

HB 1095

2010

1 A bill to be entitled
2 An act relating to special districts; amending s.
3 189.4042, F.S.; revising provisions relating to merger and
4 dissolution procedures for special districts; requiring
5 certain merger and dissolution procedures to include
6 referenda; providing that such provisions preempt prior
7 special acts; providing for a local government to assume
8 the indebtedness of, and receive the title to property
9 owned by, a special district under certain circumstances;
10 providing charter requirements for the assumption of such
11 indebtedness and transfer of such title to property;
12 providing an effective date.

13
14 Be It Enacted by the Legislature of the State of Florida:

15
16 Section 1. Section 189.4042, Florida Statutes, is amended
17 to read:

18 189.4042 Merger and dissolution procedures.—

19 (1) (a) The merger or dissolution of dependent special
20 districts may be effectuated by an ordinance of the general-
21 purpose local governmental entity wherein the geographical area
22 of the district or districts is located. However, a county may
23 not dissolve a special district that is dependent to a
24 municipality or vice versa, or a dependent district created by
25 special act.

26 (b) A copy of any ordinance and of any changes to a
27 charter affecting the status or boundaries of one or more
28 special districts shall be filed with the Special District

29 Information Program within 30 days of such activity.

30 (2) (a) Unless otherwise provided by general law, the
 31 merger or dissolution of ~~an independent special district or a~~
 32 dependent special district created and operating pursuant to a
 33 special act may only be effectuated by the Legislature ~~unless~~
 34 ~~otherwise provided by general law.~~

35 (b) Unless otherwise provided by general law:

36 1. The dissolution of an independent special district
 37 created and operating pursuant to a special act may only be
 38 effectuated by the Legislature and a referendum of the resident
 39 electors of the district, provided the district contains
 40 resident electors.

41 2. The merger of an independent special district created
 42 and operating pursuant to a special act with another political
 43 subdivision may only be effectuated by the Legislature and a
 44 referendum of the resident electors of the political subdivision
 45 and of the district, provided the political subdivision and the
 46 district contain resident electors.

47 (c) If an inactive independent special district was
 48 created by a county or municipality through a referendum, the
 49 county or municipality that created the district may dissolve
 50 the district after publishing notice as described in s.
 51 189.4044.

52 (d) If an independent special district was created by a
 53 county or municipality by referendum or any other procedure, the
 54 county or municipality that created the district may merge or
 55 dissolve the district pursuant to a referendum and any other ~~the~~
 56 ~~same~~ procedure by which the independent district was created.

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57 (e) If an ~~However, for any~~ independent special district
58 that has ad valorem taxation powers was created by a county or
59 municipality by referendum or any other procedure, the county or
60 municipality that created the district may merge or dissolve the
61 district pursuant to a referendum, any other procedure by which
62 the district was created, and the same procedure by which the
63 ~~required to grant such independent~~ district was granted ad
64 ~~valorem taxation powers shall also be required to dissolve or~~
65 ~~merge the district.~~

66 (f) This subsection preempts any special act to the
67 contrary.

68 (3) The government formed by merger of an existing
69 independent special district or districts with another
70 government shall assume all indebtedness of, and receive title
71 to all property owned by, the preexisting independent special
72 district or districts. The proposed charter shall provide for
73 the determination of the proper allocation of the indebtedness
74 so assumed and the manner in which the debt shall be retired.

75 (4) The dissolution of an independent special district
76 shall transfer the title to all property owned by the
77 preexisting independent special district to the county
78 government, which shall also assume all indebtedness of the
79 preexisting independent special district, unless otherwise
80 provided in the dissolution plan.

81 (5)~~(3)~~ The provisions of this section shall not apply to
82 community development districts implemented pursuant to chapter
83 190 or to water management districts created and operated
84 pursuant to chapter 373.

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Section 2. This act shall take effect July 1, 2010.