

By the Committee on Community Affairs; and Senators Ring and Negrón

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1                                   A bill to be entitled  
2           An act relating to special districts; creating s.  
3           189.4052, F.S.; providing definitions; requiring  
4           certain single-county independent special districts to  
5           administratively consolidate with the municipality or  
6           county in which they are located if such consolidation  
7           will result in increased efficiencies; providing for  
8           the dissolution of the district for failure to comply;  
9           providing that the municipality or county appoint all  
10          future district board members; limiting the insurance  
11          benefits of district officers and employees to the  
12          benefits provided by the local governing authority to  
13          its officers and employees; requiring the district to  
14          make an annual presentation to the municipality or  
15          county; amending s. 189.4035, F.S.; requiring the  
16          official list of districts to include the names and  
17          contact information of governing board members;  
18          amending s. 189.404, F.S.; providing limitations on  
19          reimbursement for travel and per diem for district  
20          officers and employees; amending s. 189.412, F.S.;  
21          requiring the Special District Information Program to  
22          provide a link to each special district website;  
23          amending s. 189.416, F.S.; requiring each district to  
24          provide the names of and contact information for its  
25          board members for posting on the local governing  
26          authority's website or the Department of Economic  
27          Opportunity's master list of districts; amending s.  
28          190.008, F.S.; revising the information that must be  
29          presented by a community development district to the

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30 local governing authority and requiring the  
31 information to be provided at a publicly noticed  
32 meeting; requiring a district's proposed budget,  
33 adopted amendments, and final adopted budget to be  
34 posted on its website or the website of the local  
35 general-purpose government; providing an effective  
36 date.

37  
38 Be It Enacted by the Legislature of the State of Florida:

39  
40 Section 1. Section 189.4052, Florida Statutes, is created  
41 to read:

42 189.4052 Administrative consolidation of independent  
43 districts.-

44 (1) As used in this section, the term:

45 (a) "Administrative functions" includes, but is not limited  
46 to:

47 1. Staffing and personnel.

48 2. Contracting or purchasing responsibilities and  
49 practices.

50 3. Facilities management.

51 4. Information systems.

52 5. Fleet management.

53 6. Risk management.

54 7. Leasehold interests.

55 (b) "Single-county district" or "district" means an  
56 independent special district that is geographically located  
57 within a single county. The term does not include districts for  
58 airport and aviation facilities established pursuant to chapter

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59 332, children's services districts established pursuant to part  
60 V of chapter 125, community development districts established  
61 pursuant to chapter 190, emergency medical services districts  
62 created by general law or special act, independent special fire  
63 control districts established pursuant to chapter 191, hospital  
64 districts created by general law or special act, port districts  
65 established pursuant to chapter 315, and the Reedy Creek  
66 Improvement District.

67 (2) By September 1, 2013, the department's Special District  
68 Information Program shall notify each county or municipality and  
69 each single-county district of the municipality or county with  
70 which it is required to commence administrative consolidation  
71 under this section.

72 (a) A district that serves an area wholly within the  
73 boundaries of a single municipality shall commence consolidation  
74 with the municipality.

75 (b) A district that serves an area that extends beyond the  
76 boundaries of a single municipality or that serves an  
77 exclusively unincorporated area shall commence consolidation  
78 with the county.

79 (3) Notwithstanding any general law, special act,  
80 ordinance, or charter provision, and except as provided in  
81 paragraph (a), each district shall commence consolidation of  
82 administrative functions with its respective municipality or  
83 county on or before October 1, 2013. The administrative  
84 consolidation shall be managed and directed by the respective  
85 municipality or county and must result in increased efficiencies  
86 and cost savings in the provision of special district services.

87 (a) If the municipality or county determines that it is

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88 demonstrably unable to increase efficiencies or generate cost  
89 savings through administrative consolidation, this subsection  
90 does not apply. The county or municipality shall send a letter  
91 to the Speaker of the House of Representatives and the President  
92 of the Senate demonstrating this determination by March 1, 2014.

