

By Senator Grall

29-00766A-23

20231200__

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;
5 creating s. 190.103, F.S.; defining terms; creating s.
6 190.104, F.S.; declaring that the act constitutes the
7 sole authority for resilience districts; creating s.
8 190.105, F.S.; authorizing the establishment of
9 infrastructure resilience districts through a petition
10 by certain persons; prohibiting a local government
11 from initiating an infrastructure resilience district
12 without such petition; specifying the requirements for
13 the petition; requiring the petitioner to send copies
14 of the petition to specified counties and
15 municipalities and pay a certain fee; authorizing
16 petitioners to engage in certain meetings before the
17 filing of the petition; requiring certain counties and
18 municipalities to conduct public hearings; specifying
19 a timeframe for conducting such hearings; authorizing
20 counties or municipalities to express support of or
21 objection to the resilience district by resolution;
22 specifying the requirements for such resolution;
23 requiring the public hearing on a petition to be
24 conducted in accordance with local regulations and at
25 an accessible location; requiring the petitioner to
26 publish notice of the hearing; specifying the
27 requirements of the notice; requiring the local
28 government to give an opportunity to provide oral or
29 written comments on the petition; authorizing the

29-00766A-23

20231200__

30 local government to consider specified factors in
31 granting or denying a petition for an infrastructure
32 resilience district; providing that not all factors
33 are required to be considered; specifying certain
34 requirements if the petition is denied on a specified
35 basis; requiring an interlocal agreement to be signed
36 in certain circumstances; authorizing the
37 establishment of condominium resilience districts
38 through a petition by certain persons; requiring
39 counties to develop a process to receive such
40 petitions by a certain date; prohibiting a local
41 government from initiating a condominium resilience
42 district without such petition; specifying the
43 requirements of the petition; requiring the petitioner
44 to submit a petition to a specified county and to pay
45 certain fees; requiring the county to make certain
46 notifications; requiring the county to conduct a
47 public hearing under certain circumstances; specifying
48 a timeframe and requirements for such hearing;
49 authorizing counties to express support of or
50 objection to the resilience district by resolution;
51 specifying the requirements for such resolution;
52 requiring the hearing to be conducted in accordance
53 with local regulations and at an accessible location;
54 requiring the petitioner to publish notice of the
55 hearing; specifying the requirements of the notice;
56 requiring the county to give certain individuals an
57 opportunity to provide oral or written comments on the
58 petition; specifying factors the county may consider

29-00766A-23

20231200__

59 in granting or denying a petition for a condominium
60 resilience district; creating s. 190.1052, F.S.;
61 specifying requirements for the size of resilience
62 districts; specifying requirements for condominium
63 resilience districts; prohibiting certain district
64 configurations; requiring resilience districts to
65 replace certain other special taxing districts under
66 certain circumstances; requiring certain funds to be
67 transferred to the resilience district; specifying
68 that the district would include certain consolidated
69 property; creating s. 190.1054, F.S.; specifying
70 acceptable uses of infrastructure resilience
71 districts; prohibiting certain condominiums from using
72 resilience districts; providing limitations on the use
73 of resilience districts; requiring certain
74 modifications to be approved through an amended
75 petition; creating s. 190.1056, F.S.; authorizing the
76 payment of certain fees for project management of
77 infrastructure resilience districts; specifying a
78 certain fee to the property appraiser for certain
79 administration; requiring all fees to be factored into
80 the loan amount; creating s. 190.106, F.S.; specifying
81 the composition, length of terms, and procedure for
82 filling vacancies of the board for infrastructure
83 resilience districts; specifying the powers,
84 composition, procedure for filling vacancies, and
85 elections of the board of a condominium resilience
86 district; requiring board members to follow applicable
87 laws; prohibiting board members from receiving

