

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; providing  
5           definitions; requiring the merger or dissolution of  
6           dependent special districts created by a special act to be  
7           effectuated by the Legislature; providing for the merger  
8           or dissolution of inactive special districts by special  
9           act without referenda; requiring involuntary dissolution  
10          procedures for independent special districts to include  
11          referenda; providing for the dissolution of inactive  
12          independent special districts by special act; providing  
13          for local governments to assume indebtedness of, and  
14          receive title to property owned by, special districts  
15          under certain circumstances; providing for the merger of  
16          certain independent special districts by the Legislature;  
17          providing procedures and requirements for the voluntary  
18          merger of contiguous independent special districts;  
19          limiting the authority of the merged district to levy and  
20          collect revenue until a unified charter is approved by the  
21          Legislature; providing for the effect of the merger on  
22          employees, legal liabilities, obligations, proceedings,  
23          and annexation; providing for the determination of certain  
24          rights by the governing body of the merged district;  
25          providing that such provisions preempt certain special  
26          acts; providing procedures and requirements for the  
27          involuntary merger of independent special districts;  
28          providing exemptions from merger and dissolution

29 |       procedures; amending s. 191.014, F.S.; deleting a  
 30 |       provision relating to the conditions under which the  
 31 |       merger of independent special districts or dependent fire  
 32 |       control districts with other special districts is  
 33 |       effective and the conditions under which a merged district  
 34 |       is authorized to increase ad valorem taxes; amending s.  
 35 |       189.4044, F.S.; revising criteria by which special  
 36 |       districts are declared inactive by a governing body;  
 37 |       authorizing such districts to be dissolved without a  
 38 |       referendum; providing an effective date.

39 |

40 | Be It Enacted by the Legislature of the State of Florida:

41 |

42 |       Section 1. Section 189.4042, Florida Statutes, is amended  
 43 | to read:

44 |       189.4042 Merger and dissolution procedures.—

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

46 |       (a) "Component independent special district" means an  
 47 | independent special district that proposes to be merged into a  
 48 | merged independent district, or an independent special district  
 49 | as it existed before its merger into the merged independent  
 50 | district of which it is now a part.

51 |       (b) "Elector-initiated merger plan" means the merger plan  
 52 | of two or more independent special districts, a majority of  
 53 | whose qualified electors have elected to merge, which outlines  
 54 | the terms and agreements for the official merger of the  
 55 | districts and is finalized and approved by the governing bodies  
 56 | of the districts pursuant to this section.

57 (c) "Governing body" means the governing body of the  
58 independent special district in which the general legislative,  
59 governmental, or public powers of the district are vested and by  
60 authority of which the official business of the district is  
61 conducted.

62 (d) "Initiative" means the filing of a petition containing  
63 a proposal for a referendum to be placed on the ballot for  
64 election.

65 (e) "Joint merger plan" means the merger plan that is  
66 adopted by resolution of the governing bodies of two or more  
67 independent special districts that outlines the terms and  
68 agreements for the official merger of the districts and that is  
69 finalized and approved by the governing bodies pursuant to this  
70 section.

71 (f) "Merged independent district" means a single  
72 independent special district that results from a successful  
73 merger of two or more independent special districts pursuant to  
74 this section.

75 (g) "Merger" means the combination of two or more  
76 contiguous independent special districts resulting in a newly  
77 created merged independent district that assumes jurisdiction  
78 over all of the component independent special districts.

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

82 (i) "Proposed elector-initiated merger plan" means a  
83 written document that contains the terms and information  
84 regarding the merger of two or more independent special

85 districts and that accompanies the petition initiated by the  
 86 qualified electors of the districts but that is not yet  
 87 finalized and approved by the governing bodies of each component  
 88 independent special district pursuant to this section.

89 (j) "Proposed joint merger plan" means a written document  
 90 that contains the terms and information regarding the merger of  
 91 two or more independent special districts and that has been  
 92 prepared pursuant to a resolution of the governing bodies of the  
 93 districts but that is not yet finalized and approved by the  
 94 governing bodies of each component independent special district  
 95 pursuant to this section.

96 (k) "Qualified elector" means an individual at least 18  
 97 years of age who is a citizen of the United States, a permanent  
 98 resident of this state, and a resident of the district who  
 99 registers with the supervisor of elections of a county within  
 100 which the district lands are located when the registration books  
 101 are open.

