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LEGISLATIVE ACTION

Senate

House

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Floor: WD/2R

04/26/2010 02:08 PM

Senator Dean moved the following:

Senate Amendment (with title amendment)

Between lines 700 and 701

insert:

Section 12. Subsection (2) of section 189.4042, Florida Statutes, is amended to read:

189.4042 Merger and dissolution procedures.-

(2) Independent special districts may be merged or dissolved as follows:

(a) An active independent special district created and operating pursuant to a special act which has an elected governing board may be merged with another district or local general-purpose government by special act and referendum



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14 approval of the resident electors of each district or the
15 district and the local general-purpose government unless
16 otherwise provided by general law. Two independent special
17 districts that have similar functions and elected governing
18 boards may merge without a special act if approved by referendum
19 by the resident electors of each district. Until such time as a
20 special act providing for a unified charter for the merged
21 district is approved by the Legislature, each independent
22 district shall be considered a subunit of the merged district,
23 the merged district shall be governed by a five-member governing
24 board beginning with the next general election following the
25 merger, and the merged district shall exercise only the
26 legislative authority to levy taxes and collect revenues within
27 the boundaries of each subunit which was previously granted to
28 the associated independent special district by its special act.
29 However, a referendum is not required if the governing boards of
30 both merging governments unanimously elect to merge.

31 (b) Active independent special districts created and
32 operating pursuant to a special act which has an elected
33 governing board may be dissolved by special act and referendum
34 approval of the resident electors of the district unless
35 otherwise provided by general law. However, an active
36 independent district created and operating pursuant to a special
37 act which has an elected board may be dissolved by special act
38 if the district board unanimously elects to dissolve the
39 district.

40 (c) Any active independent special district that has ad
41 valorem taxation authority may be merged or dissolved only by
42 the same procedure required to grant the district ad valorem



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43 taxation authority.

44 (d) An active independent special district created by a
45 county or municipality by referendum or any other procedure may
46 be merged or dissolved by the county or municipality pursuant to
47 the same procedure by which the independent special district was
48 created.

49 (e) An inactive independent special district created by a
50 county or municipality through a referendum may be dissolved by
51 the county or municipality after publishing notice as provided
52 by s. 189.4044.

53 (f) If an independent special district is merged, the
54 assets and liabilities of the merged or dissolved district shall
55 be transferred pursuant to s. 189.4055 to the surviving
56 government in the merger or, if dissolved, to the local general-
57 purpose government within whose jurisdiction the district is
58 located unless otherwise provide by law. ~~The merger or~~
59 ~~dissolution of an independent special district or a dependent~~
60 ~~district created and operating pursuant to a special act may~~
61 ~~only be effectuated by the Legislature unless otherwise provided~~
62 ~~by general law. If an inactive independent district was created~~
63 ~~by a county or municipality through a referendum, the county or~~
64 ~~municipality that created the district may dissolve the district~~
65 ~~after publishing notice as described in s. 189.4044. If an~~
66 ~~independent district was created by a county or municipality by~~
67 ~~referendum or any other procedure, the county or municipality~~
68 ~~that created the district may merge or dissolve the district~~
69 ~~pursuant to the same procedure by which the independent district~~
70 ~~was created. However, for any independent district that has ad~~
71 ~~valorem taxation powers, the same procedure required to grant~~



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72 ~~such independent district ad valorem taxation powers shall also~~
73 ~~be required to dissolve or merge the district.~~

74
75 ===== T I T L E A M E N D M E N T =====

76 And the title is amended as follows:

77 Delete line 43

78 and insert:

79 of the municipality or related county; amending s.
80 189.4042, F.S.; revising provisions relating to the
81 merging or dissolution of active and inactive
82 independent special districts; amending s.