29-00766A-23

20231200__

88 compensation; prohibiting board members from
89 performing the work of the district; requiring board
90 members to be residents of the state and citizens of
91 the United States; creating s. 190.108, F.S.;
92 requiring each district to publish an annual budget;
93 requiring condominium resilience districts to provide
94 their annual budget to certain persons; requiring the
95 district to provide certain financial reports;
96 authorizing the local government to review and submit
97 comments regarding a district's annual budget;
98 creating s. 190.111, F.S.; specifying the powers the
99 district may exercise; creating s. 190.133, F.S.;
100 requiring infrastructure resilience districts to
101 follow a specified procurement process; specifying a
102 procurement process for condominium resilience
103 districts; creating s. 190.136, F.S.; authorizing a
104 district to recover unpaid fees, rental charges, or
105 penalties; creating s. 190.146, F.S.; specifying the
106 circumstances in which the district can be expanded or
107 reduced; specifying when an infrastructure or
108 condominium resilience district must terminate;
109 creating s. 190.148, F.S.; requiring a specified
110 disclosure for sales of real property located in a
111 resilience district; creating s. 190.149, F.S.;
112 requiring the district to record a specified notice of
113 establishment of a resilience district within a
114 specified timeframe; amending s. 190.002, F.S.;
115 conforming provisions to changes made by the act;
116 amending s. 190.003, F.S.; conforming provisions to

29-00766A-23

20231200__

117 changes made by the act; amending s. 190.046, F.S.;

118 conforming provisions to changes made by the act;

119 amending s. 190.048, F.S.; conforming provisions to

120 changes made by the act; providing a directive to the

121 Division of Law Revision; providing an effective date.

122

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

124

125 Section 1. Section 190.101, Florida Statutes, is created to

126 read:

127 190.101 Short title.—Sections 190.101-190.149 may be cited

128 as the “Resilience District Act of 2023.”

129 Section 2. Section 190.102, Florida Statutes, is created to

130 read:

131 190.102 Legislative findings.—The Legislature finds that:

132 (1) There is a need for uniform, focused, and fair

133 procedures in state law to provide financial mechanisms to help

134 communities mitigate the risk from rising sea levels and

135 increased flooding while improving the quality of life for their

136 residents.

137 (2) Local governments need support to address these

138 challenges in a timely manner, including providing new,

139 resident-focused solutions to solve infrastructure problems.

140 (3) Even though more than half of this state’s

141 municipalities have fewer than 6,000 residents, current

142 financing mechanisms disproportionately benefit larger and more

143 affluent communities.

144 (4) There is a need to provide condominiums with long-term

145 financing mechanisms to solve their large infrastructure

29-00766A-23

20231200__

146 problems and to comply with statutory mandates requiring
147 condominium associations to maintain fully funded reserves.

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

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

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

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

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

161 (3) "District" means a resilience district.

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

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

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

171 (7) "Landowner" means the owner of a freehold estate as it
172 appears by the deed record, including a trustee, a private
173 corporation, and an owner of a condominium unit. The term does
174 not include a reversioner, remainderman, mortgagee, or any

29-00766A-23

20231200__

175 governmental entity that may not be counted and need not be
176 notified of proceedings under this act. The term also means the
177 owner of a ground lease from a governmental entity, which
178 leasehold interest has a remaining term, excluding all renewal
179 options, in excess of 50 years.

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

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

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

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

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

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

201 190.105 Establishment of district.—

202 (1) The exclusive and uniform method for the establishment
203 of a resilience district to address infrastructure is through a

29-00766A-23

20231200__

204 petition from the taxpayers who own real property within the
205 district boundaries. A local government may not initiate the
206 creation of the infrastructure resilience district without such
207 petition.

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

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

222 2. The written consent to the establishment of the district
223 by 70 percent of the landowners whose real property is to be
224 included in the district or documentation demonstrating that the
225 petitioner has control by deed, trust agreement, contract, or
226 option of 100 percent of the real property to be included in the
227 district. When real property to be included in the district is
228 owned by a governmental entity and subject to a ground lease as
229 described in s. 190.103(7), the governmental entity must provide
230 its written consent. The petitioner must verify ownership of
231 property with the county property appraiser.

