

1                                   A bill to be entitled  
2           An act relating to resilience districts; creating s.  
3           190.101, F.S.; providing a short title; creating s.  
4           190.102, F.S.; providing legislative findings and  
5           intent; creating s. 190.103, F.S.; defining terms;  
6           creating s. 190.104, F.S.; declaring that this act  
7           constitutes the sole authority for resilience  
8           districts; creating s. 190.105, F.S.; authorizing the  
9           establishment of infrastructure resilience districts  
10          through a petition by certain persons; prohibiting a  
11          local government from initiating an infrastructure  
12          resilience district without such petition; specifying  
13          the requirements for the petition; requiring the  
14          petitioner to send copies of the petition to specified  
15          counties and municipalities and pay a certain fee;  
16          authorizing petitioners to engage in certain meetings  
17          before the filing of the petition; requiring certain  
18          counties and municipalities to conduct public  
19          hearings; specifying a timeframe for conducting such  
20          hearings; authorizing counties or municipalities to  
21          express support of or objection to the resilience  
22          district by resolution; specifying the requirements  
23          for such resolution; requiring the public hearing on a  
24          petition to be conducted in accordance with local  
25          regulations and at an accessible location; requiring

26 | the petitioner to publish notice of the hearing;  
27 | specifying the requirements of the notice; requiring  
28 | the local government to give an opportunity to provide  
29 | oral or written comments on the petition; specifying  
30 | factors the local government may consider in granting  
31 | or denying a petition for an infrastructure resilience  
32 | district; specifying certain requirements if the  
33 | petition is denied on a specified basis; requiring an  
34 | interlocal agreement to be signed in certain  
35 | circumstances; authorizing establishment of  
36 | condominium resilience districts through a petition by  
37 | certain persons; requiring counties to develop a  
38 | process to receive such petitions; prohibiting a local  
39 | government from initiating a condominium resilience  
40 | district without such petition; specifying the  
41 | requirements of the petition; requiring the petitioner  
42 | to submit a petition to a specified county and to pay  
43 | certain fees; requiring the county to make certain  
44 | notifications; requiring the county to conduct a  
45 | public hearing under certain circumstances; specifying  
46 | a timeframe and requirements for such hearing;  
47 | authorizing counties or municipalities to express  
48 | support of or objection to the resilience district by  
49 | resolution; specifying the requirements for such  
50 | resolution; requiring the hearing to be conducted in

51 | accordance with local regulations and at an accessible  
52 | location; requiring the petitioner to publish notice  
53 | of the hearing; specifying the requirements of the  
54 | notice; requiring the county to give certain  
55 | individuals an opportunity to provide oral or written  
56 | comments on the petition; specifying factors the  
57 | county may consider in granting or denying a petition  
58 | for a condominium resilience district; creating s.  
59 | 190.1052, F.S.; specifying requirements for the size  
60 | of resilience districts; specifying requirements for  
61 | condominium resilience districts; prohibiting certain  
62 | district configurations; requiring resilience  
63 | districts to replace certain other special taxing  
64 | districts under certain circumstances; specifying that  
65 | the district would include certain consolidated  
66 | property; creating s. 190.1054, F.S.; specifying  
67 | acceptable uses of resilience districts for  
68 | infrastructure and condominiums; prohibiting certain  
69 | condominiums from using resilience districts;  
70 | providing limitations on the use of resilience  
71 | districts; requiring certain modifications to be  
72 | approved through an amended petition; creating s.  
73 | 190.1056, F.S.; authorizing the payment of fees for  
74 | project management of infrastructure resilience  
75 | district; providing a limit on such fees; requiring

76 project managers to meet certain requirements;  
77 specifying a certain fee to the property appraiser for  
78 certain administration; requiring all fees to be  
79 factored into the loan amount; creating s. 190.106,  
80 F.S.; specifying the composition, length of terms, and  
81 procedure for filling vacancies of the board for  
82 infrastructure resilience districts; specifying the  
83 powers, composition, procedure for filling vacancies,  
84 and elections of the board of a condominium resilience  
85 district; requiring board members to follow applicable  
86 laws; prohibiting board members from receiving  
87 compensation; prohibiting board members from  
88 performing the work of the district; requiring board  
89 members to be residents of the state and citizens of  
90 the United States; creating s. 190.108, F.S.;;  
91 requiring each district to publish an annual budget;  
92 requiring resilience districts for condominiums to  
93 providing their annual budget to certain persons;  
94 requiring the district to provide certain financial  
95 reports; authorizing the local government to review  
96 and submit comments regarding a district's annual  
97 budget; creating s. 190.111, F.S.; specifying the  
98 powers the district may exercise; creating s. 190.133,  
99 F.S.; requiring infrastructure resilience districts to  
100 follow a specified procurement process; specifying a

101 procurement process for condominium resilience  
 102 districts; creating s. 190.136, F.S.; authorizing a  
 103 district to recover unpaid fees, rental charges, or  
 104 penalties; creating s. 190.146, F.S.; specifying the  
 105 circumstances in which the district can be expanded or  
 106 reduced; specifying when an infrastructure or  
 107 condominium resilience district must terminate;  
 108 creating s. 190.148, F.S.; requiring a specified  
 109 disclosure for sales of real property located in a  
 110 resilience the district; creating s. 190.149, F.S.;  
 111 requiring the district to record a specified notice of  
 112 establishment of a resilience district within a  
 113 specified timeframe; amending s. 190.002, F.S.;  
 114 conforming provisions to changes made by the act;  
 115 amending s. 190.003, F.S.; conforming provisions to  
 116 changes made by the act; amending s. 190.046, F.S.;  
 117 conforming provisions to changes made by the act;  
 118 amending s. 190.048, F.S.; conforming provisions to  
 119 changes made by the act; providing a directive to the  
 120 Division of Law Revision; providing an effective date.

