

Amendment No. 01 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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5			ORIGINAL STAMP BELOW
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11 Representative(s) Sorensen offered the following:

13 **Amendment (with title amendment)**

14 On page 171, between lines 29 and 30, of the bill
15
16 insert:

17 Section 132. Subsection (2) of section 189.4042,
18 Florida Statutes, is amended to read:

19 189.4042 Merger and dissolution procedures.--

20 (2) The merger or dissolution of an independent

21 special district or a dependent district created and operating

22 pursuant to a special act may only be effectuated by the

23 Legislature unless otherwise provided by general law. If an

24 inactive independent district was created by a county or

25 municipality through a referendum, the county or municipality

26 that created the district may ~~merge or~~ dissolve the district

27 after publishing notice as described in s. 189.4044. If an

28 independent district was created by a county or municipality

29 by referendum or any other procedure, the county or

30 municipality that created the district may merge or dissolve

31 the district pursuant to the same procedure by which the

Amendment No. 01 (for drafter's use only)

1 independent district was created. However, for any ~~such~~
2 independent district that has ad valorem taxation powers, the
3 same procedure required to grant such independent district ad
4 valorem taxation powers shall also be required to dissolve or
5 merge the district.

6 Section 133. Paragraph (b) of subsection (1) of
7 section 189.4044, Florida Statutes, is amended to read:

8 189.4044 Special procedures for inactive districts.--

9 (1) The department shall declare inactive any special
10 district in this state by filing a report with the Speaker of
11 the House of Representatives and the President of the Senate
12 which shows that such special district is no longer active.
13 The inactive status of the special district must be based upon
14 a finding:

15 (b) That a notice of the proposed declaration has been
16 published once a week for 2 ~~4~~ weeks in a newspaper of general
17 circulation within the county or municipality wherein the
18 territory of the special district is located, stating the name
19 of said special district, the law under which it was organized
20 and operating, a general description of the territory included
21 in said special district, and stating that any objections to
22 the proposed declaration or to any claims against the assets
23 of said special district shall be filed not later than 60 days
24 following the date of last publication with the department;
25 and

26 Section 134. Subsections (3), (4) and (6) of s.
27 189.418, Florida Statutes, are amended and subsection (5) of
28 s. 189.418, Florida Statutes, is created to read:

29 189.418 Reports; budgets; audits.--

30 (1) When a new special district is created, the
31 district must forward to the department, within 30 days after

Amendment No. 01 (for drafter's use only)

1 the adoption of the special act, rule, ordinance, resolution,
2 or other document that provides for the creation of the
3 district, a copy of the document. In addition to the document
4 or documents that create the district, the district must also
5 submit a map of the district, showing any municipal boundaries
6 that cross the district's boundaries, and any county lines if
7 the district is located in more than one county. The
8 department must notify the local government or other entity
9 and the district within 30 days after receipt of the document
10 or documents that create the district as to whether the
11 district has been determined to be dependent or independent.

12 (2) Any amendment, modification, or update of the
13 document by which the district was created, including changes
14 in boundaries, must be filed with the department within 30
15 days after adoption. The department may initiate proceedings
16 against special districts as provided in ss. 189.421 and
17 189.422 for failure to file the information required by this
18 subsection.

19 (3) The governing body of each special district shall
20 adopt a budget by resolution each fiscal year. The total
21 amount available from taxation and other sources, including
22 amounts carried over from prior fiscal years, must equal the
23 total of appropriations for expenditures and reserves. The
24 adopted budget must regulate expenditures of the special
25 district, and it is unlawful for any officer of a special
26 district to expend or contract for expenditures in any fiscal
27 year except in pursuance of budgeted appropriations.

28 ~~(3) Each special district shall file with the local~~
29 ~~general purpose governing authority or authorities within the~~
30 ~~geographic boundaries of the district a copy of:~~

31 ~~(a) The reports required by ss. 218.32 and 218.34;~~

Amendment No. 01 (for drafter's use only)

1 ~~(b) A complete description of all new bonds as~~
2 ~~provided in s. 218.38(1); and~~

3 ~~(c) A map of the district and any subsequent boundary~~
4 ~~changes.~~

5 (4) The proposed budget of a dependent special
6 district shall be presented in accordance with generally
7 accepted accounting principles, contained within the general
8 budget of the local governing authority, and be clearly stated
9 as the budget of the dependent district. However, with the
10 concurrence of the local governing authority, a dependent
11 district may be budgeted separately.

12 ~~(4) Each special district shall make provisions for an~~
13 ~~annual independent postaudit of its financial records as~~
14 ~~provided in s. 11.45. A copy of the audit shall be filed with~~
15 ~~the local governing authority or authorities.~~

16 (5) A local governing authority may, in its
17 discretion, review the budget or tax levy of any special
18 district located solely within its boundaries.

