

By Senator Rossin

35-930-98

See CS/HB 3269

1                                   A bill to be entitled

2           An act relating to special districts; amending

3           s. 189.4042, F.S.; specifying procedures for

4           merger or dissolution of independent special

5           districts created by a county or municipality;

6           amending s. 189.405, F.S.; revising the amount

7           of the filing fee and the number of required

8           signatures on petitions in provisions which

9           specify how candidates for the governing board

10          of certain single-county and multicounty

11          special districts shall qualify; amending s.

12          189.429, F.S., and s. 15, ch. 97-256, Laws of

13          Florida, which require special districts,

14          including fire control districts, to submit

15          draft codified charters to the Legislature;

16          revising the deadline and requirements for such

17          codification; providing that the Legislature

18          may adopt a schedule for codification; amending

19          s. 215.425, F.S.; authorizing extra

20          compensation for special district employees

21          pursuant to resolution; amending s. 191.006,

22          F.S., relating to powers of independent special

23          fire control districts, to conform; providing

24          effective dates.

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

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28           Section 1. Subsection (2) of section 189.4042, Florida

29 Statutes, is amended to read:

30           189.4042 Merger and dissolution procedures.--

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1           (2) The merger or dissolution of an independent  
2 special district or a dependent district created and operating  
3 pursuant to a special act may only be effectuated by the  
4 Legislature unless otherwise provided by general law. If an  
5 independent district was created by a county or municipality,  
6 the county or municipality that created the district may merge  
7 or dissolve the district pursuant to the same procedure by  
8 which the independent district was created; however, for any  
9 such independent district that has ad valorem taxation powers,  
10 the same procedure required to grant such independent district  
11 ad valorem taxation powers shall also be required to dissolve  
12 or merge the district.

13           Section 2. Effective January 1 of the year following  
14 the year in which this act is enacted, paragraph (c) of  
15 subsection (2) and paragraph (b) of subsection (3) of section  
16 189.405, Florida Statutes, are amended to read:

17           189.405 Elections; general requirements and  
18 procedures.--

19           (2)

20           (c) A candidate for a position on a governing board of  
21 a single-county special district that has its elections  
22 conducted by the supervisor of elections shall qualify for the  
23 office with the county supervisor of elections in whose  
24 jurisdiction the district is located. Elections for governing  
25 board members elected by registered electors shall be  
26 nonpartisan, except when partisan elections are specified by a  
27 district's charter. Candidates shall ~~may~~ qualify by paying a  
28 filing fee equal to 3 percent of the salary or honorarium paid  
29 for the office, or a filing fee of \$25, whichever is more.  
30 Alternatively, candidates may qualify ~~or~~ by submitting a  
31 petition that contains the signatures of at least 3 percent of

1 the district's registered electors, or any lesser amount of  
2 signatures directed by chapter 99, chapter 582, or other  
3 general or special law. No election or party assessment shall  
4 be levied if the election is nonpartisan. The qualifying fee  
5 shall be remitted to the general revenue fund of the  
6 qualifying officer to help defray the cost of the election.  
7 The petition form shall be submitted and checked in the same  
8 manner as those for nonpartisan judicial candidates pursuant  
9 to s. 105.035.

10 (3)

11 (b) With the exception of those districts conducting  
12 elections on a one-acre/one-vote basis, qualifying for  
13 multicounty special district governing board positions shall  
14 be coordinated by the Department of State. Elections for  
15 governing board members elected by registered electors shall  
16 be nonpartisan, except when partisan elections are specified  
17 by a district's charter. Candidates shall ~~may~~ qualify by  
18 paying a filing fee equal to 3 percent of the salary or  
19 honorarium paid for the office, or a filing fee of \$25,  
20 whichever is more. Alternatively, candidates may qualify ~~or~~ by  
21 submitting a petition that contains the signatures of at least  
22 3 percent of the district's registered electors, or any lesser  
23 amount of signatures directed by chapter 99, chapter 582, or  
24 other general or special law. No election or party assessment  
25 shall be levied if the election is nonpartisan. The  
26 qualifying fee shall be remitted to the Department of State.  
27 The petition form shall be submitted and checked in the same  
28 manner as those for nonpartisan judicial candidates pursuant  
29 to s. 105.035.

