

FOR CONSIDERATION By the Committee on Community Affairs

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1                                   A bill to be entitled  
2           An act relating to special districts; amending s.  
3           189.4042, F.S.; providing for the merger of special  
4           districts; providing definitions; providing that the  
5           merger or dissolution of dependent districts created  
6           by special act may be effectuated only by the  
7           Legislature; providing that the Legislature may merge  
8           independent special districts created by special act;  
9           providing for the voluntary merger of independent  
10          districts pursuant to a joint resolution of the  
11          governing bodies of the districts or upon initiative  
12          of the district electors; providing the procedures  
13          that must be adhered to, including notice and public  
14          hearings; requiring the development and adoption of a  
15          merger plan; requiring a referendum; providing for the  
16          effective date of the merger; providing that  
17          legislative approval of the merger is not required but  
18          that the charter of the new district must be submitted  
19          for approval; providing restrictions on the merged  
20          district until the charter is approved; providing that  
21          the ad valorem millage rate in each component  
22          independent special district is levied only up to the  
23          millage rate previously approved by the electors of  
24          the district; providing for the effect of the merger  
25          on the property, employees, legal liabilities, and  
26          annexations of the component districts; providing for  
27          the election of the governing board of the merged  
28          district; providing an exemption for independent  
29          special districts whose governing bodies are elected

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30 on a one-acre/one-vote basis; amending s. 191.014,  
31 F.S.; deleting a provision relating to the merger of  
32 independent special districts or dependent fire  
33 control districts; providing an effective date.

34  
35 Be It Enacted by the Legislature of the State of Florida:

36  
37 Section 1. Section 189.4042, Florida Statutes, is amended  
38 to read:

39 189.4042 Merger and dissolution procedures.—

40 (1) DEFINITIONS.—As used in this section, the term:

41 (a) “Component independent special district” means an  
42 independent special district that proposes to be merged into a  
43 merged independent district, or an independent special district  
44 as it existed before its merger into the merged independent  
45 district of which it is now a part.

46 (b) “Elector-initiated merger plan” means the merger plan  
47 of two or more independent special districts, a majority of  
48 whose qualified electors have elected to merge, which outlines  
49 the terms and agreements for the official merger of the  
50 districts, and is finalized and approved by the governing bodies  
51 of the districts pursuant to this section.

52 (c) “Governing body” means the governing body of the  
53 independent special district in which the general legislative,  
54 governmental, or public powers of the district are vested and by  
55 authority of which the official business of the district is  
56 conducted.

57 (d) “Initiative” means the filing of a petition containing  
58 a proposal for a referendum to be placed on the ballot for

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59 election.

60 (e) "Joint merger plan" means the merger plan that is  
61 adopted by resolution of the governing bodies of two or more  
62 independent special districts, that outlines the terms and  
63 agreements for the official merger of the districts, and that is  
64 finalized and approved by the governing bodies pursuant to this  
65 section.

66 (f) "Merged independent district" means a single  
67 independent special district that results from a successful  
68 merger of two or more independent special districts pursuant to  
69 this section.

70 (g) "Merger" means the combination of two or more  
71 independent special districts that combine to become a newly  
72 created merged independent district that assumes jurisdiction  
73 over all of the component independent special districts.

74 (h) "Merger plan" means a written document that contains  
75 the terms, agreements, and information regarding the merger of  
76 two or more independent special districts.

77 (i) "Proposed elector-initiated merger plan" means a  
78 written document that contains the terms and information  
79 regarding the merger of two or more independent special  
80 districts and that accompanies the petition initiated by the  
81 qualified electors of the districts, but that is not yet  
82 finalized and approved by the governing bodies of each component  
83 independent special district pursuant to this section.

84 (j) "Proposed joint merger plan" means a written document  
85 that contains the terms and information regarding the merger of  
86 two or more independent special districts and that has been  
87 prepared pursuant to a resolution of the governing bodies of the

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88 districts, but that is not yet finalized and approved by the  
89 governing bodies of each component independent special district  
90 pursuant to this section.

91 (k) "Qualified elector" means an individual at least 18  
92 years of age who is a citizen of the United States, a permanent  
93 resident of this state, a freeholder or freeholder's spouse, and  
94 a resident of the district who registers with the supervisor of  
95 elections of a county within which the district lands are  
96 located when the registration books are open.

