

By Senator Norman

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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 an exception; providing
7 that such provisions preempt certain special acts;
8 providing for a local government to assume the
9 indebtedness of, and receive the title to property
10 owned by, a special district under certain
11 circumstances; amending s. 189.4044, F.S.; revising
12 dissolution procedures for special districts declared
13 inactive by a governing body; providing an effective
14 date.

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

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

20 189.4042 Merger and dissolution procedures.—

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

28 (b) A copy of any ordinance and of any changes to a charter
29 affecting the status or boundaries of one or more special

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30 districts shall be filed with the Special District Information
31 Program within 30 days of such activity.

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

37 (b) If a local general-purpose government seeks to dissolve
38 an active independent special district created and operating
39 pursuant to a special act whose board objects by resolution to
40 the dissolution, the dissolution of the active independent
41 special district is not effective until a special act of the
42 Legislature is approved by a majority of the resident electors
43 of the district or landowners voting in the same manner by which
44 the independent special district's governing board is elected.
45 This paragraph also applies if an independent special district's
46 governing board elects to dissolve the district by less than a
47 supermajority vote of the board.

48 (c) If a local general-purpose government seeks to merge an
49 active independent special district or districts created and
50 operating pursuant to a special act whose board or boards object
51 by resolution to the merger, the merger of the active
52 independent special district or districts is not effective until
53 the special act of the Legislature is approved at separate
54 referenda of the impacted local governments by a majority of the
55 resident electors or landowners voting in the same manner by
56 which each independent special district's governing board is
57 elected. The special act shall include a plan of merger that
58 addresses transition issues such as the effective date of the

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59 merger, governance, administration, powers, pensions, and
60 assumption of all assets and liabilities.

61 (d) The political subdivisions proposing the involuntary
62 dissolution or merger of an active independent special district
63 shall be responsible for payment of any expenses associated with
64 the referendum required under paragraph (b).

65 (e) Independent and dependent special districts that meet
66 any criteria for being declared inactive, or that have already
67 been declared inactive, pursuant to s. 189.4044 may be dissolved
68 or merged by special act without a referendum.

69 (f) If an inactive independent special district was created
70 by a county or municipality through a referendum, the county or
71 municipality that created the district may dissolve the district
72 after publishing notice as described in s. 189.4044. If an
73 independent special district was created by a county or
74 municipality by referendum or any other procedure, the county or
75 municipality that created the district may merge or dissolve the
76 district pursuant to a referendum and any other ~~the same~~
77 procedure by which the independent district was created. If the
78 ~~However, for any~~ independent special district ~~that~~ has ad
79 valorem taxation powers, the ~~same~~ procedure by which the
80 ~~required to grant such independent~~ district was granted ad
81 valorem taxation powers shall also be followed ~~required to~~
82 ~~dissolve or merge the district.~~

83 (g) This subsection preempts any special act to the
84 contrary unless a specific dissolution date of the independent
85 district is provided in the special act.

86 (3) The government formed by merger of an existing
87 independent special district or districts with another

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88 government shall assume all indebtedness of, and receive title
89 to all property owned by, the preexisting independent special
90 district or districts.

91 (4) Financial allocations of the assets and indebtedness of
92 a dissolved independent special district shall be pursuant to s.
93 189.4045.

94 (5)~~(3)~~ The provisions of This section does shall not apply
95 to community development districts implemented pursuant to
96 chapter 190 or to water management districts created and
97 operated pursuant to chapter 373.

98 Section 2. Subsection (4) of section 189.4044, Florida
99 Statutes, is amended to read:

100 189.4044 Special procedures for inactive districts.—

101 (4) The entity that created a special district declared
102 inactive under this section must dissolve the special district
103 by repealing its enabling laws or by other appropriate means.
104 Notwithstanding this subsection or any other provision of law,
105 if the governing body of a special district unanimously adopts a
106 resolution declaring the district inactive pursuant to
107 paragraphs (1) (b) and (c) and no administrative appeals were
108 timely filed, the special district may be dissolved without a
109 referendum. The special district shall be responsible for
110 payment of any expenses associated with its dissolution.

111 Section 3. This act shall take effect July 1, 2011.