

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION \_\_\_\_\_ (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER \_\_\_\_\_

1 Committee/Subcommittee hearing bill: State Affairs Committee  
2 Representative Metz offered the following:

3  
4 **Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:

6 Section 1. Chapter 189, Florida Statutes, as amended by  
7 this act, is divided into the following parts:

8 (1) Part I, consisting of sections 189.01, 189.011,  
9 189.012, 189.013, 189.014, 189.015, 189.016, 189.017, 189.018,  
10 and 189.019, Florida Statutes, as created by this act, and  
11 entitled "General Provisions."

12 (2) Part II, consisting of sections 189.02 and 189.021,  
13 Florida Statutes, as created by this act, and entitled  
14 "Dependent Special Districts."

15 (3) Part III, consisting of sections 189.03, 189.031,  
16 189.0311, 189.033, 189.034, and 189.035, Florida Statutes, as  
17 created by this act, and entitled "Independent Special

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18 Districts."

19 (4) Part IV, consisting of sections 189.04, 189.041, and  
20 189.042, Florida Statutes, as created by this act, and entitled  
21 "Elections."

22 (5) Part V, consisting of sections 189.05, 189.051,  
23 189.052, 189.053, 189.054, and 189.055, Florida Statutes, as  
24 created by this act, and entitled "Finance."

25 (6) Part VI, consisting of sections 189.06, 189.061,  
26 189.062, 189.063, 189.064, 189.065, 189.066, 189.067, 189.068,  
27 189.069, and 189.0691, Florida Statutes, as created by this act,  
28 and entitled "Oversight and Accountability."

29 (7) Part VII, consisting of sections 189.07, 189.071,  
30 189.072, 189.073, 189.074, 189.075, 189.076, and 189.0761,  
31 Florida Statutes, as created by this act, and entitled "Merger  
32 and Dissolution."

33 (8) Part VIII, consisting of sections 189.08, 189.081, and  
34 189.082, Florida Statutes, as created by this act, and entitled  
35 "Comprehensive Planning."

36 Section 2. Paragraph (b) of subsection (2) of section  
37 11.40, Florida Statutes, is amended to read:

38 11.40 Legislative Auditing Committee.—

39 (2) Following notification by the Auditor General, the  
40 Department of Financial Services, or the Division of Bond  
41 Finance of the State Board of Administration of the failure of a  
42 local governmental entity, district school board, charter  
43 school, or charter technical career center to comply with the

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44 applicable provisions within s. 11.45(5)-(7), s. 218.32(1), ~~or~~  
45 s. 218.38, or s. 218.503(3), the Legislative Auditing Committee  
46 may schedule a hearing to determine if the entity should be  
47 subject to further state action. If the committee determines  
48 that the entity should be subject to further state action, the  
49 committee shall:

50 (b) In the case of a special district created by:

51 1. A special act, notify the President of the Senate, the  
52 Speaker of the House of Representatives, the standing committees  
53 of the Senate and the House of Representatives charged with  
54 special district oversight as determined by the presiding  
55 officers of each respective chamber, the legislators who  
56 represent a portion of the geographical jurisdiction of the  
57 special district pursuant to s. 189.034(2) and the Department of  
58 Economic Opportunity that the special district has failed to  
59 comply with the law. Upon receipt of notification, the  
60 Department of Economic Opportunity shall proceed pursuant to s.  
61 189.062 or s. 189.067. If the special district remains in  
62 noncompliance after the process set forth in s. 189.034(3), or  
63 if a public hearing is not held, the Legislative Auditing  
64 Committee may request the department to proceed pursuant to s.  
65 189.067(3) ~~s. 189.4044 or s. 189.421.~~

66 2. A local ordinance, notify the chair or equivalent of  
67 the local general-purpose government pursuant to s. 189.035(1)  
68 and the Department of Economic Opportunity that the special  
69 district has failed to comply with the law. Upon receipt of

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70 notification, the department shall proceed pursuant to s.  
71 189.062 or s. 189.067. If the special district remains in  
72 noncompliance after the process set forth in s. 189.034(3), or  
73 if a public hearing is not held, the Legislative Auditing  
74 Committee may request the department to proceed pursuant to s.  
75 189.067(3).

76 3. Any manner other than a special act or local ordinance,  
77 notify the Department of Economic Opportunity that the special  
78 district has failed to comply with the law. Upon receipt of  
79 notification, the department shall proceed pursuant to s.  
80 189.062 or s. 189.067(3).

81 Section 3. Subsection (2) of section 112.312, Florida  
82 Statutes, is amended to read:

83 112.312 Definitions.—As used in this part and for purposes  
84 of the provisions of s. 8, Art. II of the State Constitution,  
85 unless the context otherwise requires:

86 (2) "Agency" means any state, regional, county, local, or  
87 municipal government entity of this state, whether executive,  
88 judicial, or legislative; any department, division, bureau,  
89 commission, authority, or political subdivision of this state  
90 therein; ~~or~~ any public school, community college, or state  
91 university; or any special district as defined in s. 189.012.

92 Section 4. Section 112.511, Florida Statutes, is created  
93 to read:

94 112.511 Members of special district governing bodies;  
95 suspension; removal from office.—

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96       (1) A member of the governing body of a special district,  
97 as defined in s. 189.012, who exercises the powers and duties of  
98 a state or a county officer, is subject to the Governor's power  
99 under s. 7(a), Art. IV of the State Constitution to suspend such  
100 officers.

101       (2) A member of the governing body of a special district,  
102 as defined in s. 189.012, who exercises powers and duties other  
103 than that of a state or county officer, is subject to the  
104 suspension and removal procedures under s. 112.51.

105       Section 5. Subsections (1), (4), and (6) of section  
106 125.901, Florida Statutes, are amended to read:

107       125.901 Children's services; independent special district;  
108 council; powers, duties, and functions; public records  
109 exemption.—

110       (1) Each county may by ordinance create an independent  
111 special district, as defined in ss. 189.012 ~~189.403(3)~~ and  
112 200.001(8)(e), to provide funding for children's services  
113 throughout the county in accordance with this section. The  
114 boundaries of such district shall be coterminous with the  
115 boundaries of the county. The county governing body shall obtain  
116 approval, by a majority vote of those electors voting on the  
117 question, to annually levy ad valorem taxes which shall not  
118 exceed the maximum millage rate authorized by this section. Any  
119 district created pursuant to the provisions of this subsection  
120 shall be required to levy and fix millage subject to the  
121 provisions of s. 200.065. Once such millage is approved by the

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122 electorate, the district shall not be required to seek approval  
123 of the electorate in future years to levy the previously  
124 approved millage.

125 (a) The governing body ~~board~~ of the district shall be a  
126 council on children's services, which may also be known as a  
127 juvenile welfare board or similar name as established in the  
128 ordinance by the county governing body. Such council shall  
129 consist of 10 members, including: the superintendent of schools;  
130 a local school board member; the district administrator from the  
131 appropriate district of the Department of Children and Family  
132 Services, or his or her designee who is a member of the Senior  
133 Management Service or of the Selected Exempt Service; one member  
134 of the county governing body; and the judge assigned to juvenile  
135 cases who shall sit as a voting member of the board, except that  
136 said judge shall not vote or participate in the setting of ad  
137 valorem taxes under this section. If there is more than one  
138 judge assigned to juvenile cases in a county, the chief judge  
139 shall designate one of said juvenile judges to serve on the  
140 board. The remaining five members shall be appointed by the  
141 Governor, and shall, to the extent possible, represent the  
142 demographic diversity of the population of the county. After  
143 soliciting recommendations from the public, the county governing  
144 body shall submit to the Governor the names of at least three  
145 persons for each vacancy occurring among the five members  
146 appointed by the Governor, and the Governor shall appoint  
147 members to the council from the candidates nominated by the

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148 county governing body. The Governor shall make a selection  
149 within a 45-day period or request a new list of candidates. All  
150 members appointed by the Governor shall have been residents of  
151 the county for the previous 24-month period. Such members shall  
152 be appointed for 4-year terms, except that the length of the  
153 terms of the initial appointees shall be adjusted to stagger the  
154 terms. The Governor may remove a member for cause or upon the  
155 written petition of the county governing body. If any of the  
156 members of the council required to be appointed by the Governor  
157 under the provisions of this subsection shall resign, die, or be  
158 removed from office, the vacancy thereby created shall, as soon  
159 as practicable, be filled by appointment by the Governor, using  
160 the same method as the original appointment, and such  
161 appointment to fill a vacancy shall be for the unexpired term of  
162 the person who resigns, dies, or is removed from office.

163 (b) However, any county as defined in s. 125.011(1) may  
164 instead have a governing body ~~board~~ consisting of 33 members,  
165 including: the superintendent of schools; two representatives of  
166 public postsecondary education institutions located in the  
167 county; the county manager or the equivalent county officer; the  
168 district administrator from the appropriate district of the  
169 Department of Children and Family Services, or the  
170 administrator's designee who is a member of the Senior  
171 Management Service or the Selected Exempt Service; the director  
172 of the county health department or the director's designee; the  
173 state attorney for the county or the state attorney's designee;

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174 the chief judge assigned to juvenile cases, or another juvenile  
175 judge who is the chief judge's designee and who shall sit as a  
176 voting member of the board, except that the judge may not vote  
177 or participate in setting ad valorem taxes under this section;  
178 an individual who is selected by the board of the local United  
179 Way or its equivalent; a member of a locally recognized faith-  
180 based coalition, selected by that coalition; a member of the  
181 local chamber of commerce, selected by that chamber or, if more  
182 than one chamber exists within the county, a person selected by  
183 a coalition of the local chambers; a member of the early  
184 learning coalition, selected by that coalition; a representative  
185 of a labor organization or union active in the county; a member  
186 of a local alliance or coalition engaged in cross-system  
187 planning for health and social service delivery in the county,  
188 selected by that alliance or coalition; a member of the local  
189 Parent-Teachers Association/Parent-Teacher-Student Association,  
190 selected by that association; a youth representative selected by  
191 the local school system's student government; a local school  
192 board member appointed by the chair of the school board; the  
193 mayor of the county or the mayor's designee; one member of the  
194 county governing body, appointed by the chair of that body; a  
195 member of the state Legislature who represents residents of the  
196 county, selected by the chair of the local legislative  
197 delegation; an elected official representing the residents of a  
198 municipality in the county, selected by the county municipal  
199 league; and 4 members-at-large, appointed to the council by the

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Published On: 4/10/2014 4:49:19 PM



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200 majority of sitting council members. The remaining 7 members  
201 shall be appointed by the Governor in accordance with procedures  
202 set forth in paragraph (a), except that the Governor may remove  
203 a member for cause or upon the written petition of the council.  
204 Appointments by the Governor must, to the extent reasonably  
205 possible, represent the geographic and demographic diversity of  
206 the population of the county. Members who are appointed to the  
207 council by reason of their position are not subject to the  
208 length of terms and limits on consecutive terms as provided in  
209 this section. The remaining appointed members of the governing  
210 body ~~board~~ shall be appointed to serve 2-year terms, except that  
211 those members appointed by the Governor shall be appointed to  
212 serve 4-year terms, and the youth representative and the  
213 legislative delegate shall be appointed to serve 1-year terms. A  
214 member may be reappointed; however, a member may not serve for  
215 more than three consecutive terms. A member is eligible to be  
216 appointed again after a 2-year hiatus from the council.

217 (c) This subsection does not prohibit a county from  
218 exercising such power as is provided by general or special law  
219 to provide children's services or to create a special district  
220 to provide such services.

221 (4) (a) Any district created pursuant to this section may  
222 be dissolved by a special act of the Legislature, or the county  
223 governing body may by ordinance dissolve the district subject to  
224 the approval of the electorate.

225 (b)1.a. Notwithstanding paragraph (a), the governing body

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226 of the county shall submit the question of retention or  
227 dissolution of a district with voter-approved taxing authority  
228 to the electorate in the general election according to the  
229 following schedule:

230 (I) For a district in existence on July 1, 2010, and serving a  
231 county with a population of 400,000 or fewer persons as of that  
232 date.....2014.

233 (II) For a district in existence on July 1, 2010, and serving a  
234 county with a population of more than 400,000 but fewer than 2  
235 million persons as of  
236 that date.....2016.

237 (III) For a district in existence on July 1, 2010, and serving  
238 a county with a population of 2 million or more persons as of  
239 that date.....2020.

240 b. A referendum by the electorate on or after July 1,  
241 2010, creating a new district with taxing authority may specify  
242 that the district is not subject to reauthorization or may  
243 specify the number of years for which the initial authorization  
244 shall remain effective. If the referendum does not prescribe  
245 terms of reauthorization, the governing body of the county shall  
246 submit the question of retention or dissolution of the district  
247 to the electorate in the general election 12 years after the  
248 initial authorization.

249 2. The governing body ~~board~~ of the district may specify,  
250 and submit to the governing body of the county no later than 9  
251 months before the scheduled election, that the district is not

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252 subsequently subject to reauthorization or may specify the  
253 number of years for which a reauthorization under this paragraph  
254 shall remain effective. If the governing body ~~board~~ of the  
255 district makes such specification and submission, the governing  
256 body of the county shall include that information in the  
257 question submitted to the electorate. If the governing body  
258 ~~board~~ of the district does not specify and submit such  
259 information, the governing body of the county shall resubmit the  
260 question of reauthorization to the electorate every 12 years  
261 after the year prescribed in subparagraph 1. The governing body  
262 ~~board~~ of the district may recommend to the governing body of the  
263 county language for the question submitted to the electorate.

264 3. Nothing in this paragraph limits the authority to  
265 dissolve a district as provided under paragraph (a).

266 4. Nothing in this paragraph precludes the governing body  
267 ~~board~~ of a district from requesting that the governing body of  
268 the county submit the question of retention or dissolution of a  
269 district with voter-approved taxing authority to the electorate  
270 at a date earlier than the year prescribed in subparagraph 1. If  
271 the governing body of the county accepts the request and submits  
272 the question to the electorate, the governing body satisfies the  
273 requirement of that subparagraph.

274  
275 If any district is dissolved pursuant to this subsection, each  
276 county must first obligate itself to assume the debts,  
277 liabilities, contracts, and outstanding obligations of the

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278 district within the total millage available to the county  
279 governing body for all county and municipal purposes as provided  
280 for under s. 9, Art. VII of the State Constitution. Any district  
281 may also be dissolved pursuant to s. part VII of chapter 189  
282 ~~189.4042~~.

283 (6) Any district created pursuant to the provisions of  
284 this section shall comply with all other statutory requirements  
285 of general application which relate to the filing of any  
286 financial reports or compliance reports required under part III  
287 of chapter 218, or any other report or documentation required by  
288 law, including the requirements of ss. 189.08, 189.015, and  
289 189.016 ~~189.415, 189.417, and 189.418~~.

290 Section 6. Section 189.401, Florida Statutes, is  
291 transferred, renumbered as section 189.01, Florida Statutes, and  
292 amended to read:

293 189.01 ~~189.401~~ Short title.—This chapter may be cited as  
294 the "Uniform Special District Accountability Act ~~of 1989~~."

295 Section 7. Subsections (1), (6), and (7) of section  
296 189.402, Florida Statutes, are transferred and renumbered as  
297 subsections (1), (2), and (3), respectively, of section 189.011,  
298 Florida Statutes, and present subsection (6) of that section is  
299 amended, to read:

300 189.011 ~~189.402~~ Statement of legislative purpose and  
301 intent.—

302 (2) ~~(6)~~ The Legislature finds that special districts serve  
303 a necessary and useful function by providing services to

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304 residents and property in the state. The Legislature finds  
305 further that special districts operate to serve a public purpose  
306 and that this is best secured by certain minimum standards of  
307 accountability designed to inform the public and appropriate  
308 general-purpose local governments of the status and activities  
309 of special districts. It is the intent of the Legislature that  
310 this public trust be secured by requiring each independent  
311 special district in the state to register and report its  
312 financial and other activities. The Legislature further finds  
313 that failure of an independent special district to comply with  
314 the minimum disclosure requirements set forth in this chapter  
315 may result in action against officers of such district body  
316 ~~board~~.

317 Section 8. Subsection (2) of section 189.402, Florida  
318 Statutes, is transferred, renumbered as section 189.06, Florida  
319 Statutes, and amended to read:

320 189.06 ~~189.402~~ Legislative intent; centralized location  
321 ~~Statement of legislative purpose and intent.~~-

322 ~~(2)~~ It is the intent of the Legislature through the  
323 adoption of this chapter to have one centralized location for  
324 all legislation governing special districts and to:

325 (1)~~(a)~~ Improve the enforcement of statutes currently in  
326 place that help ensure the accountability of special districts  
327 to state and local governments.

328 (2)~~(b)~~ Improve communication and coordination between  
329 state agencies with respect to required special district

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330 reporting and state monitoring.

331 (3)~~(e)~~ Improve communication and coordination between  
332 special districts and other local entities with respect to ad  
333 valorem taxation, non-ad valorem assessment collection, special  
334 district elections, and local government comprehensive planning.

335 (4)~~(d)~~ Move toward greater uniformity in special district  
336 elections and non-ad valorem assessment collection procedures at  
337 the local level without hampering the efficiency and  
338 effectiveness of the current procedures.

339 (5)~~(e)~~ Clarify special district definitions and creation  
340 methods in order to ensure consistent application of those  
341 definitions and creation methods across all levels of  
342 government.

343 (6)~~(f)~~ Specify in general law the essential components of  
344 any new type of special district.

345 (7)~~(g)~~ Specify in general law the essential components of  
346 a charter for a new special district.

347 (8)~~(h)~~ Encourage the creation of municipal service taxing  
348 units and municipal service benefit units for providing  
349 municipal services in unincorporated areas of each county.

350 Section 9. Subsections (3), (4), (5), and (8) of section  
351 189.402, Florida Statutes, are transferred, renumbered as  
352 subsections (1), (2), (3), and (4), respectively, of section  
353 189.03, Florida Statutes, and amended to read:

354 189.03 ~~189.402~~ Statement of legislative purpose and  
355 intent; independent special districts.-

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356 ~~(1)~~<sup>(3)</sup> The Legislature finds that:

357 (a) There is a need for uniform, focused, and fair  
358 procedures in state law to provide a reasonable alternative for  
359 the establishment, powers, operation, and duration of  
360 independent special districts ~~to manage and finance basic~~  
361 ~~capital infrastructure, facilities, and services; and that,~~  
362 ~~based upon a proper and fair determination of applicable facts,~~  
363 ~~an independent special district can constitute a timely,~~  
364 ~~efficient, effective, responsive, and economic way to deliver~~  
365 ~~these basic services, thereby providing a means of solving the~~  
366 ~~state's planning, management, and financing needs for delivery~~  
367 ~~of capital infrastructure, facilities, and services in order to~~  
368 ~~provide for projected growth without overburdening other~~  
369 ~~governments and their taxpayers.~~

370 (b) It is in the public interest that any independent  
371 special district created pursuant to state law not outlive its  
372 usefulness and that the operation of such a district and the  
373 exercise by the district of its powers be consistent with  
374 applicable due process, disclosure, accountability, ethics, and  
375 government-in-the-sunshine requirements which apply both to  
376 governmental entities and to their elected and appointed  
377 officials.

378 ~~(c) It is in the public interest that long-range planning,~~  
379 ~~management, and financing and long-term maintenance, upkeep, and~~  
380 ~~operation of basic services by independent special districts be~~  
381 ~~uniform.~~

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382        (2)~~(4)~~ It is the policy of this state:

383        (a) That independent special districts may be used ~~are a~~  
384 ~~legitimate alternative method available for use~~ by the private  
385 and public sectors, as authorized by state law, to manage, own,  
386 operate, construct, and finance basic capital infrastructure,  
387 facilities, and services.

388        (b) That the exercise by any independent special district  
389 of its powers, ~~as set forth by uniform general law~~ comply with  
390 all applicable ~~governmental comprehensive planning~~ laws, rules,  
391 and regulations.

392        (3)~~(5)~~ It is the legislative intent ~~and purpose, based~~  
393 ~~upon, and consistent with, its findings of fact and declarations~~  
394 ~~of policy,~~ to authorize a uniform procedure by general law to  
395 create an independent special district, ~~as an alternative method~~  
396 ~~to manage and finance basic capital infrastructure, facilities,~~  
397 ~~and services. It is further the legislative intent and purpose~~  
398 to provide by general law for the uniform operation, exercise of  
399 power, and procedure for termination of any such independent  
400 special district.

401        (4)~~(8)~~ The Legislature finds and declares that:

402        (a) Growth and development issues transcend the boundaries  
403 and responsibilities of individual units of government, and  
404 often no single unit of government can plan or implement  
405 policies to deal with these issues without affecting other units  
406 of government.

407        (b) The provision of capital infrastructure, facilities,



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408 and services for the preservation and enhancement of the quality  
409 of life of the people of this state may require the creation of  
410 multicounty and multijurisdictional districts.

