a
69 general description of the land to be added to the district and
70 the date and time of the scheduled hearing to amend the
71 ordinance. The petitioner shall deliver, including by mail or
72 hand delivery, the notice of the hearing on the ordinance
73 amendment to the owner of the parcel and to the district at
74 least 14 days before the scheduled hearing.

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

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

87 (3) The district may merge with other community
88 development districts upon filing a petition for merger, which
89 petition shall include the elements set forth in s. 190.005(1)
90 and which shall be evaluated using the criteria set forth in s.
91 190.005(1)(e). The filing fee shall be as set forth in s.

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92 190.005(1)(b). In addition, the petition shall state whether a
93 new district is to be established or whether one district shall
94 be the surviving district. A community development district may
95 also merge with another type of special district created by
96 special act pursuant to the terms of that special act or by
97 filing a petition for establishment of a new ~~The district may~~
98 ~~merge with any other special districts upon filing a petition~~
99 ~~for establishment of a community development~~ district pursuant
100 to s. 190.005. The government formed by a merger involving a
101 community development district pursuant to this section shall
102 assume all indebtedness of, and receive title to, all property
103 owned by the preexisting special districts, and the rights of
104 creditors and liens upon property are ~~shall~~ not ~~be~~ impaired by
105 such merger. Any claim existing or action or proceeding pending
106 by or against any district that is a party to the merger may be
107 continued as if the merger had not occurred, or the surviving
108 district may be substituted in the proceeding for the district
109 that ceased to exist. Prior to filing a ~~the~~ petition, the
110 districts desiring to merge shall enter into a merger agreement
111 and shall provide for the proper allocation of the indebtedness
112 so assumed and the manner in which such debt shall be retired.
113 The approval of the merger agreement and the petition by the
114 board of supervisors of the district shall constitute consent of
115 the landowners within the district. A community development
116 district merging with another type of district may also enter

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117 into a merger agreement to address issues of transition,
118 including the allocation of indebtedness and retirement of debt.

119 Section 2. This act shall take effect upon becoming a law.

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121 **T I T L E A M E N D M E N T**

122 Remove everything before the enacting clause and insert:

123 An act relating to community development districts; amending s.
124 190.046, F.S.; authorizing sufficiently contiguous lands located
125 within the county or municipality which a petitioner anticipates
126 adding to the boundaries of a new community development district
127 to also be identified in a petition to establish the new
128 district under certain circumstances; providing requirements for
129 the petition; providing notification requirements for the
130 petition; prohibiting a parcel from being included in the
131 district without the written consent of the owner of the parcel;
132 authorizing a person to petition the county or municipality to
133 amend the boundaries of the district to include a certain parcel
134 after establishment of the district; prohibiting a filing fee
135 for such petition; providing requirements for the petition;
136 requiring the person to provide the petition to the district and
137 to the owner of the proposed additional parcel before filing the
138 petition with the county or municipality; requiring the county
139 or municipality to process the addition of the parcel to the
140 district as an amendment to the ordinance that establishes the
141 district once the petition is determined sufficient and

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142 complete; authorizing the county or municipality to process all
143 such petitions even if the addition exceeds specified acreage;
144 providing notice requirements for the intent to amend the
145 ordinance establishing the district; providing that the
146 amendment of a district by the addition of a parcel does not
147 alter the transition from landowner voting to qualified elector
148 voting; requiring the petitioner to cause to be recorded a
149 certain notice of boundary amendment upon adoption of the
150 ordinance expanding the district; providing construction;
151 authorizing community development districts to merge with
152 another type of special district created by special act or by
153 filing a petition for establishment of a new district;
154 authorizing a community development district merging with
155 another type of district to enter into merger agreements for
156 certain purposes; providing an effective date.