

1 A bill to be entitled
2 An act relating to special districts; providing
3 legislative intent; declaring that it is the policy of the
4 state to codify the charter of each independent and
5 dependent special district every 10 years; requiring each
6 governmental entity that creates an independent or
7 dependent special district to be responsible for the
8 subsequent examination of the charter; providing for the
9 periodic codification of the charter; providing criteria
10 for determining the performance of an independent or
11 dependent special district; requiring that the Legislature
12 dispose of the assets of a special district it abolishes
13 and assign the district's powers and duties; requiring
14 that the Department of Community Affairs confirm any
15 recommendation by a local governmental entity to abolish a
16 special district; requiring that the assets, powers, and
17 duties of the special district be transferred to the
18 county or counties in which the special district operates;
19 requiring each dependent and independent special district
20 to pay the costs of conducting the subsequent examination;
21 requiring that the examination be conducted by an outside
22 auditor in certain circumstances; providing the schedule
23 of special district codifications; providing procedures
24 with respect to newly created districts, to districts that
25 appear in more than one function classification, and to
26 districts the codification of which was omitted; creating
27 s. 218.395, F.S.; providing liability of a special
28 district officer or board member when an audit shows that

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29 the officer or member is responsible for financial loss by
30 the special district through misfeasance, malfeasance, or
31 nonfeasance; providing that the special district has a
32 cause of action against the officer or member for recovery
33 of its loss; providing an effective date.
34

35 Be It Enacted by the Legislature of the State of Florida:
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37 Section 1. It is the intent of the Legislature that the
38 charters of all dependent and independent special districts in
39 this state be codified under chapter 189, Florida Statutes,
40 every 10 years in order to conform their charters to current law
41 and ensure their effectiveness and usefulness to the people of
42 this state. The Legislature recognizes that not all special
43 districts are creations of the Legislature. However, the
44 Legislature determines that all dependent and independent
45 special districts must be subject to review if this examination
46 is to have the intended effect.

47 Section 2. The governmental entity that created a
48 dependent or independent special district is the entity
49 responsible for its subsequent examination. In conducting its
50 examination, the governmental entity must determine:

51 (1) The services provided by the special district.

52 (2) The degree to which the services delivered by the
53 special district are needed.

54 (3) Whether the special district is delivering services in
55 the most cost-effective manner.

56 (4) Whether the services delivered by the special district
57 duplicate services delivered by a governmental entity.

58 (5) Whether the persons administering the special district
59 have demonstrated an appropriate degree of stewardship and
60 fiscal responsibility over the public moneys received by the
61 district.

62 Section 3. To carry out the examination of dependent and
63 independent special districts, all special district charters
64 shall be codified according to the schedule in section 4.

65 (1) Each September 1, the agency that created the special
66 district must certify to the Department of Community Affairs
67 those special district charters that are to be codified on
68 October 1 of the following year.

69 (2) (a) If a dependent or independent special district was
70 created by the Legislature, the certification must be made by
71 the Legislature. The Legislature shall review each such special
72 district charter and may revive, revive with modifications in
73 structure or powers, or both, or abolish the charter. If the
74 Legislature abolishes the special district charter, it must
75 dispose of the assets of the special district and assign its
76 powers and duties to a governmental entity, which may be an
77 entity of local government, a state agency, or another special
78 district.

79 (b) If a dependent or independent special district was
80 created by an entity of local government, the certification must
81 be made by that entity. The entity shall review each such
82 special district charter and may recommend that the charter be
83 revived, revived with modifications in structure or powers, or

84 both, or abolished. If an entity of local government recommends
 85 abolishing a special district, upon confirmation by the
 86 Department of Community Affairs, the local governmental entity
 87 shall assume the assets, powers, and duties of the special
 88 district. If a governmental entity fails to examine the special
 89 district charter and to revive or abolish it, it is presumed
 90 that the governmental entity has recommended abolishing the
 91 special district, and, upon confirmation of the Department of
 92 Community Affairs, the special district is abolished and its
 93 assets, powers, and duties shall be transferred to the county in
 94 which the special district operates. If the special district
 95 operates in more than one county, the assets shall be
 96 transferred to the counties pro rata according to the proportion
 97 of the special district within each county.

98 (3) Each dependent or independent special district must
 99 pay the costs associated with conducting the subsequent
 100 examination. If a member of the governmental entity that created
 101 the special district sits on the governing board of the special
 102 district, the governmental entity may not conduct the subsequent
 103 examination but must employ an outside auditor to conduct the
 104 subsequent examination. If the dependent or independent special
 105 district does not hire an outside auditor or does not pay for
 106 the audit, the special district is abolished.

