

A bill to be entitled

An act relating to community development districts; amending s. 190.046, F.S.; providing that certain community development districts may be dissolved by a majority vote of the district landowners; providing procedures for calling a meeting of district landowners and conducting a vote on dissolution of a district; providing for notice and effect of the dissolution; repealing district rules upon such notice; providing an effective date.

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

Section 1. Subsection (9) of section 190.046, Florida Statutes, is amended to read:

190.046 Termination, contraction, or expansion of district.—

(9) If a district has no outstanding financial obligations and no operating or maintenance responsibilities:~~—~~

(a) Upon the petition of the district, the district may be dissolved by a nonemergency ordinance of the general-purpose local governmental entity that established the district or, if the district was established by rule of the Florida Land and Water Adjudicatory Commission, the district may be dissolved by repeal of such rule of the commission; or

(b) The district may be dissolved by a majority vote of

27 the district landowners, as follows:

28 1. A meeting of the landowners of the district shall be
29 called for the purpose of voting on whether to dissolve the
30 district if:

31 a. The board adopts a resolution approving the dissolution
32 of the district; or

33 b. A written petition for dissolution of the district
34 signed by landowners representing a majority of the acres of
35 real property within the district, as calculated pursuant to s.
36 190.006(2)(b), or by 25 percent of the total number of
37 landowners within the district, is filed with the board. If
38 there is no board, the petitioning landowners shall publish the
39 petition as part of the notice required in this paragraph.

40 2. Notice of the landowners' meeting must be published
41 once a week for 2 consecutive weeks in a newspaper of general
42 circulation in the area of the district, the last day of such
43 publication to be not fewer than 14 days or more than 28 days
44 before the date of the election. The notice must state the date,
45 time, and location within the district of the meeting, must
46 state that the purpose of the meeting is to vote on dissolution
47 of the district, and must include a sample proxy.

48 3. The chair of the board shall preside at the meeting of
49 landowners under this paragraph. If there is no board, at the
50 beginning of the meeting, the landowners in attendance shall
51 elect a chair who shall preside at the meeting. The chair
52 presiding at the meeting shall comply with the requirements of

53 subparagraph (b)5. Each landowner is entitled to cast a vote on
54 the issue of dissolution and may vote in person or by proxy in
55 writing. The chair shall retain a record of all landowners
56 attending in person, all written proxies submitted at the
57 meeting, and the final tally of votes approving dissolution and
58 votes opposing dissolution.

59 4. If a majority of landowners voting approves the
60 dissolution, the district shall be dissolved effective upon
61 adjournment of the landowners' meeting.

62 5. No later than 5 days after the date of the meeting, the
63 chair presiding at the meeting shall provide written notice of
64 the dissolution to the authority that originally created the
65 district. The written notice must include copies of the
66 resolution of the board or the written petition for dissolution,
67 the published notice of the landowners' meeting, the record of
68 all landowners attending in person, all proxies submitted at the
69 meeting, and the tally of final votes.

70 6. Upon receiving the notice and documents submitted
71 pursuant to subparagraph (b)5., the authority creating the
72 district shall publish notice of the dissolution of the
73 district. Publication by the adopting authority is deemed a
74 ministerial act for purposes of this paragraph.

75 a. If the Florida Land and Water Adjudicatory Commission
76 is the adopting authority, the notice must be published in the
77 Florida Administrative Register. Notwithstanding s. 120.54, the
78 rules creating the district are repealed on the date that the

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79 notice is published pursuant to this sub-subparagraph.

80 b. If a county or municipality is the adopting authority,
81 the notice must be published in the same manner as a notice of
82 intent to adopt an ordinance and must be filed with the
83 Department of State within 10 days after such publication.

84 Section 2. This act shall take effect July 1, 2014.