

1 A bill to be entitled

2 An act relating to special districts; designating  
3 parts I-VIII of chapter 189, F.S., relating to special  
4 districts; amending s. 11.40, F.S.; revising duties of  
5 the Legislative Auditing Committee; amending s.  
6 112.312, F.S.; redefining the term "agency" as it  
7 applies to the code of ethics for public officers and  
8 employees to include special districts; creating s.  
9 112.511, F.S.; specifying applicability of procedures  
10 regarding suspension and removal of a member of the  
11 governing body of a special district; amending s.  
12 125.901, F.S.; revising membership criteria;  
13 transferring, renumbering, and amending s. 189.401,  
14 F.S.; revising a short title; transferring,  
15 renumbering, and amending s. 189.402, F.S.; revising a  
16 statement of legislative purpose and intent; making  
17 technical changes; conforming provisions to changes  
18 made by the act; transferring, renumbering, and  
19 amending s. 189.403, F.S.; redefining the term  
20 "special district"; transferring, renumbering, and  
21 amending ss. 189.4031, 189.4035, 189.404, 189.40401,  
22 189.4041, and 189.4042, F.S.; deleting provisions  
23 relating to the application of a special district to  
24 amend its charter; conforming provisions and cross-  
25 references; transferring, renumbering, and amending s.  
26 189.4044, F.S.; revising the circumstances under which

27 the Department of Economic Opportunity may declare a  
28 special district inactive; requiring the department to  
29 provide notice of a declaration of inactive status to  
30 certain persons and bodies; prohibiting special  
31 districts that are declared inactive from collecting  
32 taxes, fees, or assessments; providing exceptions;  
33 providing for enforcement of the prohibition;  
34 providing for costs of litigation and reasonable  
35 attorney fees under certain conditions; transferring  
36 and renumbering ss. 189.4045 and 189.4047, F.S.;  
37 transferring, renumbering, and amending s. 189.405,  
38 F.S.; revising requirements related to education  
39 programs for new members of special district governing  
40 bodies; amending s. 189.4051, F.S.; revising  
41 definitions; conforming provisions; transferring and  
42 renumbering ss. 189.4065, 189.408, and 189.4085, F.S.;  
43 transferring, renumbering, and amending ss. 189.412  
44 and 189.413, F.S.; renaming the Special District  
45 Information Program the Special District  
46 Accountability Program; revising duties of the Special  
47 District Accountability Program; transferring and  
48 renumbering ss. 189.415, 189.4155, and 189.4156, F.S.;  
49 transferring, renumbering, and amending ss. 189.416,  
50 189.417, and 189.418, F.S.; conforming provisions and  
51 cross-references; transferring, renumbering, and  
52 amending s. 189.419, F.S.; revising provisions related

53 to the failure of a special district to file certain  
54 reports or information; conforming cross-references;  
55 transferring and renumbering s. 189.420, F.S.;  
56 transferring, renumbering, and amending s. 189.421,  
57 F.S.; revising notification requirements; deleting  
58 provisions related to available remedies for the  
59 failure of a special district to disclose required  
60 financial reports; transferring and renumbering ss.  
61 189.4221, 189.423, and 189.425, F.S.; transferring,  
62 renumbering, and amending s. 189.427, F.S.; providing  
63 for the deposit of administration fees into the  
64 Operating Trust Fund rather than the Grants and  
65 Donations Trust Fund; transferring, renumbering, and  
66 amending s. 189.428, F.S.; revising the oversight  
67 review process for special districts; transferring and  
68 renumbering s. 189.429, F.S.; repealing ss. 189.430,  
69 189.431, 189.432, 189.433, 189.434, 189.435, 189.436,  
70 189.437, 189.438, 189.439, 189.440, 189.441, 189.442,  
71 189.443, and 189.444, F.S., relating to the Community  
72 Improvement Authority Act; creating ss. 189.034 and  
73 189.035, F.S.; requiring the Legislative Auditing  
74 Committee to provide notice of the failure of special  
75 districts to file certain required reports to certain  
76 persons and bodies; authorizing the Legislative  
77 Auditing Committee to convene a public hearing;  
78 requiring a special district to provide certain

79 information before the public hearing at the request  
 80 of the Legislative Auditing Committee or the reviewing  
 81 entity; providing reporting requirements for certain  
 82 public hearings; creating s. 189.055, F.S.; requiring  
 83 special districts to be treated as municipalities for  
 84 certain purposes; creating s. 189.069, F.S.; requiring  
 85 special districts to maintain an official Internet  
 86 website for certain purposes; requiring special  
 87 districts to annually update and maintain certain  
 88 information on the website; requiring special  
 89 districts to submit the web address of their  
 90 respective websites to the department; requiring that  
 91 the department's online list of special districts  
 92 include a link to the website of certain special  
 93 districts; amending ss. 11.45, 100.011, 101.657,  
 94 112.061, 112.63, 112.665, 121.021, 121.051, 153.94,  
 95 163.08, 165.031, 165.0615, 171.202, 175.032, 190.011,  
 96 190.046, 190.049, 191.003, 191.005, 191.013, 191.014,  
 97 191.015, 200.001, 218.31, 218.32, 218.37, 255.20,  
 98 298.225, 343.922, 348.0004, 373.711, 403.0891, 582.32,  
 99 and 1013.355, F.S.; conforming cross-references and  
 100 provisions to changes made by the act; providing an  
 101 effective date.

102  
 103 Be It Enacted by the Legislature of the State of Florida:  
 104

105           Section 1. Chapter 189, Florida Statutes, as amended by  
 106 this act, is divided into the following parts:

107           (1) Part I, consisting of sections 189.01, 189.011,  
 108 189.012, 189.013, 189.014, 189.015, 189.016, 189.017, 189.018,  
 109 and 189.019, Florida Statutes, as created by this act, and  
 110 entitled "General Provisions."

111           (2) Part II, consisting of sections 189.02 and 189.021,  
 112 Florida Statutes, as created by this act, and entitled  
 113 "Dependent Special Districts."

114           (3) Part III, consisting of sections 189.03, 189.031,  
 115 189.0311, 189.033, 189.034, and 189.035, Florida Statutes, as  
 116 created by this act, and entitled "Independent Special  
 117 Districts."

118           (4) Part IV, consisting of sections 189.04, 189.041, and  
 119 189.042, Florida Statutes, as created by this act, and entitled  
 120 "Elections."

121           (5) Part V, consisting of sections 189.05, 189.051,  
 122 189.052, 189.053, 189.054, and 189.055, Florida Statutes, as  
 123 created by this act, and entitled "Finance."

124           (6) Part VI, consisting of sections 189.06, 189.061,  
 125 189.062, 189.063, 189.064, 189.065, 189.066, 189.067, 189.068,  
 126 189.069, and 189.0691, Florida Statutes, as created by this act,  
 127 and entitled "Oversight and Accountability."

128           (7) Part VII, consisting of sections 189.07, 189.071,  
 129 189.072, 189.073, 189.074, 189.075, 189.076, and 189.0761,  
 130 Florida Statutes, as created by this act, and entitled "Merger

131 and Dissolution."

132 (8) Part VIII, consisting of sections 189.08, 189.081, and  
 133 189.082, Florida Statutes, as created by this act, and entitled  
 134 "Comprehensive Planning."

135 Section 2. Paragraph (b) of subsection (2) of section  
 136 11.40, Florida Statutes, is amended to read:

137 11.40 Legislative Auditing Committee.—

138 (2) Following notification by the Auditor General, the  
 139 Department of Financial Services, or the Division of Bond  
 140 Finance of the State Board of Administration of the failure of a  
 141 local governmental entity, district school board, charter  
 142 school, or charter technical career center to comply with the  
 143 applicable provisions within s. 11.45(5)-(7), s. 218.32(1), ~~or~~  
 144 s. 218.38, or s. 218.503(3), the Legislative Auditing Committee  
 145 may schedule a hearing to determine if the entity should be  
 146 subject to further state action. If the committee determines  
 147 that the entity should be subject to further state action, the  
 148 committee shall:

149 (b) In the case of a special district created by:

150 1. A special act, notify the President of the Senate, the  
 151 Speaker of the House of Representatives, the standing committees  
 152 of the Senate and the House of Representatives charged with  
 153 special district oversight as determined by the presiding  
 154 officers of each respective chamber, the legislators who  
 155 represent a portion of the geographical jurisdiction of the  
 156 special district and the Department of Economic Opportunity that

157 the special district pursuant to s. 189.034(2) has failed to  
158 comply with the law. Upon receipt of notification, the  
159 Department of Economic Opportunity shall proceed pursuant to s.  
160 189.062 or s. 189.067. If the special district remains in  
161 noncompliance after the process set forth in s. 189.034(3), the  
162 Legislative Auditing Committee may request the department to  
163 proceed pursuant to s. 189.067(3) ~~s. 189.4044 or s. 189.421.~~

164 2. A local ordinance, notify the chair or equivalent of  
165 the local general-purpose government pursuant to s. 189.035(1)  
166 and the Department of Economic Opportunity that the special  
167 district has failed to comply with the law. Upon receipt of  
168 notification, the department shall proceed pursuant to s.  
169 189.062 or s. 189.067. If the special district remains in  
170 noncompliance after the process set forth in s. 189.035(2) or if  
171 a public hearing has not been held within 6 months, the  
172 Legislative Auditing Committee may request the department to  
173 proceed pursuant to s. 189.067(3).

174 3. Any manner other than a special act or local ordinance,  
175 notify the Department of Economic Opportunity that the special  
176 district has failed to comply with the law. Upon receipt of  
177 notification, the department shall proceed pursuant to s.  
178 189.062 or s. 189.067(3).

179 Section 3. Subsection (2) of section 112.312, Florida  
180 Statutes, is amended to read:

181 112.312 Definitions.—As used in this part and for purposes  
182 of the provisions of s. 8, Art. II of the State Constitution,

183 unless the context otherwise requires:

184 (2) "Agency" means any state, regional, county, local, or  
 185 municipal government entity of this state, whether executive,  
 186 judicial, or legislative; any department, division, bureau,  
 187 commission, authority, or political subdivision of this state  
 188 therein; ~~or~~ any public school, community college, or state  
 189 university; or any special district as defined in s. 189.012.

190 Section 4. Section 112.511, Florida Statutes, is created  
 191 to read:

192 112.511 Members of special district governing bodies;  
 193 suspension; removal from office.-

194 (1) A member of the governing body of a special district,  
 195 as defined in s. 189.012, who exercises the powers and duties of  
 196 a state or a county officer, is subject to the Governor's power  
 197 under s. 7(a), Art. IV of the State Constitution to suspend such  
 198 officers.

199 (2) A member of the governing body of a special district,  
 200 as defined in s. 189.012, who exercises powers and duties other  
 201 than that of a state or county officer, is subject to the  
 202 suspension and removal procedures under s. 112.51.

203 Section 5. Subsections (1), (4), and (6) of section  
 204 125.901, Florida Statutes, are amended to read:

205 125.901 Children's services; independent special district;  
 206 council; powers, duties, and functions; public records  
 207 exemption.-

208 (1) Each county may by ordinance create an independent



209 special district, as defined in ss. 189.012 ~~189.403(3)~~ and  
210 200.001(8)(e), to provide funding for children's services  
211 throughout the county in accordance with this section. The  
212 boundaries of such district shall be coterminous with the  
213 boundaries of the county. The county governing body shall obtain  
214 approval, by a majority vote of those electors voting on the  
215 question, to annually levy ad valorem taxes which shall not  
216 exceed the maximum millage rate authorized by this section. Any  
217 district created pursuant to the provisions of this subsection  
218 shall be required to levy and fix millage subject to the  
219 provisions of s. 200.065. Once such millage is approved by the  
220 electorate, the district shall not be required to seek approval  
221 of the electorate in future years to levy the previously  
222 approved millage.

223 (a) The governing body ~~board~~ of the district shall be a  
224 council on children's services, which may also be known as a  
225 juvenile welfare board or similar name as established in the  
226 ordinance by the county governing body. Such council shall  
227 consist of 10 members, including: the superintendent of schools;  
228 a local school board member; the district administrator from the  
229 appropriate district of the Department of Children and Family  
230 Services, or his or her designee who is a member of the Senior  
231 Management Service or of the Selected Exempt Service; one member  
232 of the county governing body; and the judge assigned to juvenile  
233 cases who shall sit as a voting member of the board, except that  
234 said judge shall not vote or participate in the setting of ad

235 valorem taxes under this section. If there is more than one  
236 judge assigned to juvenile cases in a county, the chief judge  
237 shall designate one of said juvenile judges to serve on the  
238 board. The remaining five members shall be appointed by the  
239 Governor, and shall, to the extent possible, represent the  
240 demographic diversity of the population of the county. After  
241 soliciting recommendations from the public, the county governing  
242 body shall submit to the Governor the names of at least three  
243 persons for each vacancy occurring among the five members  
244 appointed by the Governor, and the Governor shall appoint  
245 members to the council from the candidates nominated by the  
246 county governing body. The Governor shall make a selection  
247 within a 45-day period or request a new list of candidates. All  
248 members appointed by the Governor shall have been residents of  
249 the county for the previous 24-month period. Such members shall  
250 be appointed for 4-year terms, except that the length of the  
251 terms of the initial appointees shall be adjusted to stagger the  
252 terms. The Governor may remove a member for cause or upon the  
253 written petition of the county governing body. If any of the  
254 members of the council required to be appointed by the Governor  
255 under the provisions of this subsection shall resign, die, or be  
256 removed from office, the vacancy thereby created shall, as soon  
257 as practicable, be filled by appointment by the Governor, using  
258 the same method as the original appointment, and such  
259 appointment to fill a vacancy shall be for the unexpired term of  
260 the person who resigns, dies, or is removed from office.

261 (b) However, any county as defined in s. 125.011(1) may  
262 instead have a governing body ~~board~~ consisting of 33 members,  
263 including: the superintendent of schools; two representatives of  
264 public postsecondary education institutions located in the  
265 county; the county manager or the equivalent county officer; the  
266 district administrator from the appropriate district of the  
267 Department of Children and Family Services, or the  
268 administrator's designee who is a member of the Senior  
269 Management Service or the Selected Exempt Service; the director  
270 of the county health department or the director's designee; the  
271 state attorney for the county or the state attorney's designee;  
272 the chief judge assigned to juvenile cases, or another juvenile  
273 judge who is the chief judge's designee and who shall sit as a  
274 voting member of the board, except that the judge may not vote  
275 or participate in setting ad valorem taxes under this section;  
276 an individual who is selected by the board of the local United  
277 Way or its equivalent; a member of a locally recognized faith-  
278 based coalition, selected by that coalition; a member of the  
279 local chamber of commerce, selected by that chamber or, if more  
280 than one chamber exists within the county, a person selected by  
281 a coalition of the local chambers; a member of the early  
282 learning coalition, selected by that coalition; a representative  
283 of a labor organization or union active in the county; a member  
284 of a local alliance or coalition engaged in cross-system  
285 planning for health and social service delivery in the county,  
286 selected by that alliance or coalition; a member of the local

287 Parent-Teachers Association/Parent-Teacher-Student Association,  
288 selected by that association; a youth representative selected by  
289 the local school system's student government; a local school  
290 board member appointed by the chair of the school board; the  
291 mayor of the county or the mayor's designee; one member of the  
292 county governing body, appointed by the chair of that body; a  
293 member of the state Legislature who represents residents of the  
294 county, ~~selected by the chair of the local legislative~~  
295 ~~delegation~~; an elected official representing the residents of a  
296 municipality in the county, selected by the county municipal  
297 league; and 4 members-at-large, appointed to the council by the  
298 majority of sitting council members. The remaining 7 members  
299 shall be appointed by the Governor in accordance with procedures  
300 set forth in paragraph (a), except that the Governor may remove  
301 a member for cause or upon the written petition of the council.  
302 Appointments by the Governor must, to the extent reasonably  
303 possible, represent the geographic and demographic diversity of  
304 the population of the county. Members who are appointed to the  
305 council by reason of their position are not subject to the  
306 length of terms and limits on consecutive terms as provided in  
307 this section. The remaining appointed members of the governing  
308 body ~~board~~ shall be appointed to serve 2-year terms, except that  
309 those members appointed by the Governor shall be appointed to  
310 serve 4-year terms, and the youth representative and the  
311 legislative delegate shall be appointed to serve 1-year terms. A  
312 member may be reappointed; however, a member may not serve for

313 more than three consecutive terms. A member is eligible to be  
 314 appointed again after a 2-year hiatus from the council.