121

122 Be It Enacted by the Legislature of the State of Florida:

123

124 Section 1. Section 190.101, Florida Statutes, is created  
 125 to read:

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126        190.101 Short title.—Sections 190.101-190.149 may be cited  
127 as the "Resilience District Act of 2023."

128        Section 2. Section 190.102, Florida Statutes, is created  
129 to read:

130        190.102 Legislative findings.—The Legislature finds that:

131        (1) There is a need for uniform, focused, and fair  
132 procedures in state law to provide financial mechanisms to help  
133 communities mitigate the risk from rising sea levels and  
134 increased flooding while improving the quality of life for their  
135 residents.

136        (2) Local governments need support to address these  
137 challenges in a timely manner, including providing new,  
138 resident-focused solutions to solve infrastructure problems.

139        (3) Even though more than half of this state's  
140 municipalities have fewer than 6,000 residents, current  
141 financing mechanisms disproportionately benefit larger and more  
142 affluent communities.

143        (4) There is a need to provide condominiums with long-term  
144 financing mechanisms to solve their large infrastructure  
145 problems and to comply with statutory mandates requiring  
146 condominium associations to maintain fully funded reserves.

147        (5) Allowing current special districts to exist in  
148 perpetuity, even long after their functional responsibilities  
149 and initial debt financing are over, is not in the state's best  
150 interest.

151 Section 3. Section 190.103, Florida Statutes, is created  
 152 to read:

153 190.103 Definitions.—As used in ss. 190.101-190.149, the  
 154 term:

155 (1) "Board" or "board of supervisors" has the same meaning  
 156 as in s. 190.003.

157 (2) "Bond" means any general obligation bond, assessment  
 158 bond, refunding bond, revenue bond, and other such obligation in  
 159 the nature of a bond as is provided for in this act.

160 (3) "District" means the resilience district.

161 (4) "District boundaries" means a continuous geographic  
 162 area with common interest.

163 (5) "District manager" means the manager of the district,  
 164 who may include a staff member of the local government.

165 (6) "Infrastructure" means any fixed capital expenditure  
 166 or fixed capital costs associated with the construction,  
 167 reconstruction, or improvement of facilities that have a life  
 168 expectancy of 5 or more years and any land acquisition, land  
 169 improvement, design, and engineering costs related thereto.

170 (7) "Landowner" means the owner of a freehold estate as it  
 171 appears by the deed record, including a trustee, a private  
 172 corporation, and an owner of a condominium unit. The term does  
 173 not include a reversioner, remainderman, mortgagee, or any  
 174 governmental entity which may not be counted and need not be  
 175 notified of proceedings under this act. The term also means the

176 owner of a ground lease from a governmental entity, which  
 177 leasehold interest has a remaining term, excluding all renewal  
 178 options, in excess of 50 years.

179 (8) "Parcel" means any quantity of land capable of being  
 180 described with such definiteness that its location and  
 181 boundaries may be established, which is designated by its owner  
 182 or developer as land to be used or developed as a unit, or which  
 183 has been used or developed as a unit.

184 (9) "Resilience district" means a citizen-initiated  
 185 financing district created pursuant to this act and limited to  
 186 the performance of those specialized functions authorized by  
 187 this act which solve infrastructure and resilience problems  
 188 affecting the district's geographic area, specifically for  
 189 public infrastructure or condominiums.

190 (10) "Taxpayer" means any person or corporation paying  
 191 property taxes for property owned within the district boundary.

192 Section 4. Section 190.104, Florida Statutes, is created  
 193 to read:

194 190.104 Sole authority.—This act constitutes the sole  
 195 authorization for the future establishment of resilience  
 196 districts that have any of the specialized functions and powers  
 197 provided by this act.

198 Section 5. Section 190.105, Florida Statutes, is created  
 199 to read:

200 190.105 Establishment of district.—



201       (1) The exclusive and uniform method for the establishment  
202 of a resilience district to address infrastructure is through a  
203 petition from the taxpayers who own real property within the  
204 district boundaries. A local government may not initiate the  
205 creation of the infrastructure resilience district without such  
206 petition.

207       (a) A petition for the establishment of an infrastructure  
208 resilience district must be filed by the petitioner with the  
209 desired local government, which will serve as the project  
210 manager for the district, unless the district hires a private  
211 individual to provide this service. The petition must contain  
212 all of the following:

213       1. A metes and bounds description of the boundaries of the  
214 district. Any real property within the boundaries of the  
215 district which is to be excluded from the district must be  
216 specifically described, and the last known address of all owners  
217 of such real property must be listed. The petition must also  
218 address the impact of the proposed district on any real property  
219 within the external boundaries of the district which is to be  
220 excluded from the district.

221       2. The written consent to the establishment of the  
222 district by 70 percent of the landowners whose real property is  
223 to be included in the district or documentation demonstrating  
224 that the petitioner has control by deed, trust agreement,  
225 contract, or option of 100 percent of the real property to be

226 included in the district. When real property to be included in  
227 the district is owned by a governmental entity and subject to a  
228 ground lease as described in s. 190.103(7), the governmental  
229 entity must provide its written consent. The petitioner must  
230 verify ownership of property with the county property appraiser.

231 3. The proposed name of the district.

232 4. Identification that the proposed district is an  
233 acceptable use of the district pursuant to s. 190.1054(1).

234 5. A written description of why the district is needed.

235 6. Designation of five persons to be the initial members  
236 of the district's board of supervisors, who will serve in that  
237 office until replaced by elected members as provided in s.  
238 190.106.

239 7. Based upon available data, the proposed budget of the  
240 district and the timeline for expenditure of the funds. These  
241 estimates must be submitted in good faith but are not binding  
242 and may be revised as needed. The proposed budget must include  
243 the overall cost of the infrastructure project, years of  
244 repayment, cost per property, and any fees being paid to a local  
245 general-purpose government in support of the development and  
246 operation of the district.