19 (6) All reports or information required to be filed
20 with a local governing authority under ss. ~~11.45~~, 189.416,
21 189.417, 218.32, and 218.39 ~~218.34~~ and this section shall:

22 (a) When the local governing authority is a county, be
23 filed with the clerk of the board of county commissioners.

24 (b) When the district is a multicounty district, be
25 filed with the clerk of the county commission in each county.

26 (c) When the local governing authority is a
27 municipality, be filed at the place designated by the
28 municipal governing body.

29 Section 135. Section 189.419, Florida Statutes, is
30 amended to read:

31 189.419 Effect of failure to file certain reports or

Amendment No. 01 (for drafter's use only)

1 information.--

2 (1) If a special district fails to file the reports or
3 information required under ~~s. 11.45~~ s. 189.415, s. 189.416, s.
4 189.417, s. 189.418, s. 218.32, or s. 218.39 ~~s. 218.34~~ and a
5 description of all new bonds as provided in s. 218.38(1) with
6 the local governing authority, the person authorized to
7 receive and read the reports or information shall notify the
8 district's registered agent and the appropriate local
9 governing authority or authorities. At any time, the governing
10 authority may grant an extension of time for filing the
11 required reports or information, except that an extension may
12 not exceed 30 days.

13 (2) If at any time the local governing authority or
14 authorities or the board of county commissioners determines
15 that there has been an unjustified failure to file the reports
16 or information described in subsection (1), it may petition
17 the department to initiate proceedings against the special
18 district in the manner provided in s. 189.421.

19 (3) If a special district fails to file the reports or
20 information required under ~~s. 11.45~~, s. 218.32, ~~s. 218.34~~, or
21 s. 218.38, or s. 218.39 with the appropriate state agency, the
22 agency shall notify the department, and the department may
23 initiate proceedings against the special district in the
24 manner provided in s. 189.421 or assess fines of not more than
25 \$25, with an aggregate total not to exceed \$50, when formal
26 inquiries do not resolve the noncompliance.

27 Section 136. Section 189.429, Florida Statutes, is
28 amended to read:

29 189.429 Codification.--

30 (1) Each district, by December 1, 2004, shall submit
31 to the Legislature a draft codified charter, at its expense,

Amendment No. 01 (for drafter's use only)

1 so that its special acts may be codified into a single act for
2 reenactment by the Legislature, if there is more than one
3 special act for the district. The Legislature may adopt a
4 schedule for individual district codification. Any codified
5 act relating to a district, which act is submitted to the
6 Legislature for reenactment, shall provide for the repeal of
7 all prior special acts of the Legislature relating to the
8 district. The codified act shall be filed with the department
9 pursuant to s. 189.418(2).

10 (2) The reenactment of existing law under this section
11 shall not be construed as a grant of additional authority nor
12 to supersede the authority of any entity pursuant to law.
13 Exceptions to law contained in any special act that are
14 reenacted pursuant to this section shall continue to apply.

15 (3) The reenactment of existing law under this section
16 shall not be construed to modify, amend, or alter any
17 covenants, contracts, or other obligations of any district
18 with respect to bonded indebtedness. Nothing pertaining to
19 the reenactment of existing law under this section shall be
20 construed to affect the ability of any district to levy and
21 collect taxes, assessments, fees, or charges for the purpose
22 of redeeming or servicing bonded indebtedness of the district.

23 Section 137. Section 218.34, Florida Statutes, is
24 repealed.

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27 ===== T I T L E A M E N D M E N T =====

28 And the title is amended as follows:

29 On page 11, line 26,
30 remove from the title of the bill: all of said line

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Amendment No. 01 (for drafter's use only)

1 and insert in lieu thereof:
2 Agriculture; amending s. 189.4042, F.S.;
3 providing that an inactive independent special
4 district that was created by a county or
5 municipality through a referendum may be
6 dissolved by the county or municipality after
7 publication of notice as required for the
8 declaration of the inactive status of a special
9 district; amending s. 189.4044, F.S.; reducing
10 the number of weeks such notice of declaration
11 of inactive status must be published; amending
12 s. 189.418, F.S.; providing that a dependent
13 special district may only be budgeted
14 separately with concurrence of the local
15 governing authority upon which said dependent
16 special district is dependent; deleting a
17 requirement that the proposed budget of an
18 independent special district located in one
19 county be filed with the county; deleting
20 requirements for each special district to file
21 certain reports, information, and audits with
22 the local governing authority; amending s.
23 189.419, F.S., to conform; amending s. 189.429,
24 F.S.; providing the effect of the reenactment
25 of existing law pursuant to the required
26 codification of a special district charter;
27 repealing s. 218.34, F.S.; providing an
28 effective date.
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