

By the Committees on Judiciary; and Community Affairs; and  
Senator Baker

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1                   A bill to be entitled  
2           An act relating to community development districts;  
3           amending s. 190.003, F.S.; defining the term "compact,  
4           urban, mixed-use district"; amending s. 190.006, F.S.;  
5           providing for application of certain board of  
6           supervisors election time periods to compact, urban,  
7           mixed-use districts; providing for retroactive  
8           application; amending ss. 190.005, 190.011, 190.016,  
9           190.021, and 348.968, F.S.; conforming cross-  
10          references; amending s. 190.012, F.S.; revising deed  
11          restriction enforcement rulemaking authority of boards  
12          of directors of community development districts;  
13          authorizing certain property owners to elect a  
14          district board advisor; providing advisor  
15          responsibilities; providing requirements for district  
16          board advisor review and recommendations relating to  
17          enforcement of the district rules outside the  
18          boundaries of the district; requiring creation of a  
19          district board advisor seat after an interlocal  
20          agreement is entered into; providing for election of  
21          the advisor and the term of office; providing election  
22          procedures and requirements; amending s. 190.046,  
23          F.S.; revising procedures and requirements to amend  
24          the boundaries of a community development district;  
25          revising procedures and requirements to merge  
26          community development districts; providing  
27          limitations; providing for petition filing fees;  
28          preserving rights of creditors, liens upon property,  
29          and claims and pending actions or proceedings;

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30 providing an effective date.

31  
32 Be It Enacted by the Legislature of the State of Florida:

33  
34 Section 1. Subsections (7) through (21) of section 190.003,  
35 Florida Statutes, are renumbered as subsections (8) through  
36 (22), respectively, and a new subsection (7) is added to that  
37 section to read:

38 190.003 Definitions.—As used in this chapter, the term:

39 (7) "Compact, urban, mixed-use district" means a district  
40 located within a municipality and within a community  
41 redevelopment area created pursuant to s. 163.356, that consists  
42 of a maximum of 75 acres, and has development entitlements of at  
43 least 400,000 square feet of retail development and 500  
44 residential units.

45 Section 2. Paragraph (a) of subsection (3) of section  
46 190.006, Florida Statutes, is amended to read:

47 190.006 Board of supervisors; members and meetings.—

48 (3) (a) 1. If the board proposes to exercise the ad valorem  
49 taxing power authorized by s. 190.021, the district board shall  
50 call an election at which the members of the board of  
51 supervisors will be elected. Such election shall be held in  
52 conjunction with a primary or general election unless the  
53 district bears the cost of a special election. Each member shall  
54 be elected by the qualified electors of the district for a term  
55 of 4 years, except that, at the first such election, three  
56 members shall be elected for a period of 4 years and two members  
57 shall be elected for a period of 2 years. All elected board  
58 members must be qualified electors of the district.

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59           2.a. Regardless of whether a district has proposed to levy  
60 ad valorem taxes, commencing 6 years after the initial  
61 appointment of members or, for a district exceeding 5,000 acres  
62 in area or for a compact, urban, mixed-use district, 10 years  
63 after the initial appointment of members, the position of each  
64 member whose term has expired shall be filled by a qualified  
65 elector of the district, elected by the qualified electors of  
66 the district. However, for those districts established after  
67 June 21, 1991, and for those existing districts established  
68 after December 31, 1983, which have less than 50 qualified  
69 electors on June 21, 1991, sub-subparagraphs b. and d. shall  
70 apply. If, in the 6th year after the initial appointment of  
71 members, or 10 years after such initial appointment for  
72 districts exceeding 5,000 acres in area or for a compact, urban,  
73 mixed-use district, there are not at least 250 qualified  
74 electors in the district, or for a district exceeding 5,000  
75 acres or for a compact, urban, mixed-use district, there are not  
76 at least 500 qualified electors, members of the board shall  
77 continue to be elected by landowners.

78           b. After the 6th or 10th year, once a district reaches 250  
79 or 500 qualified electors, respectively, then the positions of  
80 two board members whose terms are expiring shall be filled by  
81 qualified electors of the district, elected by the qualified  
82 electors of the district for 4-year terms. The remaining board  
83 member whose term is expiring shall be elected for a 4-year term  
84 by the landowners and is not required to be a qualified elector.  
85 Thereafter, as terms expire, board members shall be qualified  
86 electors elected by qualified electors of the district for a  
87 term of 4 years.