102 (2) ~~(1)~~ MERGER OR DISSOLUTION OF A DEPENDENT SPECIAL  
 103 DISTRICT.—

104 (a) The merger or dissolution of a dependent special  
 105 district ~~districts~~ may be effectuated by an ordinance of the  
 106 general-purpose local governmental entity wherein the  
 107 geographical area of the district or districts is located.  
 108 However, a county may not dissolve a special district that is  
 109 dependent to a municipality or vice versa, or a dependent  
 110 district created by special act.

111 (b) The merger or dissolution of a dependent special  
 112 district created and operating pursuant to a special act may be

113 effectuated only by further act of the Legislature unless  
 114 otherwise provided by general law.

115 (c) A dependent special district that meets any criteria  
 116 for being declared inactive, or that has already been declared  
 117 inactive, pursuant to s. 189.4044 may be dissolved or merged by  
 118 special act without a referendum.

119 (d) ~~(b)~~ A copy of any ordinance and of any changes to a  
 120 charter affecting the status or boundaries of one or more  
 121 special districts shall be filed with the Special District  
 122 Information Program within 30 days after ~~of~~ such activity.

123 (3) ~~(2)~~ DISSOLUTION OF AN INDEPENDENT SPECIAL DISTRICT.—

124 (a) Voluntary dissolution.—The voluntary merger or  
 125 dissolution of an independent special district ~~or a dependent~~  
 126 ~~district~~ created and operating pursuant to a special act may  
 127 ~~only~~ be effectuated only by the Legislature unless otherwise  
 128 provided by general law.

129 (b) Involuntary dissolution.—If a local general-purpose  
 130 government seeks to dissolve an active independent special  
 131 district created and operating pursuant to a special act whose  
 132 governing body objects by resolution to the dissolution, the  
 133 dissolution of the active independent special district is not  
 134 effective until a special act of the Legislature is approved by  
 135 a majority of the resident electors of the district or  
 136 landowners voting in the same manner by which the independent  
 137 special district's governing body is elected. This paragraph  
 138 also applies if an independent special district's governing body  
 139 elects to dissolve the district by less than a supermajority  
 140 vote of the governing body. The political subdivisions proposing

141 the involuntary dissolution of an active independent special  
 142 district shall be responsible for payment of any expenses  
 143 associated with the referendum required under this paragraph.

144 (c) Inactive independent special districts.—An independent  
 145 special district that meets any criteria for being declared  
 146 inactive, or that has already been declared inactive, pursuant  
 147 to s. 189.4044 may be dissolved by special act without a  
 148 referendum. If an inactive independent special district was  
 149 created by a county or municipality through a referendum, the  
 150 county or municipality that created the district may dissolve  
 151 the district after publishing notice as described in s.  
 152 189.4044. If an independent special district was created by a  
 153 county or municipality by referendum or any other procedure, the  
 154 county or municipality that created the district may merge or  
 155 dissolve the district pursuant to a referendum or any other the  
 156 ~~same~~ procedure by which the independent district was created.  
 157 However, if the ~~for any~~ independent special district ~~that~~ has ad  
 158 valorem taxation powers, the same procedure required to grant  
 159 the ~~such~~ independent district ad valorem taxation powers is  
 160 ~~shall also be~~ required to dissolve ~~or merge~~ the district.

161 (d) Debts and assets.—Financial allocations of the assets  
 162 and indebtedness of a dissolved independent special district  
 163 shall be pursuant to s. 189.4045.

164 (4) LEGISLATIVE MERGER OF INDEPENDENT SPECIAL DISTRICTS.—  
 165 The Legislature may merge independent special districts created  
 166 and operating pursuant to special act.

167 (5) VOLUNTARY MERGER OF INDEPENDENT SPECIAL DISTRICTS.—Two  
 168 or more contiguous independent special districts created by

169 special act which have similar functions and elected governing  
 170 bodies may elect to merge into a single independent district  
 171 through the act of merging the component independent special  
 172 districts.

173 (a) Initiation.—Merger proceedings may commence by:

174 1. A joint resolution of the governing bodies of each  
 175 independent special district which endorses a proposed joint  
 176 merger plan; or

177 2. A joint resolution of the governing bodies of each  
 178 independent special district which endorses a proposed joint  
 179 merger plan.

180 (b) Joint merger plan by resolution.—The governing bodies  
 181 of two or more contiguous independent special districts may, by  
 182 joint resolution, endorse a proposed joint merger plan to  
 183 commence proceedings to merge the districts pursuant to this  
 184 subsection.

