



140802

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
03/09/2010	.	
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The Committee on Community Affairs (Bennett) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause and insert:

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

189.4042 Merger and dissolution procedures.—

(1) (a) The merger or dissolution of dependent special districts may be effectuated by an ordinance of the general-purpose local governmental entity wherein the geographical area of the district or districts is located. However, a county may not dissolve a special district that is dependent to a



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13 municipality or vice versa, or a dependent district created by  
14 special act.

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

19 (2) (a) Unless otherwise provided by general law, the merger  
20 or dissolution of ~~an independent special district or~~ a dependent  
21 special district created and operating pursuant to a special act  
22 may only be effectuated by the Legislature ~~unless otherwise~~  
23 ~~provided by general law.~~

24 (b) Notwithstanding any provision of special act:

25 1. The dissolution of an active independent special  
26 district created and operating pursuant to a special act may  
27 only be effectuated by the Legislature and a referendum of the  
28 resident electors of the district, provided the district  
29 contains resident electors.

30 2. The merger of an active independent special district  
31 created and operating pursuant to a special act with another  
32 political subdivision may only be effectuated by special act of  
33 the Legislature after each of the political subdivisions that  
34 will be impacted have adopted a resolution in support of the  
35 merger and a plan of merger that addresses transition issues  
36 such as the effective date of the merger, governance,  
37 administration, powers, pensions and assumption of all assets  
38 and liabilities, and the receipt of majority approval at  
39 referendum of the resident electors of the political subdivision  
40 and of the district in a separate vote, provided the political  
41 subdivision and the district contain resident electors.



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42           3. Notwithstanding this subsection or s. 191.014, the  
43 requirement for ratification by the Legislature before a merger  
44 between independent special districts becomes effective shall  
45 not be applicable if two independent special districts with  
46 similar functions and elected governing boards elect to merge  
47 their existing operations into a new independent special  
48 district, hereinafter called the "merged independent special  
49 district". For this subsection to be applicable, the governing  
50 body of each independent special district must adopt a  
51 resolution electing to merge with the other independent special  
52 district and a plan of merger that addresses transition issues  
53 such as the effective date of the merger, governance,  
54 administration, powers, pensions and assumption of all assets  
55 and liabilities by the merged independent special district. The  
56 resolutions of merger and merger plan must be adopted at least  
57 six months prior to any general election or special election on  
58 the subject. Upon notification to the Supervisor of Elections of  
59 the applicable county by the two independent special districts  
60 of their adoption of a resolution calling for a referendum on  
61 the question of the creation of the merged independent district  
62 through the merger of the existing independent special  
63 districts, the Supervisor of Elections shall schedule a  
64 referendum, which may be held pursuant to ss. 101.6101-101.6107.  
65 The referendum shall be held pursuant to the Florida Election  
66 Code and all costs shall be borne by the independent special  
67 districts participating in the referendum. Upon the receipt of  
68 majority approval at referendum of the qualified electors of  
69 each of the independent special districts in a separate vote,  
70 the merged independent special district shall be created and the



71 two independent special districts shall merge into such new  
72 independent special district upon the effective date provided  
73 for within the adopted merger plan. All assets and liabilities  
74 of the merging independent special districts shall transfer to  
75 the merged independent district. Until such time as a codified  
76 charter is approved by the Legislature, the merged independent  
77 special district shall only have the current legislative  
78 authority granted to the merging independent special districts,  
79 which shall be the powers and duties of the merged independent  
80 special district, including the ability to levy any non-ad  
81 valorem assessments and/or ad valorem millage rate as previously  
82 approved at referendum of the merging independent special  
83 districts. From the effective date of the merger and until the  
84 next general election, the merged independent special district's  
85 governing board shall be comprised of all members of the two  
86 merging independent special districts' governing boards, with  
87 such members serving until their terms expire. Members shall  
88 serve until their successors take office or until their seat is  
89 eliminated pursuant to the merger plan. Within 30 days of the  
90 effective date of the merger, the merged independent special  
91 district's governing board shall meet for an organizational  
92 meeting and shall determine the name of the merged independent  
93 special district, which shall then be sent to the Florida  
94 Department of State and the Department of Community Affairs.  
95 Beginning with the next general election following the effective  
96 date of the merger, the merged independent special district's  
97 governing board shall, at a minimum, be comprised of five  
98 members. The governing board members initially elected in the  
99 general elections following the effective date of the merger