97 (2) MERGER OR DISSOLUTION OF A DEPENDENT SPECIAL DISTRICT.—

98 (a) The merger or dissolution of a dependent special  
99 district ~~districts~~ may be effectuated by an ordinance of the  
100 general-purpose local governmental entity wherein the  
101 geographical area of the district or districts is located.  
102 However, a county may not dissolve a special district that is  
103 dependent to a municipality or vice versa, or a dependent  
104 district created by special act.

105 (b) The merger or dissolution of a dependent district  
106 created and operating pursuant to a special act may be  
107 effectuated only by further act of the Legislature unless  
108 otherwise provided by general law.

109 (c) ~~(b)~~ A copy of any ordinance and of any changes to a  
110 charter affecting the status or boundaries of one or more  
111 special districts shall be filed with the Special District  
112 Information Program within 30 days after ~~of~~ such activity.

113 (3) ~~(2)~~ DISSOLUTION OF AN INDEPENDENT SPECIAL DISTRICT.—

114 (a) The ~~merger or~~ dissolution of an independent special  
115 district ~~or a dependent district~~ created and operating pursuant  
116 to a special act may ~~only~~ be effectuated only by the Legislature

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117 unless otherwise provided by general law.

118 (b) If an inactive independent special district was created  
119 by a county or municipality through a referendum, the county or  
120 municipality that created the district may dissolve the district  
121 after publishing notice as described in s. 189.4044. If an  
122 independent special district was created by a county or  
123 municipality by referendum or any other procedure, the county or  
124 municipality that created the district may merge or dissolve the  
125 district pursuant to a referendum or any other ~~the same~~  
126 procedure by which the independent district was created.  
127 However, if the ~~for any~~ independent special district ~~that~~ has ad  
128 valorem taxation powers, the same procedure required to grant  
129 the ~~such~~ independent district ad valorem taxation powers is  
130 ~~shall also be~~ required to dissolve ~~or merge~~ the district.

131 (4) LEGISLATIVE MERGER OF INDEPENDENT SPECIAL DISTRICTS.-  
132 The Legislature may merge independent special districts created  
133 and operating pursuant to special act.

134 (5) VOLUNTARY MERGER OF INDEPENDENT SPECIAL DISTRICTS.-Two  
135 or more independent special districts created by special act  
136 which have similar functions and elected governing bodies may  
137 elect to merge into a single independent district through the  
138 act of merging the component independent special districts

139 (a) Initiation.-Merger proceedings may commence by:

140 1. A joint resolution of the governing bodies of each  
141 independent special district which endorses a proposed joint  
142 merger plan; or

143 2. A qualified elector initiative.

144 (b) Joint merger plan by resolution.-The governing bodies  
145 of two or more independent special districts may, by joint

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146 resolution, endorse a proposed joint merger plan to commence  
147 proceedings to merge the districts pursuant to this subsection.  
148 1. The proposed joint merger plan must specify:  
149 a. The name of each component independent special district  
150 to be merged;  
151 b. The name of the proposed merged independent district;  
152 c. The rights, duties, and obligations of the proposed  
153 merged independent district;  
154 d. The territorial boundaries of the proposed merged  
155 independent district;  
156 e. The governmental organization of the proposed merged  
157 independent district insofar as it concerns elected and  
158 appointed officials and public employees, along with a  
159 transitional plan and schedule for elections and appointments of  
160 officials;  
161 f. A fiscal estimate of the potential cost or savings as a  
162 result of the merger;  
163 g. Each component independent special district's assets,  
164 including, but not limited to, real and personal property, and  
165 the current value thereof;  
166 h. Each component independent special district's  
167 liabilities and indebtedness, bonded and otherwise, and the  
168 current value thereof;  
169 i. Terms for the assumption and disposition of existing  
170 assets, liabilities, and indebtedness of each component  
171 independent special district jointly, separately, or in defined  
172 proportions;  
173 j. Terms for the common administration and uniform  
174 enforcement of existing laws within the proposed merged

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175 independent district;

176 k. The times and places for public hearings on the proposed  
177 joint merger plan;

178 1. The times and places for a referendum in each component  
179 independent special district on the proposed joint merger plan,  
180 along with the referendum language to be presented for approval;  
181 and

182 m. The effective date of the proposed merger.

