

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

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

16
 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
 28 charter affecting the status or boundaries of one or more

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

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

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

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

57 addresses transition issues such as the effective date of the
 58 merger, governance, administration, powers, pensions, and
 59 assumption of all assets and liabilities.

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

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

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

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

85 (3) The government formed by merger of an existing
 86 independent special district or districts with another
 87 government shall assume all indebtedness of, and receive title
 88 to all property owned by, the preexisting independent special
 89 district or districts.

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

93 ~~(5)(3) The provisions of This section does shall~~ not apply
 94 to community development districts implemented pursuant to
 95 chapter 190 or to water management districts created and
 96 operated pursuant to chapter 373.

97 Section 2. Paragraph (a) of subsection (1) and subsection
 98 (4) of section 189.4044, Florida Statutes, are amended to read:

99 189.4044 Special procedures for inactive districts.—

100 (1) The department shall declare inactive any special
 101 district in this state by documenting that:

102 (a) The special district meets one of the following
 103 criteria:

104 1. The registered agent of the district, the chair of the
 105 governing body of the district, or the governing body of the
 106 appropriate local general-purpose government notifies the
 107 department in writing that the district has taken no action for
 108 2 or more years;

109 2. Following an inquiry from the department, the
 110 registered agent of the district, the chair of the governing
 111 body of the district, or the governing body of the appropriate
 112 local general-purpose government notifies the department in

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113 writing that the district has not had a governing board or a
114 sufficient number of governing board members to constitute a
115 quorum for 2 or more years or the registered agent of the
116 district, the chair of the governing body of the district, or
117 the governing body of the appropriate local general-purpose
118 government fails to respond to the department's inquiry within
119 21 days; ~~or~~

120 3. The department determines, pursuant to s. 189.421, that
121 the district has failed to file any of the reports listed in s.
122 189.419; or

123 4. The governing body of the district provides
124 documentation to the department that it has unanimously adopted
125 a resolution declaring the district inactive. The district shall
126 be responsible for payment of any expenses associated with its
127 dissolution.

128 (4) The entity that created a special district declared
129 inactive under this section must dissolve the special district
130 by repealing its enabling laws or by other appropriate means.
131 Any special district declared inactive pursuant to subparagraph
132 (1)(a)4. may be dissolved without a referendum.

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