

CS/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 amending s. 189.4044, F.S.; clarifying dissolution
13 procedures for special districts declared inactive by a
14 governing body; authorizing dissolution of inactive
15 special districts without a referendum; providing an
16 effective date.

17
18 Be It Enacted by the Legislature of the State of Florida:

19
20 Section 1. Section 189.4042, Florida Statutes, is amended
21 to read:

22 189.4042 Merger and dissolution procedures.—

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

29 special act.

30 (b) A copy of any ordinance and of any changes to a
 31 charter affecting the status or boundaries of one or more
 32 special districts shall be filed with the Special District
 33 Information Program within 30 days of such activity.

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

39 (b) Unless otherwise provided by general law:

40 1. The dissolution of an independent special district
 41 created and operating pursuant to a special act may only be
 42 effectuated by the Legislature and a referendum of the resident
 43 electors of the district, provided the district contains
 44 resident electors.

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

51 (c) If an inactive independent special district was
 52 created by a county or municipality through a referendum, the
 53 county or municipality that created the district may dissolve
 54 the district after publishing notice as described in s.
 55 189.4044.

56 (d) If an independent special district was created by a

57 | county or municipality by referendum or any other procedure, the
 58 | county or municipality that created the district may merge or
 59 | dissolve the district pursuant to a referendum and any other ~~the~~
 60 | ~~same~~ procedure by which the independent district was created.

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

70 | (f) This subsection preempts any special act to the
 71 | contrary.

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

79 | (4) The dissolution of an independent special district
 80 | shall transfer the title to all property owned by the
 81 | preexisting independent special district to the county
 82 | government, which shall also assume all indebtedness of the
 83 | preexisting independent special district, unless otherwise
 84 | provided in the dissolution plan.

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85 ~~(5)(3)~~ The provisions of this section shall not apply to
86 community development districts implemented pursuant to chapter
87 190 or to water management districts created and operated
88 pursuant to chapter 373.

89 Section 2. Subsection (4) of section 189.4044, Florida
90 Statutes, is amended, and subsection (5) is added to that
91 section, to read:

92 189.4044 Special procedures for inactive districts.—

93 (4) The entity that created a special district declared
94 inactive under this section must dissolve the special district
95 by repealing its enabling laws or by other appropriate means.
96 Notwithstanding this subsection or any other section of law, if
97 the governing body of a special district unanimously adopts a
98 resolution declaring the district inactive pursuant to
99 paragraphs (1)(b) and (c), and no administrative appeals were
100 timely filed, the special district may be dissolved without a
101 referendum.

102 (5) Independent and dependent special districts that meet
103 any criteria to be declared inactive, or that have already been
104 declared inactive, may be dissolved or merged by special act
105 without a referendum.

106 Section 3. This act shall take effect July 1, 2010.