315 (c) This subsection does not prohibit a county from  
 316 exercising such power as is provided by general or special law  
 317 to provide children's services or to create a special district  
 318 to provide such services.

319 (4) (a) Any district created pursuant to this section may  
 320 be dissolved by a special act of the Legislature, or the county  
 321 governing body may by ordinance dissolve the district subject to  
 322 the approval of the electorate.

323 (b)1.a. Notwithstanding paragraph (a), the governing body  
 324 of the county shall submit the question of retention or  
 325 dissolution of a district with voter-approved taxing authority  
 326 to the electorate in the general election according to the  
 327 following schedule:

328 (I) For a district in existence on July 1, 2010, and serving a  
 329 county with a population of 400,000 or fewer persons as of that  
 330 date.....2014.

331 (II) For a district in existence on July 1, 2010, and serving a  
 332 county with a population of more than 400,000 but fewer than 2  
 333 million persons as of  
 334 that date.....2016.

335 (III) For a district in existence on July 1, 2010, and serving  
 336 a county with a population of 2 million or more persons as of  
 337 that date.....2020.

338 b. A referendum by the electorate on or after July 1,

339 2010, creating a new district with taxing authority may specify  
340 that the district is not subject to reauthorization or may  
341 specify the number of years for which the initial authorization  
342 shall remain effective. If the referendum does not prescribe  
343 terms of reauthorization, the governing body of the county shall  
344 submit the question of retention or dissolution of the district  
345 to the electorate in the general election 12 years after the  
346 initial authorization.

347 2. The governing body ~~board~~ of the district may specify,  
348 and submit to the governing body of the county no later than 9  
349 months before the scheduled election, that the district is not  
350 subsequently subject to reauthorization or may specify the  
351 number of years for which a reauthorization under this paragraph  
352 shall remain effective. If the governing body ~~board~~ of the  
353 district makes such specification and submission, the governing  
354 body of the county shall include that information in the  
355 question submitted to the electorate. If the governing body  
356 ~~board~~ of the district does not specify and submit such  
357 information, the governing body of the county shall resubmit the  
358 question of reauthorization to the electorate every 12 years  
359 after the year prescribed in subparagraph 1. The governing body  
360 ~~board~~ of the district may recommend to the governing body of the  
361 county language for the question submitted to the electorate.

362 3. Nothing in this paragraph limits the authority to  
363 dissolve a district as provided under paragraph (a).

364 4. Nothing in this paragraph precludes the governing body

365 ~~board~~ of a district from requesting that the governing body of  
 366 the county submit the question of retention or dissolution of a  
 367 district with voter-approved taxing authority to the electorate  
 368 at a date earlier than the year prescribed in subparagraph 1. If  
 369 the governing body of the county accepts the request and submits  
 370 the question to the electorate, the governing body satisfies the  
 371 requirement of that subparagraph.

372  
 373 If any district is dissolved pursuant to this subsection, each  
 374 county must first obligate itself to assume the debts,  
 375 liabilities, contracts, and outstanding obligations of the  
 376 district within the total millage available to the county  
 377 governing body for all county and municipal purposes as provided  
 378 for under s. 9, Art. VII of the State Constitution. Any district  
 379 may also be dissolved pursuant to s. part VII of chapter 189  
 380 ~~189.4042~~.

381 (6) Any district created pursuant to the provisions of  
 382 this section shall comply with all other statutory requirements  
 383 of general application which relate to the filing of any  
 384 financial reports or compliance reports required under part III  
 385 of chapter 218, or any other report or documentation required by  
 386 law, including the requirements of ss. 189.08, 189.015, and  
 387 189.016 ~~189.415, 189.417, and 189.418~~.

388 Section 6. Section 189.401, Florida Statutes, is  
 389 transferred, renumbered as section 189.01, Florida Statutes, and  
 390 amended to read:

391           189.01 ~~189.401~~ Short title.—This chapter may be cited as  
 392 the "Uniform Special District Accountability Act ~~of 1989.~~"

393           Section 7. Subsections (1), (6), and (7) of section  
 394 189.402, Florida Statutes, are transferred and renumbered as  
 395 subsections (1), (2), and (3), respectively, of section 189.011,  
 396 Florida Statutes, and present subsection (6) of that section is  
 397 amended, to read:

398           189.011 ~~189.402~~ Statement of legislative purpose and  
 399 intent.—

400           (2) ~~(6)~~ The Legislature finds that special districts serve  
 401 a necessary and useful function by providing services to  
 402 residents and property in the state. The Legislature finds  
 403 further that special districts operate to serve a public purpose  
 404 and that this is best secured by certain minimum standards of  
 405 accountability designed to inform the public and appropriate  
 406 general-purpose local governments of the status and activities  
 407 of special districts. It is the intent of the Legislature that  
 408 this public trust be secured by requiring each independent  
 409 special district in the state to register and report its  
 410 financial and other activities. The Legislature further finds  
 411 that failure of an independent special district to comply with  
 412 the minimum disclosure requirements set forth in this chapter  
 413 may result in action against officers of such district body  
 414 ~~board~~.

415           Section 8. Subsection (2) of section 189.402, Florida  
 416 Statutes, is transferred, renumbered as section 189.06, Florida



417 Statutes, and amended to read:

418 189.06 ~~189.402~~ Legislative intent; centralized location

419 ~~Statement of legislative purpose and intent.~~

420 ~~(2)~~ It is the intent of the Legislature through the  
 421 adoption of this chapter to have one centralized location for  
 422 all legislation governing special districts and to:

423 (1) ~~(a)~~ Improve the enforcement of statutes currently in  
 424 place that help ensure the accountability of special districts  
 425 to state and local governments.

426 (2) ~~(b)~~ Improve communication and coordination between  
 427 state agencies with respect to required special district  
 428 reporting and state monitoring.

429 (3) ~~(c)~~ Improve communication and coordination between  
 430 special districts and other local entities with respect to ad  
 431 valorem taxation, non-ad valorem assessment collection, special  
 432 district elections, and local government comprehensive planning.

433 (4) ~~(d)~~ Move toward greater uniformity in special district  
 434 elections and non-ad valorem assessment collection procedures at  
 435 the local level without hampering the efficiency and  
 436 effectiveness of the current procedures.

437 (5) ~~(e)~~ Clarify special district definitions and creation  
 438 methods in order to ensure consistent application of those  
 439 definitions and creation methods across all levels of  
 440 government.

441 (6) ~~(f)~~ Specify in general law the essential components of  
 442 any new type of special district.

443        (7)~~(g)~~ Specify in general law the essential components of  
 444 a charter for a new special district.

445        (8)~~(h)~~ Encourage the creation of municipal service taxing  
 446 units and municipal service benefit units for providing  
 447 municipal services in unincorporated areas of each county.

448        Section 9. Subsections (3), (4), (5), and (8) of section  
 449 189.402, Florida Statutes, are transferred, renumbered as  
 450 subsections (1), (2), (3), and (4), respectively, of section  
 451 189.03, Florida Statutes, and amended to read:

452        189.03 ~~189.402~~ Statement of legislative purpose and  
 453 intent; independent special districts.-

454        (1)~~(3)~~ The Legislature finds that:

455        (a) There is a need for uniform, focused, and fair  
 456 procedures in state law to provide a reasonable alternative for  
 457 the establishment, powers, operation, and duration of  
 458 independent special districts ~~to manage and finance basic~~  
 459 ~~capital infrastructure, facilities, and services; and that,~~  
 460 ~~based upon a proper and fair determination of applicable facts,~~  
 461 ~~an independent special district can constitute a timely,~~  
 462 ~~efficient, effective, responsive, and economic way to deliver~~  
 463 ~~these basic services, thereby providing a means of solving the~~  
 464 ~~state's planning, management, and financing needs for delivery~~  
 465 ~~of capital infrastructure, facilities, and services in order to~~  
 466 ~~provide for projected growth without overburdening other~~  
 467 ~~governments and their taxpayers.~~

468        (b) It is in the public interest that any independent

469 special district created pursuant to state law not outlive its  
470 usefulness and that the operation of such a district and the  
471 exercise by the district of its powers be consistent with  
472 applicable due process, disclosure, accountability, ethics, and  
473 government-in-the-sunshine requirements which apply both to  
474 governmental entities and to their elected and appointed  
475 officials.

476 ~~(c) It is in the public interest that long-range planning,~~  
477 ~~management, and financing and long-term maintenance, upkeep, and~~  
478 ~~operation of basic services by independent special districts be~~  
479 ~~uniform.~~

480 (2)(4) It is the policy of this state:

481 (a) That independent special districts may be used ~~are a~~  
482 ~~legitimate alternative method available for use~~ by the private  
483 and public sectors, as authorized by state law, to manage, own,  
484 operate, construct, and finance basic capital infrastructure,  
485 facilities, and services.

486 (b) That the exercise by any independent special district  
487 of its powers, ~~as set forth by uniform general law~~ comply with  
488 all applicable ~~governmental comprehensive planning~~ laws, rules,  
489 and regulations.

490 (3)(5) It is the legislative intent ~~and purpose, based~~  
491 ~~upon, and consistent with, its findings of fact and declarations~~  
492 ~~of policy,~~ to authorize a uniform procedure by general law to  
493 create an independent special district, as an alternative method  
494 ~~to manage and finance basic capital infrastructure, facilities,~~

495 ~~and services. It is further the legislative intent and purpose~~  
 496 to provide by general law for the uniform operation, exercise of  
 497 power, and procedure for termination of any such independent  
 498 special district.

499 ~~(4)-(8)~~ The Legislature finds and declares that:

500 (a) Growth and development issues transcend the boundaries  
 501 and responsibilities of individual units of government, and  
 502 often no single unit of government can plan or implement  
 503 policies to deal with these issues without affecting other units  
 504 of government.

505 (b) The provision of capital infrastructure, facilities,  
 506 and services for the preservation and enhancement of the quality  
 507 of life of the people of this state may require the creation of  
 508 multicounty and multijurisdictional districts.

509 Section 10. Section 189.403, Florida Statutes, is  
 510 transferred, renumbered as section 189.012, Florida Statutes,  
 511 reordered, and amended to read:

512 189.012 ~~189.403~~ Definitions.—As used in this chapter, the  
 513 term:

514 ~~(6)-(1)~~ "Special district" means a ~~local~~ unit of local  
 515 government created for a ~~of~~ special purpose, as opposed to a  
 516 general purpose ~~general-purpose~~, which has jurisdiction to  
 517 operate ~~government~~ within a limited geographic boundary and is,  
 518 created by general law, special act, local ordinance, or by rule  
 519 of the Governor and Cabinet. ~~The special purpose or purposes of~~  
 520 ~~special districts are implemented by specialized functions and~~

521 ~~related prescribed powers. For the purpose of s. 196.199(1),~~  
 522 ~~special districts shall be treated as municipalities.~~ The term  
 523 does not include a school district, a community college  
 524 district, a special improvement district created pursuant to s.  
 525 285.17, a municipal service taxing or benefit unit as specified  
 526 in s. 125.01, or a board which provides electrical service and  
 527 which is a political subdivision of a municipality or is part of  
 528 a municipality.

529 (2) "Dependent special district" means a special district  
 530 that meets at least one of the following criteria:

531 (a) The membership of its governing body is identical to  
 532 that of the governing body of a single county or a single  
 533 municipality.

534 (b) All members of its governing body are appointed by the  
 535 governing body of a single county or a single municipality.

536 (c) During their unexpired terms, members of the special  
 537 district's governing body are subject to removal at will by the  
 538 governing body of a single county or a single municipality.

539 (d) The district has a budget that requires approval  
 540 through an affirmative vote or can be vetoed by the governing  
 541 body of a single county or a single municipality.

542  
 543 This subsection is for purposes of definition only. Nothing in  
 544 this subsection confers additional authority upon local  
 545 governments not otherwise authorized by the provisions of the  
 546 special acts or general acts of local application creating each

547 special district, as amended.

548 (3) "Independent special district" means a special  
549 district that is not a dependent special district as defined in  
550 subsection (2). A district that includes more than one county is  
551 an independent special district unless the district lies wholly  
552 within the boundaries of a single municipality.

553 (1)~~(4)~~ "Department" means the Department of Economic  
554 Opportunity.

555 (4)~~(5)~~ "Local governing authority" means the governing  
556 body of a unit of local general-purpose government. However, if  
557 the special district is a political subdivision of a  
558 municipality, "local governing authority" means the  
559 municipality.

560 (7)~~(6)~~ "Water management district" for purposes of this  
561 chapter means a special taxing district which is a regional  
562 water management district created and operated pursuant to  
563 chapter 373 or chapter 61-691, Laws of Florida, or a flood  
564 control district created and operated pursuant to chapter 25270,  
565 Laws of Florida, 1949, as modified by s. 373.149.

566 (5)~~(7)~~ "Public facilities" means major capital  
567 improvements, including, but not limited to, transportation  
568 facilities, sanitary sewer facilities, solid waste facilities,  
569 water management and control facilities, potable water  
570 facilities, alternative water systems, educational facilities,  
571 parks and recreational facilities, health systems and  
572 facilities, and, except for spoil disposal by those ports listed

573 in s. 311.09(1), spoil disposal sites for maintenance dredging  
 574 in waters of the state.

575 Section 11. Subsection (1) of section 189.4031, Florida  
 576 Statutes, is transferred and renumbered as section 189.013,  
 577 Florida Statutes, and the catchline of that section shall read:  
 578 "Special districts; creation, dissolution, and reporting  
 579 requirements."

580 Section 12. Subsection (2) of section 189.4031, Florida  
 581 Statutes, is transferred, renumbered as section 189.0311,  
 582 Florida Statutes, and amended to read:

583 189.0311 ~~189.4031~~ Independent special districts ~~Special~~  
 584 ~~districts; creation, dissolution, and reporting requirements;~~  
 585 charter requirements.-

586 ~~(2)~~ Notwithstanding any general law, special act, or  
 587 ordinance of a local government to the contrary, any independent  
 588 special district charter enacted after September 30, 1989, ~~the~~  
 589 ~~effective date of this section~~ shall contain the information  
 590 required by s. 189.031(3) ~~189.404(3)~~. Recognizing that the  
 591 exclusive charter for a community development district is the  
 592 statutory charter contained in ss. 190.006-190.041, community  
 593 development districts established after July 1, 1980, pursuant  
 594 to the provisions of chapter 190 shall be deemed in compliance  
 595 with this requirement.

596 Section 13. Section 189.4035, Florida Statutes, is  
 597 transferred and renumbered as section 189.061, Florida Statutes,  
 598 and subsections (1), (5), and (6) of that section are amended,

599 to read:

600 189.061 ~~189.4035~~ ~~Preparation of~~ Official list of special  
 601 districts.-

602 (1) The department ~~of Economic Opportunity~~ shall maintain  
 603 ~~compile~~ the official list of special districts. The official  
 604 list of special districts shall include all special districts in  
 605 this state and shall indicate the independent or dependent  
 606 status of each district. All special districts on ~~in~~ the list  
 607 shall be sorted by county. The definitions in s. 189.012 ~~189.403~~  
 608 shall be the criteria for determination of the independent or  
 609 dependent status of each special district on the official list.  
 610 The status of community development districts shall be  
 611 independent on the official list of special districts.

612 (5) The official list of special districts shall be  
 613 available on the department's website and must include a link to  
 614 the website of each special district that provides web-based  
 615 access to the public of the information and documentation  
 616 required under s. 189.069.