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100 shall be pursuant to the merger plan transition and shall serve  
101 unequal terms of two and four years in order to create staggered  
102 membership of the governing board, with the terms of each seat  
103 specified in the merger plan. Thereafter, all terms shall be for  
104 four years. As soon as practicable, the merged independent  
105 special district shall submit, at its own expense, to the  
106 Legislature a draft codified charter consisting of the special  
107 acts of the two independent special districts that merged, so  
108 that its charter may be approved by the Legislature. Such  
109 special act shall also repeal the special acts of the two  
110 independent special districts that merged into the merged  
111 independent special district.

112 4. The political subdivision or subdivisions proposing  
113 dissolution or merger of an active independent special district  
114 shall be responsible for payment of any expenses associated with  
115 the referendum required under (b)1. or (b)2. above.

116 5. Independent and dependent special districts that meet  
117 any criteria to be declared inactive pursuant to s. 189.044, or  
118 that have already been declared inactive pursuant to s. 189.044,  
119 may be dissolved or merged by special act without a referendum.

120 (c) If an inactive independent special district was created  
121 by a county or municipality through a referendum, the county or  
122 municipality that created the district may dissolve the district  
123 after publishing notice as described in s. 189.4044.

124 (d) If an independent special district was created by a  
125 county or municipality by referendum or any other procedure, the  
126 county or municipality that created the district may merge or  
127 dissolve the district pursuant to the same procedure by which  
128 the independent district was created.



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129        (e) If an ~~However, for any~~ independent special district  
130 that has ad valorem taxation powers was created by a county or  
131 municipality by referendum or any other procedure, the county or  
132 municipality that created the district may merge or dissolve the  
133 district pursuant to a referendum, any other procedure by which  
134 the district was created, and the ~~same~~ procedure by which the  
135 ~~required to grant such independent~~ district was granted ad  
136 valorem taxation powers ~~shall also be required to dissolve or~~  
137 ~~merge the district.~~

138        (f) This subsection preempts any special act to the  
139 contrary.

140        (3) The government formed by merger of an existing  
141 independent special district or districts with another  
142 government shall assume all indebtedness of, and receive title  
143 to all property owned by, the preexisting independent special  
144 district or districts.

145        (4) The dissolution of an independent special district  
146 shall transfer the title to all property owned by the  
147 preexisting independent special district to the county  
148 government, which shall also assume all indebtedness of the  
149 preexisting independent special district, unless otherwise  
150 provided in the dissolution plan.

151        (5)~~(3)~~ The provisions of this section shall not apply to  
152 community development districts implemented pursuant to chapter  
153 190 or to water management districts created and operated  
154 pursuant to chapter 373.

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

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



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158 And the title is amended as follows:

159 Delete everything before the enacting clause  
160 and insert:

161 A bill to be entitled  
162 An act relating to to special districts; amending s.  
163 189.4042, F.S.; revising provisions relating to merger  
164 and dissolution procedures for special districts;  
165 requiring certain merger and dissolution procedures to  
166 include referenda; providing that such provisions  
167 preempt prior special acts; providing procedures for  
168 the merger of certain independent special districts;  
169 providing for a local government to assume the  
170 indebtedness of, and receive the title to property  
171 owned by, a special district under certain  
172 circumstances; providing charter requirements for the  
173 assumption of such indebtedness and transfer of such  
174 title to property; providing an effective date.