247 (b) The petitioner must submit a copy of the petition to  
248 the local government that will serve as the project manager,  
249 along with an application fee of \$500, and a copy to each  
250 municipality or county the boundaries of which are contiguous

251 with, or contain all or a portion of, the land within the  
252 boundaries of the proposed resilience district. In cases where  
253 conflicts arise over the formation of a resilience district, the  
254 petitioner may engage the local government in meetings before  
255 the petition is filed in order to find a resolution that is  
256 mutually agreeable to all parties.

257 (c) Each county and municipality required under this  
258 section to receive a petition must conduct a public hearing to  
259 consider the merits of the petition and whether it meets the  
260 requirements specified in paragraph (d).

261 1. The public hearing must be concluded within 90 days  
262 after the date the petition is filed, unless an extension of  
263 time is requested by the petitioner and granted by the county or  
264 municipality. The county or municipality holding the public  
265 hearing may express its support of or objection to the creation  
266 of the district by resolution. A resolution must base any  
267 objection to the granting of the petition upon the factors  
268 specified in paragraph (d) and be adopted by a supermajority of  
269 the governing body of the county or municipality.

270 2. The public hearing on the petition must be conducted in  
271 accordance with local regulations regarding public hearings. The  
272 hearing must be held at an accessible location of the local  
273 government that receives the petition for the resilience  
274 district. The petitioner must publish a notice of the hearing  
275 for 4 successive weeks on a publicly accessible website as

276 provided in s. 50.0311 and mail a notice to every landowner  
277 within the proposed boundaries of the district at least 30 days  
278 before the hearing. Such notice must give the time and place for  
279 the hearing, a description of the area to be included in the  
280 district, including a map clearly showing the area to be covered  
281 by the district, and any other relevant information the county  
282 or municipality requires. All affected units of the local  
283 general-purpose government and the general public must be given  
284 an opportunity to appear at the hearing and present oral or  
285 written comments on the petition.

286 (d) The local general-purpose government where the  
287 petition is filed may consider any of the following factors in  
288 granting or denying the petition for the establishment of an  
289 infrastructure resilience district:

290 1. Whether all statements contained in the petition have  
291 been found to be true and correct.

292 2. Whether the proposed district boundaries are in  
293 compliance with s. 190.1052.

294 3. Whether the local general-purpose government has  
295 committed to funding the proposed infrastructure project and  
296 will implement the project within the next 5 years. The project  
297 must be clearly defined in a capital improvement plan.

298 4. Whether an independent licensed engineering  
299 professional, free of conflict, hired by the local general-  
300 purpose government, has determined that the proposed plan will

301 not adequately solve the problem. The term "adequately solve the  
302 problem" means that the solution would not improve the situation  
303 in any meaningful way.

304 5. Other than for the redevelopment of nonresilient  
305 housing as described by s. 190.1054(1)(d)1., whether the  
306 district would primarily serve one parcel or owner or numerous  
307 parcels that have related owners through familial or business  
308 interests.

309 6. Whether the infrastructure improvements being proposed  
310 are not within the jurisdictional authority of any local  
311 government included as a cooperative partner in the project.

312 7. Whether the proposed improvements would have a  
313 significant negative impact on other property owners outside the  
314 proposed district and whether a remedy exists to mitigate such  
315 impact.

316 8. Whether the operation and maintenance of the proposed  
317 infrastructure would create an undue burden on the local  
318 general-purpose government.

319 9. Whether the establishment of the district is  
320 inconsistent with any applicable element or portion of the local  
321 general-purpose government's comprehensive plan.

322 (e) If the local general-purpose government denies the  
323 petition under subparagraph (d)3. and then fails to implement  
324 the infrastructure improvement or eliminates funding for it at  
325 any time within 5 years, the petition must be reheard within 45

326 days and may not be denied subsequently under subparagraph (d)3.  
327 In this case, the local general-purpose government, if selected  
328 as the project manager, must not take a project management fee  
329 and is responsible for any increased costs from the petitioner's  
330 previously submitted cost estimate.

331 (f) If the local general-purpose government denies the  
332 petition under subparagraph (d)2., the local general-purpose  
333 government must work with the petitioner, if desired, to  
334 determine an acceptable boundary for the formation of the  
335 district and revise the petition accordingly.

336 (g) If the local general-purpose government  
337 inappropriately denies the petition under paragraph (d) without  
338 working with the petitioner to attempt to modify the petition to  
339 find an agreeable alternative, the local general-purpose  
340 government will be responsible for implementing the project, or  
341 an appropriate alternative, paying all costs, and commencing the  
342 project within 180 days. The local general-purpose government  
343 may not create any unreasonable delays completing the project.

344 (h) If lands within the proposed district overlap the  
345 boundaries of more than one local general-purpose government,  
346 the affected local general-purpose governments must sign an  
347 interlocal agreement with the local government receiving the  
348 petition. The interlocal agreement must be in place no more than  
349 120 days after the approval of the district and before the  
350 commencement of any work of the resilience district.

351 (2) The exclusive and uniform method for the establishment  
352 of a resilience district for condominiums or an associated group  
353 of condominiums is through a petition from residents and  
354 taxpayers who are unit owners of the condominiums located within  
355 the district boundaries. All counties must develop a process to  
356 receive and process such petitions by December 15, 2023. A local  
357 government must not initiate the creation of a resilience  
358 district for condominiums without such petition.

359 (a) A petition for the establishment of a resilience  
360 district for condominiums must be filed by the petitioner with  
361 the county in which a majority of the condominium units are  
362 located. The petition must contain:

363 1. A metes and bounds description of the boundaries of the  
364 district. Any real property within the boundaries of the  
365 district which is to be excluded from the district must be  
366 specifically described, and the last known address of all owners  
367 of such real property must be listed. The petition must also  
368 address the impact of the proposed district on any real property  
369 within the external boundaries of the district which is to be  
370 excluded from the district.

371 2. The written consent to the establishment of the  
372 district by 70 percent of the unit owners to be included in the  
373 district or documentation demonstrating that the petitioner has  
374 control by deed, trust agreement, contract, or option of 100  
375 percent of the real property to be included in the district.

