



119586

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/01/2012	.	
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	.	

The Committee on Budget Subcommittee on Finance and Tax
(Gardiner) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

189.4042 Merger and dissolution procedures.—

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

(a) "Component independent special district" means an
independent special district that proposes to be merged into a
merged independent district, or an independent special district
as it existed before its merger into the merged independent



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13 district of which it is now a part.

14 (b) "Elector-initiated merger plan" means the merger plan
15 of two or more independent special districts, a majority of
16 whose qualified electors have elected to merge, which outlines
17 the terms and agreements for the official merger of the
18 districts and is finalized and approved by the governing bodies
19 of the districts pursuant to this section.

20 (c) "Governing body" means the governing body of the
21 independent special district in which the general legislative,
22 governmental, or public powers of the district are vested and by
23 authority of which the official business of the district is
24 conducted.

25 (d) "Initiative" means the filing of a petition containing
26 a proposal for a referendum to be placed on the ballot for
27 election.

28 (e) "Joint merger plan" means the merger plan that is
29 adopted by resolution of the governing bodies of two or more
30 independent special districts that outlines the terms and
31 agreements for the official merger of the districts and that is
32 finalized and approved by the governing bodies pursuant to this
33 section.

34 (f) "Merged independent district" means a single
35 independent special district that results from a successful
36 merger of two or more independent special districts pursuant to
37 this section.

38 (g) "Merger" means the combination of two or more
39 contiguous independent special districts resulting in a newly
40 created merged independent district that assumes jurisdiction
41 over all of the component independent special districts.



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

45 (i) "Proposed elector-initiated merger plan" means a
46 written document that contains the terms and information
47 regarding the merger of two or more independent special
48 districts and that accompanies the petition initiated by the
49 qualified electors of the districts but that is not yet
50 finalized and approved by the governing bodies of each component
51 independent special district pursuant to this section.

52 (j) "Proposed joint merger plan" means a written document
53 that contains the terms and information regarding the merger of
54 two or more independent special districts and that has been
55 prepared pursuant to a resolution of the governing bodies of the
56 districts but that is not yet finalized and approved by the
57 governing bodies of each component independent special district
58 pursuant to this section.

59 (k) "Qualified elector" means an individual at least 18
60 years of age who is a citizen of the United States, a permanent
61 resident of this state, and a resident of the district who
62 registers with the supervisor of elections of a county within
63 which the district lands are located when the registration books
64 are open.

65 (2)~~(1)~~ MERGER OR DISSOLUTION OF A DEPENDENT SPECIAL
66 DISTRICT.—

67 (a) The merger or dissolution of a dependent special
68 district ~~districts~~ may be effectuated by an ordinance of the
69 general-purpose local governmental entity wherein the
70 geographical area of the district or districts is located.



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71 However, a county may not dissolve a special district that is
72 dependent to a municipality or vice versa, or a dependent
73 district created by special act.

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

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

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

86 (3) ~~(2)~~ DISSOLUTION OF AN INDEPENDENT SPECIAL DISTRICT.-

87 (a) Voluntary dissolution.-If the governing board of an
88 independent special district created and operating pursuant to a
89 special act elects, by a majority vote plus one, to dissolve the
90 district, the voluntary ~~merger or~~ dissolution of an independent
91 special district ~~or a dependent district~~ created and operating
92 pursuant to a special act may ~~only~~ be effectuated only by the
93 Legislature unless otherwise provided by general law.

94 (b) Other dissolutions.-

95 1. In order for the Legislature to dissolve an active
96 independent special district created and operating pursuant to a
97 special act, the special act dissolving the active independent
98 special district must be approved by a majority of the resident
99 electors of the district or, for districts in which a majority



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100 of governing board members are elected by landowners, a majority
101 of the landowners voting in the same manner by which the
102 independent special district's governing body is elected. If a
103 local general-purpose government passes an ordinance or
104 resolution in support of the dissolution, the local general-
105 purpose government must pay any expenses associated with the
106 referendum required under this subparagraph.