411 Section 10. Section 189.403, Florida Statutes, is  
412 transferred, renumbered as section 189.012, Florida Statutes,  
413 reordered, and amended to read:

414 189.012 ~~189.403~~ Definitions.—As used in this chapter, the  
415 term:

416 (6)(1) "Special district" means a ~~local~~ local unit of local  
417 government created for a ~~of~~ special purpose, as opposed to a  
418 general purpose ~~general-purpose~~, which has jurisdiction to  
419 operate ~~government~~ within a limited geographic boundary and is  
420 created by general law, special act, local ordinance, or by rule  
421 of the Governor and Cabinet. ~~The special purpose or purposes of~~  
422 ~~special districts are implemented by specialized functions and~~  
423 ~~related prescribed powers. For the purpose of s. 196.199(1),~~  
424 ~~special districts shall be treated as municipalities.~~ The term  
425 does not include a school district, a community college  
426 district, a special improvement district created pursuant to s.  
427 285.17, a municipal service taxing or benefit unit as specified  
428 in s. 125.01, or a board which provides electrical service and  
429 which is a political subdivision of a municipality or is part of  
430 a municipality.

431 (2) "Dependent special district" means a special district  
432 that meets at least one of the following criteria:

433 (a) The membership of its governing body is identical to

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434 that of the governing body of a single county or a single  
435 municipality.

436 (b) All members of its governing body are appointed by the  
437 governing body of a single county or a single municipality.

438 (c) During their unexpired terms, members of the special  
439 district's governing body are subject to removal at will by the  
440 governing body of a single county or a single municipality.

441 (d) The district has a budget that requires approval  
442 through an affirmative vote or can be vetoed by the governing  
443 body of a single county or a single municipality.

444

445 This subsection is for purposes of definition only. Nothing in  
446 this subsection confers additional authority upon local  
447 governments not otherwise authorized by the provisions of the  
448 special acts or general acts of local application creating each  
449 special district, as amended.

450 (3) "Independent special district" means a special  
451 district that is not a dependent special district as defined in  
452 subsection (2). A district that includes more than one county is  
453 an independent special district unless the district lies wholly  
454 within the boundaries of a single municipality.

455 (1)~~(4)~~ "Department" means the Department of Economic  
456 Opportunity.

457 (4)~~(5)~~ "Local governing authority" means the governing  
458 body of a unit of local general-purpose government. However, if  
459 the special district is a political subdivision of a

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460 municipality, "local governing authority" means the  
461 municipality.

462 ~~(7)~~(6) "Water management district" for purposes of this  
463 chapter means a special taxing district which is a regional  
464 water management district created and operated pursuant to  
465 chapter 373 or chapter 61-691, Laws of Florida, or a flood  
466 control district created and operated pursuant to chapter 25270,  
467 Laws of Florida, 1949, as modified by s. 373.149.

468 ~~(5)~~(7) "Public facilities" means major capital  
469 improvements, including, but not limited to, transportation  
470 facilities, sanitary sewer facilities, solid waste facilities,  
471 water management and control facilities, potable water  
472 facilities, alternative water systems, educational facilities,  
473 parks and recreational facilities, health systems and  
474 facilities, and, except for spoil disposal by those ports listed  
475 in s. 311.09(1), spoil disposal sites for maintenance dredging  
476 in waters of the state.

477 Section 11. Subsection (1) of section 189.4031, Florida  
478 Statutes, is transferred and renumbered as section 189.013,  
479 Florida Statutes, and the catchline of that section shall read:  
480 "Special districts; creation, dissolution, and reporting  
481 requirements."

482 Section 12. Subsection (2) of section 189.4031, Florida  
483 Statutes, is transferred, renumbered as section 189.0311,  
484 Florida Statutes, and amended to read:

485 189.0311 ~~189.4031~~ Independent special districts ~~Special~~

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486 ~~districts; creation, dissolution, and reporting requirements;~~  
487 charter requirements.-

488 ~~(2)~~ Notwithstanding any general law, special act, or  
489 ordinance of a local government to the contrary, any independent  
490 special district charter enacted after September 30, 1989, ~~the~~  
491 ~~effective date of this section~~ shall contain the information  
492 required by s. 189.031(3) ~~189.404(3)~~. Recognizing that the  
493 exclusive charter for a community development district is the  
494 statutory charter contained in ss. 190.006-190.041, community  
495 development districts established after July 1, 1980, pursuant  
496 to the provisions of chapter 190 shall be deemed in compliance  
497 with this requirement.

498 Section 13. Section 189.4035, Florida Statutes, is  
499 transferred and renumbered as section 189.061, Florida Statutes,  
500 and subsections (1), (5), and (6) of that section are amended,  
501 to read:

502 189.061 ~~189.4035~~ ~~Preparation of~~ Official list of special  
503 districts.-

504 (1) The department ~~of Economic Opportunity~~ shall maintain  
505 ~~compile~~ the official list of special districts. The official  
506 list of special districts shall include all special districts in  
507 this state and shall indicate the independent or dependent  
508 status of each district. All special districts on ~~in~~ the list  
509 shall be sorted by county. The definitions in s. 189.012 ~~189.403~~  
510 shall be the criteria for determination of the independent or  
511 dependent status of each special district on the official list.

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Published On: 4/10/2014 4:49:19 PM

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512 The status of community development districts shall be  
513 independent on the official list of special districts.

514 (5) The official list of special districts shall be  
515 available on the department's website and must include a link to  
516 the website of each special district that provides web-based  
517 access to the public of the information and documentation  
518 required under s. 189.069.

519 (6) ~~Preparation of~~ The official list of special districts  
520 or the determination of status does not constitute final agency  
521 action pursuant to chapter 120. If the status of a special  
522 district on the official list is inconsistent with the status  
523 submitted by the district, the district may request the  
524 department to issue a declaratory statement setting forth the  
525 requirements necessary to resolve the inconsistency. If  
526 necessary, upon issuance of a declaratory statement by the  
527 department which is not appealed pursuant to chapter 120, the  
528 governing body ~~board~~ of any special district receiving such a  
529 declaratory statement shall apply to the entity which originally  
530 established the district for an amendment to its charter  
531 correcting the specified defects in its original charter. This  
532 amendment shall be for the sole purpose of resolving  
533 inconsistencies between a district charter and the status of a  
534 district as it appears on the official list. ~~Such application~~  
535 ~~shall occur as follows:~~

536 ~~(a) In the event a special district was created by a local~~  
537 ~~general-purpose government or state agency and applies for an~~

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538 ~~amendment to its charter to confirm its independence, said~~  
539 ~~application shall be granted as a matter of right. If~~  
540 ~~application by an independent district is not made within 6~~  
541 ~~months of rendition of a declaratory statement, the district~~  
542 ~~shall be deemed dependent and become a political subdivision of~~  
543 ~~the governing body which originally established it by operation~~  
544 ~~of law.~~

545 ~~(b) If the Legislature created a special district, the~~  
546 ~~district shall request, by resolution, an amendment to its~~  
547 ~~charter by the Legislature. Failure to apply to the Legislature~~  
548 ~~for an amendment to its charter during the next regular~~  
549 ~~legislative session following rendition of a declaratory~~  
550 ~~statement or failure of the Legislature to pass a special act~~  
551 ~~shall render the district dependent.~~

552 Section 14. Section 189.404, Florida Statutes, is  
553 transferred and renumbered as section 189.031, Florida Statutes,  
554 and subsection (2) and paragraphs (e), (f), and (g) of  
555 subsection (3) of that section are amended, to read:

556 189.031 ~~189.404~~ Legislative intent for the creation of  
557 independent special districts; special act prohibitions; model  
558 elements and other requirements; general-purpose local  
559 government/Governor and Cabinet creation authorizations.—

560 (2) SPECIAL ACTS PROHIBITED.—Pursuant to s. 11(a)(21),  
561 Art. III of the State Constitution, the Legislature hereby  
562 prohibits special laws or general laws of local application  
563 which:

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564 (a) Create independent special districts that do not, at a  
565 minimum, conform to the minimum requirements in subsection (3);

566 (b) Exempt independent special district elections from the  
567 appropriate requirements in s. 189.04 ~~189.405~~;

568 (c) Exempt an independent special district from the  
569 requirements for bond referenda in s. 189.042 ~~189.408~~;

570 (d) Exempt an independent special district from the  
571 reporting, notice, or public meetings requirements of s.  
572 189.051, s. 189.08, s. 189.015, or s. 189.016 ~~189.4085, s.~~  
573 ~~189.415, s. 189.417, or s. 189.418~~;

574 (e) Create an independent special district for which a  
575 statement has not been submitted to the Legislature that  
576 documents the following:

577 1. The purpose of the proposed district;

578 2. The authority of the proposed district;

579 3. An explanation of why the district is the best  
580 alternative; and

581 4. A resolution or official statement of the governing  
582 body or an appropriate administrator of the local jurisdiction  
583 within which the proposed district is located stating that the  
584 creation of the proposed district is consistent with the  
585 approved local government plans of the local governing body and  
586 that the local government has no objection to the creation of  
587 the proposed district.

588 (3) MINIMUM REQUIREMENTS.—General laws or special acts  
589 that create or authorize the creation of independent special

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590 districts and are enacted after September 30, 1989, must address  
591 and require the following in their charters:

592 (e) The membership and organization of the governing body  
593 ~~board~~ of the district. If a district created after September 30,  
594 1989, uses a one-acre/one-vote election principle, it shall  
595 provide for a governing body ~~board~~ consisting of five members.  
596 Three members shall constitute a quorum.

597 (f) The maximum compensation of a governing body ~~board~~  
598 member.

599 (g) The administrative duties of the governing body ~~board~~  
600 of the district.

601 Section 15. Section 189.40401, Florida Statutes, is  
602 transferred and renumbered as section 189.033, Florida Statutes.

603 Section 16. Section 189.4041, Florida Statutes, is  
604 transferred and renumbered as section 189.02, Florida Statutes,  
605 and paragraph (e) of subsection (4) of that section is amended,  
606 to read:

607 189.02 ~~189.4041~~ Dependent special districts.—

608 (4) Dependent special districts created by a county or  
609 municipality shall be created by adoption of an ordinance that  
610 includes:

611 (e) The membership, organization, compensation, and  
612 administrative duties of the governing body ~~board~~.

613 Section 17. Subsection (1) of section 189.4042, Florida  
614 Statutes, is transferred, renumbered as section 189.07, Florida  
615 Statutes, and amended to read:



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616 189.07 ~~189.4042~~ Definitions ~~Merger and dissolution~~  
617 ~~procedures.~~—

618 ~~(1) DEFINITIONS.~~—As used in this part ~~section~~, the term:

619 (1)(a) "Component independent special district" means an  
620 independent special district that proposes to be merged into a  
621 merged independent district, or an independent special district  
622 as it existed before its merger into the merged independent  
623 district of which it is now a part.

624 (2)(b) "Elector-initiated merger plan" means the merger  
625 plan of two or more independent special districts, a majority of  
626 whose qualified electors have elected to merge, which outlines  
627 the terms and agreements for the official merger of the  
628 districts and is finalized and approved by the governing bodies  
629 of the districts pursuant to this part ~~section~~.

630 (3)(e) "Governing body" means the governing body of the  
631 independent special district in which the general legislative,  
632 governmental, or public powers of the district are vested and by  
633 authority of which the official business of the district is  
634 conducted.

635 (4)(d) "Initiative" means the filing of a petition  
636 containing a proposal for a referendum to be placed on the  
637 ballot for election.

638 (5)(e) "Joint merger plan" means the merger plan that is  
639 adopted by resolution of the governing bodies of two or more  
640 independent special districts that outlines the terms and  
641 agreements for the official merger of the districts and that is

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642 finalized and approved by the governing bodies pursuant to this  
643 part section.

644 ~~(6)-(f)~~ "Merged independent district" means a single  
645 independent special district that results from a successful  
646 merger of two or more independent special districts pursuant to  
647 this part section.

648 ~~(7)-(g)~~ "Merger" means the combination of two or more  
649 contiguous independent special districts resulting in a newly  
650 created merged independent district that assumes jurisdiction  
651 over all of the component independent special districts.

652 ~~(8)-(h)~~ "Merger plan" means a written document that  
653 contains the terms, agreements, and information regarding the  
654 merger of two or more independent special districts.

655 ~~(9)-(i)~~ "Proposed elector-initiated merger plan" means a  
656 written document that contains the terms and information  
657 regarding the merger of two or more independent special  
658 districts and that accompanies the petition initiated by the  
659 qualified electors of the districts but that is not yet  
660 finalized and approved by the governing bodies of each component  
661 independent special district pursuant to this part section.

662 ~~(10)-(j)~~ "Proposed joint merger plan" means a written  
663 document that contains the terms and information regarding the  
664 merger of two or more independent special districts and that has  
665 been prepared pursuant to a resolution of the governing bodies  
666 of the districts but that is not yet finalized and approved by  
667 the governing bodies of each component independent special

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668 district pursuant to this part ~~section~~.

669 (11) ~~(k)~~ "Qualified elector" means an individual at least  
670 18 years of age who is a citizen of the United States, a  
671 permanent resident of this state, and a resident of the district  
672 who registers with the supervisor of elections of a county  
673 within which the district lands are located when the  
674 registration books are open.

675 Section 18. Subsection (2) of section 189.4042, Florida  
676 Statutes, is transferred, renumbered as section 189.071, Florida  
677 Statutes, and amended to read:

678 189.071 ~~189.4042~~ Merger or ~~and~~ dissolution of a dependent  
679 special district procedures.—

680 ~~(2) MERGER OR DISSOLUTION OF A DEPENDENT SPECIAL~~  
681 ~~DISTRICT~~.—

682 (1) ~~(a)~~ The merger or dissolution of a dependent special  
683 district may be effectuated by an ordinance of the general-  
684 purpose local governmental entity wherein the geographical area  
685 of the district or districts is located. However, a county may  
686 not dissolve a special district that is dependent to a  
687 municipality or vice versa, or a dependent district created by  
688 special act.

689 (2) ~~(b)~~ The merger or dissolution of a dependent special  
690 district created and operating pursuant to a special act may be  
691 effectuated only by further act of the Legislature unless  
692 otherwise provided by general law.

693 (3) ~~(c)~~ A dependent special district that meets any

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694 criteria for being declared inactive, or that has already been  
695 declared inactive, pursuant to s. 189.062 ~~189.4044~~ may be  
696 dissolved or merged by special act without a referendum.

697 ~~(4)(d)~~ A copy of any ordinance and of any changes to a  
698 charter affecting the status or boundaries of one or more  
699 special districts shall be filed with the Special District  
700 Accountability Information Program within 30 days after such  
701 activity.

702 Section 19. Subsection (3) of section 189.4042, Florida  
703 Statutes, is transferred, renumbered as section 189.072, Florida  
704 Statutes, and amended to read:

705 189.072 ~~189.4042~~ Dissolution of an independent special  
706 district Merger and dissolution procedures.-

707 ~~(3) DISSOLUTION OF AN INDEPENDENT SPECIAL DISTRICT.~~

708 (1)(a) *Voluntary dissolution.*-If the governing body ~~board~~  
709 of an independent special district created and operating  
710 pursuant to a special act elects, by a majority vote plus one,  
711 to dissolve the district, the voluntary dissolution of an  
712 independent special district created and operating pursuant to a  
713 special act may be effectuated only by the Legislature unless  
714 otherwise provided by general law.

715 (2)(b) *Other dissolutions.*-

716 (a)1. In order for the Legislature to dissolve an active  
717 independent special district created and operating pursuant to a  
718 special act, the special act dissolving the active independent  
719 special district must be approved by a majority of the resident

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720 electors of the district or, for districts in which a majority  
721 of governing body ~~board~~ members are elected by landowners, a  
722 majority of the landowners voting in the same manner by which  
723 the independent special district's governing body is elected. If  
724 a local general-purpose government passes an ordinance or  
725 resolution in support of the dissolution, the local general-  
726 purpose government must pay any expenses associated with the  
727 referendum required under this paragraph ~~subparagraph~~.

728 (b)2- If an independent special district was created by a  
729 county or municipality by referendum or any other procedure, the  
730 county or municipality that created the district may dissolve  
731 the district pursuant to a referendum or any other procedure by  
732 which the independent special district was created. However, if  
733 the independent special district has ad valorem taxation powers,  
734 the same procedure required to grant the independent special  
735 district ad valorem taxation powers is required to dissolve the  
736 district.

737 (3)(e) *Inactive independent special districts.*—An  
738 independent special district that meets any criteria for being  
739 declared inactive, or that has already been declared inactive,  
740 pursuant to s. 189.062 ~~189.4044~~ may be dissolved by special act  
741 without a referendum. If an inactive independent special  
742 district was created by a county or municipality through a  
743 referendum, the county or municipality that created the district  
744 may dissolve the district after publishing notice as described  
745 in s. 189.062 ~~189.4044~~.

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746 (4)~~(d)~~ *Debts and assets.*—Financial allocations of the  
747 assets and indebtedness of a dissolved independent special  
748 district shall be pursuant to s. 189.076 ~~189.4045~~.

749 Section 20. Subsection (4) of section 189.4042, Florida  
750 Statutes, is transferred, renumbered as section 189.073, Florida  
751 Statutes, and amended to read:

752 189.073 ~~189.4042~~ Legislative merger of independent special  
753 districts ~~Merger and dissolution procedures.~~—

754 ~~(4) LEGISLATIVE MERGER OF INDEPENDENT SPECIAL DISTRICTS.~~  
755 The Legislature, by special act, may merge independent special  
756 districts created and operating pursuant to special act.

757 Section 21. Subsection (5) of section 189.4042, Florida  
758 Statutes, is transferred, renumbered as section 189.074, Florida  
759 Statutes, and amended to read:

760 189.074 ~~189.4042~~ Voluntary merger of independent special  
761 districts ~~Merger and dissolution procedures.~~—

762 ~~(5) VOLUNTARY MERGER OF INDEPENDENT SPECIAL DISTRICTS.~~ Two  
763 or more contiguous independent special districts created by  
764 special act which have similar functions and elected governing  
765 bodies may elect to merge into a single independent district  
766 through the act of merging the component independent special  
767 districts.

768 (1)~~(a)~~ *Initiation.*—Merger proceedings may commence by:

769 (a)~~1.~~ A joint resolution of the governing bodies of each  
770 independent special district which endorses a proposed joint  
771 merger plan; or

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772 ~~(b)2.~~ A qualified elector initiative.

773 ~~(2)(b)~~ *Joint merger plan by resolution.*—The governing  
774 bodies of two or more contiguous independent special districts  
775 may, by joint resolution, endorse a proposed joint merger plan  
776 to commence proceedings to merge the districts pursuant to this  
777 section subsection.

778 ~~(a)1.~~ The proposed joint merger plan must specify:

779 ~~1.a.~~ The name of each component independent special  
780 district to be merged;

781 ~~2.b.~~ The name of the proposed merged independent district;

782 ~~3.c.~~ The rights, duties, and obligations of the proposed  
783 merged independent district;

784 ~~4.d.~~ The territorial boundaries of the proposed merged  
785 independent district;

786 ~~5.e.~~ The governmental organization of the proposed merged  
787 independent district insofar as it concerns elected and  
788 appointed officials and public employees, along with a  
789 transitional plan and schedule for elections and appointments of  
790 officials;

791 ~~6.f.~~ A fiscal estimate of the potential cost or savings as  
792 a result of the merger;

793 ~~7.g.~~ Each component independent special district's assets,  
794 including, but not limited to, real and personal property, and  
795 the current value thereof;

796 ~~8.h.~~ Each component independent special district's  
797 liabilities and indebtedness, bonded and otherwise, and the

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798 current value thereof;

799 ~~9.i.~~ Terms for the assumption and disposition of existing  
800 assets, liabilities, and indebtedness of each component  
801 independent special district jointly, separately, or in defined  
802 proportions;

803 ~~10.j.~~ Terms for the common administration and uniform  
804 enforcement of existing laws within the proposed merged  
805 independent district;

806 ~~11.k.~~ The times and places for public hearings on the  
807 proposed joint merger plan;

808 ~~12.l.~~ The times and places for a referendum in each  
809 component independent special district on the proposed joint  
810 merger plan, along with the referendum language to be presented  
811 for approval; and

812 ~~13.m.~~ The effective date of the proposed merger.

813 ~~(b)2.~~ The resolution endorsing the proposed joint merger  
814 plan must be approved by a majority vote of the governing bodies  
815 of each component independent special district and adopted at  
816 least 60 business days before any general or special election on  
817 the proposed joint merger plan.

818 ~~(c)3.~~ Within 5 business days after the governing bodies  
819 approve the resolution endorsing the proposed joint merger plan,  
820 the governing bodies must:

821 ~~1.a.~~ Cause a copy of the proposed joint merger plan, along  
822 with a descriptive summary of the plan, to be displayed and be  
823 readily accessible to the public for inspection in at least



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824 three public places within the territorial limits of each  
825 component independent special district, unless a component  
826 independent special district has fewer than three public places,  
827 in which case the plan must be accessible for inspection in all  
828 public places within the component independent special district;

829 ~~2.b.~~ If applicable, cause the proposed joint merger plan,  
830 along with a descriptive summary of the plan and a reference to  
831 the public places within each component independent special  
832 district where a copy of the merger plan may be examined, to be  
833 displayed on a website maintained by each district or on a  
834 website maintained by the county or municipality in which the  
835 districts are located; and

836 ~~3.e.~~ Arrange for a descriptive summary of the proposed  
837 joint merger plan, and a reference to the public places within  
838 the district where a copy may be examined, to be published in a  
839 newspaper of general circulation within the component  
840 independent special districts at least once each week for 4  
841 successive weeks.