185 1. The proposed joint merger plan must specify:

186 a. The name of each component independent special district  
 187 to be merged;

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

189 c. The rights, duties, and obligations of the proposed  
 190 merged independent district;

191 d. The territorial boundaries of the proposed merged  
 192 independent district;

193 e. The governmental organization of the proposed merged  
 194 independent district insofar as it concerns elected and  
 195 appointed officials and public employees, along with a  
 196 transitional plan and schedule for elections and appointments of

CS/CS/HB 713

2011

197 officials;

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

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

203 h. Each component independent special district's  
204 liabilities and indebtedness, bonded and otherwise, and the  
205 current value thereof;

206 i. Terms for the assumption and disposition of existing  
207 assets, liabilities, and indebtedness of each component  
208 independent special district jointly, separately, or in defined  
209 proportions;

210 j. Terms for the common administration and uniform  
211 enforcement of existing laws within the proposed merged  
212 independent district;

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

215 l. The times and places for a referendum in each component  
216 independent special district on the proposed joint merger plan,  
217 along with the referendum language to be presented for approval;  
218 and

219 m. The effective date of the proposed merger.

220 2. The resolution endorsing the proposed joint merger plan  
221 must be approved by a majority vote of the governing bodies of  
222 each component independent special district and adopted at least  
223 business days before any general or special election on the  
224 proposed joint merger plan.



225 3. Within 5 business days after the governing bodies  
 226 approve the resolution endorsing the proposed joint merger plan,  
 227 the governing bodies must:

228 a. Cause a copy of the proposed joint merger plan, along  
 229 with a descriptive summary of the plan, to be displayed and be  
 230 readily accessible to the public for inspection in at least  
 231 three public places within the territorial limits of each  
 232 component independent special district, unless a component  
 233 independent special district has fewer than three public places,  
 234 in which case the plan must be accessible for inspection in all  
 235 public places within the component independent special district;

236 b. If applicable, cause the proposed joint merger plan,  
 237 along with a descriptive summary of the plan and a reference to  
 238 the public places within each component independent special  
 239 district where a copy of the merger plan may be examined, to be  
 240 displayed on a website maintained by each district or on a  
 241 website maintained by the county or municipality in which the  
 242 districts are located; and

243 c. Arrange for a descriptive summary of the proposed joint  
 244 merger plan, and a reference to the public places within the  
 245 district where a copy may be examined, to be published in a  
 246 newspaper of general circulation within the component  
 247 independent special districts at least once each week for 4  
 248 successive weeks.

249 4. The governing body of each component independent  
 250 special district shall set a time and place for one or more  
 251 public hearings on the proposed joint merger plan. Each public  
 252 hearing shall be held on a weekday at least 7 business days

253 after the day the first advertisement is published on the  
254 proposed joint merger plan. The hearing or hearings may be held  
255 jointly or separately by the governing bodies of the component  
256 independent special districts. Any interested person residing in  
257 the respective district shall be given a reasonable opportunity  
258 to be heard on any aspect of the proposed merger at the public  
259 hearing.

260 a. Notice of the public hearing addressing the resolution  
261 for the proposed joint merger plan must be published pursuant to  
262 the notice requirements in s. 189.417 and must provide a  
263 descriptive summary of the proposed joint merger plan and a  
264 reference to the public places within the component independent  
265 special districts where a copy of the plan may be examined.

266 b. After the final public hearing, the governing bodies of  
267 each component independent special district may amend the  
268 proposed joint merger plan if the amended version complies with  
269 the notice and public hearing requirements provided in this  
270 subsection. Thereafter, the governing bodies may approve a final  
271 version of the joint merger plan or decline to proceed further  
272 with the merger. Approval by the governing bodies of the final  
273 version of the joint merger plan must occur within business days  
274 after the final hearing.

275 5. After the final public hearing, the governing bodies  
276 shall notify the supervisors of elections of the applicable  
277 counties in which district lands are located of the adoption of  
278 the resolution by each governing body. The supervisors of  
279 elections shall schedule a separate referendum for each  
280 component independent special district. The referenda may be

281 held in each district on the same day, or on different days, but  
 282 no more than 20 days apart.

283 a. Notice of a referendum on the merger of independent  
 284 special districts must be provided pursuant to the notice  
 285 requirements in s. 100.342. At a minimum, the notice must  
 286 include:

287 (I) A brief summary of the resolution and joint merger  
 288 plan;

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

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

293 (IV) The times and places at which the referendum will be  
 294 held; and

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

298 b. The referenda must be held in accordance with the  
 299 Florida Election Code and may be held pursuant to ss. 101.6101-  
 300 101.6107. All costs associated with the referenda shall be borne  
 301 by the respective component independent special district.