107 2. If an independent special district was created by a
108 county or municipality by referendum or any other procedure, the
109 county or municipality that created the district may dissolve
110 the district pursuant to a referendum or any other procedure by
111 which the independent special district was created. However, if
112 the independent special district has ad valorem taxation powers,
113 the same procedure required to grant the independent special
114 district ad valorem taxation powers is required to dissolve the
115 district.

116 (c) *Inactive independent special districts.*—An independent
117 special district that meets any criteria for being declared
118 inactive, or that has already been declared inactive, pursuant
119 to s. 189.4044 may be dissolved by special act without a
120 referendum. If an inactive independent special district was
121 created by a county or municipality through a referendum, the
122 county or municipality that created the district may dissolve
123 the district after publishing notice as described in s.
124 189.4044. If an independent district was created by a county or
125 municipality by referendum or any other procedure, the county or
126 municipality that created the district may merge or dissolve the
127 district pursuant to the same procedure by which the independent
128 district was created. However, for any independent district that



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129 ~~has ad valorem taxation powers, the same procedure required to~~
130 ~~grant such independent district ad valorem taxation powers shall~~
131 ~~also be required to dissolve or merge the district.~~

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

135 (4) LEGISLATIVE MERGER OF INDEPENDENT SPECIAL DISTRICTS.—
136 The Legislature, by special act, may merge independent special
137 districts created and operating pursuant to special act.

138 (5) VOLUNTARY MERGER OF INDEPENDENT SPECIAL DISTRICTS.—Two
139 or more contiguous independent special districts created by
140 special act which have similar functions and elected governing
141 bodies may elect to merge into a single independent district
142 through the act of merging the component independent special
143 districts.

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

145 1. A joint resolution of the governing bodies of each
146 independent special district which endorses a proposed joint
147 merger plan; or

148 2. A qualified elector initiative.

149 (b) Joint merger plan by resolution.—The governing bodies
150 of two or more contiguous independent special districts may, by
151 joint resolution, endorse a proposed joint merger plan to
152 commence proceedings to merge the districts pursuant to this
153 subsection.

154 1. The proposed joint merger plan must specify:

155 a. The name of each component independent special district
156 to be merged;

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



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158 c. The rights, duties, and obligations of the proposed
159 merged independent district;

160 d. The territorial boundaries of the proposed merged
161 independent district;

162 e. The governmental organization of the proposed merged
163 independent district insofar as it concerns elected and
164 appointed officials and public employees, along with a
165 transitional plan and schedule for elections and appointments of
166 officials;

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

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

172 h. Each component independent special district's
173 liabilities and indebtedness, bonded and otherwise, and the
174 current value thereof;

175 i. Terms for the assumption and disposition of existing
176 assets, liabilities, and indebtedness of each component
177 independent special district jointly, separately, or in defined
178 proportions;

179 j. Terms for the common administration and uniform
180 enforcement of existing laws within the proposed merged
181 independent district;

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

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



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187 and
188 m. The effective date of the proposed merger.
189 2. The resolution endorsing the proposed joint merger plan
190 must be approved by a majority vote of the governing bodies of
191 each component independent special district and adopted at least
192 60 business days before any general or special election on the
193 proposed joint merger plan.
194 3. Within 5 business days after the governing bodies
195 approve the resolution endorsing the proposed joint merger plan,
196 the governing bodies must:
197 a. Cause a copy of the proposed joint merger plan, along
198 with a descriptive summary of the plan, to be displayed and be
199 readily accessible to the public for inspection in at least
200 three public places within the territorial limits of each
201 component independent special district, unless a component
202 independent special district has fewer than three public places,
203 in which case the plan must be accessible for inspection in all
204 public places within the component independent special district;
205 b. If applicable, cause the proposed joint merger plan,
206 along with a descriptive summary of the plan and a reference to
207 the public places within each component independent special
208 district where a copy of the merger plan may be examined, to be
209 displayed on a website maintained by each district or on a
210 website maintained by the county or municipality in which the
211 districts are located; and
212 c. Arrange for a descriptive summary of the proposed joint
213 merger plan, and a reference to the public places within the
214 district where a copy may be examined, to be published in a
215 newspaper of general circulation within the component



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216 independent special districts at least once each week for 4
217 successive weeks.