842 ~~(d)4.~~ The governing body of each component independent  
843 special district shall set a time and place for one or more  
844 public hearings on the proposed joint merger plan. Each public  
845 hearing shall be held on a weekday at least 7 business days  
846 after the day the first advertisement is published on the  
847 proposed joint merger plan. The hearing or hearings may be held  
848 jointly or separately by the governing bodies of the component  
849 independent special districts. Any interested person residing in

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850 the respective district shall be given a reasonable opportunity  
851 to be heard on any aspect of the proposed merger at the public  
852 hearing.

853 ~~1.a.~~ Notice of the public hearing addressing the  
854 resolution for the proposed joint merger plan must be published  
855 pursuant to the notice requirements in s. 189.015 ~~189.417~~ and  
856 must provide a descriptive summary of the proposed joint merger  
857 plan and a reference to the public places within the component  
858 independent special districts where a copy of the plan may be  
859 examined.

860 ~~2.b.~~ After the final public hearing, the governing bodies  
861 of each component independent special district may amend the  
862 proposed joint merger plan if the amended version complies with  
863 the notice and public hearing requirements provided in this  
864 section ~~subsection~~. Thereafter, the governing bodies may approve  
865 a final version of the joint merger plan or decline to proceed  
866 further with the merger. Approval by the governing bodies of the  
867 final version of the joint merger plan must occur within 60  
868 business days after the final hearing.

869 ~~(e)5.~~ After the final public hearing, the governing bodies  
870 shall notify the supervisors of elections of the applicable  
871 counties in which district lands are located of the adoption of  
872 the resolution by each governing body. The supervisors of  
873 elections shall schedule a separate referendum for each  
874 component independent special district. The referenda may be  
875 held in each district on the same day, or on different days, but

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876 no more than 20 days apart.

877 ~~1.a.~~ Notice of a referendum on the merger of independent  
878 special districts must be provided pursuant to the notice  
879 requirements in s. 100.342. At a minimum, the notice must  
880 include:

881 ~~a.(I)~~ A brief summary of the resolution and joint merger  
882 plan;

883 ~~b.(II)~~ A statement as to where a copy of the resolution  
884 and joint merger plan may be examined;

885 ~~c.(III)~~ The names of the component independent special  
886 districts to be merged and a description of their territory;

887 ~~d.(IV)~~ The times and places at which the referendum will  
888 be held; and

889 ~~e.(V)~~ Such other matters as may be necessary to call,  
890 provide for, and give notice of the referendum and to provide  
891 for the conduct thereof and the canvass of the returns.

892 ~~2.b.~~ The referenda must be held in accordance with the  
893 Florida Election Code and may be held pursuant to ss. 101.6101-  
894 101.6107. All costs associated with the referenda shall be borne  
895 by the respective component independent special district.

896 ~~3.e.~~ The ballot question in such referendum placed before  
897 the qualified electors of each component independent special  
898 district to be merged must be in substantially the following  
899 form:

900 "Shall ...(name of component independent special  
901 district)... and ...(name of component independent special

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902 district or districts)... be merged into ...(name of newly  
903 merged independent district)...?

904

905 ....YES

906 ....NO"

907

908 ~~4.d.~~ If the component independent special districts  
909 proposing to merge have disparate millage rates, the ballot  
910 question in the referendum placed before the qualified electors  
911 of each component independent special district must be in  
912 substantially the following form:

913

914 "Shall ...(name of component independent special  
915 district)... and ...(name of component independent special  
916 district or districts)... be merged into ...(name of newly  
917 merged independent district)... if the voter-approved maximum  
918 millage rate within each independent special district will not  
919 increase absent a subsequent referendum?

920

921 ....YES

922 ....NO"

923

924 ~~5.e.~~ In any referendum held pursuant to this section  
925 ~~subsection~~, the ballots shall be counted, returns made and  
926 canvassed, and results certified in the same manner as other  
927 elections or referenda for the component independent special

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928 districts.

929 ~~6.f.~~ The merger may not take effect unless a majority of  
930 the votes cast in each component independent special district  
931 are in favor of the merger. If one of the component districts  
932 does not obtain a majority vote, the referendum fails, and  
933 merger does not take effect.

934 ~~7.g.~~ If the merger is approved by a majority of the votes  
935 cast in each component independent special district, the merged  
936 independent district is created. Upon approval, the merged  
937 independent district shall notify the Special District  
938 Accountability Information Program pursuant to s. 189.016(2)  
939 ~~189.418(2)~~ and the local general-purpose governments in which  
940 any part of the component independent special districts is  
941 situated pursuant to s. 189.016(7) ~~189.418(7)~~.

942 ~~8.h.~~ If the referendum fails, the merger process under  
943 this subsection ~~paragraph~~ may not be initiated for the same  
944 purpose within 2 years after the date of the referendum.

945 ~~(f)6.~~ Component independent special districts merged  
946 pursuant to a joint merger plan by resolution shall continue to  
947 be governed as before the merger until the effective date  
948 specified in the adopted joint merger plan.

949 ~~(3)(e)~~ *Qualified elector-initiated merger plan.*—The  
950 qualified electors of two or more contiguous independent special  
951 districts may commence a merger proceeding by each filing a  
952 petition with the governing body of their respective independent  
953 special district proposing to be merged. The petition must

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954 contain the signatures of at least 40 percent of the qualified  
955 electors of each component independent special district and must  
956 be submitted to the appropriate component independent special  
957 district governing body no later than 1 year after the start of  
958 the qualified elector-initiated merger process.

959 (a)1. The petition must comply with, and be circulated in,  
960 the following form:

961 PETITION FOR

962 INDEPENDENT SPECIAL DISTRICT MERGER

963 We, the undersigned electors and legal voters of ...(name  
964 of independent special district)..., qualified to vote at the  
965 next general or special election, respectfully petition that  
966 there be submitted to the electors and legal voters of ...(name  
967 of independent special district or districts proposed to be  
968 merged)..., for their approval or rejection at a referendum held  
969 for that purpose, a proposal to merge ...(name of component  
970 independent special district)... and ...(name of component  
971 independent special district or districts)....

972 In witness thereof, we have signed our names on the date  
973 indicated next to our signatures.

974	Date	Name	Home Address
975	(print under signature)		
976	.....		
977	.....		

978 (b)2. The petition must be validated by a signed statement  
979 by a witness who is a duly qualified elector of one of the

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980 component independent special districts, a notary public, or  
981 another person authorized to take acknowledgments.

982 ~~1.a.~~ A statement that is signed by a witness who is a duly  
983 qualified elector of the respective district shall be accepted  
984 for all purposes as the equivalent of an affidavit. Such  
985 statement must be in substantially the following form:

986 "I, ...(name of witness)..., state that I am a duly  
987 qualified voter of ...(name of independent special district)....  
988 Each of the ...(insert number)... persons who have signed this  
989 petition sheet has signed his or her name in my presence on the  
990 dates indicated above and identified himself or herself to be  
991 the same person who signed the sheet. I understand that this  
992 statement will be accepted for all purposes as the equivalent of  
993 an affidavit and, if it contains a materially false statement,  
994 shall subject me to the penalties of perjury."

995 Date Signature of Witness

996 ~~2.b.~~ A statement that is signed by a notary public or  
997 another person authorized to take acknowledgments must be in  
998 substantially the following form:

999 "On the date indicated above before me personally came each  
1000 of the ...(insert number)... electors and legal voters whose  
1001 signatures appear on this petition sheet, who signed the  
1002 petition in my presence and who, being by me duly sworn, each  
1003 for himself or herself, identified himself or herself as the  
1004 same person who signed the petition, and I declare that the  
1005 foregoing information they provided was true."

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Published On: 4/10/2014 4:49:19 PM

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1006	Date	Signature of Witness
1007	<u>3.e.</u>	An alteration or correction of information appearing
1008		on a petition's signature line, other than an uninitialed
1009		signature and date, does not invalidate such signature. In
1010		matters of form, this <u>subsection</u> <del>paragraph</del> shall be liberally
1011		construed, not inconsistent with substantial compliance thereto
1012		and the prevention of fraud.
1013	<u>4.d.</u>	The appropriately signed petition must be filed with
1014		the governing body of each component independent special
1015		district. The petition must be submitted to the supervisors of
1016		elections of the counties in which the district lands are
1017		located. The supervisors shall, within 30 business days after
1018		receipt of the petitions, certify to the governing bodies the
1019		number of signatures of qualified electors contained on the
1020		petitions.
1021	<u>(c)3.</u>	Upon verification by the supervisors of elections of
1022		the counties within which component independent special district
1023		lands are located that 40 percent of the qualified electors have
1024		petitioned for merger and that all such petitions have been
1025		executed within 1 year after the date of the initiation of the
1026		qualified-electoral merger process, the governing bodies of each
1027		component independent special district shall meet within 30
1028		business days to prepare and approve by resolution a proposed
1029		electoral-initiated merger plan. The proposed plan must include:
1030	<u>1.a.</u>	The name of each component independent special
1031		district to be merged;

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1032        ~~2.b.~~ The name of the proposed merged independent district;

1033        ~~3.e.~~ The rights, duties, and obligations of the merged  
1034 independent district;

1035        ~~4.d.~~ The territorial boundaries of the proposed merged  
1036 independent district;

1037        ~~5.e.~~ The governmental organization of the proposed merged  
1038 independent district insofar as it concerns elected and  
1039 appointed officials and public employees, along with a  
1040 transitional plan and schedule for elections and appointments of  
1041 officials;

1042        ~~6.f.~~ A fiscal estimate of the potential cost or savings as  
1043 a result of the merger;

1044        ~~7.g.~~ Each component independent special district's assets,  
1045 including, but not limited to, real and personal property, and  
1046 the current value thereof;

1047        ~~8.h.~~ Each component independent special district's  
1048 liabilities and indebtedness, bonded and otherwise, and the  
1049 current value thereof;

1050        ~~9.i.~~ Terms for the assumption and disposition of existing  
1051 assets, liabilities, and indebtedness of each component  
1052 independent special district, jointly, separately, or in defined  
1053 proportions;

1054        ~~10.j.~~ Terms for the common administration and uniform  
1055 enforcement of existing laws within the proposed merged  
1056 independent district;

1057        ~~11.k.~~ The times and places for public hearings on the

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1058 proposed joint merger plan; and

1059 ~~12.1.~~ The effective date of the proposed merger.

1060 ~~(d)4.~~ The resolution endorsing the proposed elector-  
1061 initiated merger plan must be approved by a majority vote of the  
1062 governing bodies of each component independent special district  
1063 and must be adopted at least 60 business days before any general  
1064 or special election on the proposed elector-initiated plan.

1065 ~~(e)5.~~ Within 5 business days after the governing bodies of  
1066 each component independent special district approve the proposed  
1067 elector-initiated merger plan, the governing bodies shall:

1068 ~~1.a.~~ Cause a copy of the proposed elector-initiated merger  
1069 plan, along with a descriptive summary of the plan, to be  
1070 displayed and be readily accessible to the public for inspection  
1071 in at least three public places within the territorial limits of  
1072 each component independent special district, unless a component  
1073 independent special district has fewer than three public places,  
1074 in which case the plan must be accessible for inspection in all  
1075 public places within the component independent special district;

1076 ~~2.b.~~ If applicable, cause the proposed elector-initiated  
1077 merger plan, along with a descriptive summary of the plan and a  
1078 reference to the public places within each component independent  
1079 special district where a copy of the merger plan may be  
1080 examined, to be displayed on a website maintained by each  
1081 district or otherwise on a website maintained by the county or  
1082 municipality in which the districts are located; and

1083 ~~3.e.~~ Arrange for a descriptive summary of the proposed

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1084 elector-initiated merger plan, and a reference to the public  
1085 places within the district where a copy may be examined, to be  
1086 published in a newspaper of general circulation within the  
1087 component independent special districts at least once each week  
1088 for 4 successive weeks.

1089 ~~(f)6.~~ The governing body of each component independent  
1090 special district shall set a time and place for one or more  
1091 public hearings on the proposed elector-initiated merger plan.  
1092 Each public hearing shall be held on a weekday at least 7  
1093 business days after the day the first advertisement is published  
1094 on the proposed elector-initiated merger plan. The hearing or  
1095 hearings may be held jointly or separately by the governing  
1096 bodies of the component independent special districts. Any  
1097 interested person residing in the respective district shall be  
1098 given a reasonable opportunity to be heard on any aspect of the  
1099 proposed merger at the public hearing.

1100 ~~1.a.~~ Notice of the public hearing on the proposed elector-  
1101 initiated merger plan must be published pursuant to the notice  
1102 requirements in s. 189.015 ~~189.417~~ and must provide a  
1103 descriptive summary of the elector-initiated merger plan and a  
1104 reference to the public places within the component independent  
1105 special districts where a copy of the plan may be examined.

1106 ~~2.b.~~ After the final public hearing, the governing bodies  
1107 of each component independent special district may amend the  
1108 proposed elector-initiated merger plan if the amended version  
1109 complies with the notice and public hearing requirements

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1110 provided in this section ~~subsection~~. The governing bodies must  
1111 approve a final version of the merger plan within 60 business  
1112 days after the final hearing.

1113 ~~(g)7-~~ After the final public hearing, the governing bodies  
1114 shall notify the supervisors of elections of the applicable  
1115 counties in which district lands are located of the adoption of  
1116 the resolution by each governing body. The supervisors of  
1117 elections shall schedule a date for the separate referenda for  
1118 each district. The referenda may be held in each district on the  
1119 same day, or on different days, but no more than 20 days apart.

1120 ~~1.a-~~ Notice of a referendum on the merger of the component  
1121 independent special districts must be provided pursuant to the  
1122 notice requirements in s. 100.342. At a minimum, the notice must  
1123 include:

1124 ~~a.(I)~~ A brief summary of the resolution and elector-  
1125 initiated merger plan;

1126 ~~b.(II)~~ A statement as to where a copy of the resolution  
1127 and petition for merger may be examined;

1128 ~~c.(III)~~ The names of the component independent special  
1129 districts to be merged and a description of their territory;

1130 ~~d.(IV)~~ The times and places at which the referendum will  
1131 be held; and

1132 ~~e.(V)~~ Such other matters as may be necessary to call,  
1133 provide for, and give notice of the referendum and to provide  
1134 for the conduct thereof and the canvass of the returns.

1135 ~~2.b-~~ The referenda must be held in accordance with the

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1136 Florida Election Code and may be held pursuant to ss. 101.6101-  
1137 101.6107. All costs associated with the referenda shall be borne  
1138 by the respective component independent special district.

1139 ~~3.e.~~ The ballot question in such referendum placed before  
1140 the qualified electors of each component independent special  
1141 district to be merged must be in substantially the following  
1142 form:

1143 "Shall ...(name of component independent special  
1144 district)... and ...(name of component independent special  
1145 district or districts)... be merged into ...(name of newly  
1146 merged independent district)...?"

1147 ....YES

1148 ....NO"

1149 ~~4.d.~~ If the component independent special districts  
1150 proposing to merge have disparate millage rates, the ballot  
1151 question in the referendum placed before the qualified electors  
1152 of each component independent special district must be in  
1153 substantially the following form:

1154 "Shall ...(name of component independent special  
1155 district)... and ...(name of component independent special  
1156 district or districts)... be merged into ...(name of newly  
1157 merged independent district)... if the voter-approved maximum  
1158 millage rate within each independent special district will not  
1159 increase absent a subsequent referendum?"

1160 ....YES

1161 ....NO"

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1162 ~~5.e.~~ In any referendum held pursuant to this section  
1163 ~~subsection~~, the ballots shall be counted, returns made and  
1164 canvassed, and results certified in the same manner as other  
1165 elections or referenda for the component independent special  
1166 districts.

1167 ~~6.f.~~ The merger may not take effect unless a majority of  
1168 the votes cast in each component independent special district  
1169 are in favor of the merger. If one of the component independent  
1170 special districts does not obtain a majority vote, the  
1171 referendum fails, and merger does not take effect.

1172 ~~7.g.~~ If the merger is approved by a majority of the votes  
1173 cast in each component independent special district, the merged  
1174 district shall notify the Special District Accountability  
1175 ~~Information~~ Program pursuant to s. 189.016(2) ~~189.418(2)~~ and the  
1176 local general-purpose governments in which any part of the  
1177 component independent special districts is situated pursuant to  
1178 s. 189.016(7) ~~189.418(7)~~.

1179 ~~8.h.~~ If the referendum fails, the merger process under  
1180 this subsection ~~paragraph~~ may not be initiated for the same  
1181 purpose within 2 years after the date of the referendum.

1182 ~~(h)g.~~ Component independent special districts merged  
1183 pursuant to an elector-initiated merger plan shall continue to  
1184 be governed as before the merger until the effective date  
1185 specified in the adopted elector-initiated merger plan.

1186 ~~(4)(d)~~ *Effective date.*—The effective date of the merger  
1187 shall be as provided in the joint merger plan or elector-

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1188 initiated merger plan, as appropriate, and is not contingent  
1189 upon the future act of the Legislature.

1190 ~~(a)1.~~ However, as soon as practicable, the merged  
1191 independent district shall, at its own expense, submit a unified  
1192 charter for the merged district to the Legislature for approval.  
1193 The unified charter must make the powers of the district  
1194 consistent within the merged independent district and repeal the  
1195 special acts of the districts which existed before the merger.

1196 ~~(b)2.~~ Within 30 business days after the effective date of  
1197 the merger, the merged independent district's governing body, as  
1198 indicated in this section ~~subsection~~, shall hold an  
1199 organizational meeting to implement the provisions of the joint  
1200 merger plan or elector-initiated merger plan, as appropriate.

1201 ~~(5)(e)~~ *Restrictions during transition period.*—Until the  
1202 Legislature formally approves the unified charter pursuant to a  
1203 special act, each component independent special district is  
1204 considered a subunit of the merged independent district subject  
1205 to the following restrictions:

1206 ~~(a)1.~~ During the transition period, the merged independent  
1207 district is limited in its powers and financing capabilities  
1208 within each subunit to those powers that existed within the  
1209 boundaries of each subunit which were previously granted to the  
1210 component independent special district in its existing charter  
1211 before the merger. The merged independent district may not,  
1212 solely by reason of the merger, increase its powers or financing  
1213 capability.

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1214 (b)2. During the transition period, the merged independent  
1215 district shall exercise only the legislative authority to levy  
1216 and collect revenues within the boundaries of each subunit which  
1217 was previously granted to the component independent special  
1218 district by its existing charter before the merger, including  
1219 the authority to levy ad valorem taxes, non-ad valorem  
1220 assessments, impact fees, and charges.

1221 1.a. The merged independent district may not, solely by  
1222 reason of the merger or the legislatively approved unified  
1223 charter, increase ad valorem taxes on property within the  
1224 original limits of a subunit beyond the maximum millage rate  
1225 approved by the electors of the component independent special  
1226 district unless the electors of such subunit approve an increase  
1227 at a subsequent referendum of the subunit's electors. Each  
1228 subunit may be considered a separate taxing unit.

1229 2.b. The merged independent district may not, solely by  
1230 reason of the merger, charge non-ad valorem assessments, impact  
1231 fees, or other new fees within a subunit which were not  
1232 otherwise previously authorized to be charged.

1233 (c)3. During the transition period, each component  
1234 independent special district of the merged independent district  
1235 must continue to file all information and reports required under  
1236 this chapter as subunits until the Legislature formally approves  
1237 the unified charter pursuant to a special act.

1238 (d)4. The intent of this part section is to preserve and  
1239 transfer to the merged independent district all authority that



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1240 exists within each subunit and was previously granted by the  
1241 Legislature and, if applicable, by referendum.

1242 ~~(6)(f)~~ *Effect of merger, generally.*—On and after the  
1243 effective date of the merger, the merged independent district  
1244 shall be treated and considered for all purposes as one entity  
1245 under the name and on the terms and conditions set forth in the  
1246 joint merger plan or elector-initiated merger plan, as  
1247 appropriate.

1248 ~~(a)1.~~ All rights, privileges, and franchises of each  
1249 component independent special district and all assets, real and  
1250 personal property, books, records, papers, seals, and equipment,  
1251 as well as other things in action, belonging to each component  
1252 independent special district before the merger shall be deemed  
1253 as transferred to and vested in the merged independent district  
1254 without further act or deed.

1255 ~~(b)2.~~ All property, rights-of-way, and other interests are  
1256 as effectually the property of the merged independent district  
1257 as they were of the component independent special district  
1258 before the merger. The title to real estate, by deed or  
1259 otherwise, under the laws of this state vested in any component  
1260 independent special district before the merger may not be deemed  
1261 to revert or be in any way impaired by reason of the merger.

1262 ~~(c)3.~~ The merged independent district is in all respects  
1263 subject to all obligations and liabilities imposed and possesses  
1264 all the rights, powers, and privileges vested by law in other  
1265 similar entities.

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1266        (d)4- Upon the effective date of the merger, the joint  
1267 merger plan or elector-initiated merger plan, as appropriate, is  
1268 subordinate in all respects to the contract rights of all  
1269 holders of any securities or obligations of the component  
1270 independent special districts outstanding at the effective date  
1271 of the merger.