376 When real property to be included in the district is owned by a  
377 governmental entity and subject to a ground lease as described  
378 in s. 190.103(7), the governmental entity must provide its  
379 written consent. The petitioner must verify ownership of  
380 property with the county property appraiser.

381 3. The proposed name of the district.

382 4. A written description of why the district is needed.

383 5. Designation of the existing board of the condominium to  
384 be the district's board of supervisors, who will serve until  
385 replaced by elected members as provided in s. 190.106.

386 6. Based upon available data, the proposed budget of the  
387 district and the timeline for expenditure of the funds. These  
388 estimates must be submitted in good faith but are not binding  
389 and may be revised as needed. The proposed budget must include  
390 the overall cost of the proposed project, years of repayment,  
391 probable cost per property, and any fees being paid to a local  
392 general-purpose government in support of the development and  
393 operation of the district.

394 7. Proof of notification of all unit owners of the plan to  
395 create a district and the condominium association meeting  
396 minutes in which the creation of the district was approved by  
397 the board of the condominium association.

398 8. A letter of recommendation for each condominium, signed  
399 by the president or chair of the association board.

400 (b) The petitioner must submit a copy of the petition to



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401 the county in which a majority of the condominium units are  
402 located, along with an application fee of \$200 plus \$2 per unit  
403 within the district to cover the cost of notifications.

404 (c) The county must notify all residents by mail of the  
405 petition to create the resilience district and notify them of  
406 their rights under paragraph (d).

407 (d) The county must conduct a public hearing to consider  
408 the merits of the petition and whether it meets the requirements  
409 specified in paragraph (e) if at least 10 percent of the unit  
410 owners impacted request such a hearing in writing within 45 days  
411 after the county receives the initial petition.

412 1. The public hearing must be concluded within 90 days  
413 after 10 percent or more of the unit owners request the hearing,  
414 unless an extension of time is requested by the petitioner and  
415 granted by the county. The county may express its support of or  
416 objection to the creation of the district by resolution. A  
417 resolution must base any objection to the granting of the  
418 petition upon the factors specified in paragraph (e) and be  
419 adopted by a supermajority of the governing body of the county.

420 2. A local public hearing on the petition must be  
421 conducted in accordance with local regulations regarding public  
422 hearings. The hearing must be held at an accessible location in  
423 the county. The petitioner must publish a notice of the hearing  
424 for 4 successive weeks on a publicly accessible website as  
425 provided in s. 50.0311 and a mailed notice to every unit owner

426 within the proposed boundaries of the district at least 30 days  
 427 before the hearing. Such notice must give the time and place for  
 428 the hearing, a description of the area to be included in the  
 429 district, which description must include a map showing clearly  
 430 the area to be covered by the district, and any other relevant  
 431 information the county requires. All affected unit owners and  
 432 the general public must be given an opportunity to appear at the  
 433 hearing and present oral or written comments on the petition.

434 (e) The following factors must be used to make a  
 435 determination to grant or deny a petition for the establishment  
 436 of a resilience district:

437 1. Whether all statements contained in the petition have  
 438 been found to be true and correct.

439 2. Whether the proposed district boundaries are in  
 440 compliance with s. 190.1052.

441 3. Whether the district would primarily serve one owner or  
 442 numerous parcels that have related owners through familial or  
 443 business interests.

444 4. Whether the district would create an undue burden on  
 445 residents when other alternatives exist to fund and develop  
 446 proposed improvements at a lower cost.

447 Section 6. Section 190.1052, Florida Statutes, is created  
 448 to read:

449 190.1052 District boundaries.—

450 (1) Districts must be compact and the smallest size

451 possible to solve the identified problem, yet sufficient in size  
452 to encompass the properties that will receive benefit from the  
453 proposed improvements.

454 (2) Districts for condominiums must include an entire  
455 building or group of related buildings that are adjacent and  
456 share common areas such as a pool, clubhouse, or other common  
457 facilities.

458 (3) A local general-purpose government may not be more  
459 than 5 percent of the land area of the district without the  
460 local general-purpose government agreement. The land area  
461 calculation may not include rights-of-way or other publicly  
462 accessible lands used for infrastructure.

463 (4) A district may not:

464 (a) Have one owner with more than 10 percent of the area  
465 of a district without the consent of that owner.

466 (b) Include state or federal property without the consent  
467 of those governments, including submerged lands.

468 (c) Include land defined as Indian country in 18 U.S.C. s.  
469 1151.

470 (5) If a district is identical to, or shares more than 90  
471 percent of the geography of, any existing special taxing  
472 district that primarily serves a similar function, the existing  
473 district must be dissolved and reconstituted as a resilience  
474 district as defined under this act and all assets of the  
475 existing district shall be transferred to the resilience

476 district. This applies to resilience districts under this act  
477 that have the same boundary as existing resilience districts.

478 (6) If a property within the district consolidates with an  
479 adjacent unit or property, the district includes the entirety of  
480 the consolidated property.

481 Section 7. Section 190.1054, Florida Statutes, is created  
482 to read:

483 190.1054 Uses of the district.-

484 (1) Acceptable uses of infrastructure resilience districts  
485 include, but are not limited to, all of the following:

486 (a) Projects that mitigate the risk of flooding and sea  
487 level rise as defined under s. 380.093, including the costs of  
488 design, permitting, and other preconstruction activities, as  
489 well as harmonization of the project with private property.

490 Exclusions on the use of the funds provided under s. 380.093 do  
491 not apply to resilience districts.

492 (b) Infrastructure that improves access to property during  
493 flood or storms events. This may include the cost of design,  
494 permitting, and other preconstruction activities, as well as  
495 harmonization of the infrastructure with private property.

496 (c) Septic to sewer conversion. If infrastructure  
497 improvement outside of the district is necessary to provide  
498 sewer service, the entity providing such service may include the  
499 cost of the proportional benefit to the resident of the  
500 district, if such costs have been similarly charged to expand

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501 sewer service. This may include the cost of design, permitting,  
502 and other preconstruction activities, as well as harmonization  
503 of the sewer service with private property.