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

229 a. Notice of the public hearing addressing the resolution
230 for the proposed joint merger plan must be published pursuant to
231 the notice requirements in s. 189.417 and must provide a
232 descriptive summary of the proposed joint merger plan and a
233 reference to the public places within the component independent
234 special districts where a copy of the plan may be examined.

235 b. After the final public hearing, the governing bodies of
236 each component independent special district may amend the
237 proposed joint merger plan if the amended version complies with
238 the notice and public hearing requirements provided in this
239 subsection. Thereafter, the governing bodies may approve a final
240 version of the joint merger plan or decline to proceed further
241 with the merger. Approval by the governing bodies of the final
242 version of the joint merger plan must occur within 60 business
243 days after the final hearing.

244 5. After the final public hearing, the governing bodies



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245 shall notify the supervisors of elections of the applicable
246 counties in which district lands are located of the adoption of
247 the resolution by each governing body. The supervisors of
248 elections shall schedule a separate referendum for each
249 component independent special district. The referenda may be
250 held in each district on the same day, or on different days, but
251 no more than 20 days apart.

252 a. Notice of a referendum on the merger of independent
253 special districts must be provided pursuant to the notice
254 requirements in s. 100.342. At a minimum, the notice must
255 include:

256 (I) A brief summary of the resolution and joint merger
257 plan;

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

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

262 (IV) The times and places at which the referendum will be
263 held; and

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

267 b. The referenda must be held in accordance with the
268 Florida Election Code and may be held pursuant to ss. 101.6101-
269 101.6107. All costs associated with the referenda shall be borne
270 by the respective component independent special district.

271 c. The ballot question in such referendum placed before the
272 qualified electors of each component independent special
273 district to be merged must be in substantially the following



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274 form:

275

276 "Shall (...name of component independent special
277 district...) and (...name of component independent special
278 district or districts...) be merged into (...name of newly
279 merged independent district...)?

280 YES

281 NO"

282

283 d. If the component independent special districts proposing
284 to merge have disparate millage rates, the ballot question in
285 the referendum placed before the qualified electors of each
286 component independent special district must be in substantially
287 the following form:

288

289 "Shall (...name of component independent special
290 district...) and (...name of component independent special
291 district or districts...) be merged into (...name of newly
292 merged independent district...) if the voter-approved maximum
293 millage rate within each independent special district will not
294 increase absent a subsequent referendum?

295 YES

296 NO"

297

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

302 f. The merger may not take effect unless a majority of the



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303 votes cast in each component independent special district are in
304 favor of the merger. If one of the component districts does not
305 obtain a majority vote, the referendum fails, and merger does
306 not take effect.

307 g. If the merger is approved by a majority of the votes
308 cast in each component independent special district, the merged
309 independent district is created. Upon approval, the merged
310 independent district shall notify the Special District
311 Information Program pursuant to s. 189.418(2) and the local
312 general-purpose governments in which any part of the component
313 independent special districts is situated pursuant to s.
314 189.418(7).

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

318 6. Component independent special districts merged pursuant
319 to a joint merger plan by resolution shall continue to be
320 governed as before the merger until the effective date specified
321 in the adopted joint merger plan.

322 (c) *Qualified elector-initiated merger plan.*—The qualified
323 electors of two or more contiguous independent special districts
324 may commence a merger proceeding by each filing a petition with
325 the governing body of their respective independent special
326 district proposing to be merged. The petition must contain the
327 signatures of at least 40 percent of the qualified electors of
328 each component independent special district and must be
329 submitted to the appropriate component independent special
330 district governing body no later than 1 year after the start of
331 the qualified elector-initiated merger process.



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

334
335 PETITION FOR INDEPENDENT SPECIAL DISTRICT MERGER
336

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

346
347 In witness thereof, we have signed our names on the date
348 indicated next to our signatures.