617 (6) ~~Preparation of~~ The official list of special districts  
 618 or the determination of status does not constitute final agency  
 619 action pursuant to chapter 120. If the status of a special  
 620 district on the official list is inconsistent with the status  
 621 submitted by the district, the district may request the  
 622 department to issue a declaratory statement setting forth the  
 623 requirements necessary to resolve the inconsistency. If  
 624 necessary, upon issuance of a declaratory statement by the



625 department which is not appealed pursuant to chapter 120, the  
626 governing body ~~board~~ of any special district receiving such a  
627 declaratory statement shall apply to the entity which originally  
628 established the district for an amendment to its charter  
629 correcting the specified defects in its original charter. This  
630 amendment shall be for the sole purpose of resolving  
631 inconsistencies between a district charter and the status of a  
632 district as it appears on the official list. ~~Such application~~  
633 ~~shall occur as follows:~~

634 ~~(a) In the event a special district was created by a local~~  
635 ~~general purpose government or state agency and applies for an~~  
636 ~~amendment to its charter to confirm its independence, said~~  
637 ~~application shall be granted as a matter of right. If~~  
638 ~~application by an independent district is not made within 6~~  
639 ~~months of rendition of a declaratory statement, the district~~  
640 ~~shall be deemed dependent and become a political subdivision of~~  
641 ~~the governing body which originally established it by operation~~  
642 ~~of law.~~

643 ~~(b) If the Legislature created a special district, the~~  
644 ~~district shall request, by resolution, an amendment to its~~  
645 ~~charter by the Legislature. Failure to apply to the Legislature~~  
646 ~~for an amendment to its charter during the next regular~~  
647 ~~legislative session following rendition of a declaratory~~  
648 ~~statement or failure of the Legislature to pass a special act~~  
649 ~~shall render the district dependent.~~

650 Section 14. Section 189.404, Florida Statutes, is

651 transferred and renumbered as section 189.031, Florida Statutes,  
 652 and subsection (2) and paragraphs (e), (f), and (g) of  
 653 subsection (3) of that section are amended, to read:

654 189.031 ~~189.404~~ Legislative intent for the creation of  
 655 independent special districts; special act prohibitions; model  
 656 elements and other requirements; general-purpose local  
 657 government/Governor and Cabinet creation authorizations.—

658 (2) SPECIAL ACTS PROHIBITED.—Pursuant to s. 11(a)(21),  
 659 Art. III of the State Constitution, the Legislature hereby  
 660 prohibits special laws or general laws of local application  
 661 which:

662 (a) Create independent special districts that do not, at a  
 663 minimum, conform to the minimum requirements in subsection (3);

664 (b) Exempt independent special district elections from the  
 665 appropriate requirements in s. 189.04 ~~189.405~~;

666 (c) Exempt an independent special district from the  
 667 requirements for bond referenda in s. 189.042 ~~189.408~~;

668 (d) Exempt an independent special district from the  
 669 reporting, notice, or public meetings requirements of s.  
 670 189.051, s. 189.08, s. 189.015, or s. 189.016 ~~189.4085, s.~~  
 671 ~~189.415, s. 189.417, or s. 189.418~~;

672 (e) Create an independent special district for which a  
 673 statement has not been submitted to the Legislature that  
 674 documents the following:

- 675 1. The purpose of the proposed district;
- 676 2. The authority of the proposed district;

677 3. An explanation of why the district is the best  
678 alternative; and

679 4. A resolution or official statement of the governing  
680 body or an appropriate administrator of the local jurisdiction  
681 within which the proposed district is located stating that the  
682 creation of the proposed district is consistent with the  
683 approved local government plans of the local governing body and  
684 that the local government has no objection to the creation of  
685 the proposed district.

686 (3) MINIMUM REQUIREMENTS.—General laws or special acts  
687 that create or authorize the creation of independent special  
688 districts and are enacted after September 30, 1989, must address  
689 and require the following in their charters:

690 (e) The membership and organization of the governing body  
691 ~~board~~ of the district. If a district created after September 30,  
692 1989, uses a one-acre/one-vote election principle, it shall  
693 provide for a governing body ~~board~~ consisting of five members.  
694 Three members shall constitute a quorum.

695 (f) The maximum compensation of a governing body ~~board~~  
696 member.

697 (g) The administrative duties of the governing body ~~board~~  
698 of the district.

699 Section 15. Section 189.40401, Florida Statutes, is  
700 transferred and renumbered as section 189.033, Florida Statutes.

701 Section 16. Section 189.4041, Florida Statutes, is  
702 transferred and renumbered as section 189.02, Florida Statutes,

703 and paragraph (e) of subsection (4) of that section is amended,  
 704 to read:

705 189.02 ~~189.4041~~ Dependent special districts.—

706 (4) Dependent special districts created by a county or  
 707 municipality shall be created by adoption of an ordinance that  
 708 includes:

709 (e) The membership, organization, compensation, and  
 710 administrative duties of the governing body ~~board~~.

711 Section 17. Subsection (1) of section 189.4042, Florida  
 712 Statutes, is transferred, renumbered as section 189.07, Florida  
 713 Statutes, and amended to read:

714 189.07 ~~189.4042~~ Definitions ~~Merger and dissolution~~  
 715 ~~procedures~~.—

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

717 (1)(a) "Component independent special district" means an  
 718 independent special district that proposes to be merged into a  
 719 merged independent district, or an independent special district  
 720 as it existed before its merger into the merged independent  
 721 district of which it is now a part.

722 (2)(b) "Elector-initiated merger plan" means the merger  
 723 plan of two or more independent special districts, a majority of  
 724 whose qualified electors have elected to merge, which outlines  
 725 the terms and agreements for the official merger of the  
 726 districts and is finalized and approved by the governing bodies  
 727 of the districts pursuant to this part ~~section~~.

728 (3)(e) "Governing body" means the governing body of the

729 independent special district in which the general legislative,  
730 governmental, or public powers of the district are vested and by  
731 authority of which the official business of the district is  
732 conducted.

733 (4)~~(d)~~ "Initiative" means the filing of a petition  
734 containing a proposal for a referendum to be placed on the  
735 ballot for election.

736 (5)~~(e)~~ "Joint merger plan" means the merger plan that is  
737 adopted by resolution of the governing bodies of two or more  
738 independent special districts that outlines the terms and  
739 agreements for the official merger of the districts and that is  
740 finalized and approved by the governing bodies pursuant to this  
741 part section.

742 (6)~~(f)~~ "Merged independent district" means a single  
743 independent special district that results from a successful  
744 merger of two or more independent special districts pursuant to  
745 this part section.

746 (7)~~(g)~~ "Merger" means the combination of two or more  
747 contiguous independent special districts resulting in a newly  
748 created merged independent district that assumes jurisdiction  
749 over all of the component independent special districts.

750 (8)~~(h)~~ "Merger plan" means a written document that  
751 contains the terms, agreements, and information regarding the  
752 merger of two or more independent special districts.

753 (9)~~(i)~~ "Proposed elector-initiated merger plan" means a  
754 written document that contains the terms and information

755 regarding the merger of two or more independent special  
 756 districts and that accompanies the petition initiated by the  
 757 qualified electors of the districts but that is not yet  
 758 finalized and approved by the governing bodies of each component  
 759 independent special district pursuant to this part section.

760 (10)~~(j)~~ "Proposed joint merger plan" means a written  
 761 document that contains the terms and information regarding the  
 762 merger of two or more independent special districts and that has  
 763 been prepared pursuant to a resolution of the governing bodies  
 764 of the districts but that is not yet finalized and approved by  
 765 the governing bodies of each component independent special  
 766 district pursuant to this part section.

767 (11)~~(k)~~ "Qualified elector" means an individual at least  
 768 18 years of age who is a citizen of the United States, a  
 769 permanent resident of this state, and a resident of the district  
 770 who registers with the supervisor of elections of a county  
 771 within which the district lands are located when the  
 772 registration books are open.

773 Section 18. Subsection (2) of section 189.4042, Florida  
 774 Statutes, is transferred, renumbered as section 189.071, Florida  
 775 Statutes, and amended to read:

776 189.071 ~~189.4042~~ Merger or ~~and~~ dissolution of a dependent  
 777 special district procedures.—

778 ~~(2) MERGER OR DISSOLUTION OF A DEPENDENT SPECIAL~~  
 779 ~~DISTRICT.—~~

780 (1)~~(a)~~ The merger or dissolution of a dependent special

781 district may be effectuated by an ordinance of the general-  
 782 purpose local governmental entity wherein the geographical area  
 783 of the district or districts is located. However, a county may  
 784 not dissolve a special district that is dependent to a  
 785 municipality or vice versa, or a dependent district created by  
 786 special act.

787 (2)~~(b)~~ The merger or dissolution of a dependent special  
 788 district created and operating pursuant to a special act may be  
 789 effectuated only by further act of the Legislature unless  
 790 otherwise provided by general law.

791 (3)~~(e)~~ A dependent special district that meets any  
 792 criteria for being declared inactive, or that has already been  
 793 declared inactive, pursuant to s. 189.062 ~~189.4044~~ may be  
 794 dissolved or merged by special act without a referendum.

795 (4)~~(d)~~ A copy of any ordinance and of any changes to a  
 796 charter affecting the status or boundaries of one or more  
 797 special districts shall be filed with the Special District  
 798 Accountability Information ~~Information~~ Program within 30 days after such  
 799 activity.

800 Section 19. Subsection (3) of section 189.4042, Florida  
 801 Statutes, is transferred, renumbered as section 189.072, Florida  
 802 Statutes, and amended to read:

803 189.072 ~~189.4042~~ Dissolution of an independent special  
 804 district Merger and dissolution procedures.-

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

806 (1)~~(a)~~ *Voluntary dissolution.*-If the governing body ~~board~~

807 of an independent special district created and operating  
808 pursuant to a special act elects, by a majority vote plus one,  
809 to dissolve the district, the voluntary dissolution of an  
810 independent special district created and operating pursuant to a  
811 special act may be effectuated only by the Legislature unless  
812 otherwise provided by general law.

813 (2) ~~(b)~~ *Other dissolutions.*—

814 (a) ~~1.~~ In order for the Legislature to dissolve an active  
815 independent special district created and operating pursuant to a  
816 special act, the special act dissolving the active independent  
817 special district must be approved by a majority of the resident  
818 electors of the district or, for districts in which a majority  
819 of governing body ~~board~~ members are elected by landowners, a  
820 majority of the landowners voting in the same manner by which  
821 the independent special district's governing body is elected. If  
822 a local general-purpose government passes an ordinance or  
823 resolution in support of the dissolution, the local general-  
824 purpose government must pay any expenses associated with the  
825 referendum required under this paragraph ~~subparagraph~~.

826 (b) ~~2.~~ If an independent special district was created by a  
827 county or municipality by referendum or any other procedure, the  
828 county or municipality that created the district may dissolve  
829 the district pursuant to a referendum or any other procedure by  
830 which the independent special district was created. However, if  
831 the independent special district has ad valorem taxation powers,  
832 the same procedure required to grant the independent special



833 district ad valorem taxation powers is required to dissolve the  
 834 district.

835 (3)~~(e)~~ *Inactive independent special districts.*—An  
 836 independent special district that meets any criteria for being  
 837 declared inactive, or that has already been declared inactive,  
 838 pursuant to s. 189.062 ~~189.4044~~ may be dissolved by special act  
 839 without a referendum. If an inactive independent special  
 840 district was created by a county or municipality through a  
 841 referendum, the county or municipality that created the district  
 842 may dissolve the district after publishing notice as described  
 843 in s. 189.062 ~~189.4044~~.

844 (4)~~(d)~~ *Debts and assets.*—Financial allocations of the  
 845 assets and indebtedness of a dissolved independent special  
 846 district shall be pursuant to s. 189.076 ~~189.4045~~.

847 Section 20. Subsection (4) of section 189.4042, Florida  
 848 Statutes, is transferred, renumbered as section 189.073, Florida  
 849 Statutes, and amended to read:

850 189.073 ~~189.4042~~ Legislative merger of independent special  
 851 districts ~~Merger and dissolution procedures.~~—

852 ~~(4) LEGISLATIVE MERGER OF INDEPENDENT SPECIAL DISTRICTS.~~  
 853 The Legislature, by special act, may merge independent special  
 854 districts created and operating pursuant to special act.

855 Section 21. Subsection (5) of section 189.4042, Florida  
 856 Statutes, is transferred, renumbered as section 189.074, Florida  
 857 Statutes, and amended to read:

858 189.074 ~~189.4042~~ Voluntary merger of independent special

859 districts ~~Merger and dissolution procedures.~~

860 ~~(5) VOLUNTARY MERGER OF INDEPENDENT SPECIAL DISTRICTS.~~ Two  
 861 or more contiguous independent special districts created by  
 862 special act which have similar functions and elected governing  
 863 bodies may elect to merge into a single independent district  
 864 through the act of merging the component independent special  
 865 districts.

866 (1)~~(a)~~ *Initiation.*—Merger proceedings may commence by:

867 (a)1. A joint resolution of the governing bodies of each  
 868 independent special district which endorses a proposed joint  
 869 merger plan; or

870 (b)2. A qualified elector initiative.

871 (2)~~(b)~~ *Joint merger plan by resolution.*—The governing  
 872 bodies of two or more contiguous independent special districts  
 873 may, by joint resolution, endorse a proposed joint merger plan  
 874 to commence proceedings to merge the districts pursuant to this  
 875 section ~~subsection~~.

876 (a)1. The proposed joint merger plan must specify:

877 1.a. The name of each component independent special  
 878 district to be merged;

879 2.b. The name of the proposed merged independent district;

880 3.c. The rights, duties, and obligations of the proposed  
 881 merged independent district;

882 4.d. The territorial boundaries of the proposed merged  
 883 independent district;

884 5.e. The governmental organization of the proposed merged

885 independent district insofar as it concerns elected and  
886 appointed officials and public employees, along with a  
887 transitional plan and schedule for elections and appointments of  
888 officials;

889 ~~6.f.~~ A fiscal estimate of the potential cost or savings as  
890 a result of the merger;

891 ~~7.g.~~ Each component independent special district's assets,  
892 including, but not limited to, real and personal property, and  
893 the current value thereof;

894 ~~8.h.~~ Each component independent special district's  
895 liabilities and indebtedness, bonded and otherwise, and the  
896 current value thereof;

897 ~~9.i.~~ Terms for the assumption and disposition of existing  
898 assets, liabilities, and indebtedness of each component  
899 independent special district jointly, separately, or in defined  
900 proportions;

901 ~~10.j.~~ Terms for the common administration and uniform  
902 enforcement of existing laws within the proposed merged  
903 independent district;

904 ~~11.k.~~ The times and places for public hearings on the  
905 proposed joint merger plan;

906 ~~12.l.~~ The times and places for a referendum in each  
907 component independent special district on the proposed joint  
908 merger plan, along with the referendum language to be presented  
909 for approval; and

910 ~~13.m.~~ The effective date of the proposed merger.

911        (b)2- The resolution endorsing the proposed joint merger  
912 plan must be approved by a majority vote of the governing bodies  
913 of each component independent special district and adopted at  
914 least 60 business days before any general or special election on  
915 the proposed joint merger plan.

916        (c)3- Within 5 business days after the governing bodies  
917 approve the resolution endorsing the proposed joint merger plan,  
918 the governing bodies must:

919        1.a- Cause a copy of the proposed joint merger plan, along  
920 with a descriptive summary of the plan, to be displayed and be  
921 readily accessible to the public for inspection in at least  
922 three public places within the territorial limits of each  
923 component independent special district, unless a component  
924 independent special district has fewer than three public places,  
925 in which case the plan must be accessible for inspection in all  
926 public places within the component independent special district;

927        2.b- If applicable, cause the proposed joint merger plan,  
928 along with a descriptive summary of the plan and a reference to  
929 the public places within each component independent special  
930 district where a copy of the merger plan may be examined, to be  
931 displayed on a website maintained by each district or on a  
932 website maintained by the county or municipality in which the  
933 districts are located; and

934        3.e- Arrange for a descriptive summary of the proposed  
935 joint merger plan, and a reference to the public places within  
936 the district where a copy may be examined, to be published in a

937 newspaper of general circulation within the component  
938 independent special districts at least once each week for 4  
939 successive weeks.

940 (d)4. The governing body of each component independent  
941 special district shall set a time and place for one or more  
942 public hearings on the proposed joint merger plan. Each public  
943 hearing shall be held on a weekday at least 7 business days  
944 after the day the first advertisement is published on the  
945 proposed joint merger plan. The hearing or hearings may be held  
946 jointly or separately by the governing bodies of the component  
947 independent special districts. Any interested person residing in  
948 the respective district shall be given a reasonable opportunity  
949 to be heard on any aspect of the proposed merger at the public  
950 hearing.

