

By the Committee on Infrastructure and Security; and Senator Lee

596-03787-19

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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

596-03787-19

2019728c1

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; authorizing community development
36 districts to merge with another type of special
37 district created by special act or by filing a
38 petition for establishment of a new district;
39 authorizing a community development district merging
40 with another type of district to enter into merger
41 agreements for certain purposes; providing an
42 effective date.

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

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

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

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

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

596-03787-19

2019728c1

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

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

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

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

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

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

84 e. A description of the development proposed on the
85 additional parcel; and

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

596-03787-19

2019728c1

88 2. Before filing with the county or municipality, the
89 person must provide the petition to the district and to the
90 owner of the proposed additional parcel, if the owner is not the
91 petitioner.

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

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

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

596-03787-19

2019728c1

117 addition of the parcel exceeds 5,000 acres. Upon adoption of the
118 ordinance expanding the district, the petitioner must cause to
119 be recorded a notice of boundary amendment which reflects the
120 new boundaries of the district.

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

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

596-03787-19

2019728c1

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

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