1272        (e)5- The new registration of electors is not necessary as  
1273 a result of the merger, but all elector registrations of the  
1274 component independent special districts shall be transferred to  
1275 the proper registration books of the merged independent  
1276 district, and new registrations shall be made as provided by law  
1277 as if no merger had taken place.

1278        (7)(g) *Governing body of merged independent district.-*

1279        (a)1- From the effective date of the merger until the next  
1280 general election, the governing body of the merged independent  
1281 district shall be comprised of the governing body members of  
1282 each component independent special district, with such members  
1283 serving until the governing body members elected at the next  
1284 general election take office.

1285        (b)2- Beginning with the next general election following  
1286 the effective date of merger, the governing body of the merged  
1287 independent district shall be comprised of five members. The  
1288 office of each governing body member shall be designated by  
1289 seat, which shall be distinguished from other body member seats  
1290 by an assigned numeral: 1, 2, 3, 4, or 5. The governing body  
1291 members that are elected in this initial election following the

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1292 merger shall serve unequal terms of 2 and 4 years in order to  
1293 create staggered membership of the governing body, with:

1294 ~~1.a.~~ Member seats 1, 3, and 5 being designated for 4-year  
1295 terms; and

1296 ~~2.b.~~ Member seats 2 and 4 being designated for 2-year  
1297 terms.

1298 ~~(c)3.~~ In general elections thereafter, all governing body  
1299 members shall serve 4-year terms.

1300 ~~(8)(h)~~ *Effect on employees.*—Except as otherwise provided  
1301 by law and except for those officials and employees protected by  
1302 tenure of office, civil service provisions, or a collective  
1303 bargaining agreement, upon the effective date of merger, all  
1304 appointive offices and positions existing in all component  
1305 independent special districts involved in the merger are subject  
1306 to the terms of the joint merger plan or elector-initiated  
1307 merger plan, as appropriate. Such plan may provide for instances  
1308 in which there are duplications of positions and for other  
1309 matters such as varying lengths of employee contracts, varying  
1310 pay levels or benefits, different civil service regulations in  
1311 the constituent entities, and differing ranks and position  
1312 classifications for similar positions. For those employees who  
1313 are members of a bargaining unit certified by the Public  
1314 Employees Relations Commission, the requirements of chapter 447  
1315 apply.

1316 ~~(9)(i)~~ *Effect on debts, liabilities, and obligations.*—

1317 ~~(a)1.~~ All valid and lawful debts and liabilities existing

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1318 against a merged independent district, or which may arise or  
1319 accrue against the merged independent district, which but for  
1320 merger would be valid and lawful debts or liabilities against  
1321 one or more of the component independent special districts, are  
1322 debts against or liabilities of the merged independent district  
1323 and accordingly shall be defrayed and answered to by the merged  
1324 independent district to the same extent, and no further than,  
1325 the component independent special districts would have been  
1326 bound if a merger had not taken place.

1327 (b)2. The rights of creditors and all liens upon the  
1328 property of any of the component independent special districts  
1329 shall be preserved unimpaired. The respective component  
1330 districts shall be deemed to continue in existence to preserve  
1331 such rights and liens, and all debts, liabilities, and duties of  
1332 any of the component districts attach to the merged independent  
1333 district.

1334 (c)3. All bonds, contracts, and obligations of the  
1335 component independent special districts which exist as legal  
1336 obligations are obligations of the merged independent district,  
1337 and all such obligations shall be issued or entered into by and  
1338 in the name of the merged independent district.

1339 (10)(j) *Effect on actions and proceedings.*—In any action  
1340 or proceeding pending on the effective date of merger to which a  
1341 component independent special district is a party, the merged  
1342 independent district may be substituted in its place, and the  
1343 action or proceeding may be prosecuted to judgment as if merger

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1344 had not taken place. Suits may be brought and maintained against  
1345 a merged independent district in any state court in the same  
1346 manner as against any other independent special district.

1347 (11)~~(k)~~ *Effect on annexation.*—Chapter 171 continues to  
1348 apply to all annexations by a city within the component  
1349 independent special districts' boundaries after merger occurs.  
1350 Any moneys owed to a component independent special district  
1351 pursuant to s. 171.093, or any interlocal service boundary  
1352 agreement as a result of annexation predating the merger, shall  
1353 be paid to the merged independent district after merger.

1354 (12)~~(l)~~ *Effect on millage calculations.*—The merged  
1355 independent special district is authorized to continue or  
1356 conclude procedures under chapter 200 on behalf of the component  
1357 independent special districts. The merged independent special  
1358 district shall make the calculations required by chapter 200 for  
1359 each component individual special district separately.

1360 (13)~~(m)~~ *Determination of rights.*—If any right, title,  
1361 interest, or claim arises out of a merger or by reason thereof  
1362 which is not determinable by reference to this subsection, the  
1363 joint merger plan or elector-initiated merger plan, as  
1364 appropriate, or otherwise under the laws of this state, the  
1365 governing body of the merged independent district may provide  
1366 therefor in a manner conforming to law.

1367 (14)~~(n)~~ *Exemption.*—This section ~~subsection~~ does not apply  
1368 to independent special districts whose governing bodies are  
1369 elected by district landowners voting the acreage owned within

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1370 the district.

1371 ~~(15)(e)~~ *Preemption.*—This section ~~subsection~~ preempts any  
1372 special act to the contrary.

1373 Section 22. Subsection (6) of section 189.4042, Florida  
1374 Statutes, is transferred, renumbered as section 189.075, Florida  
1375 Statutes, and amended to read:

1376 189.075 ~~189.4042~~ Involuntary merger of independent special  
1377 districts ~~Merger and dissolution procedures.~~—

1378 ~~(6) INVOLUNTARY MERGER OF INDEPENDENT SPECIAL DISTRICTS.~~—

1379 ~~(1)(a)~~ *Independent special districts created by special*  
1380 *act.*—In order for the Legislature to merge an active independent  
1381 special district or districts created and operating pursuant to  
1382 a special act, the special act merging the active independent  
1383 special district or districts must be approved at separate  
1384 referenda of the impacted local governments by a majority of the  
1385 resident electors or, for districts in which a majority of  
1386 governing body ~~board~~ members are elected by landowners, a  
1387 majority of the landowners voting in the same manner by which  
1388 each independent special district's governing body is elected.  
1389 The special act merging the districts must include a plan of  
1390 merger that addresses transition issues such as the effective  
1391 date of the merger, governance, administration, powers,  
1392 pensions, and assumption of all assets and liabilities. If a  
1393 local general-purpose government passes an ordinance or  
1394 resolution in support of the merger of an active independent  
1395 special district, the local general-purpose government must pay

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1396 any expenses associated with the referendum required under this  
1397 subsection ~~paragraph~~.

1398 ~~(2)(b)~~ *Independent special districts created by a county*  
1399 *or municipality.*—A county or municipality may merge an  
1400 independent special district created by the county or  
1401 municipality pursuant to a referendum or any other procedure by  
1402 which the independent special district was created. However, if  
1403 the independent special district has ad valorem taxation powers,  
1404 the same procedure required to grant the independent special  
1405 district ad valorem taxation powers is required to merge the  
1406 district. The political subdivisions proposing the involuntary  
1407 merger of an active independent special district must pay any  
1408 expenses associated with the referendum required under this  
1409 subsection ~~paragraph~~.

1410 ~~(3)(e)~~ *Inactive independent special districts.*—An  
1411 independent special district that meets any criteria for being  
1412 declared inactive, or that has already been declared inactive,  
1413 pursuant to s. 189.062 ~~189.4044~~ may be merged by special act  
1414 without a referendum.

1415 Section 23. Subsection (7) of section 189.4042, Florida  
1416 Statutes, is transferred and renumbered as section 189.0761,  
1417 Florida Statutes, and amended to read:

1418 189.0761 ~~189.4042~~ ~~Merger and dissolution procedures.~~—

1419 ~~(7)~~ Exemptions.—This part ~~section~~ does not apply to  
1420 community development districts implemented pursuant to chapter  
1421 190 or to water management districts created and operated

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1422 pursuant to chapter 373.

1423 Section 24. Section 189.4044, Florida Statutes, is  
1424 transferred and renumbered as section 189.062, Florida Statutes,  
1425 subsections (1) and (3) of that section are amended, and  
1426 subsections (5) and (6) are added to that section, to read:

1427 189.062 ~~189.4044~~ Special procedures for inactive  
1428 districts.—

1429 (1) The department shall declare inactive any special  
1430 district in this state by documenting that:

1431 (a) The special district meets one of the following  
1432 criteria:

1433 1. The registered agent of the district, the chair of the  
1434 governing body of the district, or the governing body of the  
1435 appropriate local general-purpose government notifies the  
1436 department in writing that the district has taken no action for  
1437 2 or more years;

1438 2. ~~Following an inquiry from the department,~~ The  
1439 registered agent of the district, the chair of the governing  
1440 body of the district, or the governing body of the appropriate  
1441 local general-purpose government notifies the department in  
1442 writing that the district has not had a governing body ~~board~~ or  
1443 a sufficient number of governing body ~~board~~ members to  
1444 constitute a quorum for 2 or more years;

1445 3. ~~or~~ The registered agent of the district, the chair of  
1446 the governing body of the district, or the governing body of the  
1447 appropriate local general-purpose government fails to respond to



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1448 an the department's inquiry by the department within 21 days;

1449 ~~4.3.~~ The department determines, pursuant to s. 189.067  
1450 ~~189.421~~, that the district has failed to file any of the reports  
1451 listed in s. 189.066 ~~189.419~~;

1452 5.4. The district has not had a registered office and  
1453 agent on file with the department for 1 or more years; ~~or~~

1454 6.5. The governing body of a special district provides  
1455 documentation to the department that it has unanimously adopted  
1456 a resolution declaring the special district inactive. The  
1457 special district shall be responsible for payment of any  
1458 expenses associated with its dissolution. A special district  
1459 declared inactive pursuant to this subparagraph may be dissolved  
1460 without a referendum; or

1461 (b) The department, special district, or local general-  
1462 purpose government published a notice of proposed declaration of  
1463 inactive status in a newspaper of general circulation in the  
1464 county or municipality in which the territory of the special  
1465 district is located and sent a copy of such notice by certified  
1466 mail to the registered agent or chair of the governing body  
1467 ~~board~~, if any. Such notice must include the name of the special  
1468 district, the law under which it was organized and operating, a  
1469 general description of the territory included in the special  
1470 district, and a statement that any objections must be filed  
1471 pursuant to chapter 120 within 21 days after the publication  
1472 date; and

1473 (c) Twenty-one days have elapsed from the publication date

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1474 of the notice of proposed declaration of inactive status and no  
1475 administrative appeals were filed.

1476 (3) In the case of a district created by special act of  
1477 the Legislature, the department shall send a notice of  
1478 declaration of inactive status to the Speaker of the House of  
1479 Representatives and the President of the Senate, and the  
1480 standing committees of the Senate and the House of  
1481 Representatives charged with special district oversight as  
1482 determined by the presiding officers of each respective chamber  
1483 and the Legislative Auditing Committee. The notice of  
1484 declaration of inactive status shall reference each known  
1485 special act creating or amending the charter of any special  
1486 district declared to be inactive under this section. The  
1487 declaration of inactive status shall be sufficient notice as  
1488 required by s. 10, Art. III of the State Constitution to  
1489 authorize the Legislature to repeal any special laws so  
1490 reported. In the case of a district created by one or more local  
1491 general-purpose governments, the department shall send a notice  
1492 of declaration of inactive status to the chair of the governing  
1493 body of each local general-purpose government that created the  
1494 district. In the case of a district created by interlocal  
1495 agreement, the department shall send a notice of declaration of  
1496 inactive status to the chair of the governing body of each local  
1497 general-purpose government which entered into the interlocal  
1498 agreement.

1499 (5) A special district declared inactive under this

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1500 section may not collect taxes, fees, or assessments unless the  
1501 declaration is:

1502 (a) Withdrawn or revoked by the department; or

1503 (b) Invalidated in proceedings initiated by the special  
1504 district within 30 days after the date written notice of the  
1505 declaration was provided to the special district governing body  
1506 by physical or electronic delivery, receipt confirmed. The  
1507 special district governing body may initiate proceedings within  
1508 the period authorized in this paragraph by:

1509 1. Filing with the department a petition for an  
1510 administrative hearing pursuant to s. 120.569; or

1511 2. Filing an action for declaratory and injunctive relief  
1512 under chapter 86 in the circuit court of the judicial circuit in  
1513 which the majority of the area of the district is located.

1514 (c) If a timely challenge to the declaration is not  
1515 initiated by the special district governing body, or the  
1516 department prevails in a proceeding initiated under paragraph  
1517 (b), the department may enforce the prohibitions in this  
1518 subsection by filing a petition for enforcement with the circuit  
1519 court in and for Leon County. The petition may request  
1520 declaratory, injunctive, or other equitable relief, including  
1521 the appointment of a receiver, and any forfeiture or other  
1522 remedy provided by law.

1523 (d) The prevailing party shall be awarded costs of  
1524 litigation and reasonable attorney fees in any proceeding  
1525 brought under this subsection.

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1526 Section 25. Section 189.4045, Florida Statutes, is  
1527 transferred and renumbered as section 189.076, Florida Statutes.

1528 Section 26. Section 189.4047, Florida Statutes, is  
1529 transferred and renumbered as section 189.021, Florida Statutes.

1530 Section 27. Subsections (1), (2), (3), (4), (6), and (7)  
1531 of section 189.405, Florida Statutes, are transferred and  
1532 renumbered as subsections (1) through (6) of section 189.04,  
1533 Florida Statutes, respectively, and present subsection (1),  
1534 paragraph (c) of present subsection (2), and present subsections  
1535 (3), (4), and (7) of that section are amended, to read:

1536 189.04 ~~189.405~~ Elections; general requirements and  
1537 procedures; ~~education programs.~~

1538 (1) If a dependent special district has an elected  
1539 governing body ~~board~~, elections shall be conducted by the  
1540 supervisor of elections of the county wherein the district is  
1541 located in accordance with the Florida Election Code, chapters  
1542 97-106.

1543 (2)

1544 (c) A candidate for a position on a governing body ~~board~~  
1545 of a single-county special district that has its elections  
1546 conducted by the supervisor of elections shall qualify for the  
1547 office with the county supervisor of elections in whose  
1548 jurisdiction the district is located. Elections for governing  
1549 body ~~board~~ members elected by registered electors shall be  
1550 nonpartisan, except when partisan elections are specified by a  
1551 district's charter. Candidates shall qualify as directed by

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1552 chapter 99. The qualifying fee shall be remitted to the general  
1553 revenue fund of the qualifying officer to help defray the cost  
1554 of the election.

1555 (3) (a) If a multicounty special district has a popularly  
1556 elected governing body ~~board~~, elections for the purpose of  
1557 electing members to such governing body ~~board~~ shall conform to  
1558 the Florida Election Code, chapters 97-106.

1559 (b) With the exception of those districts conducting  
1560 elections on a one-acre/one-vote basis, qualifying for  
1561 multicounty special district governing body ~~board~~ positions  
1562 shall be coordinated by the Department of State. Elections for  
1563 governing body ~~board~~ members elected by registered electors  
1564 shall be nonpartisan, except when partisan elections are  
1565 specified by a district's charter. Candidates shall qualify as  
1566 directed by chapter 99. The qualifying fee shall be remitted to  
1567 the Department of State.

1568 (4) With the exception of elections of special district  
1569 governing body ~~board~~ members conducted on a one-acre/one-vote  
1570 basis, in any election conducted in a special district the  
1571 decision made by a majority of those voting shall prevail,  
1572 except as otherwise specified by law.

1573 ~~(6)-(7)~~ Nothing in this act requires that a special  
1574 district governed by an appointed governing body ~~board~~ convert  
1575 to an elected governing body ~~board~~.

1576 Section 28. Subsection (5) of section 189.405, Florida  
1577 Statutes, is transferred, renumbered as section 189.063, Florida

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1578 Statutes, and amended to read:

1579 189.063 ~~189.405~~ Education programs for new members of  
1580 district governing bodies ~~Elections; general requirements and~~  
1581 ~~procedures; education programs.-~~

1582 ~~(1)(5)(a)~~ The department may provide, contract for, or  
1583 assist in conducting education programs, as its budget permits,  
1584 for all newly elected or appointed members of district governing  
1585 bodies ~~boards~~. The education programs shall include, but are not  
1586 limited to, courses on the code of ethics for public officers  
1587 and employees, public meetings and public records requirements,  
1588 public finance, and parliamentary procedure. ~~Course content may~~  
1589 ~~be offered by means of the following: videotapes, live seminars,~~  
1590 ~~workshops, conferences, teleconferences, computer-based~~  
1591 ~~training, multimedia presentations, or other available~~  
1592 ~~instructional methods.~~

1593 ~~(2)(b)~~ An individual district governing body ~~board~~, at its  
1594 discretion, may bear the costs associated with educating its  
1595 members. Governing body ~~Board~~ members of districts which have  
1596 qualified for a zero annual fee for the most recent invoicing  
1597 period pursuant to s. 189.018 are ~~189.427~~ shall not be required  
1598 to pay a fee for any education program the department provides,  
1599 contracts for, or assists in conducting.

1600 Section 29. Section 189.4051, Florida Statutes, is  
1601 transferred, renumbered as section 189.041, Florida Statutes,  
1602 and amended to read:

1603 189.041 ~~189.4051~~ Elections; special requirements and

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1604 procedures for districts with governing bodies ~~boards~~ elected on  
1605 a one-acre/one-vote basis.-

1606 (1) DEFINITIONS.-As used in this section:

1607 (a) "Qualified elector" means any person at least 18 years  
1608 of age who is a citizen of the United States, a permanent  
1609 resident of Florida, and a freeholder or freeholder's spouse and  
1610 resident of the district who registers with the supervisor of  
1611 elections of a county within which the district lands are  
1612 located when the registration books are open.

1613 (b) "Urban area" means a contiguous developed and  
1614 inhabited urban area within a district with a minimum average  
1615 resident population density of at least 1.5 persons per acre as  
1616 defined by the latest official census, special census, or  
1617 population estimate or a minimum density of one single-family  
1618 home per 2.5 acres with access to improved roads or a minimum  
1619 density of one single-family home per 5 acres within a recorded  
1620 plat subdivision. Urban areas shall be designated by the  
1621 governing body ~~board~~ of the district with the assistance of all  
1622 local general-purpose governments having jurisdiction over the  
1623 area within the district.

1624 (c) "Governing body ~~board~~ member" means any duly elected  
1625 member of the governing body ~~board~~ of a special district elected  
1626 pursuant to this section, provided that a ~~any board~~ member  
1627 elected by popular vote shall be a qualified district elector  
1628 and a ~~any board~~ member elected on a one-acre/one-vote basis  
1629 shall meet the requirements of s. 298.11 for election to the

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1630 governing body ~~board~~.

1631 (d) "Contiguous developed urban area" means any reasonably  
1632 compact urban area located entirely within a special district.  
1633 The separation of urban areas by a publicly owned park, right-  
1634 of-way, highway, road, railroad, canal, utility, body of water,  
1635 watercourse, or other minor geographical division of a similar  
1636 nature shall not prevent such areas from being defined as urban  
1637 areas.

1638 (2) POPULAR ELECTIONS; REFERENDUM; DESIGNATION OF URBAN  
1639 AREAS.—

1640 (a) *Referendum*.—

1641 1. A referendum shall be called by the governing body  
1642 ~~board~~ of a special district where the governing body ~~board~~ is  
1643 elected on a one-acre/one-vote basis on the question of whether  
1644 certain members of a district governing body ~~board~~ should be  
1645 elected by qualified electors, provided each of the following  
1646 conditions has been satisfied at least 60 days before ~~prior to~~  
1647 the general or special election at which the referendum is to be  
1648 held:

1649 a. The district shall have a total population, according  
1650 to the latest official state census, a special census, or a  
1651 population estimate, of at least 500 qualified electors.

1652 b. A petition signed by 10 percent of the qualified  
1653 electors of the district shall have been filed with the  
1654 governing body ~~board~~ of the district. The petition shall be  
1655 submitted to the supervisor of elections of the county or



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1656 counties in which the lands are located. The supervisor shall,  
1657 within 30 days after the receipt of the petitions, certify to  
1658 the governing body ~~board~~ the number of signatures of qualified  
1659 electors contained on the petition.

1660 2. Upon verification by the supervisor or supervisors of  
1661 elections of the county or counties within which district lands  
1662 are located that 10 percent of the qualified electors of the  
1663 district have petitioned the governing body ~~board~~, a referendum  
1664 election shall be called by the governing body ~~board~~ at the next  
1665 regularly scheduled election of governing body ~~board~~ members  
1666 occurring at least 30 days after verification of the petition or  
1667 within 6 months of verification, whichever is earlier.

1668 3. If the qualified electors approve the election  
1669 procedure described in this subsection, the governing body ~~board~~  
1670 of the district shall be increased to five members and elections  
1671 shall be held pursuant to the criteria described in this  
1672 subsection beginning with the next regularly scheduled election  
1673 of governing body ~~board~~ members or at a special election called  
1674 within 6 months following the referendum and final unappealed  
1675 approval of district urban area maps as provided in paragraph  
1676 (b), whichever is earlier.

