

By Senator Lee

20-01365-19

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

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30 parcel does not alter the transition from landowner
31 voting to qualified elector voting; requiring the
32 petitioner to cause to be recorded a certain notice of
33 boundary amendment upon adoption of the ordinance
34 expanding the district; providing construction;
35 authorizing community development districts to merge
36 with another type of special district created by
37 special act or by filing a petition for establishment
38 of a new district; authorizing a community development
39 district merging with another type of district to
40 enter into merger agreements for certain purposes;
41 providing an effective date.

42
43 Be It Enacted by the Legislature of the State of Florida:

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

48 190.046 Termination, contraction, or expansion of
49 district.—

50 (1) A landowner or the board may petition to contract or
51 expand the boundaries of a community development district in the
52 following manner:

53 (h) For a petition to establish a new community development
54 district of less than 2,500 acres on land located solely in one
55 county or one municipality, sufficiently contiguous lands
56 located within the county or municipality which the petitioner
57 anticipates adding to the boundaries of the district within 10
58 years after the effective date of the ordinance establishing the

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59 district may also be identified. If such sufficiently contiguous
60 land is identified, the petition must include a legal
61 description of each additional parcel within the sufficiently
62 contiguous land, the current owner of the parcel, the acreage of
63 the parcel, and the current land use designation of the parcel.
64 At least 14 days before the hearing required under s.
65 190.005(2)(b), the petitioner must give the current owner of
66 each such parcel notice of filing the petition to establish the
67 district, the date and time of the public hearing on the
68 petition, and the name and address of the petitioner. A parcel
69 may not be included in the district without the written consent
70 of the owner of the parcel.

71 1. After establishment of the district, a person may
72 petition the county or municipality to amend the boundaries of
73 the district to include a previously identified parcel that was
74 a proposed addition to the district before its establishment. A
75 filing fee may not be charged for this petition. Each such
76 petition must include:

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

79 b. A new legal description by metes and bounds of the
80 district;

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

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

83 e. A description of the development proposed on the

84 additional parcel; and

85 f. A copy of the original petition identifying the parcel
86 to be added.

87 2. Before filing with the county or municipality, the

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88 person must provide the petition to the district and to the
89 owner of the proposed additional parcel, if the owner is not the
90 petitioner.

91 3. Once the petition is determined sufficient and complete,
92 the county or municipality must process the addition of the
93 parcel to the district as an amendment to the ordinance that
94 establishes the district. The county or municipality may process
95 all petitions to amend the ordinance for parcels identified in
96 the original petition, even if, by adding such parcels, the
97 district exceeds 2,500 acres.

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

112 5. The amendment of a district by the addition of a parcel
113 pursuant to this paragraph does not alter the transition from
114 landowner voting to qualified elector voting pursuant to s.
115 190.006, even if the total size of the district after the
116 addition of the parcel exceeds 5,000 acres. Upon adoption of the

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117 ordinance expanding the district, the petitioner must cause to
118 be recorded a notice of boundary amendment which reflects the
119 new boundaries of the district.

120 6. This paragraph is intended to facilitate the orderly
121 addition of lands to a district under certain circumstances and
122 does not preclude the addition of lands to any district using
123 the procedures in the other provisions of this section.

124 (3) The district may merge with other community development
125 districts upon filing a petition for merger, which petition
126 shall include the elements set forth in s. 190.005(1) and which
127 shall be evaluated using the criteria set forth in s.
128 190.005(1)(e). The filing fee shall be as set forth in s.
129 190.005(1)(b). In addition, the petition shall state whether a
130 new district is to be established or whether one district shall
131 be the surviving district. A community development district may
132 also merge with another type of special district created by
133 special act pursuant to the terms of that special act or by
134 filing a petition for establishment of a new ~~The district may~~
135 ~~merge with any other special districts upon filing a petition~~
136 ~~for establishment of a community development~~ district pursuant
137 to s. 190.005. The government formed by a merger involving a
138 community development district pursuant to this section shall
139 assume all indebtedness of, and receive title to, all property
140 owned by the preexisting special districts, and the rights of
141 creditors and liens upon property are ~~shall not be~~ impaired by
142 such merger. Any claim existing or action or proceeding pending
143 by or against any district that is a party to the merger may be
144 continued as if the merger had not occurred, or the surviving
145 district may be substituted in the proceeding for the district

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146 that ceased to exist. Prior to filing a ~~the~~ petition, the
147 districts desiring to merge shall enter into a merger agreement
148 and shall provide for the proper allocation of the indebtedness
149 so assumed and the manner in which such debt shall be retired.
150 The approval of the merger agreement and the petition by the
151 board of supervisors of the district shall constitute consent of
152 the landowners within the district. A community development
153 district merging with another type of district may also enter
154 into a merger agreement to address issues of transition,
155 including the allocation of indebtedness and retirement of debt.

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