183 2. The resolution endorsing the proposed joint merger plan  
184 must be approved by a majority vote of the governing bodies of  
185 each component independent special district and adopted at least  
186 60 business days before any general or special election on the  
187 proposed joint merger plan.

188 3. Within 5 business days after the governing bodies  
189 approve the resolution endorsing the proposed joint merger plan,  
190 the governing bodies must:

191 a. Cause a copy of the proposed joint merger plan, along  
192 with a descriptive summary of the plan, to be displayed and be  
193 readily accessible to the public for inspection in at least  
194 three public places within the territorial limits of each  
195 component independent special district, unless a component  
196 district has fewer than three public places, in which case the  
197 plan must be accessible for inspection in all public places  
198 within the component independent special district;

199 b. If applicable, cause the proposed joint merger plan,  
200 along with a descriptive summary of the plan and a reference to  
201 the public places within each component independent special  
202 district where a copy of the merger plan may be examined, to be  
203 displayed on a website maintained by each district or on a

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204 website maintained by the county or municipality in which the  
205 districts are located; and

206 c. Arrange for a descriptive summary of the proposed joint  
207 merger plan and a reference to the public places within the  
208 district where a copy may be examined, to be published in a  
209 newspaper of general circulation within the component  
210 independent special districts at least once each week for 4  
211 successive weeks.

212 4. The governing body of each component independent special  
213 district shall set a time and place for one or more public  
214 hearings on the proposed joint merger plan. The public hearing  
215 shall be held on a weekday at least 7 business days after the  
216 day the first advertisement is published on the proposed joint  
217 merger plan. The hearings may be held jointly or separately by  
218 the governing bodies of each component district. Any interested  
219 person residing in the respective district shall be given a  
220 reasonable opportunity to be heard on any aspect of the proposed  
221 merger at the public hearing.

222 a. Notice of the public hearing addressing the resolution  
223 for the proposed joint merger plan must be published pursuant to  
224 the notice requirements under s. 189.417 and must provide a  
225 descriptive summary of the proposed joint merger plan and a  
226 reference to the public places within the component independent  
227 special districts where a copy of the plan may be examined.

228 b. After the final public hearing, the governing bodies of  
229 each component independent special district may amend the  
230 proposed joint merger plan if the amended version complies with  
231 the notice and public hearing requirements provided in this  
232 subsection. Thereafter, the governing bodies may approve a final



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233 version of the joint merger plan or decline to proceed further  
234 with the merger. Approval by the governing bodies of the final  
235 version of the joint merger plan must occur within 60 business  
236 days after the final hearing.

237 5. After the final public hearing, the governing bodies  
238 shall notify the supervisors of elections of the applicable  
239 counties in which district lands are located of the adoption of  
240 the resolution by each governing body. The supervisors of  
241 elections shall schedule separate referendums for each component  
242 independent special district. The referendums may be held in  
243 each district on the same day, or on different days, but no more  
244 than 20 days apart.

245 a. Notice of a referendum on the merger of independent  
246 special districts must be provided pursuant to the notice  
247 requirements in s. 100.342. At a minimum, the notice must  
248 include:

249 (I) A brief summary of the resolution and joint merger  
250 plan;

251 (II) A statement as to where a copy of the resolution and  
252 joint merger plan may be examined;

253 (III) The names of the component independent special  
254 districts and a description of their territory;

255 (IV) The times and places at which the referendum will be  
256 held; and

257 (V) Such other matters as may be necessary to call, provide  
258 for, and give notice of the referendum and to provide for the  
259 conduct thereof and the canvass of the returns.

260 b. The referendums must be held in accordance with the  
261 Florida Election Code and may be held pursuant to ss. 101.6101-

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262 101.6107. All costs associated with the referendums shall be  
263 borne by the respective component independent special district.

264 c. The ballot question in such referendum placed before the  
265 qualified electors of each component independent special  
266 district to be merged must be in substantially the following  
267 form:

268  
269 "Shall (...name of component independent special  
270 district...) and (...name of component independent special  
271 district or districts...) be merged into (...name of new merged  
272 independent district...)?

273       YES

274       NO"

275  
276 d. If the component independent special districts have  
277 disparate millage rates, the ballot question in the referendum  
278 placed before the qualified electors of each component district  
279 must be in substantially the following form:

280  
281 "Shall (...name of component independent special  
282 district...) and (...name of component independent special  
283 district or districts...) be merged into (...name of new merged  
284 independent district...), if the voter-approved maximum millage  
285 rate within each independent special district will not increase  
286 absent a subsequent referendum?