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88 c. Once a district qualifies to have any of its board  
89 members elected by the qualified electors of the district, the  
90 initial and all subsequent elections by the qualified electors  
91 of the district shall be held at the general election in  
92 November. The board shall adopt a resolution if necessary to  
93 implement this requirement when the board determines the number  
94 of qualified electors as required by sub-subparagraph d., to  
95 extend or reduce the terms of current board members.

96 d. On or before June 1 of each year, the board shall  
97 determine the number of qualified electors in the district as of  
98 the immediately preceding April 15. The board shall use and rely  
99 upon the official records maintained by the supervisor of  
100 elections and property appraiser or tax collector in each county  
101 in making this determination. Such determination shall be made  
102 at a properly noticed meeting of the board and shall become a  
103 part of the official minutes of the district.

104 Section 3. The amendment to s. 190.006, Florida Statutes,  
105 made by this act shall apply retroactively to districts  
106 established prior to July 1, 2009.

107 Section 4. Paragraph (a) of subsection (1) of section  
108 190.005, Florida Statutes, is amended to read:

109 190.005 Establishment of district.—

110 (1) The exclusive and uniform method for the establishment  
111 of a community development district with a size of 1,000 acres  
112 or more shall be pursuant to a rule, adopted under chapter 120  
113 by the Florida Land and Water Adjudicatory Commission, granting  
114 a petition for the establishment of a community development  
115 district.

116 (a) A petition for the establishment of a community

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117 development district shall be filed by the petitioner with the  
118 Florida Land and Water Adjudicatory Commission. The petition  
119 shall contain:

120 1. A metes and bounds description of the external  
121 boundaries of the district. Any real property within the  
122 external boundaries of the district which is to be excluded from  
123 the district shall be specifically described, and the last known  
124 address of all owners of such real property shall be listed. The  
125 petition shall also address the impact of the proposed district  
126 on any real property within the external boundaries of the  
127 district which is to be excluded from the district.

128 2. The written consent to the establishment of the district  
129 by all landowners whose real property is to be included in the  
130 district or documentation demonstrating that the petitioner has  
131 control by deed, trust agreement, contract, or option of 100  
132 percent of the real property to be included in the district, and  
133 when real property to be included in the district is owned by a  
134 governmental entity and subject to a ground lease as described  
135 in s. 190.003(14)(~~13~~), the written consent by such governmental  
136 entity.

137 3. A designation of five persons to be the initial members  
138 of the board of supervisors, who shall serve in that office  
139 until replaced by elected members as provided in s. 190.006.

140 4. The proposed name of the district.

141 5. A map of the proposed district showing current major  
142 trunk water mains and sewer interceptors and outfalls if in  
143 existence.

144 6. Based upon available data, the proposed timetable for  
145 construction of the district services and the estimated cost of

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146 constructing the proposed services. These estimates shall be  
147 submitted in good faith but shall not be binding and may be  
148 subject to change.

149 7. A designation of the future general distribution,  
150 location, and extent of public and private uses of land proposed  
151 for the area within the district by the future land use plan  
152 element of the effective local government comprehensive plan of  
153 which all mandatory elements have been adopted by the applicable  
154 general-purpose local government in compliance with the Local  
155 Government Comprehensive Planning and Land Development  
156 Regulation Act.

157 8. A statement of estimated regulatory costs in accordance  
158 with the requirements of s. 120.541.

159 Section 5. Paragraph (b) of subsection (7) of section  
160 190.011, Florida Statutes, is amended to read:

161 190.011 General powers.—The district shall have, and the  
162 board may exercise, the following powers:

163 (7)

164 (b) When real property in the district is owned by a  
165 governmental entity and subject to a ground lease as described  
166 in s. 190.003(14)~~(13)~~, to collect ground rent from landowners  
167 pursuant to a contract with such governmental entity and to  
168 contract with the county tax collector for collection of such  
169 ground rent using the procedures authorized in s. 197.3631,  
170 other than the procedures contained in s. 197.3632.