302 c. The ballot question in such referendum placed before  
 303 the qualified electors of each component independent special  
 304 district to be merged must be in substantially the following  
 305 form:

306  
 307 "Shall (...name of component independent special  
 308 district...) and (...name of component independent special

309 district or districts... be merged into (...name of newly  
 310 merged independent district...)?

311        YES

312        NO"

313  
 314 d. If the component independent special districts  
 315 proposing to merge have disparate millage rates, the ballot  
 316 question in the referendum placed before the qualified electors  
 317 of each component independent special district must be in  
 318 substantially the following form:

319  
 320 "Shall (...name of component independent special  
 321 district...) and (...name of component independent special  
 322 district or districts...) be merged into (...name of newly  
 323 merged independent district...) if the voter-approved maximum  
 324 millage rate within each independent special district will not  
 325 increase absent a subsequent referendum?

326        YES

327        NO"

328  
 329 e. In any referendum held pursuant to this subsection, the  
 330 ballots shall be counted, returns made and canvassed, and  
 331 results certified in the same manner as other elections or  
 332 referenda for the component independent special districts.

333 f. The merger may not take effect unless a majority of the  
 334 votes cast in each component independent special district are in  
 335 favor of the merger. If one of the component districts does not  
 336 obtain a majority vote, the referendum fails, and merger does

337 not take effect.

338 g. If the merger is approved by a majority of the votes  
339 cast in each component independent special district, the merged  
340 independent district is created. Upon approval, the merged  
341 independent district shall notify the Special District  
342 Information Program pursuant to s. 189.418(2) and the local  
343 general-purpose governments in which any part of the component  
344 independent special districts is situated pursuant to s.  
345 189.418(7).

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

349 6. Component independent special districts merged pursuant  
350 to a joint merger plan by resolution shall continue to be  
351 governed as before the merger until the effective date specified  
352 in the adopted joint merger plan.

353 (c) Qualified elector-initiated merger plan.—The qualified  
354 electors of two or more contiguous independent special districts  
355 may commence a merger proceeding by each filing a petition with  
356 the governing body of their respective independent special  
357 district proposing to be merged. The petition must contain the  
358 signatures of at least 40 percent of the qualified electors of  
359 each component independent special district and must be  
360 submitted to the appropriate component independent special  
361 district governing body no later than 1 year after the start of  
362 the qualified elector-initiated merger process.

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

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PETITION FOR INDEPENDENT SPECIAL DISTRICT MERGER

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

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

<u>Date</u>	<u>Name (print under signature)</u>	<u>Home Address</u>
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_____	_____	_____
_____	_____	_____

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

a. A statement that is signed by a witness who is a duly qualified elector of the respective district shall be accepted for all purposes as the equivalent of an affidavit. Such statement must be in substantially the following form:

393  
 394 "I, (...name of witness...), state that I am a duly  
 395 qualified voter of (...name of independent special district...).  
 396 Each of the (...insert number...) persons who have signed this  
 397 petition sheet has signed his or her name in my presence on the  
 398 dates indicated above and identified himself or herself to be  
 399 the same person who signed the sheet. I understand that this  
 400 statement will be accepted for all purposes as the equivalent of  
 401 an affidavit and, if it contains a materially false statement,  
 402 shall subject me to the penalties of perjury."

403  
 404 Date Signature of Witness

405  
 406 b. A statement that is signed by a notary public or  
 407 another person authorized to take acknowledgements must be in  
 408 substantially the following form:

409  
 410 "On the date indicated above before me personally came each  
 411 of the (...insert number...) electors and legal voters whose  
 412 signatures appear on this petition sheet, who signed the  
 413 petition in my presence and who, being by me duly sworn, each  
 414 for himself or herself, identified himself or herself as the  
 415 same person who signed the petition, and I declare that the  
 416 foregoing information they provided was true."

417  
 418 Date Signature of Witness

419  
 420 c. An alteration or correction of information appearing on

421 a petition's signature line, other than an uninitialed signature  
422 and date, does not invalidate such signature. In matters of  
423 form, this paragraph shall be liberally construed, not  
424 inconsistent with substantial compliance thereto and the  
425 prevention of fraud.

426 d. The appropriately signed petition must be filed with  
427 the governing body of each component independent special  
428 district. The petition must be submitted to the supervisors of  
429 elections of the counties in which the district lands are  
430 located. The supervisors shall, within 30 business days after  
431 receipt of the petitions, certify to the governing bodies the  
432 number of signatures of qualified electors contained on the  
433 petitions.