287       YES

288       NO"

289  
290 e. In any referendum held pursuant to this subsection, the

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291 ballots shall be counted, returns made and canvassed, and  
292 results certified in the same manner as other elections or  
293 referendums for the component independent special districts.

294 f. The merger may not take effect unless a majority of the  
295 votes cast in each component independent special district are in  
296 favor of the merger. If one of the component districts does not  
297 obtain a majority vote, the referendum fails, and merger does  
298 not take effect.

299 g. If merger is approved by a majority of the votes cast in  
300 each component independent special district, the merged  
301 independent district is created. Upon approval, the merged  
302 district shall notify the Special District Information Program  
303 pursuant to s. 189.418(2) and the local general-purpose  
304 governments in which any part of the component districts is  
305 situated pursuant to s. 189.418(7).

306 h. If the referendum fails, the merger process under this  
307 paragraph may not be initiated for the same purpose within 2  
308 years after the date of the referendum.

309 6. Component independent special districts merged pursuant  
310 to a joint merger plan by resolution shall continue to be  
311 governed as before the merger until the effective date specified  
312 in the adopted joint merger plan.

313 (c) *Qualified elector-initiated merger plan.*—The qualified  
314 electors of two or more independent special districts may  
315 commence a merger proceeding by each filing a petition with the  
316 governing bodies of each independent special district proposing  
317 to be merged. The petition must contain the signatures of at  
318 least 20 percent of the qualified electors of each component  
319 independent special district.

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320 1. The petition must comply with, and be circulated in, the  
 321 following form:

322  
 323 PETITION FOR INDEPENDENT SPECIAL DISTRICT MERGER

324  
 325 We, the undersigned electors and legal voters of (...name  
 326 of independent special district...), qualified to vote at the  
 327 next general or special election, respectfully petition that  
 328 there be submitted to the electors and legal voters of (...name  
 329 of independent special district or districts proposed to be  
 330 merged...), for their approval or rejection at a referendum held  
 331 for that purpose, a proposal to merge (...name of component  
 332 independent special district...) and (...name of component  
 333 independent special district or districts...)

334  
 335 In witness thereof, we have signed our names on the date  
 336 indicated next to our signatures.

337  
 338 Date                      Name (print under signature)                      Home Address

339 \_\_\_\_\_  
 340 \_\_\_\_\_

341  
 342 2. The petition must be validated by a signed statement by  
 343 a witness who is a duly qualified elector of one of the  
 344 component independent special districts, a notary public, or  
 345 another person authorized to take acknowledgements.

346 a. A statement that is signed by a witness who is a duly  
 347 qualified elector of the respective district shall be accepted  
 348 for all purposes as the equivalent of an affidavit. Such

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349 statement must be in substantially the following form:

350

351 "I, (...name of witness...), state that I am a duly  
352 qualified voter of (...name of independent special district...).  
353 Each of the (...insert number...) persons who have signed this  
354 petition sheet has signed his or her name in my presence on the  
355 dates indicated above and identified himself or herself to be  
356 the same person who signed the sheet. I understand that this  
357 statement will be accepted for all purposes as the equivalent of  
358 an affidavit, and if it contains a materially false statement,  
359 shall subject me to the penalties of perjury."

360

361 Date Signature of Witness

362

363 b. A statement that is signed be a notary public or another  
364 person authorized to take acknowledgements must be in  
365 substantially the following form:

366

367 "On the date indicated above before me personally came each  
368 of the (...insert number...) electors and legal voters whose  
369 signatures appear on this petition sheet, who signed the  
370 petition in my presence and who, being by me duly sworn, each  
371 for himself or herself, identified himself or herself as the  
372 same person who signed the petition, and I declare that the  
373 foregoing information they provided was true."

374

375 Date Signature of Witness

376

377 c. An alteration or correction of information appearing on

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378 a petition's signature line, other than an uninitialed signature  
379 and date, does not invalidate such signature. In matters of  
380 form, this paragraph shall be liberally construed, not  
381 inconsistent with substantial compliance thereto and the  
382 prevention of fraud.