1677 4. If the qualified electors of the district disapprove  
1678 the election procedure described in this subsection, elections  
1679 of the members of the governing body ~~board~~ shall continue as  
1680 described by s. 298.12 or the enabling legislation for the  
1681 district. No further referendum on the question shall be held

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1682 for a minimum period of 2 years following the referendum.

1683 (b) *Designation of urban areas.*—

1684 1. Within 30 days after approval of the election process  
1685 described in this subsection by qualified electors of the  
1686 district, the governing body ~~board~~ shall direct the district  
1687 staff to prepare and present maps of the district describing the  
1688 extent and location of all urban areas within the district. Such  
1689 determination shall be based upon the criteria contained within  
1690 paragraph (1)(b).

1691 2. Within 60 days after approval of the election process  
1692 described in this subsection by qualified electors of the  
1693 district, the maps describing urban areas within the district  
1694 shall be presented to the governing body ~~board~~.

1695 3. Any district landowner or elector may contest the  
1696 accuracy of the urban area maps prepared by the district staff  
1697 within 30 days after submission to the governing body ~~board~~.  
1698 Upon notice of objection to the maps, the governing body ~~board~~  
1699 shall request the county engineer to prepare and present maps of  
1700 the district describing the extent and location of all urban  
1701 areas within the district. Such determination shall be based  
1702 upon the criteria contained within paragraph (1)(b). Within 30  
1703 days after the governing body ~~board~~ request, the county engineer  
1704 shall present the maps to the governing body ~~board~~.

1705 4. Upon presentation of the maps by the county engineer,  
1706 the governing body ~~board~~ shall compare the maps submitted by  
1707 both the district staff and the county engineer and make a

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1708 determination as to which set of maps to adopt. Within 60 days  
1709 after presentation of all such maps, the governing body ~~board~~  
1710 may amend and shall adopt the official maps at a regularly  
1711 scheduled meeting of the governing body ~~board meeting~~.

1712 5. Any district landowner or qualified elector may contest  
1713 the accuracy of the urban area maps adopted by the governing  
1714 body ~~board~~ within 30 days after adoption by petition to the  
1715 circuit court with jurisdiction over the district. Accuracy  
1716 shall be determined pursuant to paragraph (1) (b). Any petitions  
1717 so filed shall be heard expeditiously, and the maps shall either  
1718 be approved or approved with necessary amendments to render the  
1719 maps accurate and shall be certified to the governing body  
1720 ~~board~~.

1721 6. Upon adoption by the governing body ~~board~~ or  
1722 certification by the court, the district urban area maps shall  
1723 serve as the official maps for determination of the extent of  
1724 urban area within the district and the number of governing body  
1725 ~~board~~ members to be elected by qualified electors and by the  
1726 one-acre/one-vote principle at the next regularly scheduled  
1727 election of governing body ~~board~~ members.

1728 7. Upon a determination of the percentage of urban area  
1729 within the district as compared with total area within the  
1730 district, the governing body ~~board~~ shall order elections in  
1731 accordance with the percentages pursuant to paragraph (3) (a).  
1732 The landowners' meeting date shall be designated by the  
1733 governing body ~~board~~.

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1734 8. The maps shall be updated and readopted every 5 years  
1735 or sooner in the discretion of the governing body ~~board~~.

1736 (3) GOVERNING BODY ~~BOARD~~.—

1737 (a) *Composition of board*.—

1738 1. Members of the governing body ~~board~~ of the district  
1739 shall be elected in accordance with the following determinations  
1740 of urban area:

1741 a. If urban areas constitute 25 percent or less of the  
1742 district, one governing body ~~board~~ member shall be elected by  
1743 the qualified electors and four governing body ~~board~~ members  
1744 shall be elected in accordance with the one-acre/one-vote  
1745 principle contained within s. 298.11 or the district-enabling  
1746 legislation.

1747 b. If urban areas constitute 26 percent to 50 percent of  
1748 the district, two governing body ~~board~~ members shall be elected  
1749 by the qualified electors and three governing body ~~board~~ members  
1750 shall be elected in accordance with the one-acre/one-vote  
1751 principle contained within s. 298.11 or the district-enabling  
1752 legislation.

1753 c. If urban areas constitute 51 percent to 70 percent of  
1754 the district, three governing body ~~board~~ members shall be  
1755 elected by the qualified electors and two governing body ~~board~~  
1756 members shall be elected in accordance with the one-acre/one-  
1757 vote principle contained within s. 298.11 or the district-  
1758 enabling legislation.

1759 d. If urban areas constitute 71 percent to 90 percent of

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1760 the district, four governing body ~~board~~ members shall be elected  
1761 by the qualified electors and one governing body ~~board~~ member  
1762 shall be elected in accordance with the one-acre/one-vote  
1763 principle contained within s. 298.11 or the district-enabling  
1764 legislation.

1765 e. If urban areas constitute 91 percent or more of the  
1766 district, all governing body ~~board~~ members shall be elected by  
1767 the qualified electors.

1768 2. All governing body ~~board~~ members elected by qualified  
1769 electors shall be elected at large.

1770 (b) *Term of office.*—All governing body ~~board~~ members  
1771 elected by qualified electors shall have a term of 4 years  
1772 except for governing body ~~board~~ members elected at the first  
1773 election and the first landowners' meeting following the  
1774 referendum prescribed in paragraph (2) (a). Governing body ~~board~~  
1775 members elected at the first election and the first landowners'  
1776 meeting following the referendum shall serve as follows:

1777 1. If one governing body ~~board~~ member is elected by the  
1778 qualified electors and four are elected on a one-acre/one-vote  
1779 basis, the governing body ~~board~~ member elected by the qualified  
1780 electors shall be elected for a period of 4 years. Governing  
1781 body ~~board~~ members elected on a one-acre/one-vote basis shall be  
1782 elected for periods of 1, 2, 3, and 4 years, respectively, as  
1783 prescribed by ss. 298.11 and 298.12.

1784 2. If two governing body ~~board~~ members are elected by the  
1785 qualified electors and three are elected on a one-acre/one-vote

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1786 basis, the governing body ~~board~~ members elected by the electors  
1787 shall be elected for a period of 4 years. Governing body ~~board~~  
1788 members elected on a one-acre/one-vote basis shall be elected  
1789 for periods of 1, 2, and 3 years, respectively, as prescribed by  
1790 ss. 298.11 and 298.12.

1791 3. If three governing body ~~board~~ members are elected by  
1792 the qualified electors and two are elected on a one-acre/one-  
1793 vote basis, two of the governing body ~~board~~ members elected by  
1794 the electors shall be elected for a term of 4 years and the  
1795 other governing body ~~board~~ member elected by the electors shall  
1796 be elected for a term of 2 years. Governing body ~~board~~ members  
1797 elected on a one-acre/one-vote basis shall be elected for terms  
1798 of 1 and 2 years, respectively, as prescribed by ss. 298.11 and  
1799 298.12.

1800 4. If four governing body ~~board~~ members are elected by the  
1801 qualified electors and one is elected on a one-acre/one-vote  
1802 basis, two of the governing body ~~board~~ members elected by the  
1803 electors shall be elected for a term of 2 years and the other  
1804 two for a term of 4 years. The governing body ~~board~~ member  
1805 elected on a one-acre/one-vote basis shall be elected for a term  
1806 of 1 year as prescribed by ss. 298.11 and 298.12.

1807 5. If five governing body ~~board~~ members are elected by the  
1808 qualified electors, three shall be elected for a term of 4 years  
1809 and two for a term of 2 years.

1810 6. If any vacancy occurs in a seat occupied by a governing  
1811 body ~~board~~ member elected by the qualified electors, the

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1812 remaining members of the governing body ~~board~~ shall, within 45  
1813 days after the vacancy occurs, appoint a person who would be  
1814 eligible to hold the office to the unexpired term.

1815 (c) *Landowners' meetings.*—

1816 1. An annual landowners' meeting shall be held pursuant to  
1817 s. 298.11 and at least one governing body ~~board~~ member shall be  
1818 elected on a one-acre/one-vote basis pursuant to s. 298.12 for  
1819 so long as 10 percent or more of the district is not contained  
1820 in an urban area. In the event all district governing body ~~board~~  
1821 members are elected by qualified electors, there shall be no  
1822 further landowners' meetings.

1823 2. At any landowners' meeting called pursuant to this  
1824 section, 50 percent of the district acreage shall not be  
1825 required to constitute a quorum and each governing body ~~board~~  
1826 member shall be elected by a majority of the acreage represented  
1827 either by owner or proxy present and voting at said meeting.

1828 3. All landowners' meetings of districts operating  
1829 pursuant to this section shall be set by the governing body  
1830 ~~board~~ within the month preceding the month of the election of  
1831 the governing body ~~board~~ members by the electors.

1832 4. Vacancies on the governing body ~~board~~ shall be filled  
1833 pursuant to s. 298.12 except as otherwise provided in  
1834 subparagraph (b)6.

1835 (4) QUALIFICATIONS.—Elections for governing body ~~board~~  
1836 members elected by qualified electors shall be nonpartisan.  
1837 Qualifications shall be pursuant to the Florida Election Code

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1838 and shall occur during the qualifying period established by s.  
1839 99.061. Qualification requirements shall only apply to those  
1840 governing body ~~board~~ member candidates elected by qualified  
1841 electors. Following the first election pursuant to this section,  
1842 elections to the governing body ~~board~~ by qualified electors  
1843 shall occur at the next regularly scheduled election closest in  
1844 time to the expiration date of the term of the elected governing  
1845 body ~~board~~ member. If the next regularly scheduled election is  
1846 beyond the normal expiration time for the term of an elected  
1847 governing body ~~board~~ member, the governing body ~~board~~ member  
1848 shall hold office until the election of a successor.

1849 (5) Those districts established as single-purpose water  
1850 control districts, and which continue to act as single-purpose  
1851 water control districts, pursuant to chapter 298, pursuant to a  
1852 special act, pursuant to a local government ordinance, or  
1853 pursuant to a judicial decree, shall be exempt from the  
1854 provisions of this section. All other independent special  
1855 districts with governing bodies ~~boards~~ elected on a one-  
1856 acre/one-vote basis shall be subject to the provisions of this  
1857 section.

1858 (6) The provisions of this section shall not apply to  
1859 community development districts established pursuant to chapter  
1860 190.

1861 Section 30. Section 189.4065, Florida Statutes, is  
1862 transferred and renumbered as section 189.05, Florida Statutes.

1863 Section 31. Section 189.408, Florida Statutes, is



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1864 transferred and renumbered as section 189.042, Florida Statutes.

1865 Section 32. Section 189.4085, Florida Statutes, is  
1866 transferred and renumbered as section 189.051, Florida Statutes.

1867 Section 33. Section 189.412, Florida Statutes, is  
1868 transferred and renumbered as section 189.064, Florida Statutes,  
1869 and amended to read:

1870 189.064 ~~189.412~~ Special District Accountability  
1871 ~~Information~~ Program; duties and responsibilities.—The Special  
1872 District Accountability ~~Information~~ Program of the department of  
1873 ~~Economic Opportunity~~ is created and has the following special  
1874 duties:

1875 (1) Electronically publishing ~~The collection and~~  
1876 ~~maintenance of~~ special district noncompliance status reports  
1877 from the department of ~~Management Services~~, the Department of  
1878 Financial Services, the Division of Bond Finance of the State  
1879 Board of Administration, the Auditor General, and the  
1880 Legislative Auditing Committee, for the reporting required in  
1881 ss. 112.63, 218.32, 218.38, and 218.39. The noncompliance  
1882 reports must list those special districts that did not comply  
1883 with the statutory reporting requirements and be made available  
1884 to the public electronically.

1885 (2) Maintaining the official list of special districts ~~The~~  
1886 ~~maintenance of a master list of independent and dependent~~  
1887 ~~special districts which shall be available on the department's~~  
1888 ~~website.~~

1889 (3) ~~The~~ Publishing and updating of a "Florida Special

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1890 District Handbook" that contains, at a minimum:

1891 (a) A section that specifies definitions of special  
1892 districts and status distinctions in the statutes.

1893 (b) A section or sections that specify current statutory  
1894 provisions for special district creation, implementation,  
1895 modification, dissolution, and operating procedures.

1896 (c) A section that summarizes the reporting requirements  
1897 applicable to all types of special districts as provided in ss.  
1898 189.015 and 189.016 ~~189.417 and 189.418~~.

1899 ~~(4) When feasible, securing and maintaining access to  
1900 special district information collected by all state agencies in  
1901 existing or newly created state computer systems.~~

1902 ~~(4)(5) Coordinating and communicating The facilitation of  
1903 eoordination and communication among state agencies regarding  
1904 special districts ~~district~~ information.~~

1905 ~~(6) The conduct of studies relevant to special districts.~~

1906 ~~(5)(7) Providing technical advisory The provision of  
1907 assistance ~~related~~ to special districts regarding the ~~and~~  
1908 ~~appropriate in the performance of~~ requirements specified in this  
1909 chapter which may be performed by the department or by a  
1910 qualified third-party vendor pursuant to a contract entered into  
1911 in accordance with applicable bidding requirements, ~~including~~  
1912 ~~assisting with an annual conference sponsored by the Florida~~  
1913 ~~Association of Special Districts or its successor.~~~~

1914 ~~(6)(8)~~ Providing assistance to local general-purpose  
1915 governments and ~~certain~~ state agencies in collecting delinquent

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1916 reports or information.~~7~~

1917 (7) Helping special districts comply with reporting  
1918 requirements.~~7~~

1919 (8) Declaring special districts inactive when ~~appropriate,~~  
1920 ~~and, when~~ directed by the Legislative Auditing Committee or  
1921 required by this chapter.~~7~~

1922 (9) Initiating enforcement proceedings ~~provisions~~ as  
1923 provided in ss. 189.062, 189.066, and 189.067 ~~189.4044, 189.419,~~  
1924 ~~and 189.421.~~

1925 Section 34. Section 189.413, Florida Statutes, is  
1926 transferred and renumbered as section 189.065, Florida Statutes,  
1927 and amended to read:

1928 189.065 ~~189.413~~ Special districts; oversight of state  
1929 funds use.—Any state agency administering funding programs for  
1930 which special districts are eligible shall be responsible for  
1931 oversight of the use of such funds by special districts. The  
1932 oversight responsibilities shall include, but not be limited to:

1933 (1) Reporting the existence of the program to the Special  
1934 District Accountability Information ~~Information~~ Program of the department.

1935 (2) Submitting annually a list of special districts  
1936 participating in a state funding program to the Special District  
1937 Accountability Information ~~Information~~ Program of the department. This list  
1938 must indicate the special districts, if any, that are not in  
1939 compliance with state funding program requirements.

1940 Section 35. Section 189.415, Florida Statutes, is  
1941 transferred and renumbered as section 189.08, Florida Statutes.

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1942 Section 36. Section 189.4155, Florida Statutes, is  
1943 transferred and renumbered as section 189.081, Florida Statutes.

1944 Section 37. Section 189.4156, Florida Statutes, is  
1945 transferred and renumbered as section 189.082, Florida Statutes.

1946 Section 38. Section 189.416, Florida Statutes, is  
1947 transferred and renumbered as section 189.014, Florida Statutes,  
1948 and subsection (1) of that section is amended, to read:

1949 189.014 ~~189.416~~ Designation of registered office and  
1950 agent.—

1951 (1) Within 30 days after the first meeting of its  
1952 governing body ~~board~~, each special district in the state shall  
1953 designate a registered office and a registered agent and file  
1954 such information with the local governing authority or  
1955 authorities and with the department. The registered agent shall  
1956 be an agent of the district upon whom any process, notice, or  
1957 demand required or permitted by law to be served upon the  
1958 district may be served. A registered agent shall be an  
1959 individual resident of this state whose business address is  
1960 identical with the registered office of the district. The  
1961 registered office may be, but need not be, the same as the place  
1962 of business of the special district.

1963 Section 39. Section 189.417, Florida Statutes, is  
1964 transferred and renumbered as section 189.015, Florida Statutes,  
1965 and subsection (1) of that section is amended, to read:

1966 189.015 ~~189.417~~ Meetings; notice; required reports.—

1967 (1) The governing body of each special district shall file

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1968 quarterly, semiannually, or annually a schedule of its regular  
1969 meetings with the local governing authority or authorities. The  
1970 schedule shall include the date, time, and location of each  
1971 scheduled meeting. The schedule shall be published quarterly,  
1972 semiannually, or annually in a newspaper of general paid  
1973 circulation in the manner required in this subsection. The  
1974 governing body of an independent special district shall  
1975 advertise the day, time, place, and purpose of any meeting other  
1976 than a regular meeting or any recessed and reconvened meeting of  
1977 the governing body, at least 7 days before ~~prior to~~ such  
1978 meeting, in a newspaper of general paid circulation in the  
1979 county or counties in which the special district is located,  
1980 unless a bona fide emergency situation exists, in which case a  
1981 meeting to deal with the emergency may be held as necessary,  
1982 with reasonable notice, so long as it is subsequently ratified  
1983 by the governing body ~~board~~. No approval of the annual budget  
1984 shall be granted at an emergency meeting. The advertisement  
1985 shall be placed in that portion of the newspaper where legal  
1986 notices and classified advertisements appear. The advertisement  
1987 shall appear in a newspaper that is published at least 5 days a  
1988 week, unless the only newspaper in the county is published fewer  
1989 than 5 days a week. The newspaper selected must be one of  
1990 general interest and readership in the community and not one of  
1991 limited subject matter, pursuant to chapter 50. Any other  
1992 provision of law to the contrary notwithstanding, and except in  
1993 the case of emergency meetings, water management districts may

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1994 provide reasonable notice of public meetings held to evaluate  
1995 responses to solicitations issued by the water management  
1996 district, by publication in a newspaper of general paid  
1997 circulation in the county where the principal office of the  
1998 water management district is located, or in the county or  
1999 counties where the public work will be performed, no less than 7  
2000 days before such meeting.

2001 Section 40. Section 189.418, Florida Statutes, is  
2002 transferred and renumbered as section 189.016, Florida Statutes,  
2003 and subsections (2) and (10) of that section are amended, to  
2004 read:

2005 189.016 ~~189.418~~ Reports; budgets; audits.-

2006 (2) Any amendment, modification, or update of the document  
2007 by which the district was created, including changes in  
2008 boundaries, must be filed with the department within 30 days  
2009 after adoption. The department may initiate proceedings against  
2010 special districts as provided in s. 189.067 ~~189.421~~ for failure  
2011 to file the information required by this subsection. However,  
2012 for the purposes of this section and s. 175.101(1), the  
2013 boundaries of a district shall be deemed to include an area that  
2014 has been annexed until the completion of the 4-year period  
2015 specified in s. 171.093(4) or other mutually agreed upon  
2016 extension, or when a district is providing services pursuant to  
2017 an interlocal agreement entered into pursuant to s. 171.093(3).

2018 (10) All reports or information required to be filed with  
2019 a local general-purpose government or governing authority under

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2020 ss. 189.08, 189.014, and 189.015 ~~189.415, 189.416, and 189.417~~  
2021 and subsection (8) must:

2022 (a) If the local general-purpose government or governing  
2023 authority is a county, be filed with the clerk of the board of  
2024 county commissioners.

2025 (b) If the district is a multicounty district, be filed  
2026 with the clerk of the county commission in each county.

2027 (c) If the local general-purpose government or governing  
2028 authority is a municipality, be filed at the place designated by  
2029 the municipal governing body.

2030 Section 41. Section 189.419, Florida Statutes, is  
2031 transferred, renumbered as section 189.066, Florida Statutes,  
2032 and amended to read:

2033 189.066 ~~189.419~~ Effect of failure to file certain reports  
2034 or information.—

2035 (1) If an independent special district fails to file the  
2036 reports or information required under s. 189.08, s. 189.014, s.  
2037 189.015, or s. 189.016(9) ~~189.415, s. 189.416, s. 189.417, or s.~~  
2038 ~~189.418(9)~~ with the local general-purpose government or  
2039 governments in which it is located, the person authorized to  
2040 receive and read the reports or information or the local  
2041 general-purpose government shall notify the district's  
2042 registered agent. If requested by the district, the local  
2043 general-purpose government shall grant an extension of up to 30  
2044 days for filing the required reports or information. If the  
2045 governing body of the local general-purpose government or

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2046 governments determines that there has been an unjustified  
2047 failure to file these reports or information, it shall ~~may~~  
2048 notify the department, and the department may proceed pursuant  
2049 to s. 189.067(1) ~~189.421(1)~~.

2050 (2) If a dependent special district fails to file the  
2051 reports or information required under s. 189.014, s. 189.015, or  
2052 s. 189.016(9) ~~189.416, s. 189.417, or s. 189.418(9)~~ with the  
2053 local governing authority to which it is dependent, the local  
2054 governing authority shall take whatever steps it deems necessary  
2055 to enforce the special district's accountability. Such steps may  
2056 include, as authorized, withholding funds, removing governing  
2057 body ~~board~~ members at will, vetoing the special district's  
2058 budget, conducting the oversight review process set forth in s.  
2059 189.068 ~~189.428~~, or amending, merging, or dissolving the special  
2060 district in accordance with the provisions contained in the  
2061 ordinance that created the dependent special district.