434 3. Upon verification by the supervisors of elections of  
435 the counties within which component independent special district  
436 lands are located that 40 percent of the qualified electors have  
437 petitioned for merger and that all such petitions have been  
438 executed within 1 year after the date of the initiation of the  
439 qualified-electors merger process, the governing bodies of each  
440 component independent special district shall meet within 30  
441 business days to prepare and approve by resolution a proposed  
442 elector-initiated merger plan. The proposed plan must include:

443 a. The name of each component independent special district  
444 to be merged;

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

446 c. The rights, duties, and obligations of the merged  
447 independent district;

448 d. The territorial boundaries of the proposed merged



449 independent district;

450 e. The governmental organization of the proposed merged  
451 independent district insofar as it concerns elected and  
452 appointed officials and public employees, along with a  
453 transitional plan and schedule for elections and appointments of  
454 officials;

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

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

460 h. Each component independent special district's  
461 liabilities and indebtedness, bonded and otherwise, and the  
462 current value thereof;

463 i. Terms for the assumption and disposition of existing  
464 assets, liabilities, and indebtedness of each component  
465 independent special district, jointly, separately, or in defined  
466 proportions;

467 j. Terms for the common administration and uniform  
468 enforcement of existing laws within the proposed merged  
469 independent district;

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

472 1. The effective date of the proposed merger.

473 4. The resolution endorsing the proposed elector-initiated  
474 merger plan must be approved by a majority vote of the governing  
475 bodies of each component independent special district and must  
476 be adopted at least 60 business days before any general or

477 special election on the proposed elector-initiated plan.

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

481 a. Cause a copy of the proposed elector-initiated merger  
482 plan, along with a descriptive summary of the plan, to be  
483 displayed and be readily accessible to the public for inspection  
484 in at least three public places within the territorial limits of  
485 each component independent special district, unless a component  
486 independent special district has fewer than three public places,  
487 in which case the plan must be accessible for inspection in all  
488 public places within the component independent special district;

489 b. If applicable, cause the proposed elector-initiated  
490 merger plan, along with a descriptive summary of the plan and a  
491 reference to the public places within each component independent  
492 special district where a copy of the merger plan may be  
493 examined, to be displayed on a website maintained by each  
494 district or otherwise on a website maintained by the county or  
495 municipality in which the districts are located; and

496 c. Arrange for a descriptive summary of the proposed  
497 elector-initiated merger plan, and a reference to the public  
498 places within the district where a copy may be examined, to be  
499 published in a newspaper of general circulation within the  
500 component independent special districts at least once each week  
501 for 4 successive weeks.

502 6. The governing body of each component independent  
503 special district shall set a time and place for one or more  
504 public hearings on the proposed elector-initiated merger plan.

505 Each public hearing shall be held on a weekday at least 7  
506 business days after the day the first advertisement is published  
507 on the proposed elector-initiated merger plan. The hearing or  
508 hearings may be held jointly or separately by the governing  
509 bodies of the component independent special districts. Any  
510 interested person residing in the respective district shall be  
511 given a reasonable opportunity to be heard on any aspect of the  
512 proposed merger at the public hearing.

513 a. Notice of the public hearing on the proposed elector-  
514 initiated merger plan must be published pursuant to the notice  
515 requirements in s. 189.417 and must provide a descriptive  
516 summary of the elector-initiated merger plan and a reference to  
517 the public places within the component independent special  
518 districts where a copy of the plan may be examined.

519 b. After the final public hearing, the governing bodies of  
520 each component independent special district may amend the  
521 proposed elector-initiated merger plan if the amended version  
522 complies with the notice and public hearing requirements  
523 provided in this subsection. The governing bodies must approve a  
524 final version of the merger plan within 60 business days after  
525 the final hearing.

526 7. After the final public hearing, the governing bodies  
527 shall notify the supervisors of elections of the applicable  
528 counties in which district lands are located of the adoption of  
529 the resolution by each governing body. The supervisors of  
530 elections shall schedule a date for the separate referenda for  
531 each district. The referenda may be held in each district on the  
532 same day, or on different days, but no more than 20 days apart.

533 a. Notice of a referendum on the merger of the component  
534 independent special districts must be provided pursuant to the  
535 notice requirements in s. 100.342. At a minimum, the notice must  
536 include:

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

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

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

543 (IV) The times and places at which the referendum will be  
544 held; and

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

548 b. The referenda must be held in accordance with the  
549 Florida Election Code and may be held pursuant to ss. 101.6101-  
550 101.6107. All costs associated with the referenda shall be borne  
551 by the respective component independent special district.

552 c. The ballot question in such referendum placed before  
553 the qualified electors of each component independent special  
554 district to be merged must be in substantially the following  
555 form:

556  
557 "Shall (...name of component independent special  
558 district...) and (...name of component independent special  
559 district or districts...) be merged into (...name of newly  
560 merged independent district...)?