383 d. The appropriately signed petition must be filed with the  
384 governing board of each component independent special district.  
385 The petition must be submitted to the supervisors of elections  
386 of the counties in which the district lands are located. The  
387 supervisors shall, within 30 business days after receipt of the  
388 petitions, certify to the governing boards the number of  
389 signatures of qualified electors contained on the petitions.

390 3. Upon verification by the supervisors of election of the  
391 counties within which component independent special district  
392 lands are located that 20 percent of the qualified electors have  
393 petitioned for merger, the governing bodies of each component  
394 district shall meet within 30 business days to prepare and  
395 approve by resolution a proposed elector-initiated merger plan.  
396 The proposed plan must include:

397 a. The name of each component independent special district  
398 to be merged;

399 b. The name of the proposed merged independent district;

400 c. The rights, duties, and obligations of the merged  
401 independent district;

402 d. The territorial boundaries of the proposed merged  
403 independent district;

404 e. The governmental organization of the proposed merged  
405 independent district insofar as it concerns elected and  
406 appointed officials and public employees, along with a

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407 transitional plan and schedule for elections and appointments of  
408 officials;

409 f. A fiscal estimate of the potential cost or savings as a  
410 result of the merger;

411 g. Each component independent special district's assets,  
412 including, but not limited to, real and personal property, and  
413 the current value thereof;

414 h. Each component independent special district's  
415 liabilities and indebtedness, bonded and otherwise, and the  
416 current value thereof;

417 i. Terms for the assumption and disposition of existing  
418 assets, liabilities, and indebtedness of each component  
419 independent special district, jointly, separately, or in defined  
420 proportions;

421 j. Terms for the common administration and uniform  
422 enforcement of existing laws within the proposed merged  
423 independent district;

424 k. The times and places for public hearings on the proposed  
425 joint merger plan; and

426 1. The effective date of the proposed merger.

427 4. The resolution endorsing the proposed elector-initiated  
428 merger plan must be approved by a majority vote of the governing  
429 bodies of each component independent special district and must  
430 be adopted at least 60 business days before any general or  
431 special election on the proposed elector-initiated plan.

432 5. Within 5 business days after the governing bodies of  
433 each component independent special district approve the proposed  
434 elector-initiated merger plan, the governing bodies shall:

435 a. Cause a copy of the proposed elector-initiated merger

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436 plan, along with a descriptive summary of the plan, to be  
437 displayed and be readily accessible to the public for inspection  
438 in at least three public places within the territorial limits of  
439 each component independent special district, unless a component  
440 district has fewer than three public places, in which case the  
441 plan must be accessible for inspection in all public places  
442 within the component independent special district;

443 b. If applicable, cause the proposed elector-initiated  
444 merger plan, along with a descriptive summary of the plan and a  
445 reference to the public places within each component independent  
446 special district where a copy of the merger plan may be  
447 examined, to be displayed on a website maintained by each  
448 district or otherwise on a website maintained by the county or  
449 municipality in which the districts are located; and

450 c. Arrange a descriptive summary of the proposed elector-  
451 initiated merger plan and a reference to the public places  
452 within the district where a copy may be examined, to be  
453 published in a newspaper of general circulation within the  
454 component independent special districts at least once each week  
455 for 4 successive weeks.

456 6. The governing body of each component independent special  
457 district shall set the time and place for one or more public  
458 hearings on the proposed elector-initiated merger plan. The  
459 public hearing shall be held on a weekday at least 7 business  
460 days after the day the first advertisement is published on the  
461 proposed elector-initiated merger plan. The hearing or hearings  
462 may be held jointly or separately by the governing bodies of  
463 each component independent special district. Any interested  
464 person residing in the respective district shall be given a



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465 reasonable opportunity to be heard on any aspect of the proposed  
466 merger at the public hearing.

467 a. Notice of the public hearing on the proposed elector-  
468 initiated merger plan must be published pursuant to the notice  
469 requirements provided in s. 189.417 and must provide a  
470 descriptive summary of the elector-initiated merger plan and a  
471 reference to the places within the component independent special  
472 districts where a copy of the plan may be examined.

473 b. After the final public hearing, the governing bodies of  
474 each component independent special district may amend the  
475 proposed elector-initiated merger plan if the amended version  
476 complies with the notice and public hearing requirements  
477 provided in this subsection. The governing bodies must approve a  
478 final version of the merger plan within 60 business days after  
479 the final hearing.