2062 (3) If a special district fails to file the reports or  
2063 information required under s. 218.38 with the appropriate state  
2064 agency, the agency shall notify the department, and the  
2065 department shall send a certified technical assistance letter to  
2066 the special district which summarizes the requirements and  
2067 compels ~~encourages~~ the special district to take steps to prevent  
2068 the noncompliance from reoccurring.

2069 (4) If a special district fails to file the reports or  
2070 information required under s. 112.63 with the appropriate state  
2071 agency, the agency shall notify the department and the



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2072 department shall proceed pursuant to s. 189.067(1) ~~189.421(1)~~.

2073 (5) If a special district fails to file the reports or  
2074 information required under s. 218.32 or s. 218.39 with the  
2075 appropriate state agency or office, the state agency or office  
2076 shall, and the Legislative Auditing Committee may, notify the  
2077 department and the department shall proceed pursuant to s.  
2078 189.067 ~~189.421~~.

2079 Section 42. Section 189.420, Florida Statutes, is  
2080 transferred and renumbered as section 189.052, Florida Statutes.

2081 Section 43. Section 189.421, Florida Statutes, is  
2082 transferred, renumbered as section 189.067, Florida Statutes,  
2083 and amended to read:

2084 189.067 ~~189.421~~ Failure of district to disclose financial  
2085 reports.—

2086 (1) (a) If notified pursuant to s. 189.066(1) ~~189.419(1)~~,  
2087 (4), or (5), the department shall attempt to assist a special  
2088 district in complying with its financial reporting requirements  
2089 by sending a certified letter to the special district, and, if  
2090 the special district is dependent, sending a copy of that letter  
2091 to the chair of the local governing authority. The letter must  
2092 include a description of the required report, including  
2093 statutory submission deadlines, a contact telephone number for  
2094 technical assistance to help the special district comply, a 60-  
2095 day deadline for filing the required report with the appropriate  
2096 entity, the address where the report must be filed, and an  
2097 explanation of the penalties for noncompliance.

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2098 (b) A special district that is unable to meet the 60-day  
2099 reporting deadline must provide written notice to the department  
2100 before the expiration of the deadline stating the reason the  
2101 special district is unable to comply with the deadline, the  
2102 steps the special district is taking to prevent the  
2103 noncompliance from reoccurring, and the estimated date that the  
2104 special district will file the report with the appropriate  
2105 agency. The district's written response does not constitute an  
2106 extension by the department; however, the department shall  
2107 forward the written response as follows ~~to~~:

2108 1. If the written response refers to the reports required  
2109 under s. 218.32 or s. 218.39, to the Legislative Auditing  
2110 Committee for its consideration in determining whether the  
2111 special district should be subject to further state action in  
2112 accordance with s. 11.40(2)(b).

2113 2. If the written response refers to the reports or  
2114 information requirements listed in s. 189.066(1) ~~189.419(1)~~, to  
2115 the local general-purpose government or governments for their  
2116 consideration in determining whether the oversight review  
2117 process set forth in s. 189.068 ~~189.428~~ should be undertaken.

2118 3. If the written response refers to the reports or  
2119 information required under s. 112.63, to the Department of  
2120 Management Services for its consideration in determining whether  
2121 the special district should be subject to further state action  
2122 in accordance with s. 112.63(4)(d)2.

2123 (2) Failure of a special district to comply with the

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2124 actuarial and financial reporting requirements under s. 112.63,  
2125 s. 218.32, or s. 218.39 after the procedures of subsection (1)  
2126 are exhausted shall be deemed final action of the special  
2127 district. The actuarial and financial reporting requirements are  
2128 declared to be essential requirements of law. Remedies ~~Remedy~~  
2129 for noncompliance with ss. 218.32 and 218.39 shall be as  
2130 provided in ss. 189.034 and 189.035. Remedy for noncompliance  
2131 with s. 112.63 shall be ~~by writ of certiorari~~ as set forth in  
2132 subsection (4).

2133 (3) Pursuant to s. 11.40(2)(b), the Legislative Auditing  
2134 Committee may ~~shall~~ notify the department of those districts  
2135 that fail to file the required reports. If the procedures  
2136 described in subsection (1) have not yet been initiated, the  
2137 department shall initiate such procedures upon receiving the  
2138 notice from the Legislative Auditing Committee. Otherwise,  
2139 within 60 days after receiving such notice, or within 60 days  
2140 after the expiration of the 60-day deadline provided in  
2141 subsection (1), whichever occurs later, the department,  
2142 notwithstanding the provisions of chapter 120, shall file a  
2143 petition for enforcement ~~writ of certiorari~~ with the circuit  
2144 court. The petition may request declaratory, injunctive, any  
2145 other equitable relief, or any remedy provided by law. Venue for  
2146 all actions pursuant to this subsection is in Leon County. The  
2147 court shall award the prevailing party reasonable attorney's  
2148 fees and costs unless affirmatively waived by all parties. ~~A~~  
2149 ~~writ of certiorari shall be issued unless a respondent~~

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2150 ~~establishes that the notification of the Legislative Auditing~~  
2151 ~~Committee was issued as a result of material error. Proceedings~~  
2152 ~~under this subsection are otherwise governed by the Rules of~~  
2153 ~~Appellate Procedure.~~

2154 (4) The department may enforce compliance with s. 112.63  
2155 by filing a petition for enforcement with the circuit court in  
2156 and for Leon County. The petition may request declaratory,  
2157 injunctive, or other equitable relief, including the appointment  
2158 of a receiver, and any forfeiture or other remedy provided by  
2159 law. Pursuant to s. 112.63(4)(d)2., the Department of Management  
2160 Services may notify the department of those special districts  
2161 that have failed to file the required adjustments, additional  
2162 information, or report or statement after the procedures of  
2163 subsection (1) have been exhausted. Within 60 days after  
2164 receiving such notice or within 60 days after the 60-day  
2165 deadline provided in subsection (1), whichever occurs later, the  
2166 department, notwithstanding chapter 120, shall file a petition  
2167 for writ of certiorari with the circuit court. Venue for all  
2168 actions pursuant to this subsection is in Leon County. The court  
2169 shall award the prevailing party attorney's fees and costs  
2170 unless affirmatively waived by all parties. A writ of certiorari  
2171 shall be issued unless a respondent establishes that the  
2172 notification of the Department of Management Services was issued  
2173 as a result of material error. Proceedings under this subsection  
2174 are otherwise governed by the Rules of Appellate Procedure.

2175 Section 44. Section 189.4221, Florida Statutes, is

Amendment No.

2176 transferred and renumbered as section 189.053, Florida Statutes.

2177 Section 45. Section 189.423, Florida Statutes, is  
2178 transferred and renumbered as section 189.054, Florida Statutes.

2179 Section 46. Section 189.425, Florida Statutes, is  
2180 transferred and renumbered as section 189.017, Florida Statutes.

2181 Section 47. Section 189.427, Florida Statutes, is  
2182 transferred and renumbered as section 189.018, Florida Statutes,  
2183 and amended to read:

2184 189.018 ~~189.427~~ Fee schedule; Grants and Donations Trust  
2185 Fund.—The department ~~of Economic Opportunity~~, by rule, shall  
2186 establish a schedule of fees to pay one-half of the costs  
2187 incurred by the department in administering this act, except  
2188 that the fee may not exceed \$175 per district per year. The fees  
2189 collected under this section shall be deposited in the Grants  
2190 and Donations Trust Fund, ~~which shall be administered by the~~  
2191 ~~department of Economic Opportunity~~. Any fee rule must consider  
2192 factors such as the dependent and independent status of the  
2193 district and district revenues for the most recent fiscal year  
2194 as reported to the Department of Financial Services. The  
2195 department may assess fines of not more than \$25, with an  
2196 aggregate total not to exceed \$50, as penalties against special  
2197 districts that fail to remit required fees to the department. It  
2198 is the intent of the Legislature that general revenue funds will  
2199 be made available to the department to pay one-half of the cost  
2200 of administering this act.

2201 Section 48. Section 189.428, Florida Statutes, is

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2202 transferred and renumbered as section 189.068, Florida Statutes,  
2203 and amended, to read:

2204 189.068 ~~189.428~~ Special districts; general oversight  
2205 review process.—

2206 (1) The Legislature finds it to be in the public interest  
2207 to establish an oversight review process for special districts  
2208 wherein each special district in the state may be reviewed by  
2209 the local general-purpose government in which the district  
2210 exists. The Legislature further finds and determines that such  
2211 law fulfills an important state interest. It is the intent of  
2212 the Legislature that the oversight review process shall  
2213 contribute to informed decisionmaking. These decisions may  
2214 involve the continuing existence or dissolution of a district,  
2215 the appropriate future role and focus of a district,  
2216 improvements in the functioning or delivery of services by a  
2217 district, and the need for any transition, adjustment, or  
2218 special implementation periods or provisions. Any final  
2219 recommendations from the oversight review process that are  
2220 adopted and implemented by the appropriate level of government  
2221 shall not be implemented in a manner that would impair the  
2222 obligation of contracts.

2223 ~~(2) It is the intent of the Legislature that any oversight~~  
2224 ~~review process be conducted in conjunction with special district~~  
2225 ~~public facilities reporting and the local government evaluation~~  
2226 ~~and appraisal report process described in s. 189.415(2).~~

2227 ~~(3) The order in which Special districts may be subject to~~

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2228 ~~oversight review shall be determined by the reviewer and shall~~  
2229 ~~occur as follows:~~

2230 (2) (a) All independent special districts created by  
2231 special act may be reviewed as directed by the President of the  
2232 Senate and the Speaker of the House of Representatives.

2233 (b) All independent special districts created by ordinance  
2234 or resolution may be reviewed by the general-purpose government  
2235 which enacted the ordinance or resolution.

2236 (c) All dependent special districts may be reviewed by the  
2237 general-purpose local government to which they are dependent.

2238 (d) All special districts created by rule of the Governor  
2239 and Cabinet may be reviewed as determined by the Governor and  
2240 Cabinet.

2241 (e) Except as provided in paragraphs (a)-(d), all other  
2242 special districts may be reviewed as directed by the President  
2243 of the Senate and the Speaker of the House of Representatives.

2244 ~~(b) All single county independent special districts may be~~  
2245 ~~reviewed by a county or municipality in which they are located~~  
2246 ~~or the government that created the district. Any single county~~  
2247 ~~independent district that serves an area greater than the~~  
2248 ~~boundaries of one general-purpose local government may only be~~  
2249 ~~reviewed by the county on the county's own initiative or upon~~  
2250 ~~receipt of a request from any municipality served by the special~~  
2251 ~~district.~~

2252 ~~(c) All multicounty independent special districts may be~~  
2253 ~~reviewed by the government that created the district. Any~~

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2254 ~~general-purpose local governments within the boundaries of a~~  
2255 ~~multicounty district may prepare a preliminary review of a~~  
2256 ~~multicounty special district for possible reference or inclusion~~  
2257 ~~in the full review report.~~

2258 ~~(d) Upon request by the reviewer, any special district~~  
2259 ~~within all or a portion of the same county as the special~~  
2260 ~~district being reviewed may prepare a preliminary review of the~~  
2261 ~~district for possible reference or inclusion in the full~~  
2262 ~~oversight review report.~~

2263 ~~(3)-(4)~~ All special districts, governmental entities, and  
2264 state agencies shall cooperate with the Legislature and with any  
2265 general-purpose local government seeking information or  
2266 assistance with the oversight review process and with the  
2267 preparation of an oversight review report.

2268 ~~(4)-(5)~~ Those conducting the oversight review process  
2269 shall, at a minimum, consider the listed criteria for evaluating  
2270 the special district, but may also consider any additional  
2271 factors relating to the district and its performance. If any of  
2272 the listed criteria does not apply to the special district being  
2273 reviewed, it need not be considered. The criteria to be  
2274 considered by the reviewer include:

2275 (a) The degree to which the service or services offered by  
2276 the special district are essential or contribute to the well-  
2277 being of the community.

2278 (b) The extent of continuing need for the service or  
2279 services currently provided by the special district.



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2280 (c) The extent of municipal annexation or incorporation  
2281 activity occurring or likely to occur within the boundaries of  
2282 the special district and its impact on the delivery of services  
2283 by the special district.

2284 (d) Whether there is a less costly alternative method of  
2285 delivering the service or services that would adequately provide  
2286 the district residents with the services provided by the  
2287 district.

2288 (e) Whether transfer of the responsibility for delivery of  
2289 the service or services to an entity other than the special  
2290 district being reviewed could be accomplished without  
2291 jeopardizing the district's existing contracts, bonds, or  
2292 outstanding indebtedness.

2293 (f) Whether the Auditor General has notified the  
2294 Legislative Auditing Committee that the special district's audit  
2295 report, reviewed pursuant to s. 11.45(7), indicates that the  
2296 district has met any of the conditions specified in s.  
2297 218.503(1) or that a deteriorating financial condition exists  
2298 that may cause a condition described in s. 218.503(1) to occur  
2299 if actions are not taken to address such condition.

2300 (g) Whether the district is inactive according to the  
2301 official list of special districts, and whether the district is  
2302 meeting and discharging its responsibilities as required by its  
2303 charter, as well as projected increases or decreases in district  
2304 activity.

2305 (h) Whether the special district has failed to comply with

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2306 any of the reporting requirements in this chapter, including  
2307 preparation of the public facilities report.

2308 (i) Whether the special district has designated a  
2309 registered office and agent as required by s. 189.014 ~~189.416~~,  
2310 and has complied with all open public records and meeting  
2311 requirements.

2312 ~~(5)-(6)~~ Any special district may at any time provide the  
2313 Legislature and the general-purpose local government conducting  
2314 the review or making decisions based upon the final oversight  
2315 review report with written responses to any questions, concerns,  
2316 preliminary reports, draft reports, or final reports relating to  
2317 the district.

2318 ~~(7) The final report of a reviewing government shall be~~  
2319 ~~filed with the government that created the district and shall~~  
2320 ~~serve as the basis for any modification to the district charter~~  
2321 ~~or dissolution or merger of the district.~~

2322 ~~(8) If legislative dissolution or merger of a district is~~  
2323 ~~proposed in the final report, the reviewing government shall~~  
2324 ~~also propose a plan for the merger or dissolution, and the plan~~  
2325 ~~shall address the following factors in evaluating the proposed~~  
2326 ~~merger or dissolution:~~

2327 ~~(a) Whether, in light of independent fiscal analysis,~~  
2328 ~~level of service implications, and other public policy~~  
2329 ~~considerations, the proposed merger or dissolution is the best~~  
2330 ~~alternative for delivering services and facilities to the~~  
2331 ~~affected area.~~

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2332 ~~(b) Whether the services and facilities to be provided~~  
2333 ~~pursuant to the merger or dissolution will be compatible with~~  
2334 ~~the capacity and uses of existing local services and facilities.~~

2335 ~~(c) Whether the merger or dissolution is consistent with~~  
2336 ~~applicable provisions of the state comprehensive plan, the~~  
2337 ~~strategic regional policy plan, and the local government~~  
2338 ~~comprehensive plans of the affected area.~~

2339 ~~(d) Whether the proposed merger adequately provides for~~  
2340 ~~the assumption of all indebtedness.~~

2341  
2342 ~~The reviewing government shall consider the report in a public~~  
2343 ~~hearing held within the jurisdiction of the district. If adopted~~  
2344 ~~by the governing board of the reviewing government, the request~~  
2345 ~~for legislative merger or dissolution of the district may~~  
2346 ~~proceed. The adopted plan shall be filed as an attachment to the~~  
2347 ~~economic impact statement regarding the proposed special act or~~  
2348 ~~general act of local application dissolving a district.~~

2349 ~~(6)-(9)~~ This section does not apply to a deepwater port  
2350 listed in s. 311.09(1) which is in compliance with a port master  
2351 plan adopted pursuant to s. 163.3178(2)(k), or to an airport  
2352 authority operating in compliance with an airport master plan  
2353 approved by the Federal Aviation Administration, or to any  
2354 special district organized to operate health systems and  
2355 facilities licensed under chapter 395, chapter 400, or chapter  
2356 429.

2357 Section 49. Section 189.429, Florida Statutes, is

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2358 transferred and renumbered as section 189.019, Florida Statutes,  
2359 and subsection (1) of that section is amended, to read:

2360 189.019 ~~189.429~~ Codification.—

2361 (1) Each district, by December 1, 2004, shall submit to  
2362 the Legislature a draft codified charter, at its expense, so  
2363 that its special acts may be codified into a single act for  
2364 reenactment by the Legislature, if there is more than one  
2365 special act for the district. The Legislature may adopt a  
2366 schedule for individual district codification. Any codified act  
2367 relating to a district, which act is submitted to the  
2368 Legislature for reenactment, shall provide for the repeal of all  
2369 prior special acts of the Legislature relating to the district.  
2370 The codified act shall be filed with the department pursuant to  
2371 s. 189.016(2) ~~189.418(2)~~.

2372 Section 50. Sections 189.430, 189.431, 189.432, 189.433,  
2373 189.434, 189.435, 189.436, 189.437, 189.438, 189.439, 189.440,  
2374 189.441, 189.442, 189.443, and 189.444, Florida Statutes, are  
2375 repealed.

2376 Section 51. Section 189.034, Florida Statutes, is created  
2377 to read:

2378 189.034 Oversight of special districts created by special  
2379 act of the Legislature.—

2380 (1) This section applies to any special district created  
2381 by special act of the Legislature.

2382 (2) If a special district fails to file required reports  
2383 or requested information with the appropriate state agency

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2384 pursuant to ss. 11.45(7), 218.32, 218.39, or 218.503(3), with  
2385 the appropriate state agency or office, the Legislative Auditing  
2386 Committee or its designee shall provide written notice of the  
2387 district's noncompliance to the President of the Senate, the  
2388 Speaker of the House of Representatives, the standing committees  
2389 of the Senate and the House of Representatives charged with  
2390 special district oversight as determined by the presiding  
2391 officers of each respective chamber, and the legislators who  
2392 represent a portion of the geographical jurisdiction of the  
2393 special district.

2394 (3) The Legislative Auditing Committee may convene a  
2395 public hearing on the issue of noncompliance, as well as general  
2396 oversight of the district as provided in s. 189.068, at the  
2397 direction of the President of the Senate and the Speaker of the  
2398 House of Representatives.

2399 (4) Before the public hearing as provided in subsection  
2400 (3), the special district shall provide the following  
2401 information at the request of the Legislative Auditing  
2402 Committee:

2403 (a) The district's annual financial report for the prior  
2404 fiscal year.

2405 (b) The district's audit report for the previous fiscal  
2406 year.

2407 (c) An annual report for the previous fiscal year  
2408 providing a detailed review of the performance of the special  
2409 district, including the following information:

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- 2410       1. The purpose of the special district.
- 2411       2. The sources of funding for the special district.
- 2412       3. A description of the major activities, programs, and  
2413 initiatives the special district has undertaken in the most  
2414 recently completed fiscal year and the benchmarks or criteria  
2415 under which the success or failure of the district was  
2416 determined by its governing body.
- 2417       4. Any challenges or obstacles faced by the special  
2418 district in fulfilling its purpose and related responsibilities.
- 2419       5. Ways the special district believes it could better  
2420 fulfill its purpose and related responsibilities and a  
2421 description of the actions that it intends to take during the  
2422 ensuing fiscal year.
- 2423       6. Proposed changes to the special act that established  
2424 the special district and justification for such changes.
- 2425       7. Any other information reasonably required to provide  
2426 the Legislative Auditing Committee with an accurate  
2427 understanding of the purpose for which the special district  
2428 exists and how it is fulfilling its responsibilities to  
2429 accomplish that purpose.
- 2430       8. Any reasons for the district's noncompliance.
- 2431       9. If the district is currently in compliance and plans to  
2432 correct any recurring issues of noncompliance.
- 2433       10. Efforts to promote transparency, including maintenance  
2434 of the district's website in accordance with s. 189.069.
- 2435       Section 52. Section 189.035, Florida Statutes, is created

Amendment No.

2436 to read:

2437 189.035 Oversight of special districts created by local  
2438 ordinance.—

2439 (1) If a special district created by local ordinance fails  
2440 to file required reports or requested information under ss.  
2441 11.45(7), 218.32, 218.39, or 218.503(3), with the appropriate  
2442 state agency, the Legislative Auditing Committee or its designee  
2443 shall provide written notice of the district's noncompliance to  
2444 the chair or equivalent of the local general-purpose government.

2445 (2) The chair or equivalent of the local general-purpose  
2446 government may convene a public hearing on the issue of  
2447 noncompliance, as well as general oversight of the special  
2448 district as provided in s. 189.068, within 3 months after  
2449 receipt of notice of noncompliance from the Legislative Auditing  
2450 Committee. Within 30 days after receiving written notice of  
2451 noncompliance, the local general purpose government shall notify  
2452 the Legislative Auditing Committee if a hearing under this  
2453 section will be held, and if so, provide the date, time, and  
2454 place of the hearing.

2455 (3) Before the public hearing regarding the special  
2456 district's noncompliance, the local general-purpose government  
2457 may request the following information from the special district:

2458 (a) The district's annual financial report for the  
2459 previous fiscal year.