171 Section 6. Subsection (2) of section 190.016, Florida  
172 Statutes, is amended to read:

173 190.016 Bonds.—

174 (2) AUTHORIZATION AND FORM OF BONDS.—Any general obligation

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175 bonds, benefit bonds, or revenue bonds may be authorized by  
176 resolution or resolutions of the board which shall be adopted by  
177 a majority of all the members thereof then in office. Such  
178 resolution or resolutions may be adopted at the same meeting at  
179 which they are introduced and need not be published or posted.  
180 The board may, by resolution, authorize the issuance of bonds  
181 and fix the aggregate amount of bonds to be issued; the purpose  
182 or purposes for which the moneys derived therefrom shall be  
183 expended, including, but not limited to, payment of costs as  
184 defined in s. 190.003 (8) ~~(7)~~; the rate or rates of interest, in  
185 compliance with s. 215.84; the denomination of the bonds;  
186 whether or not the bonds are to be issued in one or more series;  
187 the date or dates of maturity, which shall not exceed 40 years  
188 from their respective dates of issuance; the medium of payment;  
189 the place or places within or without the state where payment  
190 shall be made; registration privileges; redemption terms and  
191 privileges, whether with or without premium; the manner of  
192 execution; the form of the bonds, including any interest coupons  
193 to be attached thereto; the manner of execution of bonds and  
194 coupons; and any and all other terms, covenants, and conditions  
195 thereof and the establishment of revenue or other funds. Such  
196 authorizing resolution or resolutions may further provide for  
197 the contracts authorized by s. 159.825(1)(f) and (g) regardless  
198 of the tax treatment of such bonds being authorized, subject to  
199 the finding by the board of a net saving to the district  
200 resulting by reason thereof. Such authorizing resolution may  
201 further provide that such bonds may be executed in accordance  
202 with the Registered Public Obligations Act, except that bonds  
203 not issued in registered form shall be valid if manually

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204 countersigned by an officer designated by appropriate resolution  
205 of the board. The seal of the district may be affixed,  
206 lithographed, engraved, or otherwise reproduced in facsimile on  
207 such bonds. In case any officer whose signature shall appear on  
208 any bonds or coupons shall cease to be such officer before the  
209 delivery of such bonds, such signature or facsimile shall  
210 nevertheless be valid and sufficient for all purposes the same  
211 as if he or she had remained in office until such delivery.

212 Section 7. Subsection (10) of section 190.021, Florida  
213 Statutes, is amended to read:

214 190.021 Taxes; non-ad valorem assessments.—

215 (10) LAND OWNED BY GOVERNMENTAL ENTITY.—Except as otherwise  
216 provided by law, no levy of ad valorem taxes or non-ad valorem  
217 assessments under this chapter, or chapter 170, chapter 197, or  
218 otherwise, by a board of a district on property of a  
219 governmental entity that is subject to a ground lease as  
220 described in s. 190.003(14)~~(13)~~, shall constitute a lien or  
221 encumbrance on the underlying fee interest of such governmental  
222 entity.

223 Section 8. Paragraph (g) of subsection (2) of section  
224 348.968, Florida Statutes, is amended to read:

225 348.968 Purposes and powers.—

226 (2) The authority is granted, and shall have and may  
227 exercise, all powers necessary, appurtenant, convenient, or  
228 incidental to the carrying out of said purposes, including, but  
229 not limited to, the following rights and powers:

230 (g) To borrow money and make and issue bonds, which bonds  
231 may be issued pursuant to the State Bond Act or, in the  
232 alternative, pursuant to the provisions of s. 348.969(2), in



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233 either case, for any purpose of the authority authorized,  
234 including the financing of all or part of the cost, as specified  
235 in s. 190.003(8)~~(7)~~, of all or any part of the system and the  
236 refunding of any and all previous issues of bonds of the  
237 authority at or prior to maturity.

238 Section 9. Subsection (4) of section 190.012, Florida  
239 Statutes, is amended to read:

240 190.012 Special powers; public improvements and community  
241 facilities.—The district shall have, and the board may exercise,  
242 subject to the regulatory jurisdiction and permitting authority  
243 of all applicable governmental bodies, agencies, and special  
244 districts having authority with respect to any area included  
245 therein, any or all of the following special powers relating to  
246 public improvements and community facilities authorized by this  
247 act:

248 (4) (a) To adopt rules necessary for the district to enforce  
249 certain deed restrictions pertaining to the use and operation of  
250 real property within the district and outside the district ~~if~~  
251 pursuant to an interlocal agreement under chapter 163 if within  
252 another district or, if not within another district, with the  
253 consent of the county or municipality in which the deed  
254 restriction enforcement is proposed to occur. For the purpose of  
255 this subsection, the term "deed restrictions" means are those  
256 covenants, conditions, and restrictions, compliance mechanisms,  
257 and enforcement remedies contained in any applicable  
258 declarations of covenants and restrictions that govern the use  
259 and operation of real property ~~within the district~~ and, for  
260 which covenants, conditions, and restrictions, there is no  
261 homeowners' association or property owner's association having