561                   YES

562                   NO"

563

564            d. If the component independent special districts  
 565 proposing to merge have disparate millage rates, the ballot  
 566 question in the referendum placed before the qualified electors  
 567 of each component independent special district must be in  
 568 substantially the following form:

569

570            "Shall (...name of component independent special  
 571 district...) and (...name of component independent special  
 572 district or districts...) be merged into (...name of newly  
 573 merged independent district...) if the voter-approved maximum  
 574 millage rate within each independent special district will not  
 575 increase absent a subsequent referendum?

576                   YES

577                   NO"

578

579            e. In any referendum held pursuant to this subsection, the  
 580 ballots shall be counted, returns made and canvassed, and  
 581 results certified in the same manner as other elections or  
 582 referenda for the component independent special districts.

583            f. The merger may not take effect unless a majority of the  
 584 votes cast in each component independent special district are in  
 585 favor of the merger. If one of the component independent special  
 586 districts does not obtain a majority vote, the referendum fails,  
 587 and merger does not take effect.

588            g. If the merger is approved by a majority of the votes

589 cast in each component independent special district, the merged  
590 district shall notify the Special District Information Program  
591 pursuant to s. 189.418(2) and the local general-purpose  
592 governments in which any part of the component independent  
593 special districts is situated pursuant to s. 189.418(7).

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

597 8. Component independent special districts merged pursuant  
598 to an elector-initiated merger plan shall continue to be  
599 governed as before the merger until the effective date specified  
600 in the adopted elector-initiated merger plan.

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

605 1. However, as soon as practicable, the merged independent  
606 district shall, at its own expense, submit a unified charter for  
607 the merged district to the Legislature for approval. The unified  
608 charter must make the powers of the district consistent within  
609 the merged independent district and repeal the special acts of  
610 the districts which existed before the merger.

611 2. Within 30 business days after the effective date of the  
612 merger, the merged independent district's governing body, as  
613 indicated in this subsection, shall hold an organizational  
614 meeting to implement the provisions of the joint merger plan or  
615 elector-initiated merger plan, as appropriate.

616 (e) Restrictions during transition period.—Until the

617 Legislature formally approves the unified charter pursuant to a  
618 special act, each component independent special district is  
619 considered a subunit of the merged independent district subject  
620 to the following restrictions:

621 1. During the transition period, the merged independent  
622 district is limited in its powers and financing capabilities  
623 within each subunit to those powers that existed within the  
624 boundaries of each subunit which were previously granted to the  
625 component independent special district in its existing charter  
626 before the merger. The merged independent district may not,  
627 solely by reason of the merger, increase its powers or financing  
628 capability.

629 2. During the transition period, the merged independent  
630 district shall exercise only the legislative authority to levy  
631 and collect revenues within the boundaries of each subunit which  
632 was previously granted to the component independent special  
633 district by its existing charter before the merger, including  
634 the authority to levy ad valorem taxes, non-ad valorem  
635 assessments, impact fees, and charges.

636 a. The merged independent district may not, solely by  
637 reason of the merger, increase ad valorem taxes on property  
638 within the original limits of a subunit beyond the maximum ad  
639 valorem rate approved by the electors of the component  
640 independent special district. For purposes of s. 2, Art. VII of  
641 the State Constitution, each subunit may be considered a  
642 separate taxing unit. The merged independent district may levy  
643 an ad valorem millage rate within a subunit, if applicable, only  
644 up to the millage rate that was previously approved by the

645 electors of the component independent special district unless an  
646 increase in the millage rate is approved pursuant to general  
647 law.

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

652 3. During the transition period, each component  
653 independent special district of the merged independent district  
654 must continue to file all information and reports required under  
655 this chapter as subunits until the Legislature formally approves  
656 the unified charter pursuant to a special act.

657 4. The intent of this section is to preserve and transfer  
658 to the merged independent district all authority that exists  
659 within each subunit and was previously granted by the  
660 Legislature and, if applicable, by referendum.

661 (f) Effect of merger, generally.—On and after the  
662 effective date of the merger, the merged independent district  
663 shall be treated and considered for all purposes as one entity  
664 under the name and on the terms and conditions set forth in the  
665 joint merger plan or elector-initiated merger plan, as  
666 appropriate.

667 1. All rights, privileges, and franchises of each  
668 component independent special district and all assets, real and  
669 personal property, books, records, papers, seals, and equipment,  
670 as well as other things in action, belonging to each component  
671 independent special district before the merger shall be deemed  
672 as transferred to and vested in the merged independent district



673 without further act or deed.