951 1.a. Notice of the public hearing addressing the  
952 resolution for the proposed joint merger plan must be published  
953 pursuant to the notice requirements in s. 189.015 ~~189.417~~ and  
954 must provide a descriptive summary of the proposed joint merger  
955 plan and a reference to the public places within the component  
956 independent special districts where a copy of the plan may be  
957 examined.

958 2.b. After the final public hearing, the governing bodies  
959 of each component independent special district may amend the  
960 proposed joint merger plan if the amended version complies with  
961 the notice and public hearing requirements provided in this  
962 section ~~subsection~~. Thereafter, the governing bodies may approve

963 a final version of the joint merger plan or decline to proceed  
 964 further with the merger. Approval by the governing bodies of the  
 965 final version of the joint merger plan must occur within 60  
 966 business days after the final hearing.

967 (e)~~5.~~ After the final public hearing, the governing bodies  
 968 shall notify the supervisors of elections of the applicable  
 969 counties in which district lands are located of the adoption of  
 970 the resolution by each governing body. The supervisors of  
 971 elections shall schedule a separate referendum for each  
 972 component independent special district. The referenda may be  
 973 held in each district on the same day, or on different days, but  
 974 no more than 20 days apart.

975 1.a.~~1.a.~~ Notice of a referendum on the merger of independent  
 976 special districts must be provided pursuant to the notice  
 977 requirements in s. 100.342. At a minimum, the notice must  
 978 include:

979 a.~~(I)~~ A brief summary of the resolution and joint merger  
 980 plan;

981 b.~~(II)~~ A statement as to where a copy of the resolution  
 982 and joint merger plan may be examined;

983 c.~~(III)~~ The names of the component independent special  
 984 districts to be merged and a description of their territory;

985 d.~~(IV)~~ The times and places at which the referendum will  
 986 be held; and

987 e.~~(V)~~ Such other matters as may be necessary to call,  
 988 provide for, and give notice of the referendum and to provide

989 for the conduct thereof and the canvass of the returns.

990 ~~2.b.~~ The referenda must be held in accordance with the  
 991 Florida Election Code and may be held pursuant to ss. 101.6101-  
 992 101.6107. All costs associated with the referenda shall be borne  
 993 by the respective component independent special district.

994 ~~3.e.~~ The ballot question in such referendum placed before  
 995 the qualified electors of each component independent special  
 996 district to be merged must be in substantially the following  
 997 form:

998 "Shall ...(name of component independent special  
 999 district)... and ...(name of component independent special  
 1000 district or districts)... be merged into ...(name of newly  
 1001 merged independent district)...?"

- 1002
- 1003 ....YES
  - 1004 ....NO"
- 1005

1006 ~~4.d.~~ If the component independent special districts  
 1007 proposing to merge have disparate millage rates, the ballot  
 1008 question in the referendum placed before the qualified electors  
 1009 of each component independent special district must be in  
 1010 substantially the following form:

1011

1012 "Shall ...(name of component independent special  
 1013 district)... and ...(name of component independent special  
 1014 district or districts)... be merged into ...(name of newly

1015 merged independent district)... if the voter-approved maximum  
 1016 millage rate within each independent special district will not  
 1017 increase absent a subsequent referendum?

1018  
 1019 . . . . YES  
 1020 . . . . NO"

1021  
 1022 5.e. In any referendum held pursuant to this section  
 1023 ~~subsection~~, the ballots shall be counted, returns made and  
 1024 canvassed, and results certified in the same manner as other  
 1025 elections or referenda for the component independent special  
 1026 districts.

1027 6.f. The merger may not take effect unless a majority of  
 1028 the votes cast in each component independent special district  
 1029 are in favor of the merger. If one of the component districts  
 1030 does not obtain a majority vote, the referendum fails, and  
 1031 merger does not take effect.

1032 7.g. If the merger is approved by a majority of the votes  
 1033 cast in each component independent special district, the merged  
 1034 independent district is created. Upon approval, the merged  
 1035 independent district shall notify the Special District  
 1036 Accountability Information Program pursuant to s. 189.016(2)  
 1037 ~~189.418(2)~~ and the local general-purpose governments in which  
 1038 any part of the component independent special districts is  
 1039 situated pursuant to s. 189.016(7) ~~189.418(7)~~.

1040 8.h. If the referendum fails, the merger process under



1041 this subsection ~~paragraph~~ may not be initiated for the same  
 1042 purpose within 2 years after the date of the referendum.

1043 (f)~~6-~~ Component independent special districts merged  
 1044 pursuant to a joint merger plan by resolution shall continue to  
 1045 be governed as before the merger until the effective date  
 1046 specified in the adopted joint merger plan.

1047 (3)~~(e)~~ *Qualified elector-initiated merger plan.*—The  
 1048 qualified electors of two or more contiguous independent special  
 1049 districts may commence a merger proceeding by each filing a  
 1050 petition with the governing body of their respective independent  
 1051 special district proposing to be merged. The petition must  
 1052 contain the signatures of at least 40 percent of the qualified  
 1053 electors of each component independent special district and must  
 1054 be submitted to the appropriate component independent special  
 1055 district governing body no later than 1 year after the start of  
 1056 the qualified elector-initiated merger process.

1057 (a)~~4-~~ The petition must comply with, and be circulated in,  
 1058 the following form:

PETITION FOR

INDEPENDENT SPECIAL DISTRICT MERGER

1061 We, the undersigned electors and legal voters of ...(name  
 1062 of independent special district)..., qualified to vote at the  
 1063 next general or special election, respectfully petition that  
 1064 there be submitted to the electors and legal voters of ...(name  
 1065 of independent special district or districts proposed to be  
 1066 merged)..., for their approval or rejection at a referendum held

1067 for that purpose, a proposal to merge ...(name of component  
 1068 independent special district)... and ...(name of component  
 1069 independent special district or districts)....

1070 In witness thereof, we have signed our names on the date  
 1071 indicated next to our signatures.

1072 Date Name Home Address  
 1073 (print under signature)

1074 .....  
 1075 .....

1076 (b)2. The petition must be validated by a signed statement  
 1077 by a witness who is a duly qualified elector of one of the  
 1078 component independent special districts, a notary public, or  
 1079 another person authorized to take acknowledgments.

1080 1.a. A statement that is signed by a witness who is a duly  
 1081 qualified elector of the respective district shall be accepted  
 1082 for all purposes as the equivalent of an affidavit. Such  
 1083 statement must be in substantially the following form:

1084 "I, ...(name of witness)..., state that I am a duly  
 1085 qualified voter of ...(name of independent special district)....  
 1086 Each of the ...(insert number)... persons who have signed this  
 1087 petition sheet has signed his or her name in my presence on the  
 1088 dates indicated above and identified himself or herself to be  
 1089 the same person who signed the sheet. I understand that this  
 1090 statement will be accepted for all purposes as the equivalent of  
 1091 an affidavit and, if it contains a materially false statement,  
 1092 shall subject me to the penalties of perjury."

1093 Date Signature of Witness

1094 ~~2.b.~~ A statement that is signed by a notary public or  
 1095 another person authorized to take acknowledgments must be in  
 1096 substantially the following form:

1097 "On the date indicated above before me personally came each  
 1098 of the ...(insert number)... electors and legal voters whose  
 1099 signatures appear on this petition sheet, who signed the  
 1100 petition in my presence and who, being by me duly sworn, each  
 1101 for himself or herself, identified himself or herself as the  
 1102 same person who signed the petition, and I declare that the  
 1103 foregoing information they provided was true."

1104 Date Signature of Witness

1105 ~~3.e.~~ An alteration or correction of information appearing  
 1106 on a petition's signature line, other than an uninitialed  
 1107 signature and date, does not invalidate such signature. In  
 1108 matters of form, this subsection ~~paragraph~~ shall be liberally  
 1109 construed, not inconsistent with substantial compliance thereto  
 1110 and the prevention of fraud.

1111 ~~4.d.~~ The appropriately signed petition must be filed with  
 1112 the governing body of each component independent special  
 1113 district. The petition must be submitted to the supervisors of  
 1114 elections of the counties in which the district lands are  
 1115 located. The supervisors shall, within 30 business days after  
 1116 receipt of the petitions, certify to the governing bodies the  
 1117 number of signatures of qualified electors contained on the  
 1118 petitions.

1119        (c)~~3.~~ Upon verification by the supervisors of elections of  
 1120 the counties within which component independent special district  
 1121 lands are located that 40 percent of the qualified electors have  
 1122 petitioned for merger and that all such petitions have been  
 1123 executed within 1 year after the date of the initiation of the  
 1124 qualified-elector merger process, the governing bodies of each  
 1125 component independent special district shall meet within 30  
 1126 business days to prepare and approve by resolution a proposed  
 1127 elector-initiated merger plan. The proposed plan must include:

1128        1.a. The name of each component independent special  
 1129 district to be merged;

1130        2.b. The name of the proposed merged independent district;

1131        3.c. The rights, duties, and obligations of the merged  
 1132 independent district;

1133        4.d. The territorial boundaries of the proposed merged  
 1134 independent district;

1135        5.e. The governmental organization of the proposed merged  
 1136 independent district insofar as it concerns elected and  
 1137 appointed officials and public employees, along with a  
 1138 transitional plan and schedule for elections and appointments of  
 1139 officials;

1140        6.f. A fiscal estimate of the potential cost or savings as  
 1141 a result of the merger;

1142        7.g. Each component independent special district's assets,  
 1143 including, but not limited to, real and personal property, and  
 1144 the current value thereof;

1145 8.h. Each component independent special district's  
 1146 liabilities and indebtedness, bonded and otherwise, and the  
 1147 current value thereof;

1148 9.i. Terms for the assumption and disposition of existing  
 1149 assets, liabilities, and indebtedness of each component  
 1150 independent special district, jointly, separately, or in defined  
 1151 proportions;

1152 10.j. Terms for the common administration and uniform  
 1153 enforcement of existing laws within the proposed merged  
 1154 independent district;

1155 11.k. The times and places for public hearings on the  
 1156 proposed joint merger plan; and

1157 12.l. The effective date of the proposed merger.

1158 (d)4. The resolution endorsing the proposed elector-  
 1159 initiated merger plan must be approved by a majority vote of the  
 1160 governing bodies of each component independent special district  
 1161 and must be adopted at least 60 business days before any general  
 1162 or special election on the proposed elector-initiated plan.

1163 (e)5. Within 5 business days after the governing bodies of  
 1164 each component independent special district approve the proposed  
 1165 elector-initiated merger plan, the governing bodies shall:

1166 1.a. Cause a copy of the proposed elector-initiated merger  
 1167 plan, along with a descriptive summary of the plan, to be  
 1168 displayed and be readily accessible to the public for inspection  
 1169 in at least three public places within the territorial limits of  
 1170 each component independent special district, unless a component

1171 independent special district has fewer than three public places,  
1172 in which case the plan must be accessible for inspection in all  
1173 public places within the component independent special district;

1174 ~~2.b.~~ If applicable, cause the proposed elector-initiated  
1175 merger plan, along with a descriptive summary of the plan and a  
1176 reference to the public places within each component independent  
1177 special district where a copy of the merger plan may be  
1178 examined, to be displayed on a website maintained by each  
1179 district or otherwise on a website maintained by the county or  
1180 municipality in which the districts are located; and

1181 ~~3.e.~~ Arrange for a descriptive summary of the proposed  
1182 elector-initiated merger plan, and a reference to the public  
1183 places within the district where a copy may be examined, to be  
1184 published in a newspaper of general circulation within the  
1185 component independent special districts at least once each week  
1186 for 4 successive weeks.

1187 ~~(f)6.~~ The governing body of each component independent  
1188 special district shall set a time and place for one or more  
1189 public hearings on the proposed elector-initiated merger plan.  
1190 Each public hearing shall be held on a weekday at least 7  
1191 business days after the day the first advertisement is published  
1192 on the proposed elector-initiated merger plan. The hearing or  
1193 hearings may be held jointly or separately by the governing  
1194 bodies of the component independent special districts. Any  
1195 interested person residing in the respective district shall be  
1196 given a reasonable opportunity to be heard on any aspect of the

1197 proposed merger at the public hearing.

1198 ~~1.a.~~ Notice of the public hearing on the proposed elector-  
 1199 initiated merger plan must be published pursuant to the notice  
 1200 requirements in s. 189.015 ~~189.417~~ and must provide a  
 1201 descriptive summary of the elector-initiated merger plan and a  
 1202 reference to the public places within the component independent  
 1203 special districts where a copy of the plan may be examined.

1204 ~~2.b.~~ After the final public hearing, the governing bodies  
 1205 of each component independent special district may amend the  
 1206 proposed elector-initiated merger plan if the amended version  
 1207 complies with the notice and public hearing requirements  
 1208 provided in this section ~~subsection~~. The governing bodies must  
 1209 approve a final version of the merger plan within 60 business  
 1210 days after the final hearing.

1211 ~~(g)7.~~ After the final public hearing, the governing bodies  
 1212 shall notify the supervisors of elections of the applicable  
 1213 counties in which district lands are located of the adoption of  
 1214 the resolution by each governing body. The supervisors of  
 1215 elections shall schedule a date for the separate referenda for  
 1216 each district. The referenda may be held in each district on the  
 1217 same day, or on different days, but no more than 20 days apart.

1218 ~~1.a.~~ Notice of a referendum on the merger of the component  
 1219 independent special districts must be provided pursuant to the  
 1220 notice requirements in s. 100.342. At a minimum, the notice must  
 1221 include:

1222 ~~a.(1)~~ A brief summary of the resolution and elector-

1223 initiated merger plan;

1224        ~~b.~~~~(II)~~ A statement as to where a copy of the resolution

1225 and petition for merger may be examined;

1226        ~~c.~~~~(III)~~ The names of the component independent special

1227 districts to be merged and a description of their territory;

1228        ~~d.~~~~(IV)~~ The times and places at which the referendum will

1229 be held; and

1230        ~~e.~~~~(V)~~ Such other matters as may be necessary to call,

1231 provide for, and give notice of the referendum and to provide

1232 for the conduct thereof and the canvass of the returns.

1233        ~~2.b.~~ The referenda must be held in accordance with the

1234 Florida Election Code and may be held pursuant to ss. 101.6101-

1235 101.6107. All costs associated with the referenda shall be borne

1236 by the respective component independent special district.

1237        ~~3.e.~~ The ballot question in such referendum placed before

1238 the qualified electors of each component independent special

1239 district to be merged must be in substantially the following

1240 form:

1241        "Shall ...(name of component independent special

1242 district)... and ...(name of component independent special

1243 district or districts)... be merged into ...(name of newly

1244 merged independent district)...?

1245        ....YES

1246        ....NO"

1247        ~~4.d.~~ If the component independent special districts

1248 proposing to merge have disparate millage rates, the ballot



1249 question in the referendum placed before the qualified electors  
 1250 of each component independent special district must be in  
 1251 substantially the following form:

1252 "Shall ... (name of component independent special  
 1253 district)... and ... (name of component independent special  
 1254 district or districts)... be merged into ... (name of newly  
 1255 merged independent district)... if the voter-approved maximum  
 1256 millage rate within each independent special district will not  
 1257 increase absent a subsequent referendum?

1258 ....YES

1259 ....NO"

1260 5.e. In any referendum held pursuant to this section  
 1261 ~~subsection~~, the ballots shall be counted, returns made and  
 1262 canvassed, and results certified in the same manner as other  
 1263 elections or referenda for the component independent special  
 1264 districts.

1265 6.f. The merger may not take effect unless a majority of  
 1266 the votes cast in each component independent special district  
 1267 are in favor of the merger. If one of the component independent  
 1268 special districts does not obtain a majority vote, the  
 1269 referendum fails, and merger does not take effect.

1270 7.g. If the merger is approved by a majority of the votes  
 1271 cast in each component independent special district, the merged  
 1272 district shall notify the Special District Accountability  
 1273 ~~Information~~ Program pursuant to s. 189.016(2) ~~189.418(2)~~ and the  
 1274 local general-purpose governments in which any part of the

1275 component independent special districts is situated pursuant to  
 1276 s. 189.016(7) ~~189.418(7)~~.