480 7. After the final public hearing, the governing bodies  
481 shall notify the supervisors of elections of the applicable  
482 counties in which district lands are located of the adoption of  
483 the resolution by each component independent special district.  
484 The supervisors of elections shall schedule a date for the  
485 separate referendums for each district. The referendums may be  
486 held in each district on the same day, or on different days, but  
487 no more than 20 days apart.

488 a. Notice of a referendum on the merger of the component  
489 independent special districts must be provided pursuant to the  
490 notice requirements in s. 100.342. At a minimum, the notice must  
491 include:

492 (I) A brief summary of the resolution and elector-initiated  
493 merger plan;

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494 (II) A statement as to where a copy of the resolution and  
 495 petition for merger may be examined;

496 (III) The names of the component independent special  
 497 districts to be merged and a description of their territory;

498 (IV) The times and places at which the referendum will be  
 499 held; and

500 (V) Such other matters as may be necessary to call, provide  
 501 for, and give notice of the referendum and to provide for the  
 502 conduct thereof and the canvass of the returns.

503 b. The referendums must be held in accordance to the  
 504 Florida Election Code and may be held pursuant to ss. 101.6101-  
 505 101.6107. All costs associated with the referendums shall be  
 506 borne by the respective component independent special district.

507 c. The ballot question in such referendum placed before the  
 508 qualified electors of each component independent special  
 509 district must be in substantially the following form:

511 "Shall (...name of component independent special  
 512 district...) and (...name of component independent special  
 513 district or districts...) be merged into (...name of new merged  
 514 independent district...)?

515       YES

516       NO"

517  
 518 d. If the component independent special districts proposing  
 519 to merge have disparate millage rates, the ballot question in  
 520 such referendum placed before the qualified electors of each  
 521 component special district must be in substantially the  
 522 following form:

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523

524 "Shall (...name of component independent special  
525 district...) and (...name of component independent special  
526 district or districts...) be merged into (...name of new merged  
527 independent district...), if the voter-approved maximum millage  
528 rate within each independent special district will not increase  
529 absent a subsequent referendum?

530

531 YES532 NO"

533

534 e. In any referendum held pursuant to this subsection, the  
535 ballots shall be counted, returns made and canvassed, and  
536 results certified in the same manner as other elections or  
537 referendums for the component independent special districts.

538 f. The merger may not take effect unless a majority of the  
539 votes cast in each component independent special district are in  
540 favor of the merger. If one of the component independent special  
541 districts does not obtain a majority vote, the referendum fails,  
542 and merger does not take effect.

543 g. If merger is approved by a majority of the votes cast in  
544 each component independent special district, the merged district  
545 shall notify the Special District Information Program pursuant  
546 to s. 189.418(2) and the local general-purpose governments in  
547 which any part of the component independent special districts is  
548 situated pursuant to s. 189.418(7).

549 h. If the referendum fails, the merger process specified by  
550 this paragraph may not be initiated for the same purpose within  
551 2 years after the date of the referendum.

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552 8. Component independent special districts merged pursuant  
553 to an elector-initiated merger plan shall continue to be  
554 governed as before the merger until the effective date specified  
555 in the adopted elector-initiated merger plan.

556 (d) Effective date.—The effective date of the merger shall  
557 be as provided in the joint merger plan or elector-initiated  
558 merger plan, as appropriate, and is not contingent upon the  
559 future act of the Legislature.

560 1. However, as soon as practicable, the merged independent  
561 district shall, at its own expense, submit a unified charter for  
562 the merged district to the Legislature for approval. The unified  
563 charter must make the powers of the district consistent within  
564 the merged independent district and repeal the special acts of  
565 the districts which existed before the merger.

566 2. Within 30 business days after the effective date of the  
567 merger, the merged independent district's governing board, as  
568 indicated in this subsection, shall hold an organizational  
569 meeting to implement the provisions of the joint merger plan or  
570 elector-initiated merger plan, as appropriate.

571 (e) Restrictions during transition period.—Until the  
572 Legislature formally approves the unified charter pursuant to a  
573 special act, each component independent special district is  
574 considered a subunit of the merged independent district subject  
575 to the following restrictions:

576 1. During the transition period, the merged independent  
577 district is limited in its powers and financing capabilities  
578 within each subunit to those powers that existed within the  
579 boundaries of each subunit which were previously granted to the  
580 component independent special district in its existing charter

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581 before the merger. The merged independent district may not,  
582 solely by reason of the merger, increase its powers or financing  
583 capability.