349
350 Date Name (print under signature) Home Address
351 _____
352 _____
353

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

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



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361 statement must be in substantially the following form:

362

363 "I, (...name of witness...), state that I am a duly
364 qualified voter of (...name of independent special district...).
365 Each of the (...insert number...) persons who have signed this
366 petition sheet has signed his or her name in my presence on the
367 dates indicated above and identified himself or herself to be
368 the same person who signed the sheet. I understand that this
369 statement will be accepted for all purposes as the equivalent of
370 an affidavit and, if it contains a materially false statement,
371 shall subject me to the penalties of perjury."

372

373 Date Signature of Witness

374

375 b. A statement that is signed by a notary public or another
376 person authorized to take acknowledgements must be in
377 substantially the following form:

378

379 "On the date indicated above before me personally came each
380 of the (...insert number...) electors and legal voters whose
381 signatures appear on this petition sheet, who signed the
382 petition in my presence and who, being by me duly sworn, each
383 for himself or herself, identified himself or herself as the
384 same person who signed the petition, and I declare that the
385 foregoing information they provided was true."

386

387 Date Signature of Witness

388

389 c. An alteration or correction of information appearing on



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390 a petition's signature line, other than an uninitialed signature
391 and date, does not invalidate such signature. In matters of
392 form, this paragraph shall be liberally construed, not
393 inconsistent with substantial compliance thereto and the
394 prevention of fraud.

395 d. The appropriately signed petition must be filed with the
396 governing body of each component independent special district.
397 The petition must be submitted to the supervisors of elections
398 of the counties in which the district lands are located. The
399 supervisors shall, within 30 business days after receipt of the
400 petitions, certify to the governing bodies the number of
401 signatures of qualified electors contained on the petitions.

402 3. Upon verification by the supervisors of elections of the
403 counties within which component independent special district
404 lands are located that 40 percent of the qualified electors have
405 petitioned for merger and that all such petitions have been
406 executed within 1 year after the date of the initiation of the
407 qualified-electoral merger process, the governing bodies of each
408 component independent special district shall meet within 30
409 business days to prepare and approve by resolution a proposed
410 electoral-initiated merger plan. The proposed plan must include:

411 a. The name of each component independent special district
412 to be merged;

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

414 c. The rights, duties, and obligations of the merged
415 independent district;

416 d. The territorial boundaries of the proposed merged
417 independent district;

418 e. The governmental organization of the proposed merged



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419 independent district insofar as it concerns elected and
420 appointed officials and public employees, along with a
421 transitional plan and schedule for elections and appointments of
422 officials;

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

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

428 h. Each component independent special district's
429 liabilities and indebtedness, bonded and otherwise, and the
430 current value thereof;

431 i. Terms for the assumption and disposition of existing
432 assets, liabilities, and indebtedness of each component
433 independent special district, jointly, separately, or in defined
434 proportions;

435 j. Terms for the common administration and uniform
436 enforcement of existing laws within the proposed merged
437 independent district;

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

440 1. The effective date of the proposed merger.

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

446 5. Within 5 business days after the governing bodies of
447 each component independent special district approve the proposed



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448 elector-initiated merger plan, the governing bodies shall:

449 a. Cause a copy of the proposed elector-initiated merger
450 plan, along with a descriptive summary of the plan, to be
451 displayed and be readily accessible to the public for inspection
452 in at least three public places within the territorial limits of
453 each component independent special district, unless a component
454 independent special district has fewer than three public places,
455 in which case the plan must be accessible for inspection in all
456 public places within the component independent special district;

457 b. If applicable, cause the proposed elector-initiated
458 merger plan, along with a descriptive summary of the plan and a
459 reference to the public places within each component independent
460 special district where a copy of the merger plan may be
461 examined, to be displayed on a website maintained by each
462 district or otherwise on a website maintained by the county or
463 municipality in which the districts are located; and

464 c. Arrange for a descriptive summary of the proposed
465 elector-initiated merger plan, and a reference to the public
466 places within the district where a copy may be examined, to be
467 published in a newspaper of general circulation within the
468 component independent special districts at least once each week
469 for 4 successive weeks.