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262 respective enforcement powers unless, with respect to a  
263 homeowners' association whose board is under member control, the  
264 association and the district agree in writing to enforcement by  
265 the district. The district may adopt by rule all or certain  
266 portions of the deed restrictions that:

267 1. Relate to limitations, ~~or~~ prohibitions, compliance  
268 mechanisms, or enforcement remedies that apply only to external  
269 appearances or uses ~~structures~~ and are deemed by the district to  
270 be generally beneficial for the district's landowners and for  
271 which enforcement by the district is appropriate, as determined  
272 by the district's board of supervisors; or

273 2. Are consistent with the requirements of a development  
274 order or regulatory agency permit.

275 (b) The board may vote to adopt such rules only when all of  
276 the following conditions exist:

277 ~~1. The district's geographic area contains no homeowners'~~  
278 ~~associations as defined in s. 720.301(9);~~

279 ~~1.2.~~ The district was in existence on the effective date of  
280 this subsection, or is located within a development that  
281 consists of multiple developments of regional impact and a  
282 Florida Quality Development. ~~;~~

283 ~~2.3.~~ For residential districts, the majority of the board  
284 has been elected by qualified electors pursuant to the  
285 provisions of s. 190.006. ~~;~~ ~~and~~

286 3. For residential districts, less than 25 percent of  
287 residential units are in a homeowners' association.

288 4. The declarant in any applicable declarations of  
289 covenants and restrictions has provided the board with a written  
290 agreement that such rules may be adopted. A memorandum of the

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291 agreement shall be recorded in the public records.

292 (c) Within 60 days after such rules take effect, the  
293 district shall record a notice of rule adoption stating  
294 generally what rules were adopted and where a copy of the rules  
295 may be obtained. Districts may impose fines for violations of  
296 such rules and enforce such rules and fines in circuit court  
297 through injunctive relief.

298 (d) The owners of property located outside the boundary of  
299 the district shall elect an advisor to the district board  
300 pursuant to paragraph (e). The sole responsibilities of the  
301 district board advisor are to review enforcement actions  
302 proposed by the district board against properties located  
303 outside the district and make recommendations relating to those  
304 proposed actions. Before the district board may enforce its  
305 rules against any owner of property located outside the  
306 district, the district board shall request the district board  
307 advisor to make a recommendation on the proposed enforcement  
308 action. The district board advisor must render a recommendation  
309 within 30 days after receiving a request from the district board  
310 or is deemed to have no objection to the district board's  
311 proposed decision or action.

312 (e)1. Whenever an interlocal agreement is entered into  
313 pursuant to paragraph (a), a district board advisor seat shall  
314 be created for one elected landowner whose property is within  
315 the jurisdiction of the governmental entity entering into the  
316 interlocal agreement but not within the boundaries of the  
317 district. The district board advisor shall be elected by  
318 landowners whose land is subject to enforcement by the district  
319 but whose land is not within the boundaries of the district. The

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320 district board advisor shall be elected for a 2-year term. The  
321 first election for a district board advisor shall be within 90  
322 days after the effective date of the interlocal agreement  
323 between the district and the government entity.

324 2. The election of the district board advisor shall occur  
325 at a meeting of eligible landowners. The district shall publish  
326 notice of the meeting and election once a week for 2 consecutive  
327 weeks in a newspaper of general circulation in the area of the  
328 parties to the interlocal agreement. The notice must include  
329 instructions on how all landowners may participate in the  
330 election and how to obtain a proxy form. The last day of  
331 publication may not be less than 14 days or more than 28 days  
332 before the date of the election. The landowners, when assembled  
333 at the meeting, shall organize by electing a chair who shall  
334 conduct the meeting. The chair may be any person present at the  
335 meeting. If the chair is a landowner or proxy holder of a  
336 landowner, he or she may nominate candidates and make and second  
337 motions.

338 3. At the meeting, each landowner is entitled to cast one  
339 vote per acre of land owned by him or her and located within the  
340 district for each person to be elected. A landowner may vote in  
341 person or by proxy in writing. Each proxy must be signed by one  
342 of the legal owners of the property for which the vote is cast  
343 and must contain the typed or printed name of the individual who  
344 signed the proxy; the street address, legal description of the  
345 property, or tax parcel identification number; and the number of  
346 authorized votes. If the proxy authorizes more than one vote,  
347 each property must be listed and the number of acres of each  
348 property must be included. The signature on a proxy need not be

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349 notarized. A fraction of an acre shall be treated as 1 acre,  
350 entitling the landowner to one vote with respect thereto. For  
351 purposes of determining voting interests, platted lots shall be  
352 counted individually and rounded up to the nearest whole acre.  
353 The acreage of platted lots may not be aggregated for purposes  
354 of determining the number of voting units held by a landowner or  
355 a landowner's proxy.

