

By Senator Negrón

28-00965B-10

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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  
4           and dissolution procedures for special districts;  
5           requiring certain merger and dissolution procedures to  
6           include referenda; providing that such provisions  
7           preempt prior special acts; providing for a local  
8           government to assume the indebtedness of, and receive  
9           the title to property owned by, a special district  
10          under certain circumstances; providing charter  
11          requirements for the assumption of such indebtedness  
12          and transfer of such title to property; providing an  
13          effective date.

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

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

19           189.4042 Merger and dissolution procedures.—

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

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

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30 Program within 30 days of such activity.

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

36 (b) Unless otherwise provided by general law:

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

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

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

57 (e) If an ~~However, for any~~ independent special district  
58 that has ad valorem taxation powers was created by a county or

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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.

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