504 (d) Redevelopment of nonresilient housing stock and  
505 related infrastructure improvements.

506 1. Nonresilient housing stock includes, but is not limited  
507 to, mobile home parks, manufactured housing, or areas where 90  
508 percent or greater of the properties have a first finished floor  
509 elevation below the designated base flood elevation.

510 2. For redevelopments where the average income of the  
511 current residents is below the county's median household income,  
512 a developer must provide:

513 a. An affordable housing unit, as defined by the Florida  
514 Housing Finance Corporation, for every existing structure or  
515 unit;

516 b. The first right of refusal to the residents of the  
517 district for rental or purchase of new units developed; and

518 c. For residents who desire to stay in the district during  
519 redevelopment, a clear plan for the nondisplacement or temporary  
520 relocation of existing residents during construction. The cost  
521 of relocation and additional cost of any housing must be covered  
522 by the district. For residents who desire to leave the district  
523 during redevelopment, the developer must pay for relocation  
524 costs including housing placement assistance and rental support  
525 for the difference in costs, based on average market rent for at

526 least 12 months.

527 (e) Service the debt of any existing special taxing  
528 district authorized under statute, in the event that district is  
529 dissolved.

530 (2) An infrastructure resilience district may not be  
531 created with the purpose of taking over public lands.

532 (3) Acceptable uses of a condominium resilience district  
533 include, but are not limited to, all of the following:

534 (a) Fully funding the condominium's reserves.

535 1. To create a district for this purpose, the board of the  
536 condominium association must provide the current approved budget  
537 and a written plan on how to continue to fund the reserves  
538 beyond any initial loan as part of the creation of the district.

539 2. Any funds borrowed under this section must be held in  
540 an escrow account that can be used only for the designed repairs  
541 required as part of the reserve or unexpected repairs costing  
542 more than \$10,000.

543 (b) Making structural or other improvements that would  
544 require assessing the unit owners more than one-quarter of the  
545 sum of the total assessment collected by the associated annually  
546 based on the previous 3 years of collections.

547 (c) Executing mandates of the Florida Building Code,  
548 Florida Fire Prevention Code, or local building codes.

549 (4) A condominium resilience district may not be used by a  
550 condominium association when more than 40 percent of the units

551 are owned by a single or group of related owners or if the  
552 association is in formal negotiations to sell all units and  
553 dissolve the association. All debt service must be paid and the  
554 district dissolved before the transfer of ownership of any  
555 condominium to a single or group of related owners.

556 (5) Resilience districts must not exist in perpetuity and  
557 must be created with a specific purpose as defined in this  
558 section. Districts may not add additional projects beyond what  
559 was approved as part of the petition under s. 190.105, unless  
560 the projects are required to supplement the initial project to  
561 fix a deficiency that will compromise the intent and purpose of  
562 the initial project and the deficiency is identified within 5  
563 years after the creation of the district. Any modifications  
564 require the approval of 70 percent of the unit owners within the  
565 district through an amended petition under s. 190.105. The  
566 amended petition must be verified by the local property  
567 appraiser.

568 Section 8. Section 190.1056, Florida Statutes, is created  
569 to read:

570 190.1056 Management and service fees.-

571 (1) If the local government is acting as the project  
572 manager for an infrastructure resilience district, the district  
573 may pay up to a 5 percent project management fee based on the  
574 total cost of design and construction. Half of the fee is to be  
575 paid to the local government acting as the project manager at

576 the commencement of the project and the remainder at the  
577 completion of the project. If an outside firm is used to manage  
578 the project, the actual cost of project management may be  
579 charged if approved as part of the creation of the district but  
580 may not exceed 10 percent of the total cost of design and  
581 construction. Such project manager must be a licensed  
582 professional engineer in this state and the company must be  
583 authorized to do business in this state.

584 (2) The local property appraiser must receive up to a 2  
585 percent administrative fee or actual cost of administration,  
586 whichever is less, based on the annual amount of collection for  
587 the district for any debt service.

588 (3) All fees must be factored into any overall loan amount  
589 reflected in the budget as a part of the petition approval  
590 process.

591 Section 9. Section 190.106, Florida Statutes, is created  
592 to read:

593 190.106 Board of supervisors; members and meetings.—

594 (1) For infrastructure resilience districts:

595 (a) The board shall be composed of a minimum of three and  
596 no more than seven members or two members times the number of  
597 local governments that are parties to the district plus one  
598 member, whichever is greater.

599 (b) The board shall include one elected official from all  
600 local governments who received a copy of the petition, but a



601 majority of the board must be property owners from within the  
602 district.

603 (c) Local government elected officials do not count as  
604 residents of the district, even if they own property within the  
605 district.

606 (d) Each term will be for a length of no more than 5  
607 years.

608 (e) Vacancies must be filled by the local general-purpose  
609 government that created the district and if the local government  
610 fails to fill a vacancy within 60 days, the board may appoint an  
611 interim member in a publicly noticed meeting in accordance with  
612 this chapter.

613 (2) For condominium resilience districts:

614 (a) The district board of supervisors exercises the powers  
615 granted to the district pursuant to this act.

616 (b) The board of the condominium association must serve as  
617 the district board of supervisors unless an association board  
618 member cannot comply with the requirements to serve on the  
619 district board. In that case, a substitute member may be elected  
620 as part of the elections of the condominium association board.

621 (c) Vacancies must be filled and elections held in  
622 accordance with the bylaws of the association, which must be  
623 publicly available and provided.

624 (3) District board members shall follow all applicable  
625 local, state, and federal laws.

626       (4) District board members may not be compensated for  
 627 their service.

628       (5) District board members are precluded from performing  
 629 any of the work of the district.

630       (6) The members of the district board must be residents of  
 631 the state and citizens of the United States.

632       Section 10. Section 190.108, Florida Statutes, is created  
 633 to read:

634       190.108 Budget; reports and reviews.—

635       (1) Each district shall publish an annual budget that must  
 636 be provided to each resident and landowner or unit owner within  
 637 the district.