470 6. The governing body of each component independent special
471 district shall set a time and place for one or more public
472 hearings on the proposed elector-initiated merger plan. Each
473 public hearing shall be held on a weekday at least 7 business
474 days after the day the first advertisement is published on the
475 proposed elector-initiated merger plan. The hearing or hearings
476 may be held jointly or separately by the governing bodies of the



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477 component independent special districts. Any interested person
478 residing in the respective district shall be given a reasonable
479 opportunity to be heard on any aspect of the proposed merger at
480 the public hearing.

481 a. Notice of the public hearing on the proposed elector-
482 initiated merger plan must be published pursuant to the notice
483 requirements in s. 189.417 and must provide a descriptive
484 summary of the elector-initiated merger plan and a reference to
485 the public places within the component independent special
486 districts where a copy of the plan may be examined.

487 b. After the final public hearing, the governing bodies of
488 each component independent special district may amend the
489 proposed elector-initiated merger plan if the amended version
490 complies with the notice and public hearing requirements
491 provided in this subsection. The governing bodies must approve a
492 final version of the merger plan within 60 business days after
493 the final hearing.

494 7. After the final public hearing, the governing bodies
495 shall notify the supervisors of elections of the applicable
496 counties in which district lands are located of the adoption of
497 the resolution by each governing body. The supervisors of
498 elections shall schedule a date for the separate referenda for
499 each district. The referenda may be held in each district on the
500 same day, or on different days, but no more than 20 days apart.

501 a. Notice of a referendum on the merger of the component
502 independent special districts must be provided pursuant to the
503 notice requirements in s. 100.342. At a minimum, the notice must
504 include:

505 (I) A brief summary of the resolution and elector-initiated



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506 merger plan;
507 (II) A statement as to where a copy of the resolution and
508 petition for merger may be examined;
509 (III) The names of the component independent special
510 districts to be merged and a description of their territory;
511 (IV) The times and places at which the referendum will be
512 held; and
513 (V) Such other matters as may be necessary to call, provide
514 for, and give notice of the referendum and to provide for the
515 conduct thereof and the canvass of the returns.
516 b. The referenda must be held in accordance with the
517 Florida Election Code and may be held pursuant to ss. 101.6101-
518 101.6107. All costs associated with the referenda shall be borne
519 by the respective component independent special district.
520 c. The ballot question in such referendum placed before the
521 qualified electors of each component independent special
522 district to be merged must be in substantially the following
523 form:
524
525 "Shall (...name of component independent special
526 district...) and (...name of component independent special
527 district or districts...) be merged into (...name of newly
528 merged independent district...)?
529 YES
530 NO"
531
532 d. If the component independent special districts proposing
533 to merge have disparate millage rates, the ballot question in
534 the referendum placed before the qualified electors of each



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535 component independent special district must be in substantially
536 the following form:

537
538 "Shall (...name of component independent special
539 district...) and (...name of component independent special
540 district or districts...) be merged into (...name of newly
541 merged independent district...) if the voter-approved maximum
542 millage rate within each independent special district will not
543 increase absent a subsequent referendum?

544 YES

545 NO"

546
547 e. In any referendum held pursuant to this subsection, the
548 ballots shall be counted, returns made and canvassed, and
549 results certified in the same manner as other elections or
550 referenda for the component independent special districts.

551 f. The merger may not take effect unless a majority of the
552 votes cast in each component independent special district are in
553 favor of the merger. If one of the component independent special
554 districts does not obtain a majority vote, the referendum fails,
555 and merger does not take effect.

556 g. If the merger is approved by a majority of the votes
557 cast in each component independent special district, the merged
558 district shall notify the Special District Information Program
559 pursuant to s. 189.418(2) and the local general-purpose
560 governments in which any part of the component independent
561 special districts is situated pursuant to s. 189.418(7).

562 h. If the referendum fails, the merger process under this
563 paragraph may not be initiated for the same purpose within 2



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564 years after the date of the referendum.

565 8. Component independent special districts merged pursuant
566 to an elector-initiated merger plan shall continue to be
567 governed as before the merger until the effective date specified
568 in the adopted elector-initiated merger plan.