1277 ~~8.h.~~ If the referendum fails, the merger process under  
 1278 this subsection ~~paragraph~~ may not be initiated for the same  
 1279 purpose within 2 years after the date of the referendum.

1280 ~~(h)8.~~ Component independent special districts merged  
 1281 pursuant to an elector-initiated merger plan shall continue to  
 1282 be governed as before the merger until the effective date  
 1283 specified in the adopted elector-initiated merger plan.

1284 ~~(4)(d)~~ *Effective date.*—The effective date of the merger  
 1285 shall be as provided in the joint merger plan or elector-  
 1286 initiated merger plan, as appropriate, and is not contingent  
 1287 upon the future act of the Legislature.

1288 ~~(a)1.~~ However, as soon as practicable, the merged  
 1289 independent district shall, at its own expense, submit a unified  
 1290 charter for the merged district to the Legislature for approval.  
 1291 The unified charter must make the powers of the district  
 1292 consistent within the merged independent district and repeal the  
 1293 special acts of the districts which existed before the merger.

1294 ~~(b)2.~~ Within 30 business days after the effective date of  
 1295 the merger, the merged independent district's governing body, as  
 1296 indicated in this section ~~subsection~~, shall hold an  
 1297 organizational meeting to implement the provisions of the joint  
 1298 merger plan or elector-initiated merger plan, as appropriate.

1299 ~~(5)(e)~~ *Restrictions during transition period.*—Until the  
 1300 Legislature formally approves the unified charter pursuant to a

1301 special act, each component independent special district is  
1302 considered a subunit of the merged independent district subject  
1303 to the following restrictions:

1304 (a)~~1.~~ During the transition period, the merged independent  
1305 district is limited in its powers and financing capabilities  
1306 within each subunit to those powers that existed within the  
1307 boundaries of each subunit which were previously granted to the  
1308 component independent special district in its existing charter  
1309 before the merger. The merged independent district may not,  
1310 solely by reason of the merger, increase its powers or financing  
1311 capability.

1312 (b)~~2.~~ During the transition period, the merged independent  
1313 district shall exercise only the legislative authority to levy  
1314 and collect revenues within the boundaries of each subunit which  
1315 was previously granted to the component independent special  
1316 district by its existing charter before the merger, including  
1317 the authority to levy ad valorem taxes, non-ad valorem  
1318 assessments, impact fees, and charges.

1319 1.a. The merged independent district may not, solely by  
1320 reason of the merger or the legislatively approved unified  
1321 charter, increase ad valorem taxes on property within the  
1322 original limits of a subunit beyond the maximum millage rate  
1323 approved by the electors of the component independent special  
1324 district unless the electors of such subunit approve an increase  
1325 at a subsequent referendum of the subunit's electors. Each  
1326 subunit may be considered a separate taxing unit.

1327        2.b. The merged independent district may not, solely by  
1328 reason of the merger, charge non-ad valorem assessments, impact  
1329 fees, or other new fees within a subunit which were not  
1330 otherwise previously authorized to be charged.

1331        (c)3. During the transition period, each component  
1332 independent special district of the merged independent district  
1333 must continue to file all information and reports required under  
1334 this chapter as subunits until the Legislature formally approves  
1335 the unified charter pursuant to a special act.

1336        (d)4. The intent of this part section is to preserve and  
1337 transfer to the merged independent district all authority that  
1338 exists within each subunit and was previously granted by the  
1339 Legislature and, if applicable, by referendum.

1340        (6)(f) *Effect of merger, generally.*—On and after the  
1341 effective date of the merger, the merged independent district  
1342 shall be treated and considered for all purposes as one entity  
1343 under the name and on the terms and conditions set forth in the  
1344 joint merger plan or elector-initiated merger plan, as  
1345 appropriate.

1346        (a)1. All rights, privileges, and franchises of each  
1347 component independent special district and all assets, real and  
1348 personal property, books, records, papers, seals, and equipment,  
1349 as well as other things in action, belonging to each component  
1350 independent special district before the merger shall be deemed  
1351 as transferred to and vested in the merged independent district  
1352 without further act or deed.

1353        (b)2- All property, rights-of-way, and other interests are  
 1354 as effectually the property of the merged independent district  
 1355 as they were of the component independent special district  
 1356 before the merger. The title to real estate, by deed or  
 1357 otherwise, under the laws of this state vested in any component  
 1358 independent special district before the merger may not be deemed  
 1359 to revert or be in any way impaired by reason of the merger.

1360        (c)3- The merged independent district is in all respects  
 1361 subject to all obligations and liabilities imposed and possesses  
 1362 all the rights, powers, and privileges vested by law in other  
 1363 similar entities.

1364        (d)4- Upon the effective date of the merger, the joint  
 1365 merger plan or elector-initiated merger plan, as appropriate, is  
 1366 subordinate in all respects to the contract rights of all  
 1367 holders of any securities or obligations of the component  
 1368 independent special districts outstanding at the effective date  
 1369 of the merger.

1370        (e)5- The new registration of electors is not necessary as  
 1371 a result of the merger, but all elector registrations of the  
 1372 component independent special districts shall be transferred to  
 1373 the proper registration books of the merged independent  
 1374 district, and new registrations shall be made as provided by law  
 1375 as if no merger had taken place.

1376        (7)(g) *Governing body of merged independent district.-*

1377        (a)1- From the effective date of the merger until the next  
 1378 general election, the governing body of the merged independent

1379 district shall be comprised of the governing body members of  
 1380 each component independent special district, with such members  
 1381 serving until the governing body members elected at the next  
 1382 general election take office.

1383 (b)2. Beginning with the next general election following  
 1384 the effective date of merger, the governing body of the merged  
 1385 independent district shall be comprised of five members. The  
 1386 office of each governing body member shall be designated by  
 1387 seat, which shall be distinguished from other body member seats  
 1388 by an assigned numeral: 1, 2, 3, 4, or 5. The governing body  
 1389 members that are elected in this initial election following the  
 1390 merger shall serve unequal terms of 2 and 4 years in order to  
 1391 create staggered membership of the governing body, with:

1392 1.a. Member seats 1, 3, and 5 being designated for 4-year  
 1393 terms; and

1394 2.b. Member seats 2 and 4 being designated for 2-year  
 1395 terms.

1396 (c)3. In general elections thereafter, all governing body  
 1397 members shall serve 4-year terms.

1398 (8)(h) *Effect on employees.*—Except as otherwise provided  
 1399 by law and except for those officials and employees protected by  
 1400 tenure of office, civil service provisions, or a collective  
 1401 bargaining agreement, upon the effective date of merger, all  
 1402 appointive offices and positions existing in all component  
 1403 independent special districts involved in the merger are subject  
 1404 to the terms of the joint merger plan or elector-initiated

1405 merger plan, as appropriate. Such plan may provide for instances  
 1406 in which there are duplications of positions and for other  
 1407 matters such as varying lengths of employee contracts, varying  
 1408 pay levels or benefits, different civil service regulations in  
 1409 the constituent entities, and differing ranks and position  
 1410 classifications for similar positions. For those employees who  
 1411 are members of a bargaining unit certified by the Public  
 1412 Employees Relations Commission, the requirements of chapter 447  
 1413 apply.

1414 (9)~~(i)~~ *Effect on debts, liabilities, and obligations.*—

1415 (a)~~1.~~ All valid and lawful debts and liabilities existing  
 1416 against a merged independent district, or which may arise or  
 1417 accrue against the merged independent district, which but for  
 1418 merger would be valid and lawful debts or liabilities against  
 1419 one or more of the component independent special districts, are  
 1420 debts against or liabilities of the merged independent district  
 1421 and accordingly shall be defrayed and answered to by the merged  
 1422 independent district to the same extent, and no further than,  
 1423 the component independent special districts would have been  
 1424 bound if a merger had not taken place.

1425 (b)~~2.~~ The rights of creditors and all liens upon the  
 1426 property of any of the component independent special districts  
 1427 shall be preserved unimpaired. The respective component  
 1428 districts shall be deemed to continue in existence to preserve  
 1429 such rights and liens, and all debts, liabilities, and duties of  
 1430 any of the component districts attach to the merged independent

1431 district.

1432       (c)~~3.~~ All bonds, contracts, and obligations of the  
 1433 component independent special districts which exist as legal  
 1434 obligations are obligations of the merged independent district,  
 1435 and all such obligations shall be issued or entered into by and  
 1436 in the name of the merged independent district.

1437       (10)~~(j)~~ *Effect on actions and proceedings.*—In any action  
 1438 or proceeding pending on the effective date of merger to which a  
 1439 component independent special district is a party, the merged  
 1440 independent district may be substituted in its place, and the  
 1441 action or proceeding may be prosecuted to judgment as if merger  
 1442 had not taken place. Suits may be brought and maintained against  
 1443 a merged independent district in any state court in the same  
 1444 manner as against any other independent special district.

1445       (11)~~(k)~~ *Effect on annexation.*—Chapter 171 continues to  
 1446 apply to all annexations by a city within the component  
 1447 independent special districts' boundaries after merger occurs.  
 1448 Any moneys owed to a component independent special district  
 1449 pursuant to s. 171.093, or any interlocal service boundary  
 1450 agreement as a result of annexation predating the merger, shall  
 1451 be paid to the merged independent district after merger.

1452       (12)~~(l)~~ *Effect on millage calculations.*—The merged  
 1453 independent special district is authorized to continue or  
 1454 conclude procedures under chapter 200 on behalf of the component  
 1455 independent special districts. The merged independent special  
 1456 district shall make the calculations required by chapter 200 for



1457 each component individual special district separately.

1458 (13)~~(m)~~ *Determination of rights.*—If any right, title,  
 1459 interest, or claim arises out of a merger or by reason thereof  
 1460 which is not determinable by reference to this subsection, the  
 1461 joint merger plan or elector-initiated merger plan, as  
 1462 appropriate, or otherwise under the laws of this state, the  
 1463 governing body of the merged independent district may provide  
 1464 therefor in a manner conforming to law.

1465 (14)~~(n)~~ *Exemption.*—This section ~~subsection~~ does not apply  
 1466 to independent special districts whose governing bodies are  
 1467 elected by district landowners voting the acreage owned within  
 1468 the district.

1469 (15)~~(o)~~ *Preemption.*—This section ~~subsection~~ preempts any  
 1470 special act to the contrary.

1471 Section 22. Subsection (6) of section 189.4042, Florida  
 1472 Statutes, is transferred, renumbered as section 189.075, Florida  
 1473 Statutes, and amended to read:

1474 189.075 ~~189.4042~~ Involuntary merger of independent special  
 1475 districts ~~Merger and dissolution procedures.~~—

1476 ~~(6) INVOLUNTARY MERGER OF INDEPENDENT SPECIAL DISTRICTS.~~—

1477 (1)~~(a)~~ *Independent special districts created by special*  
 1478 *act.*—In order for the Legislature to merge an active independent  
 1479 special district or districts created and operating pursuant to  
 1480 a special act, the special act merging the active independent  
 1481 special district or districts must be approved at separate  
 1482 referenda of the impacted local governments by a majority of the

1483 resident electors or, for districts in which a majority of  
1484 governing body ~~board~~ members are elected by landowners, a  
1485 majority of the landowners voting in the same manner by which  
1486 each independent special district's governing body is elected.  
1487 The special act merging the districts must include a plan of  
1488 merger that addresses transition issues such as the effective  
1489 date of the merger, governance, administration, powers,  
1490 pensions, and assumption of all assets and liabilities. If a  
1491 local general-purpose government passes an ordinance or  
1492 resolution in support of the merger of an active independent  
1493 special district, the local general-purpose government must pay  
1494 any expenses associated with the referendum required under this  
1495 subsection ~~paragraph~~.

1496 (2) ~~(b)~~ *Independent special districts created by a county*  
1497 *or municipality.*—A county or municipality may merge an  
1498 independent special district created by the county or  
1499 municipality pursuant to a referendum or any other procedure by  
1500 which the independent special district was created. However, if  
1501 the independent special district has ad valorem taxation powers,  
1502 the same procedure required to grant the independent special  
1503 district ad valorem taxation powers is required to merge the  
1504 district. The political subdivisions proposing the involuntary  
1505 merger of an active independent special district must pay any  
1506 expenses associated with the referendum required under this  
1507 subsection ~~paragraph~~.

1508 (3) ~~(e)~~ *Inactive independent special districts.*—An

1509 independent special district that meets any criteria for being  
 1510 declared inactive, or that has already been declared inactive,  
 1511 pursuant to s. 189.062 ~~189.4044~~ may be merged by special act  
 1512 without a referendum.

1513 Section 23. Subsection (7) of section 189.4042, Florida  
 1514 Statutes, is transferred and renumbered as section 189.0761,  
 1515 Florida Statutes, and amended to read:

1516 189.0761 ~~189.4042~~ ~~Merger and dissolution procedures.~~

1517 ~~(7)~~ Exemptions.—This part ~~section~~ does not apply to  
 1518 community development districts implemented pursuant to chapter  
 1519 190 or to water management districts created and operated  
 1520 pursuant to chapter 373.

1521 Section 24. Section 189.4044, Florida Statutes, is  
 1522 transferred and renumbered as section 189.062, Florida Statutes,  
 1523 subsections (1) and (3) of that section are amended, and  
 1524 subsections (5) and (6) are added to that section, to read:

1525 189.062 ~~189.4044~~ Special procedures for inactive  
 1526 districts.—

1527 (1) The department shall declare inactive any special  
 1528 district in this state by documenting that:

1529 (a) The special district meets one of the following  
 1530 criteria:

1531 1. The registered agent of the district, the chair of the  
 1532 governing body of the district, or the governing body of the  
 1533 appropriate local general-purpose government notifies the  
 1534 department in writing that the district has taken no action for

1535 2 or more years;

1536 2. ~~Following an inquiry from the department,~~ The  
 1537 registered agent of the district, the chair of the governing  
 1538 body of the district, or the governing body of the appropriate  
 1539 local general-purpose government notifies the department in  
 1540 writing that the district has not had a governing body ~~board~~ or  
 1541 a sufficient number of governing body ~~board~~ members to  
 1542 constitute a quorum for 2 or more years;

1543 3. ~~or~~ The registered agent of the district, the chair of  
 1544 the governing body of the district, or the governing body of the  
 1545 appropriate local general-purpose government fails to respond to  
 1546 an the department's inquiry by the department within 21 days;

1547 ~~4.3.~~ The department determines, pursuant to s. 189.067  
 1548 ~~189.421~~, that the district has failed to file any of the reports  
 1549 listed in s. 189.066 ~~189.419~~;

1550 ~~5.4.~~ The district has not had a registered office and  
 1551 agent on file with the department for 1 or more years; ~~or~~

1552 ~~6.5.~~ The governing body of a special district provides  
 1553 documentation to the department that it has unanimously adopted  
 1554 a resolution declaring the special district inactive. The  
 1555 special district shall be responsible for payment of any  
 1556 expenses associated with its dissolution. A special district  
 1557 declared inactive pursuant to this subparagraph may be dissolved  
 1558 without a referendum; or

1559 (b) The department, special district, or local general-  
 1560 purpose government published a notice of proposed declaration of

1561 inactive status in a newspaper of general circulation in the  
1562 county or municipality in which the territory of the special  
1563 district is located and sent a copy of such notice by certified  
1564 mail to the registered agent or chair of the governing body  
1565 ~~board~~, if any. Such notice must include the name of the special  
1566 district, the law under which it was organized and operating, a  
1567 general description of the territory included in the special  
1568 district, and a statement that any objections must be filed  
1569 pursuant to chapter 120 within 21 days after the publication  
1570 date; and

1571 (c) Twenty-one days have elapsed from the publication date  
1572 of the notice of proposed declaration of inactive status and no  
1573 administrative appeals were filed.