232 3. The proposed name of the district.

29-00766A-23

20231200__

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

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

236 6. Designation of five persons to be the initial members of
237 the district's board of supervisors, who will serve in that
238 office until replaced by elected members as provided in s.
239 190.106.

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

248 (b) The petitioner must submit a copy of the petition to
249 the local government that will serve as the project manager,
250 along with an application fee of \$500, and a copy to each
251 municipality or county of boundaries of which are contiguous
252 with, or contain all or a portion of, the land within the
253 boundaries of the proposed resilience district. In cases where
254 conflicts arise over the formation of a resilience district, the
255 petitioner may engage the local government in meetings before
256 the petition is filed in order to find a resolution that is
257 mutually agreeable to all parties.

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

29-00766A-23

20231200__

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

271 2. The public hearing on the petition must be conducted in
272 accordance with local regulations regarding public hearings. The
273 hearing must be held at an accessible location of the local
274 government that receives the petition for the resilience
275 district. The petitioner must publish a notice of the hearing
276 for 4 successive weeks on a publicly accessible website as
277 provided in s. 50.0311 and mail a notice to every landowner
278 within the proposed boundaries of the district at least 30 days
279 before the hearing. Such notice must give the time and place for
280 the hearing, a description of the area to be included in the
281 district, including a map clearly showing the area to be covered
282 by the district, and any other relevant information the county
283 or municipality requires. All affected units of the local
284 general-purpose government and the general public must be given
285 an opportunity to appear at the hearing and present oral or
286 written comments on the petition.

287 (d) The local general-purpose government where the petition
288 is filed may consider any of the following factors in granting
289 or denying the petition for the establishment of an
290 infrastructure resilience district; however, not all factors are

29-00766A-23

20231200__

291 required to be considered in granting or denying the petition:

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

294 2. Whether the proposed district boundaries are in
295 compliance with s. 190.1052.

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

300 4. Whether an independent licensed engineering
301 professional, free of conflict, hired by the local general-
302 purpose government, has determined that the proposed plan will
303 not adequately solve the problem. The term "adequately solve the
304 problem" means that the solution would not improve the situation
305 in any meaningful way.

306 5. Whether the district would primarily serve one parcel or
307 owner or numerous parcels that have related owners through
308 familial or business interests other than for the redevelopment
309 of nonresilient housing as described in s. 190.1054(1)(d).

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

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

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

29-00766A-23

20231200__

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

323 (e) If the local general-purpose government denies the
324 petition under subparagraph (d)2., the local general-purpose
325 government must work with the petitioner, if the petitioner
326 desires, to determine an acceptable boundary for the formation
327 of the district and the petitioner must revise the petition
328 accordingly.

329 (e) If the local general-purpose government denies the
330 petition under subparagraph (d)3. and then fails to implement
331 the infrastructure improvement or eliminates funding for it at
332 any time within 5 years, the petition must be reheard within 45
333 days and may not be denied subsequently under subparagraph (d)3.
334 In this case, the local general-purpose government, if selected
335 as the project manager, must not take a project management fee
336 and is responsible for any increased costs from the petitioner's
337 previously submitted cost estimate.

338 (g) If the local general-purpose government denies the
339 petition under any reason listed in paragraph (d) without
340 working with the petitioner to attempt to modify the petition or
341 to find an agreeable alternative, the local general-purpose
342 government is responsible for implementing the project, or an
343 appropriate alternative, at the local general-purpose
344 government's cost, commencing the project within 180 days and
345 without creating any unreasonable delays in the completion of
346 the project.

