

By the Committee on Local Government & Veterans Affairs
and Representative Sorensen

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

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

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30 Section 1. Subsection (2) of section 189.4042, Florida
31 Statutes, is amended to read:

1 189.4042 Merger and dissolution procedures.--
2 (2) The merger or dissolution of an independent
3 special district or a dependent district created and operating
4 pursuant to a special act may only be effectuated by the
5 Legislature unless otherwise provided by general law. If an
6 inactive independent district was created by a county or
7 municipality through a referendum, the county or municipality
8 that created the district may merge or dissolve the district
9 after publishing notice as described in s. 189.4044. If an
10 independent district was created by a county or municipality
11 by some other procedure, the county or municipality that
12 created the district may merge or dissolve the district
13 pursuant to the same procedure by which the independent
14 district was created.~~+~~However, for any such independent
15 district that has ad valorem taxation powers, the same
16 procedure required to grant such independent district ad
17 valorem taxation powers shall also be required to dissolve or
18 merge the district.

19 Section 2. Paragraph (b) of subsection (1) of section
20 189.4044, Florida Statutes, is amended to read:

21 189.4044 Special procedures for inactive districts.--

22 (1) The department shall declare inactive any special
23 district in this state by filing a report with the Speaker of
24 the House of Representatives and the President of the Senate
25 which shows that such special district is no longer active.
26 The inactive status of the special district must be based upon
27 a finding:

28 (b) That a notice of the proposed declaration has been
29 published once a week for 2 ~~4~~ weeks in a newspaper of general
30 circulation within the county or municipality wherein the
31 territory of the special district is located, stating the name

1 of said special district, the law under which it was organized
2 and operating, a general description of the territory included
3 in said special district, and stating that any objections to
4 the proposed declaration or to any claims against the assets
5 of said special district shall be filed not later than 60 days
6 following the date of last publication with the department;
7 and

8 Section 3. Subsections (3) and (4) of section 189.418,
9 Florida Statutes, are repealed.

10 Section 4. Section 189.419, Florida Statutes, is
11 amended to read:

12 189.419 Effect of failure to file certain reports or
13 information.--

14 (1) If a special district fails to file the reports or
15 information required under s. 11.45, s. 189.415, s. 189.416,
16 s. 189.417, s. 189.418, s. 218.32, or s. 218.34 and a
17 description of all new bonds as provided in s. 218.38(1) with
18 the local governing authority, the person authorized to
19 receive and read the reports or information shall notify the
20 district's registered agent and the appropriate local
21 governing authority or authorities. At any time, the governing
22 authority may grant an extension of time for filing the
23 required reports or information, except that an extension may
24 not exceed 30 days.

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

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

9 Section 5. Section 189.429, Florida Statutes, is
10 amended to read:

11 189.429 Codification.--

12 (1) Each district, by December 1, 2004, shall submit
13 to the Legislature a draft codified charter, at its expense,
14 so that its special acts may be codified into a single act for
15 reenactment by the Legislature, if there is more than one
16 special act for the district. The Legislature may adopt a
17 schedule for individual district codification. Any codified
18 act relating to a district, which act is submitted to the
19 Legislature for reenactment, shall provide for the repeal of
20 all prior special acts of the Legislature relating to the
21 district. The codified act shall be filed with the department
22 pursuant to s. 189.418(2).

23 (2) The reenactment of existing law under this section
24 shall not be construed as a grant of additional authority nor
25 to supersede the authority of any entity pursuant to law.
26 Exceptions to law contained in any special act that are
27 reenacted pursuant to this section shall continue to apply.

28 (3) The reenactment of existing law under this section
29 shall not be construed to modify, amend, or alter any
30 covenants, contracts, or other obligations of any district
31 with respect to bonded indebtedness. Nothing pertaining to

1 the reenactment of existing law under this section shall be
2 construed to affect the ability of any district to levy and
3 collect taxes, assessments, fees, or charges for the purpose
4 of redeeming or servicing bonded indebtedness of the district.

5 Section 6. Section 218.34, Florida Statutes, is
6 amended to read:

7 218.34 Special districts; financial matters.--

8 (1) The governing body of each special district shall
9 adopt a budget by resolution each fiscal year. The total
10 amount available from taxation and other sources, including
11 amounts carried over from prior fiscal years, must equal the
12 total of appropriations for expenditures and reserves. The
13 adopted budget must regulate expenditures of the special
14 district, and it is unlawful for any officer of a special
15 district to expend or contract for expenditures in any fiscal
16 year except in pursuance of budgeted appropriations.

17 (2) The proposed budget of a dependent special
18 district shall be presented in accordance with generally
19 accepted accounting principles, ~~and as such either be~~

20 ~~(a) contained within the general budget of the local~~
21 ~~governing authority, and be clearly stated as the budget of~~
22 ~~the dependent district. ~~or~~~~

23 ~~(b) Budgeted separately in which case the governing~~
24 ~~authority shall certify to the department compliance with the~~
25 ~~auditing requirements of s. 11.45 for each dependent special~~
26 ~~district.~~

27 ~~(3) The proposed budget of an independent special~~
28 ~~district located solely within one county shall be filed with~~
29 ~~the clerk of the county governing authority by September 1 of~~
30 ~~each year.~~

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1 (3)~~(4)~~ A ~~The~~ local governing authority may, in its
2 discretion, review the budget or tax levy of any special
3 district located solely within its boundaries.

4 Section 7. This act shall take effect upon becoming a
5 law.

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8 HOUSE SUMMARY

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10 Provides that an inactive independent special district
11 that was created by a county or municipality through a
12 referendum may be merged or dissolved by the county or
13 municipality after publication of notice as required for
the declaration of the inactive status of a special
district, and reduces from 4 to 2 the number of weeks
such notice of inactive status must be published.

14 Removes provisions that require each special district to
15 file certain reports, information, and audits with the
16 local governing authority. Specifies the effect of the
17 reenactment of existing law pursuant to the required
18 codification of a special district charter. Removes a
19 provision that allows the proposed budget of a dependent
20 special district to be budgeted separately. Deletes a
21 requirement that the proposed budget of an independent
22 special district located in one county be filed with the
23 county.

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