93 (b) Except for consolidations determined not to result in  
94 increased efficiencies or cost savings under paragraph (a), all  
95 consolidations must be completed by October 1, 2014.

96 (4) If a single-county district created by special act of  
97 the Legislature fails to comply with subsection (3), the  
98 applicable county or municipality shall send notice of that  
99 failure to the Speaker of the House of Representatives and the  
100 President of the Senate. The notice is sufficient, under s. 10,  
101 Art. III of the State Constitution, to authorize the Legislature  
102 to repeal the district's enabling special act. If a district  
103 created by a county or municipality fails to comply with this  
104 section, the applicable county or municipality may dissolve the  
105 district.

106 (5) Notwithstanding any general law, special act,  
107 ordinance, or charter provision, upon expiration of the term of  
108 a district governing board member, the applicable municipality  
109 or county shall appoint the member's replacement.

110 (6) Notwithstanding any general law, special act,  
111 ordinance, or charter provision, the district's provision for  
112 life, health, accident, hospitalization, or annuity or  
113 retirement benefits for its officers and employees and their  
114 dependents, if provided, may not exceed the value of comparable  
115 insurance and benefits provided by the district's county or  
116 municipality consolidation partner.

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117 (7) Effective with the fiscal year beginning on October 1,  
118 2013, each single-county district shall annually present, at a  
119 duly noticed public meeting, the district's proposed budget,  
120 financial audit report, and any tax levy, fee, or special  
121 assessment to the appropriate county or municipality for review.

122 Section 2. Subsection (1) of section 189.4035, Florida  
123 Statutes, is amended to read:

124 189.4035 Preparation of official list of special  
125 districts.-

126 (1) The department ~~of Economic Opportunity~~ shall compile  
127 the official list of special districts. The ~~official~~ list must  
128 ~~of special districts shall~~ include all special districts in this  
129 state, ~~and shall~~ indicate the independent or dependent status of  
130 each district, and include the names and contact information of  
131 current special district governing board members. All special  
132 districts in the list must ~~shall~~ be sorted by county. The  
133 definitions in s. 189.403 shall be the criteria for determining  
134 ~~determination of~~ the independent or dependent status of each  
135 special district on the official list. ~~The status of~~ Community  
136 development districts shall be listed as independent districts  
137 on the official list of special districts.

138 Section 3. Subsection (6) is added to section 189.404,  
139 Florida Statutes, to read:

140 189.404 Legislative intent for the creation of independent  
141 special districts; special act prohibitions; model elements and  
142 other requirements; general-purpose local government/Governor  
143 and Cabinet creation authorizations.-

144 (6) TRAVEL AND PER DIEM.-Reimbursement for the travel and  
145 per diem expenses of officers and employees must be consistent

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146 with s. 112.061(6) and (7).

147 Section 4. Subsection (2) of section 189.412, Florida  
148 Statutes, is amended to read:

149 189.412 Special District Information Program; duties and  
150 responsibilities.—The Special District Information Program of  
151 the Department of Economic Opportunity is created and has the  
152 following special duties:

153 (2) The maintenance of a master list of independent and  
154 dependent special districts, which must ~~shall~~ be available on  
155 the department's website and provide a link to each special  
156 district's website.

157 Section 5. Section 189.416, Florida Statutes, is amended to  
158 read:

159 189.416 Designation of registered office and agent;  
160 identification of board members.—

161 (1) Within 30 days after the first meeting of its governing  
162 board, each special district in the state shall designate a  
163 registered office and a registered agent and file such  
164 information with the local governing authority or authorities  
165 and with the department.

166 (a) The registered agent is the ~~shall be an~~ agent of the  
167 district upon whom any process, notice, or demand required or  
168 permitted by law to be served upon the district may be served.  
169 The ~~A~~ registered agent must ~~shall~~ be an individual resident of  
170 this state whose business address is identical with the  
171 registered office of the district. The registered office may be,  
172 but need not be, the same as the place of business of the  
173 special district.