584 2. During the transition period, the merged independent  
585 district shall exercise only the legislative authority to levy  
586 and collect revenues within the boundaries of each subunit which  
587 was previously granted to the component independent special  
588 district by its existing charter before the merger, including  
589 the authority to levy ad valorem taxes, non-ad valorem  
590 assessments, impact fees, and charges.

591 a. The merged independent district may not, solely by  
592 reason of the merger, increase ad valorem taxes on property  
593 within the original limits of a subunit beyond the maximum ad  
594 valorem rate approved by the electors of the component  
595 independent special district. For purposes of s. 2, Art. VII of  
596 the State Constitution, each subunit may be considered a  
597 separate taxing unit. The merged independent district may levy  
598 an ad valorem millage rate within a subunit, if applicable, only  
599 up to the millage rate that was previously approved by the  
600 electors of the component independent special district unless an  
601 increase in the millage rate is approved pursuant to state law.

602 b. The merged independent district may not, solely by  
603 reason of the merger, charge non-ad valorem assessments, impact  
604 fees, or other new fees within a subunit which were not  
605 otherwise previously authorized to be charged.

606 3. During the transition period, each component independent  
607 special district of the merged independent district must  
608 continue to file all information and reports required under this  
609 chapter as subunits until the Legislature formally approves the

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610 unified charter pursuant to a special act.

611 4. The intent of this section is to preserve and transfer  
612 all authority to the merged independent district which exists  
613 within each subunit and was previously granted by the  
614 Legislature and, if applicable, by referendum.

615 (f) Effect of merger, generally.—On and after the effective  
616 date of the merger, the merged independent district shall be  
617 treated and considered for all purposes as one entity under the  
618 name and on the terms and conditions set for in the joint merger  
619 plan or elector-initiated merger plan, as appropriate.

620 1. All rights, privileges, and franchises of each component  
621 independent special district and all assets, real and personal  
622 property, books, records, papers, seals and equipment, as well  
623 as other things in action, belonging to each component  
624 independent special district before merger, shall be deemed as  
625 transferred to and vested in the merged independent district  
626 without further act or deed.

627 2. All property, rights-of-way, and other interests are as  
628 effectually the property of the merged independent district as  
629 they were of the component independent special district before  
630 the merger. The title to real estate, by deed or otherwise,  
631 under the laws of this state vested in any component independent  
632 special district before the merger, may not be deemed to revert  
633 or be in any way impaired by reason of the merger.

634 3. The merged independent district is in all respects  
635 subject to all obligations and liabilities imposed and possess  
636 all the rights, powers, and privileges vested by law in other  
637 similar entities.

638 4. Upon the effective date of the merger, the joint merger

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639 plan or elector-initiated merger plan, as appropriate, is  
640 subordinate in all respects to the contract rights of all  
641 holders of any securities or obligations of the component  
642 independent special districts outstanding at the effective date  
643 of the merger.

644 5. The new registration of electors is not necessary as a  
645 result of the merger, but all elector registrations of the  
646 component independent special districts shall be transferred to  
647 the proper registration books of the merged independent  
648 district, and new registrations shall be made as provided by law  
649 as if no merger had taken place.

650 (g) Governing board of merged independent district.-

651 1. From the effective date of the merger until the next  
652 general election, the governing board of the merged independent  
653 district shall be comprised of the governing board members of  
654 each component independent special district, with such members  
655 serving until the governing board members elected at the next  
656 general election take office.

657 2. Beginning with the next general election following the  
658 effective date of merger, the governing board of the merged  
659 independent district shall be comprised of five members. The  
660 office of each governing board member shall be designated by  
661 seat, which shall be distinguished from other board member seats  
662 by an assigned numeral: 1, 2, 3, 4, or 5. The governing board  
663 members that are elected in this initial election following the  
664 merger shall serve unequal terms of 2 and 4 years in order to  
665 create staggered membership of the governing board, with:

666 a. Board member seats 1, 3, and 5 being designated for 4-  
667 year terms; and

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668 b. Board member seats 2 and 4 being designated for 2-year  
669 terms.