638       (2) For condominium resilience districts, the annual  
 639 budget must be provided to the local building official and local  
 640 property appraiser.

641       (3) The district shall provide financial reports in such  
 642 form and such manner as prescribed pursuant to this subsection  
 643 and s. 190.009.

644       (4) The local general-purpose government may review the  
 645 proposed annual budget and any long-term financial plan or  
 646 program and may submit written comments to the district board  
 647 for its assistance and information in adopting the district  
 648 annual budget and long-term financial plan or program.

649       Section 11. Section 190.111, Florida Statutes, is created  
 650 to read:

651 190.111 General powers.—The district shall have, and its  
 652 board of supervisors may exercise, the following powers:

653 (1) Borrow money and issue bonds, certificates, warrants,  
 654 notes, or other evidence of indebtedness as hereinafter  
 655 provided; to levy such tax and special assessments as may be  
 656 authorized; and to charge, collect, and enforce fees and other  
 657 charges.

658 (2) To contract for the services of consultants to perform  
 659 planning, engineering, legal, or other appropriate services of a  
 660 professional nature. Such contracts are subject to public  
 661 bidding or competitive negotiation requirements as set forth in  
 662 s. 190.133.

663 (3) To cooperate with, or contract with, other  
 664 governmental agencies as may be necessary, convenient,  
 665 incidental, or proper in connection with any of the powers,  
 666 duties, or purposes authorized by this act.

667 (4) To exercise such special powers as may be authorized  
 668 by this act.

669 Section 12. Section 190.133, Florida Statutes, is created  
 670 to read:

671 190.133 Bids required.—

672 (1) An infrastructure resilience district must follow  
 673 applicable procurement processes of the local government that  
 674 manages the district or follow the requirements under s.  
 675 287.055. Project services may be procured under continuing

676 service contracts with the approval of the district board of  
677 supervisors.

678 (2) Condominium resilience districts must receive at least  
679 three bids for each project. The district board of supervisors  
680 must vote on the rationale supporting the selection of the firm  
681 chosen. The three bids and rationale must be filed with the  
682 local property appraiser or other entity as required by the  
683 Department of Economic Opportunity. All bids and the outcome of  
684 the board vote on the rationale supporting the selection of the  
685 firm chosen must be shared with all unit owners.

686 Section 13. Section 190.136, Florida Statutes, is created  
687 to read:

688 190.136 Recovery of delinquent charges.—In the event that  
689 any fees, rental charges, or delinquent penalties are not paid  
690 as and when due and are in default for 60 days or more, the  
691 unpaid balance thereof and all interest accrued thereon,  
692 together with reasonable attorney fees and costs, may be  
693 recovered by the district in a civil action.

694 Section 14. Section 190.146, Florida Statutes, is created  
695 to read:

696 190.146 Reduction, expansion, or termination of district.—

697 (1) The boundaries of the district may only be expanded or  
698 reduced as provided in s. 190.1052.

699 (2) For an infrastructure resilience district, upon  
700 completion of the project, the appropriate local general-purpose

701 government must take over ownership of all infrastructure built  
 702 by the district, and the district must only exist to service the  
 703 debt incurred for the infrastructure project. The district must  
 704 automatically terminate after all debt is paid.

705 (3) For a condominium resilience district:

706 (a) A unit owner may petition to terminate the district by  
 707 submitting to the board of supervisors a petition supported by  
 708 70 percent of the unit owners of the district. The petition must  
 709 contain the same information as required by s. 190.105(2) (a),  
 710 and the petitioner must follow the same procedure in s.  
 711 191.105(2) (b). All debts must be paid before the district may be  
 712 terminated.

713 (b) The district is automatically terminated after the  
 714 initially approved loan amount is utilized and all debt is paid.

715 Section 15. Section 190.148, Florida Statutes, is created  
 716 to read:

717 190.148 Sale of real estate within a district; required  
 718 disclosure to purchaser.—Subsequent to the establishment of a  
 719 district under s. 190.105, each contract for the initial sale of  
 720 a parcel of real property and each contract for the initial sale  
 721 of a residential unit within the district must include, printed  
 722 immediately above the space reserved in the contract for the  
 723 signature of the purchaser, the following disclosure statement  
 724 in boldface and conspicuous type that is larger than the type in  
 725 the remaining text of the contract: "THE RESILIENCE DISTRICT

726 (NAME OF DISTRICT) IMPOSES AND LEVIES ASSESSMENTS ON THIS  
 727 PROPERTY. THESE ASSESSMENTS PAY THE DESIGN AND CONSTRUCTION  
 728 COSTS OF CERTAIN INFRASTRUCTURE IMPROVEMENTS AND ARE BASED ON  
 729 THE PETITION THAT CREATED THIS DISTRICT. THESE TAXES AND  
 730 ASSESSMENTS ARE IN ADDITION TO COUNTY AND OTHER LOCAL  
 731 GOVERNMENTAL TAXES AND ASSESSMENTS AND ALL OTHER TAXES AND  
 732 ASSESSMENTS PROVIDED FOR BY LAW."

733 Section 16. Section 190.149, Florida Statutes, is created  
 734 to read:

735 190.149 Notice of establishment.—Within 30 days after the  
 736 establishment of a resilience district under this act, the  
 737 district must record in the property records in the county in  
 738 which it is located a "Notice of Establishment of a Resilience  
 739 District." The notice shall, at a minimum, include the legal  
 740 description of the district and a copy of the disclosure  
 741 statement specified in s. 190.148.