174 (b) ~~(2)~~ The district may change its registered office or

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175 change its registered agent, or both, upon filing such  
176 information with the local governing authority or authorities  
177 and with the department.

178 (2) Each district in existence on July 1, 2013, shall  
179 submit the names and contact information of its board members to  
180 the department for inclusion on the department's official list  
181 of special districts and post the names and information on the  
182 district's respective local governing authority's website by  
183 August 1, 2013. Upon creation of a new district, or if a board  
184 member of a current district is replaced, the district shall  
185 forward the new board member names and contact information to  
186 the department and respective local governing authority within  
187 30 days of appointment.

188 Section 6. Subsection (2) of section 190.008, Florida  
189 Statutes, is amended to read:

190 190.008 Budget; reports and reviews.—

191 (2) ~~(a)~~ On or before each June 15, the district manager  
192 shall prepare a proposed budget for the ensuing fiscal year to  
193 be submitted to the board for board approval. The proposed  
194 budget must ~~shall~~ include, at the direction of the board, an  
195 estimate of all necessary expenditures of the district for the  
196 ensuing fiscal year and an estimate of income to the district  
197 from the taxes, assessments, and other revenues provided under  
198 this chapter in this act. The proposed budget must be posted on  
199 the district's official website at least 2 days before it is  
200 scheduled to be considered at a budget hearing held pursuant to  
201 s. 200.065 or other law.

202 (a) The board shall consider the proposed budget item by  
203 item and may ~~either~~ approve the budget as proposed by the

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204 district manager or modify the same in part or in whole. If the  
205 board amends the budget, the adopted amendment must be posted on  
206 the official website of the district within 5 days after  
207 adoption. The board shall indicate its approval of the budget by  
208 resolution, which must ~~resolution shall~~ provide for a hearing on  
209 the budget as approved. Notice of the hearing on the budget must  
210 ~~shall~~ be published in a newspaper of general circulation in the  
211 area of the district once a week for 2 consecutive weeks, except  
212 that the first publication must be at least ~~shall be not fewer~~  
213 ~~than~~ 15 days before ~~prior to~~ the date of the hearing. The notice  
214 must also ~~shall further~~ contain a designation of the day, time,  
215 and place of the public hearing. At the time and place  
216 designated in the notice, the board shall hear all objections to  
217 the budget as proposed and may make such changes as the board  
218 deems necessary. At the conclusion of the budget hearing, the  
219 board shall, by resolution, adopt the budget as finally approved  
220 by the board. The budget must ~~shall~~ be adopted before ~~prior to~~  
221 October 1 of each year.

222 (b) At least 2 weeks before ~~60 days prior to~~ adoption, the  
223 district board shall, at a duly noticed public meeting, present  
224 ~~submit~~ to the local governing authorities having jurisdiction  
225 over the area included in the district: ~~, for purposes of~~  
226 ~~disclosure and information only,~~

- 227 1. The proposed annual budget for the ensuing fiscal year;
- 228 2. and Any proposed long-term financial plan or program of  
229 the district for future operations;
- 230 3. Any financial audit report; and
- 231 4. Any tax levy, fee, or special assessment.

232 (c) The local governing authorities may review ~~the proposed~~



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233 ~~annual budget and any long-term financial plan or program and~~  
234 ~~may~~ submit written comments relating to any of the items  
235 presented pursuant to paragraph (b) to the board for its  
236 assistance and information in adopting its annual budget and  
237 long-term financial plan or program.

238 (d) The final adopted budget must be posted on the  
239 district's official website within 30 days after adoption.

240 (e) If the district does not operate an official website,  
241 the district shall, within a reasonable period of time as  
242 established by the local general-purpose government or  
243 governments in which the district is located, transmit the  
244 proposed budget, adopted amendments, or final adopted budget to  
245 the manager or administrator of the local general-purpose  
246 government. The manager or administrator shall post the proposed  
247 budget, adopted amendments, or final adopted budget on the  
248 website of the local general-purpose government.

249 Section 7. This act shall take effect July 1, 2013.