670 3. In general elections thereafter, all governing board  
671 members shall serve 4-year terms.

672 (h) Effect on employees.—Except as otherwise provided by  
673 law and except for those officials and employees protected by  
674 tenure of office, civil service provisions, or a collective  
675 bargaining agreement, upon the effective date of merger, all  
676 appointive offices and positions existing in all component  
677 independent special districts involved in the merger are subject  
678 to the terms of the joint merger plan or elector-initiated  
679 merger plan, as appropriate. Such plan may provide for instances  
680 in which there are duplications of positions, and for other  
681 matters such as varying lengths of employee contracts, varying  
682 pay levels or benefits, different civil service regulations in  
683 the constituent entities, and differing ranks and position  
684 classifications for similar positions. For those employees who  
685 are members of a bargaining unit certified by the Public  
686 Employees Relations Commission, the requirements of chapter 447  
687 apply.

688 (i) Debts, liabilities, and obligations.—

689 1. All valid and lawful debts and liabilities existing  
690 against a merged independent district, or which may arise or  
691 accrue against the merged independent district, which but for  
692 merger would be valid and lawful debts or liabilities against  
693 one or more of the component independent special districts, are  
694 debts against or liabilities of the merged independent district  
695 and accordingly shall be defrayed and answered to by the merged  
696 independent district to the same extent, and no further than,



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697 the component independent special districts would have been  
698 bound if a merger had not taken place.

699 2. The rights of creditors and all liens upon the property  
700 of any of the component independent special districts shall be  
701 preserved unimpaired. The respective component districts shall  
702 be deemed to continue in existence to preserve such rights and  
703 liens, and all debts, liabilities, and duties of any of the  
704 component districts attach to the merged independent district.

705 3. All bonds, contracts, and obligations of the component  
706 independent special districts which exist as legal obligations  
707 are obligations of the merged independent district, and all such  
708 obligations shall be issued or entered into by and in the name  
709 of the merged independent district.

710 (j) Effect on actions and proceedings.—In any action or  
711 proceeding pending on the effective date of merger to which a  
712 component independent special district is a party, the merged  
713 independent district may be substituted in its place, and the  
714 action or proceeding may be prosecuted to judgment as if merger  
715 had not taken place. Suits may be brought and maintained against  
716 a merged independent district in any state court in the same  
717 manner as against any other independent special district.

718 (k) Annexation.—Chapter 171 continues to apply to all  
719 annexations by a city within the component independent special  
720 districts' boundaries after merger occurs. Any moneys owed to a  
721 component district pursuant to s. 171.093, or any interlocal  
722 service boundary agreement as a result of annexation predating  
723 the merger, shall be paid to the merged independent district  
724 after merger.

725 (l) Determination of rights.—If any right, title, interest,

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726 or claim arises out of a merger or by reason thereof which is  
727 not determinable by reference to the provisions in this  
728 subsection, the joint merger plan or elector-initiated merger  
729 plan, as appropriate, or otherwise under the laws of this state,  
730 the governing body of the merged independent district may  
731 provide therefor in a manner conforming to law.

732 (m) Exemption.—This subsection does not apply to  
733 independent special districts whose governing bodies are elected  
734 on a one-acre/one-vote basis.

735 (n) Preemption.—This subsection preempts any special act to  
736 the contrary.

737 (6) ~~(3)~~ EXEMPTIONS.—The provisions of This section does  
738 shall not apply to community development districts implemented  
739 pursuant to chapter 190 or to water management districts created  
740 and operated pursuant to chapter 373.

741 Section 2. Section 191.014, Florida Statutes, is amended to  
742 read:

743 191.014 District creation and, ~~expansion, and merger.~~—

744 (1) New districts may be created only by the Legislature  
745 under s. 189.404.

746 (2) The boundaries of a district may be modified, extended,  
747 or enlarged upon approval or ratification by the Legislature.

748 ~~(3) The merger of a district with all or portions of other~~  
749 ~~independent special districts or dependent fire control~~  
750 ~~districts is effective only upon ratification by the~~  
751 ~~Legislature. A district may not, solely by reason of a merger~~  
752 ~~with another governmental entity, increase ad valorem taxes on~~  
753 ~~property within the original limits of the district beyond the~~  
754 ~~maximum established by the district's enabling legislation,~~

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755 ~~unless approved by the electors of the district by referendum.~~

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