347 (h) If lands within the proposed district overlap the
348 boundaries of more than one local general-purpose government,

29-00766A-23

20231200__

349 the affected local general-purpose governments must sign an
350 interlocal agreement with the local government receiving the
351 petition. The interlocal agreement must be in place no more than
352 120 days after the approval of the district and before the
353 commencement of any work of the resilience district.

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

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

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

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

29-00766A-23

20231200__

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

384 3. The proposed name of the district.

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

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

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

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

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

403 (b) The petitioner must submit a copy of the petition to
404 the county in which a majority of the condominium units are
405 located, along with an application fee of \$200 plus \$2 per unit
406 within the district to cover the cost of notifications.

29-00766A-23

20231200__

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

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

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

423 2. A local public hearing on the petition must be conducted
424 in accordance with local regulations regarding public hearings.
425 The hearing must be held at an accessible location in the
426 county. The petitioner must publish a notice of the hearing for
427 4 successive weeks on a publicly accessible website as provided
428 in s. 50.0311 and a mailed notice to every unit owner within the
429 proposed boundaries of the district at least 30 days before the
430 hearing. Such notice must give the time and place for the
431 hearing, a description of the area to be included in the
432 district, which description must include a map showing clearly
433 the area to be covered by the district, and any other relevant
434 information the county requires. All affected unit owners and
435 the general public must be given an opportunity to appear at the

29-00766A-23

20231200__

436 hearing and present oral or written comments on the petition.

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

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

442 2. Whether the proposed district boundaries are in
443 compliance with s. 190.1052.

444 3. Whether the district would primarily serve one owner or
445 numerous parcels that have related owners through familial or
446 business interests.

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

450 Section 6. Section 190.1052, Florida Statutes, is created
451 to read:

452 190.1052 District boundaries.—

453 (1) Districts must be compact and the smallest size
454 possible to solve the identified problem, yet sufficient in size
455 to encompass the properties that will receive benefit from the
456 proposed improvements.

457 (2) Condominium resilience districts must include an entire
458 building or group of related buildings that are adjacent and
459 share common areas such as a pool, clubhouse, or other common
460 facilities.

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

29-00766A-23

20231200__

465 used for infrastructure.

466 (4) A district may not:

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

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

471 (c) Include federal Indian reservation lands.

472 (5) If a district is identical to, or shares more than 90
473 percent of the geography of, any existing special taxing
474 district that primarily serves a similar function, the existing
475 district must be dissolved and reconstituted as a resilience
476 district as defined under this act and all existing funds
477 serving the existing district must be transferred to the
478 resilience district. This applies to resilience districts under
479 this act that have the same boundary as existing resilience
480 districts.

481 (6) If a property within the district consolidates with an
482 adjacent unit or property, the district includes the entirety of
483 the consolidated property.

484 Section 7. Section 190.1054, Florida Statutes, is created
485 to read:

486 190.1054 Uses of the district.—

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

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

493 Exclusions on the use of the funds provided under s. 380.093 do

29-00766A-23

20231200__

494 not apply to resilience districts.

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

499 (c) Septic to sewer conversion. If infrastructure
500 improvement outside of the district is necessary to provide
501 sewer service, the entity providing such service may include the
502 cost of the proportional benefit to the residents of the
503 district, if such costs have been similarly charged to expand
504 sewer service. This may include the cost of design, permitting,
505 and other preconstruction activities, as well as harmonization
506 of the sewer service with private property.

507 (d) Redevelopment of nonresilient housing stock and related
508 infrastructure improvements.

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

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

516 a. An affordable housing unit, as defined by the Florida
517 Housing Finance Corporation, for every existing structure or
518 unit;

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

521 c. For residents who desire to stay in the district during
522 redevelopment, a clear plan for the nondisplacement or temporary

29-00766A-23

20231200__

523 relocation of existing residents during construction. The cost
524 of relocation and additional cost of any housing must be covered
525 by the district. For residents who desire to leave the district
526 during redevelopment, the developer must pay for relocation
527 costs including housing placement assistance and rental support
528 for the difference in costs, based on average market rent for at
529 least 12 months.

