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CS/CS/HB 437

2019 Legislature

1
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

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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.—

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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

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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

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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.

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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.