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

573 1. However, as soon as practicable, the merged independent
574 district shall, at its own expense, submit a unified charter for
575 the merged district to the Legislature for approval. The unified
576 charter must make the powers of the district consistent within
577 the merged independent district and repeal the special acts of
578 the districts which existed before the merger.

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

584 (e) Restrictions during transition period.—Until the
585 Legislature formally approves the unified charter pursuant to a
586 special act, each component independent special district is
587 considered a subunit of the merged independent district subject
588 to the following restrictions:

589 1. During the transition period, the merged independent
590 district is limited in its powers and financing capabilities
591 within each subunit to those powers that existed within the
592 boundaries of each subunit which were previously granted to the



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593 component independent special district in its existing charter
594 before the merger. The merged independent district may not,
595 solely by reason of the merger, increase its powers or financing
596 capability.

597 2. During the transition period, the merged independent
598 district shall exercise only the legislative authority to levy
599 and collect revenues within the boundaries of each subunit which
600 was previously granted to the component independent special
601 district by its existing charter before the merger, including
602 the authority to levy ad valorem taxes, non-ad valorem
603 assessments, impact fees, and charges.

604 a. The merged independent district may not, solely by
605 reason of the merger or the legislatively approved unified
606 charter, increase ad valorem taxes on property within the
607 original limits of a subunit beyond the maximum millage rate
608 approved by the electors of the component independent special
609 district unless the electors of such subunit approve an increase
610 at a subsequent referendum of the subunit's electors. Each
611 subunit may be considered a separate taxing unit.

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

616 3. During the transition period, each component independent
617 special district of the merged independent district must
618 continue to file all information and reports required under this
619 chapter as subunits until the Legislature formally approves the
620 unified charter pursuant to a special act.

621 4. The intent of this section is to preserve and transfer



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622 to the merged independent district all authority that exists
623 within each subunit and was previously granted by the
624 Legislature and, if applicable, by referendum.

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

630 1. All rights, privileges, and franchises of each component
631 independent special district and all assets, real and personal
632 property, books, records, papers, seals, and equipment, as well
633 as other things in action, belonging to each component
634 independent special district before the merger shall be deemed
635 as transferred to and vested in the merged independent district
636 without further act or deed.

637 2. All property, rights-of-way, and other interests are as
638 effectually the property of the merged independent district as
639 they were of the component independent special district before
640 the merger. The title to real estate, by deed or otherwise,
641 under the laws of this state vested in any component independent
642 special district before the merger may not be deemed to revert
643 or be in any way impaired by reason of the merger.

644 3. The merged independent district is in all respects
645 subject to all obligations and liabilities imposed and possesses
646 all the rights, powers, and privileges vested by law in other
647 similar entities.

648 4. Upon the effective date of the merger, the joint merger
649 plan or elector-initiated merger plan, as appropriate, is
650 subordinate in all respects to the contract rights of all



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651 holders of any securities or obligations of the component
652 independent special districts outstanding at the effective date
653 of the merger.

654 5. The new registration of electors is not necessary as a
655 result of the merger, but all elector registrations of the
656 component independent special districts shall be transferred to
657 the proper registration books of the merged independent
658 district, and new registrations shall be made as provided by law
659 as if no merger had taken place.

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

661 1. From the effective date of the merger until the next
662 general election, the governing body of the merged independent
663 district shall be comprised of the governing body members of
664 each component independent special district, with such members
665 serving until the governing body members elected at the next
666 general election take office.

667 2. Beginning with the next general election following the
668 effective date of merger, the governing body of the merged
669 independent district shall be comprised of five members. The
670 office of each governing body member shall be designated by
671 seat, which shall be distinguished from other body member seats
672 by an assigned numeral: 1, 2, 3, 4, or 5. The governing body
673 members that are elected in this initial election following the
674 merger shall serve unequal terms of 2 and 4 years in order to
675 create staggered membership of the governing body, with:

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

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

679 3. In general elections thereafter, all governing body



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680 members shall serve 4-year terms.