674 2. All property, rights-of-way, and other interests are as  
675 effectually the property of the merged independent district as  
676 they were of the component independent special district before  
677 the merger. The title to real estate, by deed or otherwise,  
678 under the laws of this state vested in any component independent  
679 special district before the merger may not be deemed to revert  
680 or be in any way impaired by reason of the merger.

681 3. The merged independent district is in all respects  
682 subject to all obligations and liabilities imposed and possesses  
683 all the rights, powers, and privileges vested by law in other  
684 similar entities.

685 4. Upon the effective date of the merger, the joint merger  
686 plan or elector-initiated merger plan, as appropriate, is  
687 subordinate in all respects to the contract rights of all  
688 holders of any securities or obligations of the component  
689 independent special districts outstanding at the effective date  
690 of the merger.

691 5. The new registration of electors is not necessary as a  
692 result of the merger, but all elector registrations of the  
693 component independent special districts shall be transferred to  
694 the proper registration books of the merged independent  
695 district, and new registrations shall be made as provided by law  
696 as if no merger had taken place.

697 (g) Governing body of merged independent district.—

698 1. From the effective date of the merger until the next  
699 general election, the governing body of the merged independent  
700 district shall be comprised of the governing body members of

CS/CS/HB 713

2011

701 each component independent special district, with such members  
702 serving until the governing body members elected at the next  
703 general election take office.

704 2. Beginning with the next general election following the  
705 effective date of merger, the governing body of the merged  
706 independent district shall be comprised of five members. The  
707 office of each governing body member shall be designated by  
708 seat, which shall be distinguished from other body member seats  
709 by an assigned numeral: 1, 2, 3, 4, or 5. The governing body  
710 members that are elected in this initial election following the  
711 merger shall serve unequal terms of 2 and 4 years in order to  
712 create staggered membership of the governing body, with:

713 a. Member seats 1, 3, and 5 being designated for 4-year  
714 terms; and

715 b. Member seats 2 and 4 being designated for 2-year terms.

716 3. In general elections thereafter, all governing body  
717 members shall serve 4-year terms.

718 (h) Effect on employees.—Except as otherwise provided by  
719 law and except for those officials and employees protected by  
720 tenure of office, civil service provisions, or a collective  
721 bargaining agreement, upon the effective date of merger, all  
722 appointive offices and positions existing in all component  
723 independent special districts involved in the merger are subject  
724 to the terms of the joint merger plan or elector-initiated  
725 merger plan, as appropriate. Such plan may provide for instances  
726 in which there are duplications of positions and for other  
727 matters such as varying lengths of employee contracts, varying  
728 pay levels or benefits, different civil service regulations in

729 the constituent entities, and differing ranks and position  
730 classifications for similar positions. For those employees who  
731 are members of a bargaining unit certified by the Public  
732 Employees Relations Commission, the requirements of chapter 447  
733 apply.

734 (i) Effect on debts, liabilities, and obligations.—

735 1. All valid and lawful debts and liabilities existing  
736 against a merged independent district, or which may arise or  
737 accrue against the merged independent district, which but for  
738 merger would be valid and lawful debts or liabilities against  
739 one or more of the component independent special districts, are  
740 debts against or liabilities of the merged independent district  
741 and accordingly shall be defrayed and answered to by the merged  
742 independent district to the same extent, and no further than,  
743 the component independent special districts would have been  
744 bound if a merger had not taken place.

745 2. The rights of creditors and all liens upon the property  
746 of any of the component independent special districts shall be  
747 preserved unimpaired. The respective component districts shall  
748 be deemed to continue in existence to preserve such rights and  
749 liens, and all debts, liabilities, and duties of any of the  
750 component districts attach to the merged independent district.

751 3. All bonds, contracts, and obligations of the component  
752 independent special districts which exist as legal obligations  
753 are obligations of the merged independent district, and all such  
754 obligations shall be issued or entered into by and in the name  
755 of the merged independent district.

756 (j) Effect on actions and proceedings.—In any action or

CS/CS/HB 713

2011

757 proceeding pending on the effective date of merger to which a  
758 component independent special district is a party, the merged  
759 independent district may be substituted in its place, and the  
760 action or proceeding may be prosecuted to judgment as if merger  
761 had not taken place. Suits may be brought and maintained against  
762 a merged independent district in any state court in the same  
763 manner as against any other independent special district.