1574 (3) In the case of a district created by special act of  
1575 the Legislature, the department shall send a notice of  
1576 declaration of inactive status to the Speaker of the House of  
1577 Representatives and the President of the Senate, and the  
1578 standing committees of the Senate and the House of  
1579 Representatives charged with special district oversight as  
1580 determined by the presiding officers of each respective chamber  
1581 and the Legislative Auditing Committee. The notice of  
1582 declaration of inactive status shall reference each known  
1583 special act creating or amending the charter of any special  
1584 district declared to be inactive under this section. The  
1585 declaration of inactive status shall be sufficient notice as  
1586 required by s. 10, Art. III of the State Constitution to

1587 authorize the Legislature to repeal any special laws so  
 1588 reported. In the case of a district created by one or more local  
 1589 general-purpose governments, the department shall send a notice  
 1590 of declaration of inactive status to the chair of the governing  
 1591 body of each local general-purpose government that created the  
 1592 district. In the case of a district created by interlocal  
 1593 agreement, the department shall send a notice of declaration of  
 1594 inactive status to the chair of the governing body of each local  
 1595 general-purpose government which entered into the interlocal  
 1596 agreement.

1597 (5) A special district declared inactive under this  
 1598 section may not collect taxes, fees, or assessments unless the  
 1599 declaration is:

1600 (a) Withdrawn or revoked by the department; or

1601 (b) Invalidated in proceedings initiated by the special  
 1602 district within 30 days after the date written notice of the  
 1603 declaration was provided to the special district governing body  
 1604 by physical or electronic delivery, receipt confirmed. The  
 1605 special district governing body may initiate proceedings within  
 1606 the period authorized in this paragraph by:

1607 1. Filing with the department a petition for an  
 1608 administrative hearing pursuant to s. 120.569; or

1609 2. Filing an action for declaratory and injunctive relief  
 1610 under chapter 86 in the circuit court of the judicial circuit in  
 1611 which the majority of the area of the district is located.

1612 (c) If a timely challenge to the declaration is not

1613 initiated by the special district governing body, or the  
 1614 department prevails in a proceeding initiated under paragraph  
 1615 (b), the department may enforce the prohibitions in this  
 1616 subsection by filing a petition for enforcement with the circuit  
 1617 court in and for Leon County. The petition may request  
 1618 declaratory, injunctive, or other equitable relief, including  
 1619 the appointment of a receiver, and any forfeiture or other  
 1620 remedy provided by law.

1621 (d) The prevailing party shall be awarded costs of  
 1622 litigation and reasonable attorney fees in any proceeding  
 1623 brought under this subsection.

1624 Section 25. Section 189.4045, Florida Statutes, is  
 1625 transferred and renumbered as section 189.076, Florida Statutes.

1626 Section 26. Section 189.4047, Florida Statutes, is  
 1627 transferred and renumbered as section 189.021, Florida Statutes.

1628 Section 27. Subsections (1), (2), (3), (4), (6), and (7)  
 1629 of section 189.405, Florida Statutes, are transferred and  
 1630 renumbered as subsections (1) through (6) of section 189.04,  
 1631 Florida Statutes, respectively, and present subsection (1),  
 1632 paragraph (c) of present subsection (2), and present subsections  
 1633 (3), (4), and (7) of that section are amended, to read:

1634 189.04 ~~189.405~~ Elections; general requirements and  
 1635 ~~procedures; education programs.~~

1636 (1) If a dependent special district has an elected  
 1637 governing body ~~board~~, elections shall be conducted by the  
 1638 supervisor of elections of the county wherein the district is

1639 located in accordance with the Florida Election Code, chapters  
1640 97-106.

1641 (2)

1642 (c) A candidate for a position on a governing body ~~board~~  
1643 of a single-county special district that has its elections  
1644 conducted by the supervisor of elections shall qualify for the  
1645 office with the county supervisor of elections in whose  
1646 jurisdiction the district is located. Elections for governing  
1647 body ~~board~~ members elected by registered electors shall be  
1648 nonpartisan, except when partisan elections are specified by a  
1649 district's charter. Candidates shall qualify as directed by  
1650 chapter 99. The qualifying fee shall be remitted to the general  
1651 revenue fund of the qualifying officer to help defray the cost  
1652 of the election.

1653 (3) (a) If a multicounty special district has a popularly  
1654 elected governing body ~~board~~, elections for the purpose of  
1655 electing members to such governing body ~~board~~ shall conform to  
1656 the Florida Election Code, chapters 97-106.

1657 (b) With the exception of those districts conducting  
1658 elections on a one-acre/one-vote basis, qualifying for  
1659 multicounty special district governing body ~~board~~ positions  
1660 shall be coordinated by the Department of State. Elections for  
1661 governing body ~~board~~ members elected by registered electors  
1662 shall be nonpartisan, except when partisan elections are  
1663 specified by a district's charter. Candidates shall qualify as  
1664 directed by chapter 99. The qualifying fee shall be remitted to



1665 the Department of State.

1666 (4) With the exception of elections of special district  
 1667 governing body ~~board~~ members conducted on a one-acre/one-vote  
 1668 basis, in any election conducted in a special district the  
 1669 decision made by a majority of those voting shall prevail,  
 1670 except as otherwise specified by law.

1671 (6) ~~(7)~~ Nothing in this act requires that a special  
 1672 district governed by an appointed governing body ~~board~~ convert  
 1673 to an elected governing body ~~board~~.

1674 Section 28. Subsection (5) of section 189.405, Florida  
 1675 Statutes, is transferred, renumbered as section 189.063, Florida  
 1676 Statutes, and amended to read:

1677 189.063 ~~189.405~~ Education programs for new members of  
 1678 district governing bodies ~~Elections; general requirements and~~  
 1679 ~~procedures; education programs.-~~

1680 (1) ~~(5)~~ ~~(a)~~ The department may provide, contract for, or  
 1681 assist in conducting education programs, as its budget permits,  
 1682 for all newly elected or appointed members of district governing  
 1683 bodies ~~boards~~. The education programs shall include, but are not  
 1684 limited to, courses on the code of ethics for public officers  
 1685 and employees, public meetings and public records requirements,  
 1686 public finance, and parliamentary procedure. ~~Course content may~~  
 1687 ~~be offered by means of the following: videotapes, live seminars,~~  
 1688 ~~workshops, conferences, teleconferences, computer based~~  
 1689 ~~training, multimedia presentations, or other available~~  
 1690 ~~instructional methods.~~

1691            ~~(2)(b)~~ An individual district governing body ~~board~~, at its  
 1692 discretion, may bear the costs associated with educating its  
 1693 members. Governing body ~~Board~~ members of districts which have  
 1694 qualified for a zero annual fee for the most recent invoicing  
 1695 period pursuant to s. 189.018 are ~~189.427~~ shall not be required  
 1696 to pay a fee for any education program the department provides,  
 1697 contracts for, or assists in conducting.

1698            Section 29. Section 189.4051, Florida Statutes, is  
 1699 transferred, renumbered as section 189.041, Florida Statutes,  
 1700 and amended to read:

1701            189.041 ~~189.4051~~ Elections; special requirements and  
 1702 procedures for districts with governing bodies ~~boards~~ elected on  
 1703 a one-acre/one-vote basis.—

1704            (1) DEFINITIONS.—As used in this section:

1705            (a) "Qualified elector" means any person at least 18 years  
 1706 of age who is a citizen of the United States, a permanent  
 1707 resident of Florida, and a freeholder or freeholder's spouse and  
 1708 resident of the district who registers with the supervisor of  
 1709 elections of a county within which the district lands are  
 1710 located when the registration books are open.

1711            (b) "Urban area" means a contiguous developed and  
 1712 inhabited urban area within a district with a minimum average  
 1713 resident population density of at least 1.5 persons per acre as  
 1714 defined by the latest official census, special census, or  
 1715 population estimate or a minimum density of one single-family  
 1716 home per 2.5 acres with access to improved roads or a minimum

1717 density of one single-family home per 5 acres within a recorded  
 1718 plat subdivision. Urban areas shall be designated by the  
 1719 governing body ~~board~~ of the district with the assistance of all  
 1720 local general-purpose governments having jurisdiction over the  
 1721 area within the district.

1722 (c) "Governing body ~~board~~ member" means any duly elected  
 1723 member of the governing body ~~board~~ of a special district elected  
 1724 pursuant to this section, provided that a ~~any~~ ~~board~~ member  
 1725 elected by popular vote shall be a qualified district elector  
 1726 and a ~~any~~ ~~board~~ member elected on a one-acre/one-vote basis  
 1727 shall meet the requirements of s. 298.11 for election to the  
 1728 governing body ~~board~~.

1729 (d) "Contiguous developed urban area" means any reasonably  
 1730 compact urban area located entirely within a special district.  
 1731 The separation of urban areas by a publicly owned park, right-  
 1732 of-way, highway, road, railroad, canal, utility, body of water,  
 1733 watercourse, or other minor geographical division of a similar  
 1734 nature shall not prevent such areas from being defined as urban  
 1735 areas.

1736 (2) POPULAR ELECTIONS; REFERENDUM; DESIGNATION OF URBAN  
 1737 AREAS.—

1738 (a) *Referendum.*—

1739 1. A referendum shall be called by the governing body  
 1740 ~~board~~ of a special district where the governing body ~~board~~ is  
 1741 elected on a one-acre/one-vote basis on the question of whether  
 1742 certain members of a district governing body ~~board~~ should be

1743 | elected by qualified electors, provided each of the following  
 1744 | conditions has been satisfied at least 60 days before ~~prior to~~  
 1745 | the general or special election at which the referendum is to be  
 1746 | held:

1747 |         a. The district shall have a total population, according  
 1748 | to the latest official state census, a special census, or a  
 1749 | population estimate, of at least 500 qualified electors.

1750 |         b. A petition signed by 10 percent of the qualified  
 1751 | electors of the district shall have been filed with the  
 1752 | governing body ~~board~~ of the district. The petition shall be  
 1753 | submitted to the supervisor of elections of the county or  
 1754 | counties in which the lands are located. The supervisor shall,  
 1755 | within 30 days after the receipt of the petitions, certify to  
 1756 | the governing body ~~board~~ the number of signatures of qualified  
 1757 | electors contained on the petition.

1758 |         2. Upon verification by the supervisor or supervisors of  
 1759 | elections of the county or counties within which district lands  
 1760 | are located that 10 percent of the qualified electors of the  
 1761 | district have petitioned the governing body ~~board~~, a referendum  
 1762 | election shall be called by the governing body ~~board~~ at the next  
 1763 | regularly scheduled election of governing body ~~board~~ members  
 1764 | occurring at least 30 days after verification of the petition or  
 1765 | within 6 months of verification, whichever is earlier.

1766 |         3. If the qualified electors approve the election  
 1767 | procedure described in this subsection, the governing body ~~board~~  
 1768 | of the district shall be increased to five members and elections

1769 shall be held pursuant to the criteria described in this  
1770 subsection beginning with the next regularly scheduled election  
1771 of governing body ~~board~~ members or at a special election called  
1772 within 6 months following the referendum and final unappealed  
1773 approval of district urban area maps as provided in paragraph  
1774 (b), whichever is earlier.

1775 4. If the qualified electors of the district disapprove  
1776 the election procedure described in this subsection, elections  
1777 of the members of the governing body ~~board~~ shall continue as  
1778 described by s. 298.12 or the enabling legislation for the  
1779 district. No further referendum on the question shall be held  
1780 for a minimum period of 2 years following the referendum.

1781 (b) *Designation of urban areas.*—

1782 1. Within 30 days after approval of the election process  
1783 described in this subsection by qualified electors of the  
1784 district, the governing body ~~board~~ shall direct the district  
1785 staff to prepare and present maps of the district describing the  
1786 extent and location of all urban areas within the district. Such  
1787 determination shall be based upon the criteria contained within  
1788 paragraph (1) (b).

1789 2. Within 60 days after approval of the election process  
1790 described in this subsection by qualified electors of the  
1791 district, the maps describing urban areas within the district  
1792 shall be presented to the governing body ~~board~~.

1793 3. Any district landowner or elector may contest the  
1794 accuracy of the urban area maps prepared by the district staff

1795 within 30 days after submission to the governing body ~~board~~.  
1796 Upon notice of objection to the maps, the governing body ~~board~~  
1797 shall request the county engineer to prepare and present maps of  
1798 the district describing the extent and location of all urban  
1799 areas within the district. Such determination shall be based  
1800 upon the criteria contained within paragraph (1)(b). Within 30  
1801 days after the governing body ~~board~~ request, the county engineer  
1802 shall present the maps to the governing body ~~board~~.

1803 4. Upon presentation of the maps by the county engineer,  
1804 the governing body ~~board~~ shall compare the maps submitted by  
1805 both the district staff and the county engineer and make a  
1806 determination as to which set of maps to adopt. Within 60 days  
1807 after presentation of all such maps, the governing body ~~board~~  
1808 may amend and shall adopt the official maps at a regularly  
1809 scheduled meeting of the governing body ~~board meeting~~.

1810 5. Any district landowner or qualified elector may contest  
1811 the accuracy of the urban area maps adopted by the governing  
1812 body ~~board~~ within 30 days after adoption by petition to the  
1813 circuit court with jurisdiction over the district. Accuracy  
1814 shall be determined pursuant to paragraph (1)(b). Any petitions  
1815 so filed shall be heard expeditiously, and the maps shall either  
1816 be approved or approved with necessary amendments to render the  
1817 maps accurate and shall be certified to the governing body  
1818 ~~board~~.

1819 6. Upon adoption by the governing body ~~board~~ or  
1820 certification by the court, the district urban area maps shall

1821 serve as the official maps for determination of the extent of  
1822 urban area within the district and the number of governing body  
1823 ~~board~~ members to be elected by qualified electors and by the  
1824 one-acre/one-vote principle at the next regularly scheduled  
1825 election of governing body ~~board~~ members.

1826 7. Upon a determination of the percentage of urban area  
1827 within the district as compared with total area within the  
1828 district, the governing body ~~board~~ shall order elections in  
1829 accordance with the percentages pursuant to paragraph (3) (a).  
1830 The landowners' meeting date shall be designated by the  
1831 governing body ~~board~~.

1832 8. The maps shall be updated and readopted every 5 years  
1833 or sooner in the discretion of the governing body ~~board~~.

1834 (3) GOVERNING BODY ~~BOARD~~.—

1835 (a) *Composition of board*.—

1836 1. Members of the governing body ~~board~~ of the district  
1837 shall be elected in accordance with the following determinations  
1838 of urban area:

1839 a. If urban areas constitute 25 percent or less of the  
1840 district, one governing body ~~board~~ member shall be elected by  
1841 the qualified electors and four governing body ~~board~~ members  
1842 shall be elected in accordance with the one-acre/one-vote  
1843 principle contained within s. 298.11 or the district-enabling  
1844 legislation.

1845 b. If urban areas constitute 26 percent to 50 percent of  
1846 the district, two governing body ~~board~~ members shall be elected

1847 by the qualified electors and three governing body ~~board~~ members  
1848 shall be elected in accordance with the one-acre/one-vote  
1849 principle contained within s. 298.11 or the district-enabling  
1850 legislation.

1851 c. If urban areas constitute 51 percent to 70 percent of  
1852 the district, three governing body ~~board~~ members shall be  
1853 elected by the qualified electors and two governing body ~~board~~  
1854 members shall be elected in accordance with the one-acre/one-  
1855 vote principle contained within s. 298.11 or the district-  
1856 enabling legislation.

1857 d. If urban areas constitute 71 percent to 90 percent of  
1858 the district, four governing body ~~board~~ members shall be elected  
1859 by the qualified electors and one governing body ~~board~~ member  
1860 shall be elected in accordance with the one-acre/one-vote  
1861 principle contained within s. 298.11 or the district-enabling  
1862 legislation.

1863 e. If urban areas constitute 91 percent or more of the  
1864 district, all governing body ~~board~~ members shall be elected by  
1865 the qualified electors.

1866 2. All governing body ~~board~~ members elected by qualified  
1867 electors shall be elected at large.

1868 (b) *Term of office.*—All governing body ~~board~~ members  
1869 elected by qualified electors shall have a term of 4 years  
1870 except for governing body ~~board~~ members elected at the first  
1871 election and the first landowners' meeting following the  
1872 referendum prescribed in paragraph (2) (a). Governing body ~~board~~



1873 members elected at the first election and the first landowners'  
1874 meeting following the referendum shall serve as follows:

1875 1. If one governing body ~~board~~ member is elected by the  
1876 qualified electors and four are elected on a one-acre/one-vote  
1877 basis, the governing body ~~board~~ member elected by the qualified  
1878 electors shall be elected for a period of 4 years. Governing  
1879 body ~~board~~ members elected on a one-acre/one-vote basis shall be  
1880 elected for periods of 1, 2, 3, and 4 years, respectively, as  
1881 prescribed by ss. 298.11 and 298.12.