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

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

698 1. All valid and lawful debts and liabilities existing
699 against a merged independent district, or which may arise or
700 accrue against the merged independent district, which but for
701 merger would be valid and lawful debts or liabilities against
702 one or more of the component independent special districts, are
703 debts against or liabilities of the merged independent district
704 and accordingly shall be defrayed and answered to by the merged
705 independent district to the same extent, and no further than,
706 the component independent special districts would have been
707 bound if a merger had not taken place.

708 2. The rights of creditors and all liens upon the property



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709 of any of the component independent special districts shall be
710 preserved unimpaired. The respective component districts shall
711 be deemed to continue in existence to preserve such rights and
712 liens, and all debts, liabilities, and duties of any of the
713 component districts attach to the merged independent district.

714 3. All bonds, contracts, and obligations of the component
715 independent special districts which exist as legal obligations
716 are obligations of the merged independent district, and all such
717 obligations shall be issued or entered into by and in the name
718 of the merged independent district.

719 (j) Effect on actions and proceedings.—In any action or
720 proceeding pending on the effective date of merger to which a
721 component independent special district is a party, the merged
722 independent district may be substituted in its place, and the
723 action or proceeding may be prosecuted to judgment as if merger
724 had not taken place. Suits may be brought and maintained against
725 a merged independent district in any state court in the same
726 manner as against any other independent special district.

727 (k) Effect on annexation.—Chapter 171 continues to apply to
728 all annexations by a city within the component independent
729 special districts' boundaries after merger occurs. Any moneys
730 owed to a component independent special district pursuant to s.
731 171.093, or any interlocal service boundary agreement as a
732 result of annexation predating the merger, shall be paid to the
733 merged independent district after merger.

734 (l) Effect on millage calculations.—The merged independent
735 special district is authorized to continue or conclude
736 procedures under chapter 200 on behalf of the component
737 independent special districts. The merged independent special



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738 district shall make the calculations required by chapter 200 for
739 each component individual special district separately.

740 (m) Determination of rights.—If any right, title, interest,
741 or claim arises out of a merger or by reason thereof which is
742 not determinable by reference to this subsection, the joint
743 merger plan or elector-initiated merger plan, as appropriate, or
744 otherwise under the laws of this state, the governing body of
745 the merged independent district may provide therefor in a manner
746 conforming to law.

747 (n) Exemption.—This subsection does not apply to
748 independent special districts whose governing bodies are elected
749 by district landowners voting the acreage owned within the
750 district.

751 (o) Preemption.—This subsection preempts any special act to
752 the contrary.

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

754 (a) Independent special districts created by special act.—

755 In order for the Legislature to merge an active independent
756 special district or districts created and operating pursuant to
757 a special act, the special act merging the active independent
758 special district or districts must be approved at separate
759 referenda of the impacted local governments by a majority of the
760 resident electors or, for districts in which a majority of
761 governing board members are elected by landowners, a majority of
762 the landowners voting in the same manner by which each
763 independent special district's governing body is elected. The
764 special act merging the districts must include a plan of merger
765 that addresses transition issues such as the effective date of
766 the merger, governance, administration, powers, pensions, and



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767 assumption of all assets and liabilities. If a local general-
768 purpose government passes an ordinance or resolution in support
769 of the merger of an active independent special district, the
770 local general-purpose government must pay any expenses
771 associated with the referendum required under this paragraph.

772 (b) Independent special districts created by a county or
773 municipality.—A county or municipality may merge an independent
774 special district created by the county or municipality pursuant
775 to a referendum or any other procedure by which the independent
776 special district was created. However, if the independent
777 special district has ad valorem taxation powers, the same
778 procedure required to grant the independent special district ad
779 valorem taxation powers is required to merge the district. The
780 political subdivisions proposing the involuntary merger of an
781 active independent special district shall pay any expenses
782 associated with the referendum required under this paragraph.

783 (c) Inactive independent special districts.—An independent
784 special district that meets any criteria for being declared
785 inactive, or that has already been declared inactive, pursuant
786 to s. 189.4044 may be merged by special act without a
787 referendum.

788 (7)(3) EXEMPTIONS.—The provisions of This section does
789 shall not apply to community development districts implemented
790 pursuant to chapter 190 or to water management districts created
791 and operated pursuant to chapter 373.

