

By Senator Perry

8-01270-18

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

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30 parcel does not alter the transition from landowner  
31 voting to qualified elector voting; requiring the  
32 petitioner to cause to be recorded a certain notice of  
33 boundary amendment upon adoption of the ordinance  
34 expanding the district; providing construction;  
35 providing an effective date.  
36

37 Be It Enacted by the Legislature of the State of Florida:  
38

39 Section 1. Paragraph (h) is added to subsection (1) of  
40 section 190.046, Florida Statutes, to read:

41 190.046 Termination, contraction, or expansion of  
42 district.—

43 (1) A landowner or the board may petition to contract or  
44 expand the boundaries of a community development district in the  
45 following manner:

46 (h) For a petition to establish a new community development  
47 district of less than 2,500 acres on land located solely in one  
48 county or one municipality, adjacent lands located within the  
49 county or municipality which the petitioner anticipates adding  
50 to the boundaries of the district within the next 10 years may  
51 also be identified. If such adjacent land is identified, the  
52 petition must include a legal description of each additional  
53 parcel within the adjacent land, the current owner of the  
54 parcel, the acreage of the parcel, and the current land use  
55 designation of the parcel. At least 14 days before the hearing  
56 required under s. 190.005(2)(b), the petitioner must give the  
57 current owner of each such parcel notice of filing the petition  
58 to establish the district, the date and time of the public

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59 hearing on the petition, and the name and address of the  
60 petitioner. A parcel may not be included in the district without  
61 the written consent of the owner of the parcel.

62 1. After establishment of the district, a person may  
63 petition the county or municipality to amend the boundaries of  
64 the district to include a previously identified parcel that was  
65 a proposed addition to the district before its establishment. A  
66 filing fee may not be charged for this petition. Each such  
67 petition must include:

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

70 b. A new legal description by metes and bounds of the  
71 district;

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

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

74 e. A description of the development proposed on the  
75 additional parcel; and

76 f. A copy of the original petition identifying the parcel  
77 to be added.

78 2. Before filing with the county or municipality, the  
79 person must provide the petition to the district and to the  
80 owner of the proposed additional parcel, if the owner is not the  
81 petitioner.

82 3. Once the petition is determined sufficient and complete,  
83 the county or municipality must process the addition of the  
84 parcel to the district as an amendment to the ordinance that  
85 establishes the district. The county or municipality may process  
86 all petitions to amend the ordinance for parcels identified in  
87 the original petition, even if, by adding such parcels, the

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88 district exceeds 2,500 acres.

89 4. The petitioner shall cause to be published in a  
90 newspaper of general circulation in the proposed district a  
91 notice of the intent to amend the ordinance that establishes the  
92 district, which notice shall be in addition to any notice  
93 required for adoption of the ordinance amendment. Such notice  
94 must be published at least 10 days before the scheduled hearing  
95 on the ordinance amendment and may be published in the section  
96 of the newspaper reserved for legal notices. The notice must  
97 include a general description of the land to be added to the  
98 district and the date and time of the scheduled hearing to amend  
99 the ordinance. The petitioner shall mail the notice of the  
100 hearing on the ordinance amendment to the owner of the parcel  
101 and to the district at least 14 days before the scheduled  
102 hearing.

103 5. The amendment of a district by the addition of a parcel  
104 pursuant to this paragraph does not alter the transition from  
105 landowner voting to qualified elector voting pursuant to s.  
106 190.006, even if the total size of the district after the  
107 addition of the parcel exceeds 5,000 acres. Upon adoption of the  
108 ordinance expanding the district, the petitioner must cause to  
109 be recorded a notice of boundary amendment which reflects the  
110 new boundaries of the district.

111 6. This paragraph is intended to facilitate the orderly  
112 addition of lands to a district under certain circumstances and  
113 does not preclude the addition of lands to any district using  
114 the procedures in the other provisions of this section.

115 Section 2. This act shall take effect July 1, 2018.