

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

26 such petitions even if the addition exceeds specified  
27 acreage; providing notice requirements for the intent  
28 to amend the ordinance establishing the district;  
29 providing that the amendment of a district by the  
30 addition of a parcel does not alter the transition  
31 from landowner voting to qualified elector voting;  
32 requiring the petitioner to cause to be recorded a  
33 certain notice of boundary amendment upon adoption of  
34 the ordinance expanding the district; providing  
35 construction; authorizing community development  
36 districts to merge with another type of special  
37 district created by special act or by filing a  
38 petition for establishment of a new district;  
39 authorizing a community development district merging  
40 with another type of district to enter into merger  
41 agreements for certain purposes; providing an  
42 effective date.

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

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

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

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

54 (h) For a petition to establish a new community  
55 development district of less than 2,500 acres on land located  
56 solely in one county or one municipality, sufficiently  
57 contiguous lands located within the county or municipality which  
58 the petitioner anticipates adding to the boundaries of the  
59 district within 10 years after the effective date of the  
60 ordinance establishing the district may also be identified. If  
61 such sufficiently contiguous land is identified, the petition  
62 must include a legal description of each additional parcel  
63 within the sufficiently contiguous land, the current owner of  
64 the parcel, the acreage of the parcel, and the current land use  
65 designation of the parcel. At least 14 days before the hearing  
66 required under s. 190.005(2)(b), the petitioner must give the  
67 current owner of each such parcel notice of filing the petition  
68 to establish the district, the date and time of the public  
69 hearing on the petition, and the name and address of the  
70 petitioner. A parcel may not be included in the district without  
71 the written consent of the owner of the parcel.

72 1. After establishment of the district, a person may  
73 petition the county or municipality to amend the boundaries of  
74 the district to include a previously identified parcel that was  
75 a proposed addition to the district before its establishment. A

76 filing fee may not be charged for this petition. Each such  
 77 petition must include:  
 78 a. A legal description by metes and bounds of the parcel  
 79 to be added;  
 80 b. A new legal description by metes and bounds of the  
 81 district;  
 82 c. Written consent of all owners of the parcel to be  
 83 added;  
 84 d. A map of the district including the parcel to be added;  
 85 e. A description of the development proposed on the  
 86 additional parcel; and  
 87 f. A copy of the original petition identifying the parcel  
 88 to be added.  
 89 2. Before filing with the county or municipality, the  
 90 person must provide the petition to the district and to the  
 91 owner of the proposed additional parcel, if the owner is not the  
 92 petitioner.  
 93 3. Once the petition is determined sufficient and  
 94 complete, the county or municipality must process the addition  
 95 of the parcel to the district as an amendment to the ordinance  
 96 that establishes the district. The county or municipality may  
 97 process all petitions to amend the ordinance for parcels  
 98 identified in the original petition, even if, by adding such  
 99 parcels, the district exceeds 2,500 acres.  
 100 4. The petitioner shall cause to be published in a

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

114 5. The amendment of a district by the addition of a parcel  
115 pursuant to this paragraph does not alter the transition from  
116 landowner voting to qualified elector voting pursuant to s.  
117 190.006, even if the total size of the district after the  
118 addition of the parcel exceeds 5,000 acres. Upon adoption of the  
119 ordinance expanding the district, the petitioner must cause to  
120 be recorded a notice of boundary amendment which reflects the  
121 new boundaries of the district.

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

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

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151 | so assumed and the manner in which such debt shall be retired.  
152 | The approval of the merger agreement and the petition by the  
153 | board of supervisors of the district shall constitute consent of  
154 | the landowners within the district. A community development  
155 | district merging with another type of district may also enter  
156 | into a merger agreement to address issues of transition,  
157 | including the allocation of indebtedness and retirement of debt.

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