742 Section 17. Subsection (3) of section 190.002, Florida  
 743 Statutes, is amended to read:

744 190.002 Legislative findings, policies, and intent.—

745 (3) It is the legislative intent and purpose, based upon,  
 746 and consistent with, its findings of fact and declarations of  
 747 policy, to authorize a uniform procedure by general law to  
 748 establish an independent special district as an alternative  
 749 method to manage and finance basic services for community  
 750 development. It is further the legislative intent and purpose to

751 provide by general law for the uniform operation, exercise of  
 752 power, and procedure for termination of any such independent  
 753 district. It is further the purpose and intent of the  
 754 Legislature that a district created under s. 190.005 ~~this~~  
 755 ~~chapter~~ not have or exercise any zoning or development  
 756 permitting power, that the establishment of the independent  
 757 community development district as provided in this act not be a  
 758 development order within the meaning of chapter 380, and that  
 759 all applicable planning and permitting laws, rules, regulations,  
 760 and policies control the development of the land to be serviced  
 761 by the district. It is further the purpose and intent of the  
 762 Legislature that no debt or obligation of a district constitute  
 763 a burden on any local general-purpose government without its  
 764 consent.

765 Section 18. Section 190.003, Florida Statutes, is amended  
 766 to read:

767 190.003 Definitions.—As used in s. 190.001-190.149 ~~this~~  
 768 ~~chapter~~, the term:

769 (1) "Ad valorem bonds" means bonds which are payable from  
 770 the proceeds of ad valorem taxes levied on real and tangible  
 771 personal property and which are generally referred to as general  
 772 obligation bonds.

773 (2) "Assessable improvements" means, without limitation,  
 774 any and all public improvements and community facilities that  
 775 the district is empowered to provide in accordance with this

776 | act.

777 |       (3) "Assessment bonds" means special obligations of the  
778 | district which are payable solely from proceeds of the special  
779 | assessments levied for an assessable project.

780 |       (4) "Board" or "board of supervisors" means the governing  
781 | board of the district or, if such board has been abolished, the  
782 | board, body, or commission succeeding to the principal functions  
783 | thereof or to whom the powers given to the board by this act  
784 | have been given by law.

785 |       (5) "Bond" includes "certificate," and the provisions  
786 | which are applicable to bonds are equally applicable to  
787 | certificates. The term "bond" includes any general obligation  
788 | bond, assessment bond, refunding bond, revenue bond, and other  
789 | such obligation in the nature of a bond as is provided for in  
790 | this act, as the case may be.

791 |       (6) "Community development district" means a local unit of  
792 | special-purpose government which is created pursuant to this act  
793 | and limited to the performance of those specialized functions  
794 | authorized by this act; the governing head of which is a body  
795 | created, organized, and constituted and authorized to function  
796 | specifically as prescribed in this act for the purpose of the  
797 | delivery of urban community development services; and the  
798 | formation, powers, governing body, operation, duration,  
799 | accountability, requirements for disclosure, and termination of  
800 | which are as required by general law.



801 (7) "Compact, urban, mixed-use district" means a district  
 802 located within a municipality and within a community  
 803 redevelopment area created pursuant to s. 163.356, that consists  
 804 of a maximum of 75 acres, and has development entitlements of at  
 805 least 400,000 square feet of retail development and 500  
 806 residential units.

807 (8) "Cost," when used with reference to any project,  
 808 includes, but is not limited to:

809 (a) The expenses of determining the feasibility or  
 810 practicability of acquisition, construction, or reconstruction.

811 (b) The cost of surveys, estimates, plans, and  
 812 specifications.

813 (c) The cost of improvements.

814 (d) Engineering, fiscal, and legal expenses and charges.

815 (e) The cost of all labor, materials, machinery, and  
 816 equipment.

817 (f) The cost of all lands, properties, rights, easements,  
 818 and franchises acquired.

819 (g) Financing charges.

820 (h) The creation of initial reserve and debt service  
 821 funds.

822 (i) Working capital.

823 (j) Interest charges incurred or estimated to be incurred  
 824 on money borrowed prior to and during construction and  
 825 acquisition and for such reasonable period of time after

826 completion of construction or acquisition as the board may  
 827 determine.

828 (k) The cost of issuance of bonds pursuant to this act,  
 829 including advertisements and printing.

830 (l) The cost of any election held pursuant to this act and  
 831 all other expenses of issuance of bonds.

832 (m) The discount, if any, on the sale or exchange of  
 833 bonds.

834 (n) Administrative expenses.

835 (o) Such other expenses as may be necessary or incidental  
 836 to the acquisition, construction, or reconstruction of any  
 837 project or to the financing thereof, or to the development of  
 838 any lands within the district.

839 (p) Payments, contributions, dedications, fair share or  
 840 concurrency obligations, and any other exactions required as a  
 841 condition to receive any government approval or permit necessary  
 842 to accomplish any district purpose.

843 (9) "District" means the community development district.

844 (10) "District manager" means the manager of the district.

845 (11) "District roads" means highways, streets, roads,  
 846 alleys, sidewalks, landscaping, storm drains, bridges, and  
 847 thoroughfares of all kinds and descriptions.

848 (12) "Elector" means a landowner or qualified elector.

849 (13) "General obligation bonds" means bonds which are  
 850 secured by, or provide for their payment by, the pledge, in

851 addition to those special taxes levied for their discharge and  
852 such other sources as may be provided for their payment or  
853 pledged as security under the resolution authorizing their  
854 issuance, of the full faith and credit and taxing power of the  
855 district and for payment of which recourse may be had against  
856 the general fund of the district.

857 (14) "Landowner" means the owner of a freehold estate as  
858 appears by the deed record, including a trustee, a private  
859 corporation, and an owner of a condominium unit; it does not  
860 include a reversioner, remainderman, mortgagee, or any  
861 governmental entity, which may ~~who shall~~ not be counted and need  
862 not be notified of proceedings under this act. Landowner shall  
863 also mean the owner of a ground lease from a governmental  
864 entity, which leasehold interest has a remaining term, excluding  
865 all renewal options, in excess of 50 years.

866 (15) "Local general-purpose government" means a county,  
867 municipality, or consolidated city-county government.

868 (16) "Project" means any development, improvement,  
869 property, utility, facility, works, enterprise, or service now  
870 existing or hereafter undertaken or established under the  
871 provisions of this act.