30 Section 3. Section 189.429, Florida Statutes, is  
31 amended to read:

1           189.429 Codification.--Each district, by December 1,  
2 2004 ~~2001, or when any act relating to such district is~~  
3 ~~introduced to the Legislature, whichever is first,~~ shall  
4 submit to the Legislature a draft codified charter, at its  
5 expense, so that its special acts may be codified into a  
6 single act for reenactment by the Legislature, if there is  
7 more than one special act for the district. The Legislature  
8 may adopt a schedule for individual district codification. ~~No~~  
9 ~~changes may be made to a district's charter as it exists on~~  
10 ~~October 1, 1997, in the legislation codifying its special~~  
11 ~~acts.~~ Any codified act relating to a district, which act is  
12 submitted to the Legislature for reenactment, shall provide  
13 for the repeal of all prior special acts of the Legislature  
14 relating to the district. The codified act shall be filed  
15 with the department pursuant to s. 189.418(2).

16           Section 4. Section 15 of chapter 97-256, Laws of  
17 Florida, is amended to read:

18           Section 15. Codification.--Each fire control district  
19 existing on the effective date of this section, by December 1,  
20 2004 ~~2001, or when any act relating to such district is~~  
21 ~~introduced to the Legislature, whichever is first,~~ shall  
22 submit to the Legislature a draft codified charter, at its  
23 expense, so that its special acts may be codified into a  
24 single act for reenactment by the Legislature, if there is  
25 more than one special act for the district. The Legislature  
26 may adopt a schedule for individual district codification. Any  
27 codified act relating to a district, which act is submitted to  
28 the Legislature for reenactment, shall provide for the repeal  
29 of all prior special acts of the Legislature relating to the  
30 district. The codified act shall be filed with the Department  
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1 of Community Affairs pursuant to s. 189.418(2), Florida  
2 Statutes.

3 Section 5. Section 215.425, Florida Statutes, is  
4 amended to read:

5 215.425 Extra compensation claims prohibited.--No  
6 extra compensation shall be made to any officer, agent,  
7 employee, or contractor after the service has been rendered or  
8 the contract made; nor shall any money be appropriated or paid  
9 on any claim the subject matter of which has not been provided  
10 for by preexisting laws, unless such compensation or claim is  
11 allowed by a law enacted by two-thirds of the members elected  
12 to each house of the Legislature. However, when adopting  
13 salary schedules for a fiscal year, a district school board or  
14 community college district board of trustees may apply the  
15 schedule for payment of all services rendered subsequent to  
16 July 1 of that fiscal year. The provisions of this section do  
17 not apply to extra compensation given to state employees who  
18 are included within the senior management group pursuant to  
19 rules adopted by the Department of Management Services; to  
20 extra compensation given to county, ~~or~~ municipal, or special  
21 district employees pursuant to policies adopted by county or  
22 municipal ordinances or resolutions of governing boards of  
23 special districts; or to a clothing and maintenance allowance  
24 given to plainclothes deputies pursuant to s. 30.49.

25 Section 6. Subsection (2) of section 191.006, Florida  
26 Statutes, is amended to read:

27 191.006 General powers.--The district shall have, and  
28 the board may exercise by majority vote, the following powers:

29 (2) To provide for a pension or retirement plan for  
30 its employees. In accordance with ~~Notwithstanding the~~  
31 ~~prohibition against extra compensation as provided in s.~~

1 215.425, the board may provide for an extra compensation  
2 program, including a lump-sum bonus payment program, to reward  
3 outstanding employees whose performance exceeds standards, if  
4 the program provides that a bonus payment may not be included  
5 in an employee's regular base rate of pay and may not be  
6 carried forward in subsequent years.

7 Section 7. Except as otherwise provided herein, this  
8 act shall take effect upon becoming a law.

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SENATE SUMMARY

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Provides procedures for the merger or dissolution of independent special districts. Revises the filing fee and petition requirements to qualify for election to a special district governing board. Revises the deadline and requirements for submission of codified charters to the Legislature. Authorizes extra compensation for special district employees by resolution of the governing board.