1882 2. If two governing body ~~board~~ members are elected by the  
1883 qualified electors and three are elected on a one-acre/one-vote  
1884 basis, the governing body ~~board~~ members elected by the electors  
1885 shall be elected for a period of 4 years. Governing body ~~board~~  
1886 members elected on a one-acre/one-vote basis shall be elected  
1887 for periods of 1, 2, and 3 years, respectively, as prescribed by  
1888 ss. 298.11 and 298.12.

1889 3. If three governing body ~~board~~ members are elected by  
1890 the qualified electors and two are elected on a one-acre/one-  
1891 vote basis, two of the governing body ~~board~~ members elected by  
1892 the electors shall be elected for a term of 4 years and the  
1893 other governing body ~~board~~ member elected by the electors shall  
1894 be elected for a term of 2 years. Governing body ~~board~~ members  
1895 elected on a one-acre/one-vote basis shall be elected for terms  
1896 of 1 and 2 years, respectively, as prescribed by ss. 298.11 and  
1897 298.12.

1898 4. If four governing body ~~board~~ members are elected by the

1899 qualified electors and one is elected on a one-acre/one-vote  
 1900 basis, two of the governing body ~~board~~ members elected by the  
 1901 electors shall be elected for a term of 2 years and the other  
 1902 two for a term of 4 years. The governing body ~~board~~ member  
 1903 elected on a one-acre/one-vote basis shall be elected for a term  
 1904 of 1 year as prescribed by ss. 298.11 and 298.12.

1905 5. If five governing body ~~board~~ members are elected by the  
 1906 qualified electors, three shall be elected for a term of 4 years  
 1907 and two for a term of 2 years.

1908 6. If any vacancy occurs in a seat occupied by a governing  
 1909 body ~~board~~ member elected by the qualified electors, the  
 1910 remaining members of the governing body ~~board~~ shall, within 45  
 1911 days after the vacancy occurs, appoint a person who would be  
 1912 eligible to hold the office to the unexpired term.

1913 (c) *Landowners' meetings.*—

1914 1. An annual landowners' meeting shall be held pursuant to  
 1915 s. 298.11 and at least one governing body ~~board~~ member shall be  
 1916 elected on a one-acre/one-vote basis pursuant to s. 298.12 for  
 1917 so long as 10 percent or more of the district is not contained  
 1918 in an urban area. In the event all district governing body ~~board~~  
 1919 members are elected by qualified electors, there shall be no  
 1920 further landowners' meetings.

1921 2. At any landowners' meeting called pursuant to this  
 1922 section, 50 percent of the district acreage shall not be  
 1923 required to constitute a quorum and each governing body ~~board~~  
 1924 member shall be elected by a majority of the acreage represented

1925 either by owner or proxy present and voting at said meeting.

1926 3. All landowners' meetings of districts operating  
 1927 pursuant to this section shall be set by the governing body  
 1928 ~~board~~ within the month preceding the month of the election of  
 1929 the governing body ~~board~~ members by the electors.

1930 4. Vacancies on the governing body ~~board~~ shall be filled  
 1931 pursuant to s. 298.12 except as otherwise provided in  
 1932 subparagraph (b)6.

1933 (4) QUALIFICATIONS.—Elections for governing body ~~board~~  
 1934 members elected by qualified electors shall be nonpartisan.  
 1935 Qualifications shall be pursuant to the Florida Election Code  
 1936 and shall occur during the qualifying period established by s.  
 1937 99.061. Qualification requirements shall only apply to those  
 1938 governing body ~~board~~ member candidates elected by qualified  
 1939 electors. Following the first election pursuant to this section,  
 1940 elections to the governing body ~~board~~ by qualified electors  
 1941 shall occur at the next regularly scheduled election closest in  
 1942 time to the expiration date of the term of the elected governing  
 1943 body ~~board~~ member. If the next regularly scheduled election is  
 1944 beyond the normal expiration time for the term of an elected  
 1945 governing body ~~board~~ member, the governing body ~~board~~ member  
 1946 shall hold office until the election of a successor.

1947 (5) Those districts established as single-purpose water  
 1948 control districts, and which continue to act as single-purpose  
 1949 water control districts, pursuant to chapter 298, pursuant to a  
 1950 special act, pursuant to a local government ordinance, or

1951 pursuant to a judicial decree, shall be exempt from the  
 1952 provisions of this section. All other independent special  
 1953 districts with governing bodies ~~boards~~ elected on a one-  
 1954 acre/one-vote basis shall be subject to the provisions of this  
 1955 section.

1956 (6) The provisions of this section shall not apply to  
 1957 community development districts established pursuant to chapter  
 1958 190.

1959 Section 30. Section 189.4065, Florida Statutes, is  
 1960 transferred and renumbered as section 189.05, Florida Statutes.

1961 Section 31. Section 189.408, Florida Statutes, is  
 1962 transferred and renumbered as section 189.042, Florida Statutes.

1963 Section 32. Section 189.4085, Florida Statutes, is  
 1964 transferred and renumbered as section 189.051, Florida Statutes.

1965 Section 33. Section 189.412, Florida Statutes, is  
 1966 transferred and renumbered as section 189.064, Florida Statutes,  
 1967 and amended to read:

1968 189.064 ~~189.412~~ Special District Accountability  
 1969 ~~Information~~ Program; duties and responsibilities.—The Special  
 1970 District Accountability ~~Information~~ Program of the department of  
 1971 ~~Economic Opportunity~~ is created and has the following special  
 1972 duties:

1973 (1) Electronically publishing ~~The collection and~~  
 1974 ~~maintenance of~~ special district noncompliance status reports  
 1975 from the department of ~~Management Services~~, the Department of  
 1976 Financial Services, the Division of Bond Finance of the State

1977 Board of Administration, the Auditor General, and the  
 1978 Legislative Auditing Committee, for the reporting required in  
 1979 ss. 112.63, 218.32, 218.38, and 218.39. The noncompliance  
 1980 reports must list those special districts that did not comply  
 1981 with the statutory reporting requirements and be made available  
 1982 to the public electronically.

1983 (2) Maintaining the official list of special districts ~~The~~  
 1984 ~~maintenance of a master list of independent and dependent~~  
 1985 ~~special districts which shall be available on the department's~~  
 1986 ~~website.~~

1987 (3) ~~The~~ Publishing and updating of a "Florida Special  
 1988 District Handbook" that contains, at a minimum:

1989 (a) A section that specifies definitions of special  
 1990 districts and status distinctions in the statutes.

1991 (b) A section or sections that specify current statutory  
 1992 provisions for special district creation, implementation,  
 1993 modification, dissolution, and operating procedures.

1994 (c) A section that summarizes the reporting requirements  
 1995 applicable to all types of special districts as provided in ss.  
 1996 189.015 and 189.016 ~~189.417 and 189.418.~~

1997 ~~(4) When feasible, securing and maintaining access to~~  
 1998 ~~special district information collected by all state agencies in~~  
 1999 ~~existing or newly created state computer systems.~~

2000 (4)(5) Coordinating and communicating ~~The facilitation of~~  
 2001 ~~coordination and communication~~ among state agencies regarding  
 2002 special districts ~~district~~ information.

2003           ~~(6) The conduct of studies relevant to special districts.~~

2004           (5)-(7) Providing technical advisory ~~The provision of~~

2005 assistance ~~related to~~ special districts regarding the and

2006 ~~appropriate in the performance of~~ requirements specified in this

2007 chapter which may be performed by the department or by a

2008 qualified third-party vendor pursuant to a contract entered into

2009 in accordance with applicable bidding requirements, ~~including~~

2010 ~~assisting with an annual conference sponsored by the Florida~~

2011 ~~Association of Special Districts or its successor.~~

2012           ~~(6)-(8) Providing assistance to local general-purpose~~

2013 governments and ~~certain~~ state agencies in collecting delinquent

2014 reports or information.~~7~~

2015           (7) Helping special districts comply with reporting

2016 requirements.~~7~~

2017           (8) Declaring special districts inactive when appropriate,

2018 ~~and, when~~ directed by the Legislative Auditing Committee or

2019 required by this chapter.~~7~~

2020           (9) Initiating enforcement proceedings ~~provisions~~ as

2021 provided in ss. 189.062, 189.066, and 189.067 ~~189.4044, 189.419,~~

2022 ~~and 189.421.~~

2023           Section 34. Section 189.413, Florida Statutes, is

2024 transferred and renumbered as section 189.065, Florida Statutes,

2025 and amended to read:

2026           189.065 ~~189.413~~ Special districts; oversight of state

2027 funds use.—Any state agency administering funding programs for

2028 which special districts are eligible shall be responsible for

2029 oversight of the use of such funds by special districts. The  
 2030 oversight responsibilities shall include, but not be limited to:

2031 (1) Reporting the existence of the program to the Special  
 2032 District Accountability Information ~~Information~~ Program of the department.

2033 (2) Submitting annually a list of special districts  
 2034 participating in a state funding program to the Special District  
 2035 Accountability Information ~~Information~~ Program of the department. This list  
 2036 must indicate the special districts, if any, that are not in  
 2037 compliance with state funding program requirements.

2038 Section 35. Section 189.415, Florida Statutes, is  
 2039 transferred and renumbered as section 189.08, Florida Statutes.

2040 Section 36. Section 189.4155, Florida Statutes, is  
 2041 transferred and renumbered as section 189.081, Florida Statutes.

2042 Section 37. Section 189.4156, Florida Statutes, is  
 2043 transferred and renumbered as section 189.082, Florida Statutes.

2044 Section 38. Section 189.416, Florida Statutes, is  
 2045 transferred and renumbered as section 189.014, Florida Statutes,  
 2046 and subsection (1) of that section is amended, to read:

2047 189.014 ~~189.416~~ Designation of registered office and  
 2048 agent.—

2049 (1) Within 30 days after the first meeting of its  
 2050 governing body ~~board~~, each special district in the state shall  
 2051 designate a registered office and a registered agent and file  
 2052 such information with the local governing authority or  
 2053 authorities and with the department. The registered agent shall  
 2054 be an agent of the district upon whom any process, notice, or

2055 demand required or permitted by law to be served upon the  
 2056 district may be served. A registered agent shall be an  
 2057 individual resident of this state whose business address is  
 2058 identical with the registered office of the district. The  
 2059 registered office may be, but need not be, the same as the place  
 2060 of business of the special district.

2061 Section 39. Section 189.417, Florida Statutes, is  
 2062 transferred and renumbered as section 189.015, Florida Statutes,  
 2063 and subsection (1) of that section is amended, to read:

2064 189.015 ~~189.417~~ Meetings; notice; required reports.—

2065 (1) The governing body of each special district shall file  
 2066 quarterly, semiannually, or annually a schedule of its regular  
 2067 meetings with the local governing authority or authorities. The  
 2068 schedule shall include the date, time, and location of each  
 2069 scheduled meeting. The schedule shall be published quarterly,  
 2070 semiannually, or annually in a newspaper of general paid  
 2071 circulation in the manner required in this subsection. The  
 2072 governing body of an independent special district shall  
 2073 advertise the day, time, place, and purpose of any meeting other  
 2074 than a regular meeting or any recessed and reconvened meeting of  
 2075 the governing body, at least 7 days before ~~prior to~~ such  
 2076 meeting, in a newspaper of general paid circulation in the  
 2077 county or counties in which the special district is located,  
 2078 unless a bona fide emergency situation exists, in which case a  
 2079 meeting to deal with the emergency may be held as necessary,  
 2080 with reasonable notice, so long as it is subsequently ratified



2081 by the governing body ~~board~~. No approval of the annual budget  
2082 shall be granted at an emergency meeting. The advertisement  
2083 shall be placed in that portion of the newspaper where legal  
2084 notices and classified advertisements appear. The advertisement  
2085 shall appear in a newspaper that is published at least 5 days a  
2086 week, unless the only newspaper in the county is published fewer  
2087 than 5 days a week. The newspaper selected must be one of  
2088 general interest and readership in the community and not one of  
2089 limited subject matter, pursuant to chapter 50. Any other  
2090 provision of law to the contrary notwithstanding, and except in  
2091 the case of emergency meetings, water management districts may  
2092 provide reasonable notice of public meetings held to evaluate  
2093 responses to solicitations issued by the water management  
2094 district, by publication in a newspaper of general paid  
2095 circulation in the county where the principal office of the  
2096 water management district is located, or in the county or  
2097 counties where the public work will be performed, no less than 7  
2098 days before such meeting.

2099 Section 40. Section 189.418, Florida Statutes, is  
2100 transferred and renumbered as section 189.016, Florida Statutes,  
2101 and subsections (2) and (10) of that section are amended, to  
2102 read:

2103 189.016 ~~189.418~~ Reports; budgets; audits.—

2104 (2) Any amendment, modification, or update of the document  
2105 by which the district was created, including changes in  
2106 boundaries, must be filed with the department within 30 days

2107 after adoption. The department may initiate proceedings against  
 2108 special districts as provided in s. 189.067 ~~189.421~~ for failure  
 2109 to file the information required by this subsection. However,  
 2110 for the purposes of this section and s. 175.101(1), the  
 2111 boundaries of a district shall be deemed to include an area that  
 2112 has been annexed until the completion of the 4-year period  
 2113 specified in s. 171.093(4) or other mutually agreed upon  
 2114 extension, or when a district is providing services pursuant to  
 2115 an interlocal agreement entered into pursuant to s. 171.093(3).

2116 (10) All reports or information required to be filed with  
 2117 a local general-purpose government or governing authority under  
 2118 ss. 189.08, 189.014, and 189.015 ~~189.415, 189.416, and 189.417~~  
 2119 and subsection (8) must:

2120 (a) If the local general-purpose government or governing  
 2121 authority is a county, be filed with the clerk of the board of  
 2122 county commissioners.

2123 (b) If the district is a multicounty district, be filed  
 2124 with the clerk of the county commission in each county.

2125 (c) If the local general-purpose government or governing  
 2126 authority is a municipality, be filed at the place designated by  
 2127 the municipal governing body.

2128 Section 41. Section 189.419, Florida Statutes, is  
 2129 transferred, renumbered as section 189.066, Florida Statutes,  
 2130 and amended to read:

2131 189.066 ~~189.419~~ Effect of failure to file certain reports  
 2132 or information.—

2133 (1) If an independent special district fails to file the  
 2134 reports or information required under s. 189.08, s. 189.014, s.  
 2135 189.015, or s. 189.016(9) ~~189.415, s. 189.416, s. 189.417, or s.~~  
 2136 ~~189.418(9)~~ with the local general-purpose government or  
 2137 governments in which it is located, the person authorized to  
 2138 receive and read the reports or information or the local  
 2139 general-purpose government shall notify the district's  
 2140 registered agent. If requested by the district, the local  
 2141 general-purpose government shall grant an extension of up to 30  
 2142 days for filing the required reports or information. If the  
 2143 governing body of the local general-purpose government or  
 2144 governments determines that there has been an unjustified  
 2145 failure to file these reports or information, it shall ~~may~~  
 2146 notify the department, and the department may proceed pursuant  
 2147 to s. 189.067(1) ~~189.421(1)~~.

2148 (2) If a dependent special district fails to file the  
 2149 reports or information required under s. 189.014, s. 189.015, or  
 2150 s. 189.016(9) ~~189.416, s. 189.417, or s. 189.418(9)~~ with the  
 2151 local governing authority to which it is dependent, the local  
 2152 governing authority shall take whatever steps it deems necessary  
 2153 to enforce the special district's accountability. Such steps may  
 2154 include, as authorized, withholding funds, removing governing  
 2155 body ~~board~~ members at will, vetoing the special district's  
 2156 budget, conducting the oversight review process set forth in s.  
 2157 189.068 ~~189.428~~, or amending, merging, or dissolving the special  
 2158 district in accordance with the provisions contained in the

2159 ordinance that created the dependent special district.

2160 (3) If a special district fails to file the reports or  
 2161 information required under s. 218.38 with the appropriate state  
 2162 agency, the agency shall notify the department, and the  
 2163 department shall send a certified technical assistance letter to  
 2164 the special district which summarizes the requirements and  
 2165 compels ~~encourages~~ the special district to take steps to prevent  
 2166 the noncompliance from reoccurring.