872 (17) "Qualified elector" means any person at least 18  
873 years of age who is a citizen of the United States, a legal  
874 resident of Florida and of the district, and who registers to  
875 vote with the supervisor of elections in the county in which the

876 | district land is located.

877 |       (18) "Refunding bonds" means bonds issued to refinance  
 878 | outstanding bonds of any type and the interest and redemption  
 879 | premium thereon. Refunding bonds shall be issuable and payable  
 880 | in the same manner as the refinanced bonds, except that no  
 881 | approval by the electorate shall be required unless required by  
 882 | the State Constitution.

883 |       (19) "Revenue bonds" means obligations of the district  
 884 | which are payable from revenues derived from sources other than  
 885 | ad valorem taxes on real or tangible personal property and which  
 886 | do not pledge the property, credit, or general tax revenue of  
 887 | the district.

888 |       (20) "Sewer system" means any plant, system, facility, or  
 889 | property, and additions, extensions, and improvements thereto at  
 890 | any future time constructed or acquired as part thereof, useful  
 891 | or necessary or having the present capacity for future use in  
 892 | connection with the collection, treatment, purification, or  
 893 | disposal of sewage, including, without limitation, industrial  
 894 | wastes resulting from any process of industry, manufacture,  
 895 | trade, or business or from the development of any natural  
 896 | resource. Without limiting the generality of the foregoing, the  
 897 | term "sewer system" includes treatment plants, pumping stations,  
 898 | lift stations, valves, force mains, intercepting sewers,  
 899 | laterals, pressure lines, mains, and all necessary appurtenances  
 900 | and equipment; all sewer mains, laterals, and other devices for

901 the reception and collection of sewage from premises connected  
 902 therewith; and all real and personal property and any interest  
 903 therein, rights, easements, and franchises of any nature  
 904 relating to any such system and necessary or convenient for  
 905 operation thereof.

906 (21) "Water management and control facilities" means any  
 907 lakes, canals, ditches, reservoirs, dams, levees, sluiceways,  
 908 floodways, curbs, gutters, pumping stations, or any other works,  
 909 structures, or facilities for the conservation, control,  
 910 development, utilization, and disposal of water, and any  
 911 purposes appurtenant, necessary, or incidental thereto. The term  
 912 "water management and control facilities" includes all real and  
 913 personal property and any interest therein, rights, easements,  
 914 and franchises of any nature relating to any such water  
 915 management and control facilities or necessary or convenient for  
 916 the acquisition, construction, reconstruction, operation, or  
 917 maintenance thereof.

918 (22) "Water system" means any plant, system, facility, or  
 919 property and additions, extensions, and improvements thereto at  
 920 any future time constructed or acquired as part thereof, useful  
 921 or necessary or having the present capacity for future use in  
 922 connection with the development of sources, treatment, or  
 923 purification and distribution of water. Without limiting the  
 924 generality of the foregoing, the term "water system" includes  
 925 dams, reservoirs, storage, tanks, mains, lines, valves,

926 hydrants, pumping stations, chilled water distribution systems,  
 927 laterals, and pipes for the purpose of carrying water to the  
 928 premises connected with such system, and all rights, easements,  
 929 and franchises of any nature relating to any such system and  
 930 necessary or convenient for the operation thereof.

931 Section 19. Paragraph (a) of subsection (4) of section  
 932 190.046, Florida Statutes, is amended to read:

933 190.046 Termination, contraction, or expansion of  
 934 district.—

935 (4)(a) To achieve economies of scale, reduce costs to  
 936 affected district residents and businesses in areas with  
 937 multiple existing districts, and encourage the merger of  
 938 multiple districts, up to five districts that were established  
 939 by the same local general-purpose government and whose board  
 940 memberships are composed entirely of qualified electors may  
 941 merge into one surviving district through adoption of an  
 942 ordinance by the local general-purpose government,  
 943 notwithstanding the acreage limitations otherwise set forth for  
 944 the establishment of a district in s. 190.005 ~~this chapter~~. The  
 945 filing of a petition by the majority of the members of each  
 946 district board of supervisors seeking to merge constitutes  
 947 consent of the landowners within each applicable district.

948 Section 20. Section 190.048, Florida Statutes, is amended  
 949 to read:

950 190.048 Sale of real estate within a district; required

951 disclosure to purchaser.—Subsequent to the establishment of a  
 952 district under s. 190.005 ~~this chapter~~, each contract for the  
 953 initial sale of a parcel of real property and each contract for  
 954 the initial sale of a residential unit within the district shall  
 955 include, immediately prior to the space reserved in the contract  
 956 for the signature of the purchaser, the following disclosure  
 957 statement in boldfaced and conspicuous type which is larger than  
 958 the type in the remaining text of the contract: "THE ... (Name of  
 959 District)... COMMUNITY DEVELOPMENT DISTRICT MAY IMPOSE AND LEVY  
 960 TAXES OR ASSESSMENTS, OR BOTH TAXES AND ASSESSMENTS, ON THIS  
 961 PROPERTY. THESE TAXES AND ASSESSMENTS PAY THE CONSTRUCTION,  
 962 OPERATION, AND MAINTENANCE COSTS OF CERTAIN PUBLIC FACILITIES  
 963 AND SERVICES OF THE DISTRICT AND ARE SET ANNUALLY BY THE  
 964 GOVERNING BOARD OF THE DISTRICT. THESE TAXES AND ASSESSMENTS ARE  
 965 IN ADDITION TO COUNTY AND OTHER LOCAL GOVERNMENTAL TAXES AND  
 966 ASSESSMENTS AND ALL OTHER TAXES AND ASSESSMENTS PROVIDED FOR BY  
 967 LAW."

968 Section 21. The Division of Law Revision is directed to  
 969 change the title of chapter 190, Florida Statutes, from  
 970 Community Development Districts to Community Development and  
 971 Resilience Districts.

972 Section 22. This act shall take effect July 1, 2023.