2460 (b) The district's audit report for the previous fiscal  
2461 year.

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2462 (c) An annual report for the previous fiscal year, which  
2463 must provide a detailed review of the performance of the special  
2464 district and include the following information:

2465 1. The purpose of the special district.

2466 2. The sources of funding for the special district.

2467 3. A description of the major activities, programs, and  
2468 initiatives the special district undertook in the most recently  
2469 completed fiscal year and the benchmarks or criteria under which  
2470 the success or failure of the district was determined by its  
2471 governing body.

2472 4. Any challenges or obstacles faced by the special  
2473 district in fulfilling its purpose and related responsibilities.

2474 5. Ways the special district believes it could better  
2475 fulfill its purpose and related responsibilities and a  
2476 description of the actions that it intends to take during the  
2477 ensuing fiscal year.

2478 6. Proposed changes to the ordinance that established the  
2479 special district and justification for such changes.

2480 7. Any other information reasonably required to provide  
2481 the reviewing entity with an accurate understanding of the  
2482 purpose for which the special district exists and how it is  
2483 fulfilling its responsibilities to accomplish that purpose.

2484 8. Any reasons for the district's noncompliance.

2485 9. Whether the district is currently in compliance.

2486 10. Plans to correct any recurring issues of  
2487 noncompliance.



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2488 11. Efforts to promote transparency, including maintenance  
2489 of the district's website in accordance with s. 189.069.

2490 (4) If the local general-purpose government convenes a  
2491 public hearing under this section, it shall provide the  
2492 department and the Legislative Auditing Committee with a report  
2493 containing its findings and conclusions within 60 days after  
2494 completion of the public hearing.

2495 Section 53. Section 189.055, Florida Statutes, is created  
2496 to read:

2497 189.055 Treatment of special districts.—For the purpose of  
2498 s. 196.199(1), special districts shall be treated as  
2499 municipalities.

2500 Section 54. Section 189.069, Florida Statutes, is created  
2501 to read:

2502 189.069 Special districts; required reporting of  
2503 information; web-based public access.—

2504 (1) Beginning on October 1, 2015, or by the end of the  
2505 first full fiscal year after its creation, each special district  
2506 shall maintain an official Internet website containing the  
2507 information required by this section in accordance with s.  
2508 189.016. Special districts shall submit their official Internet  
2509 website addresses to the department.

2510 (a) Independent special districts shall maintain a  
2511 separate internet website.

2512 (b) Dependent special districts shall be preeminently  
2513 displayed on the home page of the Internet website of the

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2514 general-purpose government that created the special district  
2515 with a hyperlink to such webpages as are necessary to provide  
2516 the information required by this section. Dependent special  
2517 districts may maintain a separate Internet website providing the  
2518 information required by this section.

2519 (2) (a) A special district shall post the following  
2520 information, at a minimum, on the district's official website:

2521 1. The full legal name of the special district.

2522 2. The public purpose of the special district.

2523 3. The name, address, e-mail address, and, if applicable,  
2524 the term and appointing authority for each member of the  
2525 governing body of the special district.

2526 4. The fiscal year of the special district.

2527 5. The full text of the special district's charter, the  
2528 date of establishment, the establishing entity, and the statute  
2529 or statutes under which the special district operates, if  
2530 different from the statute or statutes under which the special  
2531 district was established. Community development districts may  
2532 reference chapter 190, as the uniform charter, but must include  
2533 information relating to any grant of special powers.

2534 6. The mailing address, e-mail address, telephone number,  
2535 and Internet website uniform resource locator of the special  
2536 district.

2537 7. A description of the boundaries or service area of, and  
2538 the services provided by, the special district.

2539 8. A listing of all taxes, fees, assessments, or charges

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2540 imposed and collected by the special district, including the  
2541 rates or amounts for the fiscal year and the statutory authority  
2542 for the levy of the tax, fee, assessment, or charge. For  
2543 purposes of this sub-sub-paragraph, charge does not include  
2544 patient charges by a hospital or other health care provider.

2545 9. The primary contact information for the special  
2546 district for purposes of communication from the department.

2547 10. A code of ethics adopted by the special district, if  
2548 applicable, and a hyperlink to generally applicable ethics  
2549 provisions.

2550 11. The budget of each special district, in addition to  
2551 amendments in accordance with s. 189.418.

2552 12. The final, complete audit report for the most recent  
2553 completed fiscal year, and audit reports required by law or  
2554 authorized by the governing body of the special district.

2555 (b) The department's Internet website list of special  
2556 districts in the state required under s. 189.061 shall include a  
2557 link for each special district that provides web-based access to  
2558 the public for all information and documentation required for  
2559 submission to the department pursuant to subsection (1).

2560 Section 55. Paragraph (e) of subsection (1) and paragraph  
2561 (c) of subsection (7) of section 11.45, Florida Statutes, are  
2562 amended to read:

2563 11.45 Definitions; duties; authorities; reports; rules.—

2564 (1) DEFINITIONS.—As used in ss. 11.40-11.51, the term:

2565 (e) "Local governmental entity" means a county agency,

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2566 municipality, or special district as defined in s. 189.012  
2567 ~~189.403~~, but does not include any housing authority established  
2568 under chapter 421.

2569 (7) AUDITOR GENERAL REPORTING REQUIREMENTS.—

2570 (c) The Auditor General shall provide annually a list of  
2571 those special districts which are not in compliance with s.  
2572 218.39 to the Special District Accountability Information  
2573 Program of the Department of Economic Opportunity.

2574 Section 56. Paragraph (c) of subsection (4) of section  
2575 100.011, Florida Statutes, is amended to read:

2576 100.011 Opening and closing of polls, all elections;  
2577 expenses.—

2578 (4)

2579 (c) The provisions of any special law to the contrary  
2580 notwithstanding, all independent and dependent special district  
2581 elections, with the exception of community development district  
2582 elections, shall be conducted in accordance with the  
2583 requirements of ss. 189.04 and 189.041 ~~189.405 and 189.4051~~.

2584 Section 57. Paragraph (f) of subsection (1) of section  
2585 101.657, Florida Statutes, is amended to read:

2586 101.657 Early voting.—

2587 (1)

2588 (f) Notwithstanding the requirements of s. 189.04 ~~189.405~~,  
2589 special districts may provide early voting in any district  
2590 election not held in conjunction with county or state elections.  
2591 If a special district provides early voting, it may designate as

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2592 many sites as necessary and shall conduct its activities in  
2593 accordance with the provisions of paragraphs (a)-(c). The  
2594 supervisor is not required to conduct early voting if it is  
2595 provided pursuant to this subsection.

2596 Section 58. Paragraph (a) of subsection (14) of section  
2597 112.061, Florida Statutes, is amended to read:

2598 112.061 Per diem and travel expenses of public officers,  
2599 employees, and authorized persons.—

2600 (14) APPLICABILITY TO COUNTIES, COUNTY OFFICERS, DISTRICT  
2601 SCHOOL BOARDS, SPECIAL DISTRICTS, AND METROPOLITAN PLANNING  
2602 ORGANIZATIONS.—

2603 (a) The following entities may establish rates that vary  
2604 from the per diem rate provided in paragraph (6)(a), the  
2605 subsistence rates provided in paragraph (6)(b), or the mileage  
2606 rate provided in paragraph (7)(d) if those rates are not less  
2607 than the statutorily established rates that are in effect for  
2608 the 2005-2006 fiscal year:

2609 1. The governing body of a county by the enactment of an  
2610 ordinance or resolution;

2611 2. A county constitutional officer, pursuant to s. 1(d),  
2612 Art. VIII of the State Constitution, by the establishment of  
2613 written policy;

2614 3. The governing body of a district school board by the  
2615 adoption of rules;

2616 4. The governing body of a special district, as defined in  
2617 s. 189.012 ~~189.403(1)~~, except those special districts that are

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2618 subject to s. 166.021(9), by the enactment of a resolution; or

2619 5. Any metropolitan planning organization created pursuant  
2620 to s. 339.175 or any other separate legal or administrative  
2621 entity created pursuant to s. 339.175 of which a metropolitan  
2622 planning organization is a member, by the enactment of a  
2623 resolution.

2624 Section 59. Paragraph (d) of subsection (4) of section  
2625 112.63, Florida Statutes, is amended to read:

2626 112.63 Actuarial reports and statements of actuarial  
2627 impact; review.—

2628 (4) Upon receipt, pursuant to subsection (2), of an  
2629 actuarial report, or, pursuant to subsection (3), of a statement  
2630 of actuarial impact, the Department of Management Services shall  
2631 acknowledge such receipt, but shall only review and comment on  
2632 each retirement system's or plan's actuarial valuations at least  
2633 on a triennial basis.

2634 (d) In the case of an affected special district, the  
2635 Department of Management Services shall also notify the  
2636 Department of Economic Opportunity. Upon receipt of  
2637 notification, the Department of Economic Opportunity shall  
2638 proceed pursuant to s. 189.067 ~~189.421~~.

2639 1. Failure of a special district to provide a required  
2640 report or statement, to make appropriate adjustments, or to  
2641 provide additional material information after the procedures  
2642 specified in s. 189.067(1) ~~189.421(1)~~ are exhausted shall be  
2643 deemed final action by the special district.

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2644           2. The Department of Management Services may notify the  
2645 Department of Economic Opportunity of those special districts  
2646 that failed to come into compliance. Upon receipt of  
2647 notification, the Department of Economic Opportunity shall  
2648 proceed pursuant to s. 189.067(4) ~~189.421(4)~~.

2649           Section 60. Subsection (1) of section 112.665, Florida  
2650 Statutes, is amended to read:

2651           112.665 Duties of Department of Management Services.—

2652           (1) The Department of Management Services shall:

2653           (a) Gather, catalog, and maintain complete, computerized  
2654 data information on all public employee retirement systems or  
2655 plans in the state based upon a review of audits, reports, and  
2656 other data pertaining to the systems or plans;

2657           (b) Receive and comment upon all actuarial reviews of  
2658 retirement systems or plans maintained by units of local  
2659 government;

2660           (c) Cooperate with local retirement systems or plans on  
2661 matters of mutual concern and provide technical assistance to  
2662 units of local government in the assessment and revision of  
2663 retirement systems or plans;

2664           (d) Annually issue, by January 1, a report to the  
2665 President of the Senate and the Speaker of the House of  
2666 Representatives, which details division activities, findings,  
2667 and recommendations concerning all governmental retirement  
2668 systems. The report may include legislation proposed to carry  
2669 out such recommendations;

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2670 (e) Provide a fact sheet for each participating local  
2671 government defined benefit pension plan which summarizes the  
2672 plan's actuarial status. The fact sheet should provide a summary  
2673 of the plan's most current actuarial data, minimum funding  
2674 requirements as a percentage of pay, and a 5-year history of  
2675 funded ratios. The fact sheet must include a brief explanation  
2676 of each element in order to maximize the transparency of the  
2677 local government plans. The fact sheet must also contain the  
2678 information specified in s. 112.664(1). These documents shall be  
2679 posted on the department's website. Plan sponsors that have  
2680 websites must provide a link to the department's website;

2681 (f) Annually issue, by January 1, a report to the Special  
2682 District Accountability Information ~~Information~~ Program of the Department of  
2683 Economic Opportunity which includes the participation in and  
2684 compliance of special districts with the local government  
2685 retirement system provisions in s. 112.63 and the state-  
2686 administered retirement system provisions specified in part I of  
2687 chapter 121; and

2688 (g) Adopt reasonable rules to administer this part.

2689 Section 61. Subsection (9) of section 121.021, Florida  
2690 Statutes, is amended to read:

2691 121.021 Definitions.—The following words and phrases as  
2692 used in this chapter have the respective meanings set forth  
2693 unless a different meaning is plainly required by the context:

2694 (9) "Special district" means an independent special  
2695 district as defined in s. 189.012 ~~189.403(3)~~.



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2696 Section 62. Paragraph (b) of subsection (2) of section  
2697 121.051, Florida Statutes, is amended to read:  
2698 121.051 Participation in the system.—  
2699 (2) OPTIONAL PARTICIPATION.—  
2700 (b)1. The governing body of any municipality, metropolitan  
2701 planning organization, or special district in the state may  
2702 elect to participate in the Florida Retirement System upon  
2703 proper application to the administrator and may cover all of its  
2704 units as approved by the Secretary of Health and Human Services  
2705 and the administrator. The department shall adopt rules  
2706 establishing procedures for the submission of documents  
2707 necessary for such application. Before being approved for  
2708 participation in the system, the governing body of a  
2709 municipality, metropolitan planning organization, or special  
2710 district that has a local retirement system must submit to the  
2711 administrator a certified financial statement showing the  
2712 condition of the local retirement system within 3 months before  
2713 the proposed effective date of membership in the Florida  
2714 Retirement System. The statement must be certified by a  
2715 recognized accounting firm that is independent of the local  
2716 retirement system. All required documents necessary for  
2717 extending Florida Retirement System coverage must be received by  
2718 the department for consideration at least 15 days before the  
2719 proposed effective date of coverage. If the municipality,  
2720 metropolitan planning organization, or special district does not  
2721 comply with this requirement, the department may require that

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2722 the effective date of coverage be changed.

2723         2. A municipality, metropolitan planning organization, or  
2724 special district that has an existing retirement system covering  
2725 the employees in the units that are to be brought under the  
2726 Florida Retirement System may participate only after holding a  
2727 referendum in which all employees in the affected units have the  
2728 right to participate. Only those employees electing coverage  
2729 under the Florida Retirement System by affirmative vote in the  
2730 referendum are eligible for coverage under this chapter, and  
2731 those not participating or electing not to be covered by the  
2732 Florida Retirement System shall remain in their present systems  
2733 and are not eligible for coverage under this chapter. After the  
2734 referendum is held, all future employees are compulsory members  
2735 of the Florida Retirement System.

2736         3. At the time of joining the Florida Retirement System,  
2737 the governing body of a municipality, metropolitan planning  
2738 organization, or special district complying with subparagraph 1.  
2739 may elect to provide, or not provide, benefits based on past  
2740 service of officers and employees as described in s. 121.081(1).  
2741 However, if such employer elects to provide past service  
2742 benefits, such benefits must be provided for all officers and  
2743 employees of its covered group.

2744         4. Once this election is made and approved it may not be  
2745 revoked, except pursuant to subparagraphs 5. and 6., and all  
2746 present officers and employees electing coverage and all future  
2747 officers and employees are compulsory members of the Florida

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2748 Retirement System.

2749 5. Subject to subparagraph 6., the governing body of a  
2750 hospital licensed under chapter 395 which is governed by the  
2751 governing body ~~board~~ of a special district as defined in s.  
2752 189.012 ~~189.403~~ or by the board of trustees of a public health  
2753 trust created under s. 154.07, hereinafter referred to as  
2754 "hospital district," and which participates in the Florida  
2755 Retirement System, may elect to cease participation in the  
2756 system with regard to future employees in accordance with the  
2757 following:

2758 a. No more than 30 days and at least 7 days before  
2759 adopting a resolution to partially withdraw from the system and  
2760 establish an alternative retirement plan for future employees, a  
2761 public hearing must be held on the proposed withdrawal and  
2762 proposed alternative plan.

2763 b. From 7 to 15 days before such hearing, notice of intent  
2764 to withdraw, specifying the time and place of the hearing, must  
2765 be provided in writing to employees of the hospital district  
2766 proposing partial withdrawal and must be published in a  
2767 newspaper of general circulation in the area affected, as  
2768 provided by ss. 50.011-50.031. Proof of publication must be  
2769 submitted to the Department of Management Services.

2770 c. The governing body of a hospital district seeking to  
2771 partially withdraw from the system must, before such hearing,  
2772 have an actuarial report prepared and certified by an enrolled  
2773 actuary, as defined in s. 112.625, illustrating the cost to the

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2774 hospital district of providing, through the retirement plan that  
2775 the hospital district is to adopt, benefits for new employees  
2776 comparable to those provided under the system.

2777 d. Upon meeting all applicable requirements of this  
2778 subparagraph, and subject to subparagraph 6., partial withdrawal  
2779 from the system and adoption of the alternative retirement plan  
2780 may be accomplished by resolution duly adopted by the hospital  
2781 district board. The hospital district board must provide written  
2782 notice of such withdrawal to the division by mailing a copy of  
2783 the resolution to the division, postmarked by December 15, 1995.  
2784 The withdrawal shall take effect January 1, 1996.

2785 6. Following the adoption of a resolution under sub-  
2786 subparagraph 5.d., all employees of the withdrawing hospital  
2787 district who were members of the system before January 1, 1996,  
2788 shall remain as members of the system for as long as they are  
2789 employees of the hospital district, and all rights, duties, and  
2790 obligations between the hospital district, the system, and the  
2791 employees remain in full force and effect. Any employee who is  
2792 hired or appointed on or after January 1, 1996, may not  
2793 participate in the system, and the withdrawing hospital district  
2794 has no obligation to the system with respect to such employees.

2795 Section 63. Subsection (1) of section 153.94, Florida  
2796 Statutes, is amended to read:

2797 153.94 Applicability of other laws.—Except as expressly  
2798 provided in this act:

2799 (1) With respect to any wastewater facility privatization

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2800 contract entered into under this act, a public entity is subject  
2801 to s. 125.3401, s. 180.301, s. 189.054 ~~189.423~~, or s. 190.0125  
2802 but is not subject to the requirements of chapter 287.

2803 Section 64. Paragraph (a) of subsection (2) of section  
2804 163.08, Florida Statutes, is amended to read:

2805 163.08 Supplemental authority for improvements to real  
2806 property.—

2807 (2) As used in this section, the term:

2808 (a) "Local government" means a county, a municipality, a  
2809 dependent special district as defined in s. 189.012 ~~189.403~~, or  
2810 a separate legal entity created pursuant to s. 163.01(7).

2811 Section 65. Subsection (7) of section 165.031, Florida  
2812 Statutes, is amended to read:

2813 165.031 Definitions.—The following terms and phrases, when  
2814 used in this chapter, shall have the meanings ascribed to them  
2815 in this section, except where the context clearly indicates a  
2816 different meaning:

2817 (7) "Special district" means a local unit of special  
2818 government, as defined in s. 189.012 ~~189.403(1)~~. This term  
2819 includes dependent special districts, as defined in s. 189.012  
2820 ~~189.403(2)~~, and independent special districts, as defined in s.  
2821 189.012 ~~189.403(3)~~. All provisions of s. 200.001(8)(d) and (e)  
2822 shall be considered provisions of this chapter.

2823 Section 66. Paragraph (b) of subsection (1) and  
2824 subsections (8) and (16) of section 165.0615, Florida Statutes,  
2825 are amended to read:

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2826 165.0615 Municipal conversion of independent special  
2827 districts upon elector-initiated and approved referendum.-

2828 (1) The qualified electors of an independent special  
2829 district may commence a municipal conversion proceeding by  
2830 filing a petition with the governing body of the independent  
2831 special district proposed to be converted if the district meets  
2832 all of the following criteria:

2833 (b) It is designated as an improvement district and  
2834 created pursuant to chapter 298 or is designated as a  
2835 stewardship district and created pursuant to s. 189.031 ~~189.404~~.

2836 (8) Notice of the final public hearing on the proposed  
2837 elector-initiated combined municipal incorporation plan must be  
2838 published pursuant to the notice requirements in s. 189.015  
2839 ~~189.417~~ and must provide a descriptive summary of the elector-  
2840 initiated municipal incorporation plan and a reference to the  
2841 public places within the independent special district where a  
2842 copy of the plan may be examined.

2843 (16) If the incorporation plan is approved by a majority  
2844 of the votes cast in the independent special district, the  
2845 district shall notify the special district accountability  
2846 ~~information~~ program pursuant to s. 189.016(2) ~~189.418(2)~~ and the  
2847 local general-purpose governments in which any part of the  
2848 independent special district is situated pursuant to s.  
2849 189.016(7) ~~189.418(7)~~.

2850 Section 67. Subsection (3) of section 171.202, Florida  
2851 Statutes, is amended to read:

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2852 171.202 Definitions.—As used in this part, the term:

2853 (3) "Independent special district" means an independent  
2854 special district, as defined in s. 189.012 ~~189.403~~, which  
2855 provides fire, emergency medical, water, wastewater, or  
2856 stormwater services.

2857 Section 68. Subsection (16) of section 175.032, Florida  
2858 Statutes, is amended to read:

2859 175.032 Definitions.—For any municipality, special fire  
2860 control district, chapter plan, local law municipality, local  
2861 law special fire control district, or local law plan under this  
2862 chapter, the following words and phrases have the following  
2863 meanings:

2864 (16) "Special fire control district" means a special  
2865 district, as defined in s. 189.012 ~~189.403(1)~~, established for  
2866 the purposes of extinguishing fires, protecting life, and  
2867 protecting property within the incorporated or unincorporated  
2868 portions of any county or combination of counties, or within any  
2869 combination of incorporated and unincorporated portions of any  
2870 county or combination of counties. The term does not include any  
2871 dependent or independent special district, as defined in s.  
2872 189.012 ~~189.403(2)~~ and ~~(3)~~, respectively, the employees of which  
2873 are members of the Florida Retirement System pursuant to s.  
2874 121.051(1) or (2).