530 (e) Service the debt of any existing special taxing
531 district authorized under statute, in the event that district is
532 dissolved.

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

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

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

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

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

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

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

29-00766A-23

20231200__

552 (4) A condominium resilience district may not be used by a
553 condominium association when more than 40 percent of the units
554 are owned by a single owner or group of related owners or if the
555 association is in formal negotiations to sell all units and
556 dissolve the association. All debt service must be paid off and
557 the district dissolved before the transfer of ownership of any
558 condominium to a single owner or group of related owners.

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

571 Section 8. Section 190.1056, Florida Statutes, is created
572 to read:

573 190.1056 Management and service fees.—

574 (1) If the local government is acting as the project
575 manager for an infrastructure resilience district, the district
576 may pay up to a 5 percent project management fee based on the
577 total cost of design and construction. Half of the fee is to be
578 paid to the local government acting as the project manager at
579 the commencement of the project and the remainder at the
580 completion of the project. If an outside firm is used to manage

29-00766A-23

20231200__

581 the project, the actual cost of project management may be
582 charged if approved as part of the creation of the district but
583 may not exceed 10 percent of the total cost of design and
584 construction. The project manager must be a Florida-licensed
585 professional engineer and be employed by a company that is
586 authorized to do business in this state.

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

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

594 Section 9. Section 190.106, Florida Statutes, is created to
595 read:

596 190.106 Board of supervisors; members and meetings.-

597 (1) For infrastructure resilience districts:

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

602 (b) The board shall include one elected official from all
603 local governments who received a copy of the petition, but a
604 majority of the board must be property owners from within the
605 district.

606 (c) Local government elected officials do not count as
607 residents of the district, even if they own property within the
608 district.

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

29-00766A-23

20231200__

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

615 (2) For condominium resilience districts:

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

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

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

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

628 (4) District board members may not be compensated for their
629 service.

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

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

634 Section 10. Section 190.108, Florida Statutes, is created
635 to read:

636 190.108 Budget; reports and reviews.—

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

29-00766A-23

20231200__

639 the district.

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

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

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

651 Section 11. Section 190.111, Florida Statutes, is created
652 to read:

653 190.111 General powers.—The district shall have, and its
654 board of supervisors may exercise, the following powers:

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

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

665 (3) To cooperate with, or contract with, other governmental
666 agencies as may be necessary, convenient, incidental, or proper
667 in connection with any of the powers, duties, or purposes

29-00766A-23

20231200__

668 authorized by this act.

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

671 Section 12. Section 190.133, Florida Statutes, is created
672 to read:

673 190.133 Bids required.—

674 (1) An infrastructure resilience district must follow
675 applicable procurement processes of the local government that
676 manages the district or follow the requirements under s.
677 287.055. Project services may be procured under continuing
678 service contracts with the approval of the district board of
679 supervisors.

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

688 Section 13. Section 190.136, Florida Statutes, is created
689 to read:

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

696 Section 14. Section 190.146, Florida Statutes, is created

29-00766A-23

20231200__

697 to read:

698 190.146 Reduction, expansion, or termination of district.-

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

701 (2) For an infrastructure resilience district, upon
702 completion of the project, the appropriate local general-purpose
703 government must take over ownership of all infrastructure built
704 by the district, and the district must only exist to service the
705 debt incurred for the infrastructure project. The district must
706 automatically terminate after all debt is paid.

707 (3) For a condominium resilience district, a unit owner may
708 petition to terminate the district by submitting to the board of
709 supervisors a petition supported by 70 percent of the unit
710 owners of the district. The petition must contain the same
711 information as required by s. 190.105(2)(a), and the petitioner
712 must follow the procedure set forth in s. 191.105(2)(b). All
713 debts must be paid before the district may be terminated. A
714 condominium resilience district must automatically terminate
715 after the initially approved loan amount is used and all debt is
716 paid.