107 Section 4. The classifications in this section refer to
 108 the classifications in the Special Districts Function Index
 109 maintained by the Department of Community Affairs. The charters
 110 of special districts in the following function classifications
 111 are abolished in the years indicated:

112 (1) October 1, 2009: Affordable Housing, Airport/Aviation,
 113 Aquatic Plant Control, Arts, Beach and Shore Beautification,
 114 Civic Center, Conservation and Erosion, Environmental
 115 Protection, Historic Preservation, Inlet Maintenance, Library,
 116 Neighborhood Improvement, Recreation/Parks, Sports, and
 117 Transportation.

118 (2) October 1, 2010: Community Development, Community
 119 Redevelopment, County Development, Downtown Development,
 120 Economic Development, and Industrial Development in Alachua,
 121 Baker, Bay, Bradford, Brevard, Broward, Calhoun, Charlotte,
 122 Citrus, Clay, Collier, Columbia, DeSoto, Dixie, Duval, Escambia,
 123 and Flagler Counties.

124 (3) October 1, 2011: Community Development, Community
 125 Redevelopment, County Development, Downtown Development,
 126 Economic Development, and Industrial Development in Franklin,
 127 Gadsden, Gilchrist, Glades, Gulf, Hamilton, Hardee, Hendry,
 128 Hernando, Highlands, Hillsborough, Holmes, Indian River,
 129 Jackson, Jefferson, Lafayette, Lake, and Lee Counties.

130 (4) October 1, 2012: Community Development, Community
 131 Redevelopment, County Development, Downtown Development,
 132 Economic Development, and Industrial Development in Leon, Levy,
 133 Liberty, Madison, Manatee, Marion, Martin, Monroe, Nassau,
 134 Okaloosa, Okeechobee, and Orange Counties.

135 (5) October 1, 2013: Community Development, Community
 136 Redevelopment, County Development, Downtown Development,
 137 Economic Development, and Industrial Development in Osceola,
 138 Palm Beach, Pasco, Pinellas, and Polk Counties.

139 (6) October 1, 2014: Community Development, Community
 140 Redevelopment, County Development, Downtown Development,
 141 Economic Development, and Industrial Development in Putnam,
 142 Santa Rosa, Sarasota, Seminole, St. Johns, St. Lucie, Sumter,
 143 Suwannee, Taylor, Union, Volusia, Wakulla, Walton, and
 144 Washington Counties.

145 (7) October 1, 2015: Children/Welfare, Emergency Medical
 146 Services, Fire Control and Rescue, Health Care, Health
 147 Facilities, Hospital, Juvenile Welfare, and Nursing Home.

148 (8) October 1, 2016: Housing Authority, Housing Finance,
 149 Information Systems, Infrastructure Provision, Lighting, Mobile
 150 Home Parks, Planning and Zoning, Solid Waste, Utility, and
 151 Wastewater Treatment.

152 (9) October 1, 2017: Capital Finance, Distribution
 153 Pipelines, Education/Research/Training, Educational Facilities
 154 (Higher), Educational Facilities Benefit, Expressways and
 155 Bridges, Mosquito Control, Municipal Services/Improvements,
 156 Parking, Personnel, Research and Development, Soil and Water
 157 Conservation, and Subdivision.

158 (10) October 1, 2018: Navigation, Port, Water Control,
 159 Water Management, Water Supply, and Water and Sewer.

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 161 If any special district is included in more than one
 162 classification and those classifications are scheduled to be
 163 certified in different years, the governmental entity shall
 164 codify the district charter in the later of those years. If a
 165 special district is created after July 1, 2008, and would,
 166 according to the schedule in this section, be subject to

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167 examination in less than 3 years, the governmental entity may
168 not codify that district charter at that time but must wait
169 until the next ensuing time for codification in that function
170 classification. If the governmental entity fails to codify a
171 district charter according to the schedule in this section, it
172 shall codify the district charter on the September 1 following
173 the discovery of the omission. Each charter of each district
174 codified with or without modifications must be reexamined every
175 10 years following its initial examination.

176 Section 5. Section 218.395, Florida Statutes, is created
177 to read:

178 218.395 Certain officers; responsibility for audit
179 findings.--If a special district audit conducted by the Auditor
180 General or by a certified public accountant under s. 218.39
181 determines that an officer or member of the governing body of a
182 district has, through misfeasance, malfeasance, or nonfeasance,
183 been responsible for a financial loss by the district, the
184 officer or member is responsible for the amount of the loss and
185 the district has a cause of action against the officer or member
186 for its recovery.

187 Section 6. This act shall take effect July 1, 2008.