356 4. If a vacancy occurs in the district advisor seat, a  
357 special landowner election shall be held within 60 days after  
358 the vacancy using the notice, proxy, and acreage voting  
359 provisions of this subsection.

360 Section 10. Subsections (1) and (3) of section 190.046,  
361 Florida Statutes, are amended to read:

362 190.046 Termination, contraction, or expansion of  
363 district.—

364 (1) A landowner or the board may petition to contract or  
365 expand the boundaries of a community development district in the  
366 following manner:

367 (a) The petition shall contain the same information  
368 required by s. 190.005(1)(a)1. and 8. In addition, if the  
369 petitioner seeks to expand the district, the petition shall  
370 describe the proposed timetable for construction of any district  
371 services to the area, the estimated cost of constructing the  
372 proposed services, and the designation of the future general  
373 distribution, location, and extent of public and private uses of  
374 land proposed for the area by the future land use plan element  
375 of the adopted local government local comprehensive plan. If the  
376 petitioner seeks to contract the district, the petition shall  
377 describe what services and facilities are currently provided by

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378 the district to the area being removed, and the designation of  
379 the future general distribution, location, and extent of public  
380 and private uses of land proposed for the area by the future  
381 land element of the adopted local government comprehensive plan.

382 (b) For those districts initially established by county  
383 ordinance, the petition for ordinance amendment shall be filed  
384 with the county commission. If the land to be included or  
385 excluded is, in whole or in part, within the boundaries of a  
386 municipality, then the county commission shall not amend the  
387 ordinance without municipal approval. A public hearing shall be  
388 held in the same manner and with the same public notice as other  
389 ordinance amendments. The county commission shall consider the  
390 record of the public hearing and the factors set forth in s.  
391 190.005(1)(e) in making its determination to grant or deny the  
392 petition for ordinance amendment.

393 (c) For those districts initially established by municipal  
394 ordinance pursuant to s. 190.005(2)(e), the municipality shall  
395 assume the duties of the county commission set forth in  
396 paragraph (b); however, if any of the land to be included or  
397 excluded, in whole or in part, is outside the boundaries of the  
398 municipality, then the municipality shall not amend its  
399 ordinance without county commission approval.

400 (d)1. For those districts initially established by  
401 administrative rule pursuant to s. 190.005(1), the petition  
402 shall be filed with the Florida Land and Water Adjudicatory  
403 Commission.

404 2. Prior to filing the petition, the petitioner shall pay a  
405 filing fee of \$1,500, to the county if the district or the land  
406 to be added or deleted from the district is located within an

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407 unincorporated area or to the municipality if the district or  
408 the land to be added or deleted is located within an  
409 incorporated area, and to each municipality the boundaries of  
410 which are contiguous with or contain all or a portion of the  
411 land within or to be added to or deleted from the external  
412 boundaries of the district ~~or the proposed amendment,~~ and submit  
413 ~~a copy of the petition to the county and to each such~~  
414 ~~municipality.~~ The petitioner shall submit a copy of the petition  
415 to the same entities entitled to receive the filing fee. In  
416 addition, if the district is not the petitioner, the petitioner  
417 shall file the petition with the district board of supervisors.

418 3. Each ~~The~~ county and each municipality shall have the  
419 option of holding a public hearing as provided by s.  
420 190.005(1)(c). However, the ~~such~~ public hearing shall be limited  
421 to consideration of the contents of the petition and whether the  
422 petition for amendment should be supported by the county or  
423 municipality.

424 4. The district board of supervisors shall, in lieu of a  
425 hearing officer, hold the local public hearing provided for by  
426 s. 190.005(1)(d). This local public hearing shall be noticed in  
427 the same manner as provided in s. 190.005(1)(d). Within 45 days  
428 of the conclusion of the hearing, the district board of  
429 supervisors shall transmit to the Florida Land and Water  
430 Adjudicatory Commission the full record of the local hearing,  
431 the transcript of the hearing, any resolutions adopted by the  
432 local general-purpose governments, and its recommendation  
433 whether to grant the petition for amendment. The commission  
434 shall then proceed in accordance with s. 190.005(1)(e).