2875 Section 69. Subsection (6) of section 190.011, Florida  
2876 Statutes, is amended to read:

2877 190.011 General powers.—The district shall have, and the

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2878 body ~~board~~ may exercise, the following powers:

2879 (6) To maintain an office at such place or places as it  
2880 may designate within a county in which the district is located  
2881 or within the boundaries of a development of regional impact or  
2882 a Florida Quality Development, or a combination of a development  
2883 of regional impact and a Florida Quality Development, which  
2884 includes the district, which office must be reasonably  
2885 accessible to the landowners. Meetings pursuant to s. 189.015(3)  
2886 ~~189.417(3)~~ of a district within the boundaries of a development  
2887 of regional impact or Florida Quality Development, or a  
2888 combination of a development of regional impact and a Florida  
2889 Quality Development, may be held at such office.

2890 Section 70. Subsection (8) of section 190.046, Florida  
2891 Statutes, is amended to read:

2892 190.046 Termination, contraction, or expansion of  
2893 district.—

2894 (8) In the event the district has become inactive pursuant  
2895 to s. 189.062 ~~189.4044~~, the respective board of county  
2896 commissioners or city commission shall be informed and it shall  
2897 take appropriate action.

2898 Section 71. Section 190.049, Florida Statutes, is amended  
2899 to read:

2900 190.049 Special acts prohibited.—Pursuant to s. 11(a)(21),  
2901 Art. III of the State Constitution, there shall be no special  
2902 law or general law of local application creating an independent  
2903 special district which has the powers enumerated in two or more



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2904 of the paragraphs contained in s. 190.012, unless such district  
2905 is created pursuant to the provisions of s. 189.031 ~~189.404~~.

2906 Section 72. Subsection (5) of section 191.003, Florida  
2907 Statutes, is amended to read:

2908 191.003 Definitions.—As used in this act:

2909 (5) "Independent special fire control district" means an  
2910 independent special district as defined in s. 189.012 ~~189.403~~,  
2911 created by special law or general law of local application,  
2912 providing fire suppression and related activities within the  
2913 jurisdictional boundaries of the district. The term does not  
2914 include a municipality, a county, a dependent special district  
2915 as defined in s. 189.012 ~~189.403~~, a district providing primarily  
2916 emergency medical services, a community development district  
2917 established under chapter 190, or any other multiple-power  
2918 district performing fire suppression and related services in  
2919 addition to other services.

2920 Section 73. Paragraph (a) of subsection (1) and subsection  
2921 (8) of section 191.005, Florida Statutes, are amended to read:

2922 191.005 District boards of commissioners; membership,  
2923 officers, meetings.—

2924 (1)(a) With the exception of districts whose governing  
2925 boards are appointed collectively by the Governor, the county  
2926 commission, and any cooperating city within the county, the  
2927 business affairs of each district shall be conducted and  
2928 administered by a five-member board. All three-member boards  
2929 existing on the effective date of this act shall be converted to

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2930 five-member boards, except those permitted to continue as a  
2931 three-member board by special act adopted in 1997 or thereafter.  
2932 The board shall be elected in nonpartisan elections by the  
2933 electors of the district. Except as provided in this act, such  
2934 elections shall be held at the time and in the manner prescribed  
2935 by law for holding general elections in accordance with s.  
2936 189.04(2)(a) ~~189.405(2)(a)~~ and (3), and each member shall be  
2937 elected for a term of 4 years and serve until the member's  
2938 successor assumes office. Candidates for the board of a district  
2939 shall qualify as directed by chapter 99.

2940 (8) All meetings of the board shall be open to the public  
2941 consistent with chapter 286, s. 189.015 ~~189.417~~, and other  
2942 applicable general laws.

2943 Section 74. Subsection (2) of section 191.013, Florida  
2944 Statutes, is amended to read:

2945 191.013 Intergovernmental coordination.—

2946 (2) Each independent special fire control district shall  
2947 adopt a 5-year plan to identify the facilities, equipment,  
2948 personnel, and revenue needed by the district during that 5-year  
2949 period. The plan shall be updated in accordance with s. 189.08  
2950 ~~189.415~~ and shall satisfy the requirement for a public  
2951 facilities report required by s. 189.08(2) ~~189.415(2)~~.

2952 Section 75. Subsection (1) of section 191.014, Florida  
2953 Statutes, is amended to read:

2954 191.014 District creation and expansion.—

2955 (1) New districts may be created only by the Legislature

Amendment No.

2956 under s. 189.031 ~~189.404~~.

2957 Section 76. Section 191.015, Florida Statutes, is amended  
2958 to read:

2959 191.015 Codification.—Each fire control district existing  
2960 on the effective date of this section, by December 1, 2004,  
2961 shall submit to the Legislature a draft codified charter, at its  
2962 expense, so that its special acts may be codified into a single  
2963 act for reenactment by the Legislature, if there is more than  
2964 one special act for the district. The Legislature may adopt a  
2965 schedule for individual district codification. Any codified act  
2966 relating to a district, which act is submitted to the  
2967 Legislature for reenactment, shall provide for the repeal of all  
2968 prior special acts of the Legislature relating to the district.  
2969 The codified act shall be filed with the Department of Economic  
2970 Opportunity pursuant to s. 189.016(2) ~~189.418(2)~~.

2971 Section 77. Paragraphs (c), (d), and (e) of subsection (8)  
2972 of section 200.001, Florida Statutes, are amended to read:

2973 200.001 Millages; definitions and general provisions.—

2974 (8)

2975 (c) "Special district" means a special district as defined  
2976 in s. 189.012 ~~189.403(1)~~.

2977 (d) "Dependent special district" means a dependent special  
2978 district as defined in s. 189.012 ~~189.403(2)~~. Dependent special  
2979 district millage, when added to the millage of the governing  
2980 body to which it is dependent, shall not exceed the maximum  
2981 millage applicable to such governing body.

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2982 (e) "Independent special district" means an independent  
2983 special district as defined in s. 189.012 ~~189.403(3)~~, with the  
2984 exception of a downtown development authority established prior  
2985 to the effective date of the 1968 State Constitution as an  
2986 independent body, either appointed or elected, regardless of  
2987 whether or not the budget is approved by the local governing  
2988 body, if the district levies a millage authorized as of the  
2989 effective date of the 1968 State Constitution. Independent  
2990 special district millage shall not be levied in excess of a  
2991 millage amount authorized by general law and approved by vote of  
2992 the electors pursuant to s. 9(b), Art. VII of the State  
2993 Constitution, except for those independent special districts  
2994 levying millage for water management purposes as provided in  
2995 that section and municipal service taxing units as specified in  
2996 s. 125.01(1)(q) and (r). However, independent special district  
2997 millage authorized as of the date the 1968 State Constitution  
2998 became effective need not be so approved, pursuant to s. 2, Art.  
2999 XII of the State Constitution.

3000 Section 78. Subsections (1), (5), (6), and (7) of section  
3001 218.31, Florida Statutes, are amended to read:

3002 218.31 Definitions.—As used in this part, except where the  
3003 context clearly indicates a different meaning:

3004 (1) "Local governmental entity" means a county agency, a  
3005 municipality, or a special district as defined in s. 189.012  
3006 ~~189.403~~. For purposes of s. 218.32, the term also includes a  
3007 housing authority created under chapter 421.

Amendment No.

3008 (5) "Special district" means a special district as defined  
3009 in s. 189.012 ~~189.403(1)~~.

3010 (6) "Dependent special district" means a dependent special  
3011 district as defined in s. 189.012 ~~189.403(2)~~.

3012 (7) "Independent special district" means an independent  
3013 special district as defined in s. 189.012 ~~189.403(3)~~.

3014 Section 79. Paragraph (a) and (f) of subsection (1) and  
3015 subsection (2) of section 218.32, Florida Statutes, are amended  
3016 to read:

3017 218.32 Annual financial reports; local governmental  
3018 entities.—

3019 (1)(a) Each local governmental entity that is determined  
3020 to be a reporting entity, as defined by generally accepted  
3021 accounting principles, and each independent special district as  
3022 defined in s. 189.012 ~~189.403~~, shall submit to the department a  
3023 copy of its annual financial report for the previous fiscal year  
3024 in a format prescribed by the department. The annual financial  
3025 report must include a list of each local governmental entity  
3026 included in the report and each local governmental entity that  
3027 failed to provide financial information as required by paragraph  
3028 (b). The chair of the governing body and the chief financial  
3029 officer of each local governmental entity shall sign the annual  
3030 financial report submitted pursuant to this subsection attesting  
3031 to the accuracy of the information included in the report. The  
3032 county annual financial report must be a single document that  
3033 covers each county agency.

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3034 (f) If the department does not receive a completed annual  
3035 financial report from a local governmental entity within the  
3036 required period, it shall notify the Legislative Auditing  
3037 Committee and the Special District Accountability Information  
3038 Program of the Department of Economic Opportunity of the  
3039 entity's failure to comply with the reporting requirements.

3040 (2) The department shall annually by December 1 file a  
3041 verified report with the Governor, the Legislature, the Auditor  
3042 General, and the Special District Accountability Information  
3043 Program of the Department of Economic Opportunity showing the  
3044 revenues, both locally derived and derived from  
3045 intergovernmental transfers, and the expenditures of each local  
3046 governmental entity, regional planning council, local government  
3047 finance commission, and municipal power corporation that is  
3048 required to submit an annual financial report. The report must  
3049 include, but is not limited to:

3050 (a) The total revenues and expenditures of each local  
3051 governmental entity that is a component unit included in the  
3052 annual financial report of the reporting entity.

3053 (b) The amount of outstanding long-term debt by each local  
3054 governmental entity. For purposes of this paragraph, the term  
3055 "long-term debt" means any agreement or series of agreements to  
3056 pay money, which, at inception, contemplate terms of payment  
3057 exceeding 1 year in duration.

3058 Section 80. Paragraph (g) of subsection (1) of section  
3059 218.37, Florida Statutes, is amended to read:

Amendment No.

3060 218.37 Powers and duties of Division of Bond Finance;  
3061 advisory council.—

3062 (1) The Division of Bond Finance of the State Board of  
3063 Administration, with respect to both general obligation bonds  
3064 and revenue bonds, shall:

3065 (g) By January 1 each year, provide the Special District  
3066 Accountability Information ~~Information~~ Program of the Department of Economic  
3067 Opportunity with a list of special districts that are not in  
3068 compliance with the requirements in s. 218.38.

3069 Section 81. Paragraph (j) of subsection (1) of section  
3070 255.20, Florida Statutes, is amended to read:

3071 255.20 Local bids and contracts for public construction  
3072 works; specification of state-produced lumber.—

3073 (1) A county, municipality, special district as defined in  
3074 chapter 189, or other political subdivision of the state seeking  
3075 to construct or improve a public building, structure, or other  
3076 public construction works must competitively award to an  
3077 appropriately licensed contractor each project that is estimated  
3078 in accordance with generally accepted cost-accounting principles  
3079 to cost more than \$300,000. For electrical work, the local  
3080 government must competitively award to an appropriately licensed  
3081 contractor each project that is estimated in accordance with  
3082 generally accepted cost-accounting principles to cost more than  
3083 \$75,000. As used in this section, the term "competitively award"  
3084 means to award contracts based on the submission of sealed bids,  
3085 proposals submitted in response to a request for proposal,

Amendment No.

3086 proposals submitted in response to a request for qualifications,  
3087 or proposals submitted for competitive negotiation. This  
3088 subsection expressly allows contracts for construction  
3089 management services, design/build contracts, continuation  
3090 contracts based on unit prices, and any other contract  
3091 arrangement with a private sector contractor permitted by any  
3092 applicable municipal or county ordinance, by district  
3093 resolution, or by state law. For purposes of this section, cost  
3094 includes the cost of all labor, except inmate labor, and the  
3095 cost of equipment and materials to be used in the construction  
3096 of the project. Subject to the provisions of subsection (3), the  
3097 county, municipality, special district, or other political  
3098 subdivision may establish, by municipal or county ordinance or  
3099 special district resolution, procedures for conducting the  
3100 bidding process.

3101 (j) A county, municipality, special district as defined in  
3102 s. 189.012 ~~189.403~~, or any other political subdivision of the  
3103 state that owns or operates a public-use airport as defined in  
3104 s. 332.004 is exempt from this section when performing repairs  
3105 or maintenance on the airport's buildings, structures, or public  
3106 construction works using the local government's own services,  
3107 employees, and equipment.

3108 Section 82. Subsection (4) of section 298.225, Florida  
3109 Statutes, is amended to read:

3110 298.225 Water control plan; plan development and  
3111 amendment.—



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3112 (4) Information contained within a district's facilities  
3113 plan prepared pursuant to s. 189.08 ~~189.415~~ which satisfies any  
3114 of the provisions of subsection (3) may be used as part of the  
3115 district water control plan.

3116 Section 83. Subsection (7) of section 343.922, Florida  
3117 Statutes, is amended to read:

3118 343.922 Powers and duties.—

3119 (7) The authority shall comply with all statutory  
3120 requirements of general application which relate to the filing  
3121 of any report or documentation required by law, including the  
3122 requirements of ss. 189.015, 189.016, 189.051, and 189.08  
3123 ~~189.4085, 189.415, 189.417, and 189.418.~~

3124 Section 84. Subsection (5) of section 348.0004, Florida  
3125 Statutes, is amended to read:

3126 348.0004 Purposes and powers.—

3127 (5) Any authority formed pursuant to this act shall comply  
3128 with all statutory requirements of general application which  
3129 relate to the filing of any report or documentation required by  
3130 law, including the requirements of ss. 189.015, 189.016,  
3131 189.051, and 189.08 ~~189.4085, 189.415, 189.417, and 189.418.~~

3132 Section 85. Section 373.711, Florida Statutes, is amended  
3133 to read:

3134 373.711 Technical assistance to local governments.—The  
3135 water management districts shall assist local governments in the  
3136 development and future revision of local government  
3137 comprehensive plan elements or public facilities report as

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3138 required by s. 189.08 ~~189.415~~, related to water resource issues.

3139 Section 86. Paragraph (b) of subsection (3) of section  
3140 403.0891, Florida Statutes, is amended to read:

3141 403.0891 State, regional, and local stormwater management  
3142 plans and programs.—The department, the water management  
3143 districts, and local governments shall have the responsibility  
3144 for the development of mutually compatible stormwater management  
3145 programs.

3146 (3)

3147 (b) Local governments are encouraged to consult with the  
3148 water management districts, the Department of Transportation,  
3149 and the department before adopting or updating their local  
3150 government comprehensive plan or public facilities report as  
3151 required by s. 189.08 ~~189.415~~, whichever is applicable.

3152 Section 87. Subsection (1) of section 582.32, Florida  
3153 Statutes, is amended to read:

3154 582.32 Effect of dissolution.—

3155 (1) Upon issuance of a certificate of dissolution, s.  
3156 189.076(2) ~~189.4045(2)~~ applies and all land use regulations in  
3157 effect within such districts are void.

3158 Section 88. Paragraph (a) of subsection (3) of section  
3159 1013.355, Florida Statutes, is amended to read:

3160 1013.355 Educational facilities benefit districts.—

3161 (3) (a) An educational facilities benefit district may be  
3162 created pursuant to this act and chapters 125, 163, 166, and  
3163 189. An educational facilities benefit district charter may be

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3164 created by a county or municipality by entering into an  
3165 interlocal agreement, as authorized by s. 163.01, with the  
3166 district school board and any local general purpose government  
3167 within whose jurisdiction a portion of the district is located  
3168 and adoption of an ordinance that includes all provisions  
3169 contained within s. 189.02 ~~189.4041~~. The creating entity shall  
3170 be the local general purpose government within whose boundaries  
3171 a majority of the educational facilities benefit district's  
3172 lands are located.

3173 Section 89. This act shall take effect July 1, 2014.

3174

3175 -----

3176 **T I T L E A M E N D M E N T**

3177 Remove everything before the enacting clause and insert:

3178 A bill to be entitled

3179 An act relating to special districts; designating  
3180 parts I-VIII of chapter 189, F.S., relating to special  
3181 districts; amending s. 11.40, F.S.; revising duties of  
3182 the Legislative Auditing Committee; amending s.  
3183 112.312, F.S.; redefining the term "agency" as it  
3184 applies to the code of ethics for public officers and  
3185 employees to include special districts; creating s.  
3186 112.511, F.S.; specifying applicability of procedures  
3187 regarding suspension and removal of a member of the  
3188 governing body of a special district; amending s.  
3189 125.901, F.S.; conforming provisions to changes made

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3190 by the act; transferring, renumbering, and amending s.  
3191 189.401, F.S.; revising a short title; transferring,  
3192 renumbering, and amending s. 189.402, F.S.; revising a  
3193 statement of legislative purpose and intent; making  
3194 technical changes; conforming provisions to changes  
3195 made by the act; transferring, renumbering, and  
3196 amending s. 189.403, F.S.; redefining the term  
3197 "special district"; transferring, renumbering, and  
3198 amending ss. 189.4031, 189.4035, 189.404, 189.40401,  
3199 189.4041, and 189.4042, F.S.; deleting provisions  
3200 relating to the application of a special district to  
3201 amend its charter; conforming provisions and cross-  
3202 references; transferring, renumbering, and amending s.  
3203 189.4044, F.S.; revising the circumstances under which  
3204 the Department of Economic Opportunity may declare a  
3205 special district inactive; requiring the department to  
3206 provide notice of a declaration of inactive status to  
3207 certain persons and bodies; prohibiting special  
3208 districts that are declared inactive from collecting  
3209 taxes, fees, or assessments; providing exceptions;  
3210 providing for enforcement of the prohibition;  
3211 providing for costs of litigation and reasonable  
3212 attorney fees under certain conditions; transferring  
3213 and renumbering ss. 189.4045 and 189.4047, F.S.;  
3214 transferring, renumbering, and amending s. 189.405,  
3215 F.S.; revising requirements related to education

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3216 programs for new members of special district governing  
3217 bodies; amending s. 189.4051, F.S.; revising  
3218 definitions; conforming provisions; transferring and  
3219 renumbering ss. 189.4065, 189.408, and 189.4085, F.S.;  
3220 transferring, renumbering, and amending ss. 189.412  
3221 and 189.413, F.S.; renaming the Special District  
3222 Information Program the Special District  
3223 Accountability Program; revising duties of the Special  
3224 District Accountability Program; transferring and  
3225 renumbering ss. 189.415, 189.4155, and 189.4156, F.S.;  
3226 transferring, renumbering, and amending ss. 189.416,  
3227 189.417, and 189.418, F.S.; conforming provisions and  
3228 cross-references; transferring, renumbering, and  
3229 amending s. 189.419, F.S.; revising provisions related  
3230 to the failure of a special district to file certain  
3231 reports or information; conforming cross-references;  
3232 transferring and renumbering s. 189.420, F.S.;  
3233 transferring, renumbering, and amending s. 189.421,  
3234 F.S.; revising notification requirements; authorizing  
3235 the department to petition for the enforcement of  
3236 compliance; deleting provisions related to available  
3237 remedies for the failure of a special district to  
3238 disclose required financial reports; transferring and  
3239 renumbering ss. 189.4221, 189.423, and 189.425, F.S.;  
3240 transferring, renumbering, and amending s. 189.427,  
3241 F.S.; making editorial changes; transferring,

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3242 renumbering, and amending s. 189.428, F.S.; revising  
3243 the oversight review process for special districts;  
3244 transferring and renumbering s. 189.429, F.S.;

3245 repealing ss. 189.430, 189.431, 189.432, 189.433,  
3246 189.434, 189.435, 189.436, 189.437, 189.438, 189.439,  
3247 189.440, 189.441, 189.442, 189.443, and 189.444, F.S.,  
3248 relating to the Community Improvement Authority Act;  
3249 creating ss. 189.034 and 189.035, F.S.; requiring the  
3250 Legislative Auditing Committee to provide notice of  
3251 the failure of special districts to file certain  
3252 required reports to certain persons and bodies;  
3253 authorizing the Legislative Auditing Committee to  
3254 convene a public hearing; requiring a special district  
3255 to provide certain information before the public  
3256 hearing at the request of the Legislative Auditing  
3257 Committee or the reviewing entity; providing reporting  
3258 requirements for certain public hearings; creating s.  
3259 189.055, F.S.; requiring special districts to be  
3260 treated as municipalities for certain purposes;  
3261 creating s. 189.069, F.S.; requiring special districts  
3262 to maintain an official Internet website for certain  
3263 purposes; requiring special districts to annually  
3264 update and maintain certain information on the  
3265 website; requiring special districts to submit the web  
3266 address of their respective websites to the  
3267 department; requiring that the department's online

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3268 list of special districts include a link to the  
3269 website of certain special districts; amending ss.  
3270 11.45, 100.011, 101.657, 112.061, 112.63, 112.665,  
3271 121.021, 121.051, 153.94, 163.08, 165.031, 165.0615,  
3272 171.202, 175.032, 190.011, 190.046, 190.049, 191.003,  
3273 191.005, 191.013, 191.014, 191.015, 200.001, 218.31,  
3274 218.32, 218.37, 255.20, 298.225, 343.922, 348.0004,  
3275 373.711, 403.0891, 582.32, and 1013.355, F.S.;  
3276 conforming cross-references and provisions to changes  
3277 made by the act; providing an effective date.