764 (k) Effect on annexation.—Chapter 171 continues to apply  
765 to all annexations by a city within the component independent  
766 special districts' boundaries after merger occurs. Any moneys  
767 owed to a component independent special district pursuant to s.  
768 171.093, or any interlocal service boundary agreement as a  
769 result of annexation predating the merger, shall be paid to the  
770 merged independent district after merger.

771 (l) Determination of rights.—If any right, title,  
772 interest, or claim arises out of a merger or by reason thereof  
773 which is not determinable by reference to this subsection, the  
774 joint merger plan or elector-initiated merger plan, as  
775 appropriate, or otherwise under the laws of this state, the  
776 governing body of the merged independent district may provide  
777 therefor in a manner conforming to law.

778 (m) Exemption.—This subsection does not apply to  
779 independent special districts whose governing bodies are elected  
780 by district landowners voting the acreage owned within the  
781 district.

782 (n) Preemption.—This subsection preempts any special act  
783 to the contrary.

784 (6) INVOLUNTARY MERGER OF INDEPENDENT SPECIAL DISTRICTS.—

785 If a local general-purpose government seeks to merge an active  
 786 independent special district or districts created and operating  
 787 pursuant to a special act whose governing body or governing  
 788 bodies object by resolution to the merger, the merger of the  
 789 active independent special district or districts is not  
 790 effective until the special act of the Legislature is approved  
 791 at separate referenda of the impacted local governments by a  
 792 majority of the resident electors or landowners voting in the  
 793 same manner by which each independent special district's  
 794 governing body is elected. The special act shall include a plan  
 795 of merger that addresses transition issues such as the effective  
 796 date of the merger, governance, administration, powers,  
 797 pensions, and assumption of all assets and liabilities.

798 (a) The political subdivisions proposing the involuntary  
 799 merger of an active independent special district shall be  
 800 responsible for payment of any expenses associated with the  
 801 referendum required under this subsection.

802 (b) An independent special district that meets any  
 803 criteria for being declared inactive, or that has already been  
 804 declared inactive, pursuant to s. 189.4044 may be merged by  
 805 special act without a referendum.

806 (7)-(3) EXEMPTIONS. The provisions of This section does  
 807 shall not apply to community development districts implemented  
 808 pursuant to chapter 190 or to water management districts created  
 809 and operated pursuant to chapter 373.

810 Section 2. Section 191.014, Florida Statutes, is amended  
 811 to read:

812 191.014 District creation and, expansion, ~~and merger.~~

CS/CS/HB 713

2011

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

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

818 ~~(3) The merger of a district with all or portions of other~~  
819 ~~independent special districts or dependent fire control~~  
820 ~~districts is effective only upon ratification by the~~  
821 ~~Legislature. A district may not, solely by reason of a merger~~  
822 ~~with another governmental entity, increase ad valorem taxes on~~  
823 ~~property within the original limits of the district beyond the~~  
824 ~~maximum established by the district's enabling legislation,~~  
825 ~~unless approved by the electors of the district by referendum.~~

826 Section 3. Paragraph (a) of subsection (1) and subsection  
827 (4) of section 189.4044, Florida Statutes, are amended to read:

828 189.4044 Special procedures for inactive districts.—

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

831 (a) The special district meets one of the following  
832 criteria:

833 1. The registered agent of the district, the chair of the  
834 governing body of the district, or the governing body of the  
835 appropriate local general-purpose government notifies the  
836 department in writing that the district has taken no action for  
837 2 or more years;

838 2. Following an inquiry from the department, the  
839 registered agent of the district, the chair of the governing  
840 body of the district, or the governing body of the appropriate

CS/CS/HB 713

2011

841 local general-purpose government notifies the department in  
842 writing that the district has not had a governing board or a  
843 sufficient number of governing board members to constitute a  
844 quorum for 2 or more years or the registered agent of the  
845 district, the chair of the governing body of the district, or  
846 the governing body of the appropriate local general-purpose  
847 government fails to respond to the department's inquiry within  
848 21 days; ~~or~~

849 3. The department determines, pursuant to s. 189.421, that  
850 the district has failed to file any of the reports listed in s.  
851 189.419; or

852 4. The governing body of a special district provides  
853 documentation to the department that it has unanimously adopted  
854 a resolution declaring the special district inactive. The  
855 special district shall be responsible for payment of any  
856 expenses associated with its dissolution.

857 (4) The entity that created a special district declared  
858 inactive under this section must dissolve the special district  
859 by repealing its enabling laws or by other appropriate means.  
860 Any special district declared inactive pursuant to subparagraph  
861 (1) (a) 4. may be dissolved without a referendum.

862 Section 4. This act shall take effect July 1, 2011.