435 5. A rule amending a district boundary shall describe the

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436 land to be added or deleted.

437 ~~(e) In all cases, written consent of all the landowners~~  
438 ~~whose land is to be added to or deleted from the district shall~~  
439 ~~be required. The filing of the petition for expansion or~~  
440 ~~contraction by the district board of supervisors shall~~  
441 ~~constitute consent of the landowners within the district other~~  
442 ~~than of landowners whose land is proposed to be added to or~~  
443 ~~removed from the district.~~

444 (e) ~~(f)~~1. During the existence of a district initially  
445 established by administrative rule, the process petitions to  
446 amend the boundaries of the district pursuant to paragraphs (a)-  
447 (d) ~~(a)-(e)~~ shall not permit ~~be limited to~~ a cumulative net  
448 total greater ~~of no more~~ than 10 percent of the land in the  
449 initial district, and in no event greater ~~shall all such~~  
450 ~~petitions to amend the boundaries ever encompass more than a~~  
451 ~~total of 250 acres~~ on a cumulative net basis.

452 2. During the existence of a district ~~For districts~~  
453 initially established by county or municipal ordinance, the  
454 process to amend the boundaries of the district pursuant to  
455 paragraphs (a)-(d) limitation provided by this paragraph shall  
456 not permit ~~be~~ a cumulative net total greater ~~of no more~~ than 50  
457 percent of the land in the initial district, and in no event  
458 greater ~~shall all such petitions to amend the boundaries ever~~  
459 ~~encompass more than a total of 500 acres~~ on a cumulative net  
460 basis.

461 ~~3. Boundary expansions for districts initially established~~  
462 ~~by county or municipal ordinance shall follow the procedure set~~  
463 ~~forth in paragraph (b) or paragraph (c).~~

464 (f) ~~(g)~~ Petitions to amend the boundaries of the district



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465 that ~~which~~ exceed the amount of land specified in paragraph (e)  
466 ~~(f)~~ shall be processed in accordance with s. 190.005, and the  
467 petition shall include only the elements set forth in s.  
468 190.005(1)(a)1. and 5.-8. and the consent required by paragraph  
469 (g) considered petitions to establish a new district and shall  
470 follow all of the procedures specified in s. 190.005. However,  
471 the resulting administrative rule or ordinance may only amend  
472 the boundaries of the district and may not establish a new  
473 district or cause a new 6-year or 10-year period to begin  
474 pursuant to s. 190.006(3)(a)2. The filing fee for such petitions  
475 shall be as set forth in s. 190.005(1)(b) and (2), as  
476 applicable.

477 (g) In all cases of a petition to amend the boundaries of a  
478 district, the filing of the petition by the district board of  
479 supervisors constitutes consent of the landowners within the  
480 district. In all cases, written consent of those landowners  
481 whose land is to be added to or deleted from the district as  
482 provided in s. 190.005(1)(a)2. is required.

483 (3) The district may merge with other community development  
484 districts upon filing a petition for merger, which petition  
485 shall include the elements set forth in s. 190.005(1) and which  
486 shall be evaluated using the criteria set forth in s.  
487 190.005(1)(e). The filing fee shall be as set forth in s.  
488 190.005(1)(b). In addition, the petition shall state whether a  
489 new district is to be established or whether one district shall  
490 be the surviving district. The district ~~establishment of a~~  
491 ~~community development district pursuant to s. 190.005 or may~~  
492 merge with any other special districts upon filing a petition  
493 for establishment of a community development district pursuant

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494 to s. 190.005. The government formed by a merger involving a  
495 community development district pursuant to this section shall  
496 assume all indebtedness of, and receive title to, all property  
497 owned by the preexisting special districts, and the rights of  
498 creditors and liens upon property shall not be impaired by such  
499 merger. Any claim existing or action or proceeding pending by or  
500 against any district that is a party to the merger may be  
501 continued as if the merger had not occurred, or the surviving  
502 district may be substituted in the proceeding for the district  
503 that ceased to exist. Prior to filing the ~~said~~ petition, the  
504 districts desiring to merge shall enter into a merger agreement  
505 and shall provide for the proper allocation of the indebtedness  
506 so assumed and the manner in which such ~~said~~ debt shall be  
507 retired. The approval of the merger agreement and the petition  
508 by the board of supervisors ~~elected by the electors of the~~  
509 district shall constitute consent of the landowners within the  
510 district.

511 Section 11. This act shall take effect July 1, 2009.