792 Section 2. Section 191.014, Florida Statutes, is amended to
793 read:

794 191.014 District creation and, expansion, and merger.—

795 (1) New districts may be created only by the Legislature



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796 under s. 189.404.

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

799 ~~(3) The merger of a district with all or portions of other~~
800 ~~independent special districts or dependent fire control~~
801 ~~districts is effective only upon ratification by the~~
802 ~~Legislature. A district may not, solely by reason of a merger~~
803 ~~with another governmental entity, increase ad valorem taxes on~~
804 ~~property within the original limits of the district beyond the~~
805 ~~maximum established by the district's enabling legislation,~~
806 ~~unless approved by the electors of the district by referendum.~~

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

809 189.4044 Special procedures for inactive districts.—

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

812 (a) The special district meets one of the following
813 criteria:

814 1. The registered agent of the district, the chair of the
815 governing body of the district, or the governing body of the
816 appropriate local general-purpose government notifies the
817 department in writing that the district has taken no action for
818 2 or more years;

819 2. Following an inquiry from the department, the registered
820 agent of the district, the chair of the governing body of the
821 district, or the governing body of the appropriate local
822 general-purpose government notifies the department in writing
823 that the district has not had a governing board or a sufficient
824 number of governing board members to constitute a quorum for 2



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825 or more years or the registered agent of the district, the chair
826 of the governing body of the district, or the governing body of
827 the appropriate local general-purpose government fails to
828 respond to the department's inquiry within 21 days;

829 3. The department determines, pursuant to s. 189.421, that
830 the district has failed to file any of the reports listed in s.
831 189.419; ~~or~~

832 4. The district has not had a registered office and agent
833 on file with the department for 1 or more years; or

834 5. The governing body of a special district provides
835 documentation to the department that it has unanimously adopted
836 a resolution declaring the special district inactive. The
837 special district shall be responsible for payment of any
838 expenses associated with its dissolution.

839 (4) The entity that created a special district declared
840 inactive under this section must dissolve the special district
841 by repealing its enabling laws or by other appropriate means.
842 Any special district declared inactive pursuant to subparagraph
843 (1) (a) 5. may be dissolved without a referendum.

844 Section 4. This act shall take effect July 1, 2012.

846 ===== T I T L E A M E N D M E N T =====

847 And the title is amended as follows:

848 Delete everything before the enacting clause
849 and insert:

850 A bill to be entitled
851 An act relating to special districts; amending s.
852 189.4042, F.S.; revising provisions relating to merger
853 and dissolution procedures for special districts;



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854 providing definitions; requiring the merger or
855 dissolution of dependent special districts created by
856 a special act to be effectuated by the Legislature;
857 providing for the merger or dissolution of inactive
858 special districts by special act without referenda;
859 providing dissolution procedures for active
860 independent special districts by special acts and
861 referenda; providing for the dissolution of inactive
862 independent special districts by special act;
863 providing for local governments to assume indebtedness
864 of, and receive title to property owned by, special
865 districts under certain circumstances; providing for
866 the merger of certain independent special districts by
867 the Legislature; providing procedures and requirements
868 for the voluntary merger of contiguous independent
869 special districts; limiting the authority of the
870 merged district to levy and collect revenue until a
871 unified charter is approved by the Legislature;
872 providing for the effect of the merger on employees,
873 legal liabilities, obligations, proceedings, and
874 annexation; providing for the determination of certain
875 rights by the governing body of the merged district;
876 providing that such provisions preempt certain special
877 acts; providing procedures and requirements for the
878 involuntary merger of independent special districts;
879 providing exemptions from merger and dissolution
880 procedures; amending s. 191.014, F.S.; deleting a
881 provision relating to the conditions under which the
882 merger of independent special districts or dependent



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883 fire control districts with other special districts is
884 effective and the conditions under which a merged
885 district is authorized to increase ad valorem taxes;
886 amending s. 189.4044, F.S.; revising criteria by which
887 special districts are declared inactive by a governing
888 body; authorizing such districts to be dissolved
889 without a referendum; providing an effective date.