717 Section 15. Section 190.148, Florida Statutes, is created
718 to read:

719 190.148 Sale of real estate within a district; required
720 disclosure to purchaser.-Subsequent to the establishment of a
721 district under s. 190.105, each contract for the initial sale of
722 a parcel of real property and each contract for the initial sale
723 of a residential unit within the district must include, printed
724 immediately above the space reserved in the contract for the
725 signature of the purchaser, the following disclosure statement

29-00766A-23

20231200__

726 in boldface and conspicuous type that is larger than the type in
 727 the remaining text of the contract: "THE RESILIENCE DISTRICT
 728 (NAME OF DISTRICT) IMPOSES AND LEVIES ASSESSMENTS ON THIS
 729 PROPERTY. THESE ASSESSMENTS PAY THE DESIGN AND CONSTRUCTION
 730 COSTS OF CERTAIN INFRASTRUCTURE IMPROVEMENTS AND ARE BASED ON
 731 THE PETITION THAT CREATED THIS DISTRICT. THESE TAXES AND
 732 ASSESSMENTS ARE IN ADDITION TO COUNTY AND OTHER LOCAL
 733 GOVERNMENTAL TAXES AND ASSESSMENTS AND ALL OTHER TAXES AND
 734 ASSESSMENTS PROVIDED FOR BY LAW."

735 Section 16. Section 190.149, Florida Statutes, is created
 736 to read:

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

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

746 190.002 Legislative findings, policies, and intent.—

747 (3) It is the legislative intent and purpose, based upon,
 748 and consistent with, its findings of fact and declarations of
 749 policy, to authorize a uniform procedure by general law to
 750 establish an independent special district as an alternative
 751 method to manage and finance basic services for community
 752 development. It is further the legislative intent and purpose to
 753 provide by general law for the uniform operation, exercise of
 754 power, and procedure for termination of any such independent

29-00766A-23

20231200__

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

767 Section 18. Section 190.003, Florida Statutes, is amended
768 to read:

769 190.003 Definitions.—As used in s. 190.001-190.149 ~~this~~
770 ~~chapter~~, the term:

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

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

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

782 (4) "Board" or "board of supervisors" means the governing
783 board of the district or, if such board has been abolished, the

29-00766A-23

20231200__

784 board, body, or commission succeeding to the principal functions
785 thereof or to whom the powers given to the board by this act
786 have been given by law.

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

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

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

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

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

29-00766A-23

20231200__

- 813 (b) The cost of surveys, estimates, plans, and
814 specifications.
- 815 (c) The cost of improvements.
- 816 (d) Engineering, fiscal, and legal expenses and charges.
- 817 (e) The cost of all labor, materials, machinery, and
818 equipment.
- 819 (f) The cost of all lands, properties, rights, easements,
820 and franchises acquired.
- 821 (g) Financing charges.
- 822 (h) The creation of initial reserve and debt service funds.
- 823 (i) Working capital.
- 824 (j) Interest charges incurred or estimated to be incurred
825 on money borrowed prior to and during construction and
826 acquisition and for such reasonable period of time after
827 completion of construction or acquisition as the board may
828 determine.
- 829 (k) The cost of issuance of bonds pursuant to this act,
830 including advertisements and printing.
- 831 (l) The cost of any election held pursuant to this act and
832 all other expenses of issuance of bonds.
- 833 (m) The discount, if any, on the sale or exchange of 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

29-00766A-23

20231200__

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

29-00766A-23

20231200__

871 provisions of this act.

872 (17) "Qualified elector" means any person at least 18 years
873 of age who is a citizen of the United States, a legal resident
874 of Florida and of the district, and who registers to vote with
875 the supervisor of elections in the county in which the district
876 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

29-00766A-23

20231200__

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,

29-00766A-23

20231200__

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

29-00766A-23

20231200__

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.