2167 (4) If a special district fails to file the reports or  
 2168 information required under s. 112.63 with the appropriate state  
 2169 agency, the agency shall notify the department and the  
 2170 department shall proceed pursuant to s. 189.067(1) ~~189.421(1)~~.

2171 (5) If a special district fails to file the reports or  
 2172 information required under s. 218.32 or s. 218.39 with the  
 2173 appropriate state agency or office, the state agency or office  
 2174 shall, and the Legislative Auditing Committee may, notify the  
 2175 department and the department shall proceed pursuant to s.  
 2176 189.067 ~~189.421~~.

2177 Section 42. Section 189.420, Florida Statutes, is  
 2178 transferred and renumbered as section 189.052, Florida Statutes.

2179 Section 43. Section 189.421, Florida Statutes, is  
 2180 transferred, renumbered as section 189.067, Florida Statutes,  
 2181 and amended to read:

2182 189.067 ~~189.421~~ Failure of district to disclose financial  
 2183 reports.-

2184 (1) (a) If notified pursuant to s. 189.066(1) ~~189.419(1)~~,

2185 (4), or (5), the department shall attempt to assist a special  
2186 district in complying with its financial reporting requirements  
2187 by sending a certified letter to the special district, and, if  
2188 the special district is dependent, sending a copy of that letter  
2189 to the chair of the local governing authority. The letter must  
2190 include a description of the required report, including  
2191 statutory submission deadlines, a contact telephone number for  
2192 technical assistance to help the special district comply, a 60-  
2193 day deadline for filing the required report with the appropriate  
2194 entity, the address where the report must be filed, and an  
2195 explanation of the penalties for noncompliance.

2196 (b) A special district that is unable to meet the 60-day  
2197 reporting deadline must provide written notice to the department  
2198 before the expiration of the deadline stating the reason the  
2199 special district is unable to comply with the deadline, the  
2200 steps the special district is taking to prevent the  
2201 noncompliance from reoccurring, and the estimated date that the  
2202 special district will file the report with the appropriate  
2203 agency. The district's written response does not constitute an  
2204 extension by the department; however, the department shall  
2205 forward the written response as follows ~~to~~:

2206 1. If the written response refers to the reports required  
2207 under s. 218.32 or s. 218.39, to the Legislative Auditing  
2208 Committee for its consideration in determining whether the  
2209 special district should be subject to further state action in  
2210 accordance with s. 11.40(2)(b).

2211           2. If the written response refers to the reports or  
 2212 information requirements listed in s. 189.066(1) ~~189.419(1)~~, to  
 2213 the local general-purpose government or governments for their  
 2214 consideration in determining whether the oversight review  
 2215 process set forth in s. 189.068 ~~189.428~~ should be undertaken.

2216           3. If the written response refers to the reports or  
 2217 information required under s. 112.63, to the Department of  
 2218 Management Services for its consideration in determining whether  
 2219 the special district should be subject to further state action  
 2220 in accordance with s. 112.63(4)(d)2.

2221           (2) Failure of a special district to comply with the  
 2222 actuarial and financial reporting requirements under s. 112.63,  
 2223 s. 218.32, or s. 218.39 after the procedures of subsection (1)  
 2224 are exhausted shall be deemed final action of the special  
 2225 district. The actuarial and financial reporting requirements are  
 2226 declared to be essential requirements of law. Remedies ~~Remedy~~  
 2227 for noncompliance with ss. 218.32 and 218.39 shall be as  
 2228 provided in ss. 189.034 and 189.035. Remedy for noncompliance  
 2229 with s. 112.63 shall be ~~by writ of certiorari~~ as set forth in  
 2230 subsection (4).

2231           (3) Pursuant to s. 11.40(2)(b), the Legislative Auditing  
 2232 Committee may ~~shall~~ notify the department of those districts  
 2233 that fail to file the required reports. If the procedures  
 2234 described in subsection (1) have not yet been initiated, the  
 2235 department shall initiate such procedures upon receiving the  
 2236 notice from the Legislative Auditing Committee. Otherwise,

2237 within 60 days after receiving such notice, or within 60 days  
 2238 after the expiration of the 60-day deadline provided in  
 2239 subsection (1), whichever occurs later, the department,  
 2240 notwithstanding the provisions of chapter 120, shall file a  
 2241 petition for enforcement writ of certiorari with the circuit  
 2242 court. The petition may request declaratory, injunctive, any  
 2243 other equitable relief, or any remedy provided by law. Venue for  
 2244 all actions pursuant to this subsection is in Leon County. The  
 2245 court shall award the prevailing party reasonable attorney's  
 2246 fees and costs unless affirmatively waived by all parties. ~~A~~  
 2247 ~~writ of certiorari shall be issued unless a respondent~~  
 2248 ~~establishes that the notification of the Legislative Auditing~~  
 2249 ~~Committee was issued as a result of material error. Proceedings~~  
 2250 ~~under this subsection are otherwise governed by the Rules of~~  
 2251 ~~Appellate Procedure.~~

2252 ~~(4) Pursuant to s. 112.63(4)(d)2., the Department of~~  
 2253 ~~Management Services may notify the department of those special~~  
 2254 ~~districts that have failed to file the required adjustments,~~  
 2255 ~~additional information, or report or statement after the~~  
 2256 ~~procedures of subsection (1) have been exhausted. Within 60 days~~  
 2257 ~~after receiving such notice or within 60 days after the 60-day~~  
 2258 ~~deadline provided in subsection (1), whichever occurs later, the~~  
 2259 ~~department, notwithstanding chapter 120, shall file a petition~~  
 2260 ~~for writ of certiorari with the circuit court. Venue for all~~  
 2261 ~~actions pursuant to this subsection is in Leon County. The court~~  
 2262 ~~shall award the prevailing party attorney's fees and costs~~

2263 ~~unless affirmatively waived by all parties. A writ of certiorari~~  
 2264 ~~shall be issued unless a respondent establishes that the~~  
 2265 ~~notification of the Department of Management Services was issued~~  
 2266 ~~as a result of material error. Proceedings under this subsection~~  
 2267 ~~are otherwise governed by the Rules of Appellate Procedure.~~

2268 Section 44. Section 189.4221, Florida Statutes, is  
 2269 transferred and renumbered as section 189.053, Florida Statutes.

2270 Section 45. Section 189.423, Florida Statutes, is  
 2271 transferred and renumbered as section 189.054, Florida Statutes.

2272 Section 46. Section 189.425, Florida Statutes, is  
 2273 transferred and renumbered as section 189.017, Florida Statutes.

2274 Section 47. Section 189.427, Florida Statutes, is  
 2275 transferred and renumbered as section 189.018, Florida Statutes,  
 2276 and amended to read:

2277 189.018 ~~189.427~~ Fee schedule; Operating Grants and  
 2278 ~~Donations~~ Trust Fund.—The department ~~of Economic Opportunity~~, by  
 2279 rule, shall establish a schedule of fees to pay one-half of the  
 2280 costs incurred by the department in administering this act,  
 2281 except that the fee may not exceed \$175 per district per year.  
 2282 The fees collected under this section shall be deposited in the  
 2283 Operating Grants and Donations Trust Fund, ~~which shall be~~  
 2284 administered by the department ~~of Economic Opportunity~~. Any fee  
 2285 rule must consider factors such as the dependent and independent  
 2286 status of the district and district revenues for the most recent  
 2287 fiscal year as reported to the Department of Financial Services.  
 2288 The department may assess fines of not more than \$25, with an



2289 aggregate total not to exceed \$50, as penalties against special  
 2290 districts that fail to remit required fees to the department. It  
 2291 is the intent of the Legislature that general revenue funds will  
 2292 be made available to the department to pay one-half of the cost  
 2293 of administering this act.

2294 Section 48. Section 189.428, Florida Statutes, is  
 2295 transferred and renumbered as section 189.068, Florida Statutes,  
 2296 and amended, to read:

2297 189.068 ~~189.428~~ Special districts; oversight review  
 2298 process.—

2299 (1) The Legislature finds it to be in the public interest  
 2300 to establish an oversight review process for special districts  
 2301 wherein each special district in the state may be reviewed by  
 2302 the local general-purpose government in which the district  
 2303 exists. The Legislature further finds and determines that such  
 2304 law fulfills an important state interest. It is the intent of  
 2305 the Legislature that the oversight review process shall  
 2306 contribute to informed decisionmaking. These decisions may  
 2307 involve the continuing existence or dissolution of a district,  
 2308 the appropriate future role and focus of a district,  
 2309 improvements in the functioning or delivery of services by a  
 2310 district, and the need for any transition, adjustment, or  
 2311 special implementation periods or provisions. Any final  
 2312 recommendations from the oversight review process that are  
 2313 adopted and implemented by the appropriate level of government  
 2314 shall not be implemented in a manner that would impair the

2315 obligation of contracts.

2316 ~~(2) It is the intent of the Legislature that any oversight~~  
2317 ~~review process be conducted in conjunction with special district~~  
2318 ~~public facilities reporting and the local government evaluation~~  
2319 ~~and appraisal report process described in s. 189.415(2).~~

2320 ~~(3) The order in which Special districts may be subject to~~  
2321 ~~oversight review shall be determined by the reviewer and shall~~  
2322 ~~occur as follows:~~

2323 (2)(a) All dependent special districts may be reviewed by  
2324 the general-purpose local government to which they are  
2325 dependent.

2326 ~~(b) All single-county independent special districts may be~~  
2327 ~~reviewed by a county or municipality in which they are located~~  
2328 ~~or the government that created the district. Any single-county~~  
2329 ~~independent district that serves an area greater than the~~  
2330 ~~boundaries of one general-purpose local government may only be~~  
2331 ~~reviewed by the county on the county's own initiative or upon~~  
2332 ~~receipt of a request from any municipality served by the special~~  
2333 ~~district.~~

2334 ~~(c) All multicounty independent special districts may be~~  
2335 ~~reviewed by the government that created the district. Any~~  
2336 ~~general-purpose local governments within the boundaries of a~~  
2337 ~~multicounty district may prepare a preliminary review of a~~  
2338 ~~multicounty special district for possible reference or inclusion~~  
2339 ~~in the full review report.~~

2340 ~~(d) Upon request by the reviewer, any special district~~

2341 ~~within all or a portion of the same county as the special~~  
 2342 ~~district being reviewed may prepare a preliminary review of the~~  
 2343 ~~district for possible reference or inclusion in the full~~  
 2344 ~~oversight review report.~~

2345 (3)~~(4)~~ All special districts, governmental entities, and  
 2346 state agencies shall cooperate with the Legislature and with any  
 2347 general-purpose local government seeking information or  
 2348 assistance with the oversight review process and with the  
 2349 preparation of an oversight review report.

2350 (4)~~(5)~~ Those conducting the oversight review process  
 2351 shall, at a minimum, consider the listed criteria for evaluating  
 2352 the special district, but may also consider any additional  
 2353 factors relating to the district and its performance. If any of  
 2354 the listed criteria does not apply to the special district being  
 2355 reviewed, it need not be considered. The criteria to be  
 2356 considered by the reviewer include:

2357 (a) The degree to which the service or services offered by  
 2358 the special district are essential or contribute to the well-  
 2359 being of the community.

2360 (b) The extent of continuing need for the service or  
 2361 services currently provided by the special district.

2362 (c) The extent of municipal annexation or incorporation  
 2363 activity occurring or likely to occur within the boundaries of  
 2364 the special district and its impact on the delivery of services  
 2365 by the special district.

2366 (d) Whether there is a less costly alternative method of

2367 delivering the service or services that would adequately provide  
 2368 the district residents with the services provided by the  
 2369 district.

2370 (e) Whether transfer of the responsibility for delivery of  
 2371 the service or services to an entity other than the special  
 2372 district being reviewed could be accomplished without  
 2373 jeopardizing the district's existing contracts, bonds, or  
 2374 outstanding indebtedness.

2375 (f) Whether the Auditor General has notified the  
 2376 Legislative Auditing Committee that the special district's audit  
 2377 report, reviewed pursuant to s. 11.45(7), indicates that the  
 2378 district has met any of the conditions specified in s.  
 2379 218.503(1) or that a deteriorating financial condition exists  
 2380 that may cause a condition described in s. 218.503(1) to occur  
 2381 if actions are not taken to address such condition.

2382 (g) Whether the district is inactive according to the  
 2383 official list of special districts, and whether the district is  
 2384 meeting and discharging its responsibilities as required by its  
 2385 charter, as well as projected increases or decreases in district  
 2386 activity.

2387 (h) Whether the special district has failed to comply with  
 2388 any of the reporting requirements in this chapter, including  
 2389 preparation of the public facilities report.

2390 (i) Whether the special district has designated a  
 2391 registered office and agent as required by s. 189.014 ~~189.416~~,  
 2392 and has complied with all open public records and meeting

2393 requirements.

2394 (5)~~(6)~~ Any special district may at any time provide the  
2395 Legislature and the general-purpose local government conducting  
2396 the review or making decisions based upon the final oversight  
2397 review report with written responses to any questions, concerns,  
2398 preliminary reports, draft reports, or final reports relating to  
2399 the district.

2400 ~~(7) The final report of a reviewing government shall be~~  
2401 ~~filed with the government that created the district and shall~~  
2402 ~~serve as the basis for any modification to the district charter~~  
2403 ~~or dissolution or merger of the district.~~

2404 ~~(8) If legislative dissolution or merger of a district is~~  
2405 ~~proposed in the final report, the reviewing government shall~~  
2406 ~~also propose a plan for the merger or dissolution, and the plan~~  
2407 ~~shall address the following factors in evaluating the proposed~~  
2408 ~~merger or dissolution:~~

2409 ~~(a) Whether, in light of independent fiscal analysis,~~  
2410 ~~level of service implications, and other public policy~~  
2411 ~~considerations, the proposed merger or dissolution is the best~~  
2412 ~~alternative for delivering services and facilities to the~~  
2413 ~~affected area.~~

2414 ~~(b) Whether the services and facilities to be provided~~  
2415 ~~pursuant to the merger or dissolution will be compatible with~~  
2416 ~~the capacity and uses of existing local services and facilities.~~

2417 ~~(c) Whether the merger or dissolution is consistent with~~  
2418 ~~applicable provisions of the state comprehensive plan, the~~

2419 ~~strategic regional policy plan, and the local government~~  
 2420 ~~comprehensive plans of the affected area.~~

2421 ~~(d) Whether the proposed merger adequately provides for~~  
 2422 ~~the assumption of all indebtedness.~~

2423  
 2424 ~~The reviewing government shall consider the report in a public~~  
 2425 ~~hearing held within the jurisdiction of the district. If adopted~~  
 2426 ~~by the governing board of the reviewing government, the request~~  
 2427 ~~for legislative merger or dissolution of the district may~~  
 2428 ~~proceed. The adopted plan shall be filed as an attachment to the~~  
 2429 ~~economic impact statement regarding the proposed special act or~~  
 2430 ~~general act of local application dissolving a district.~~

2431 (6)~~(9)~~ This section does not apply to a deepwater port  
 2432 listed in s. 311.09(1) which is in compliance with a port master  
 2433 plan adopted pursuant to s. 163.3178(2)(k), or to an airport  
 2434 authority operating in compliance with an airport master plan  
 2435 approved by the Federal Aviation Administration, or to any  
 2436 special district organized to operate health systems and  
 2437 facilities licensed under chapter 395, chapter 400, or chapter  
 2438 429.

2439 Section 49. Section 189.429, Florida Statutes, is  
 2440 transferred and renumbered as section 189.019, Florida Statutes,  
 2441 and subsection (1) of that section is amended, to read:

2442 189.019 ~~189.429~~ Codification.—

2443 (1) Each district, by December 1, 2004, shall submit to  
 2444 the Legislature a draft codified charter, at its expense, so

2445 that its special acts may be codified into a single act for  
2446 reenactment by the Legislature, if there is more than one  
2447 special act for the district. The Legislature may adopt a  
2448 schedule for individual district codification. Any codified act  
2449 relating to a district, which act is submitted to the  
2450 Legislature for reenactment, shall provide for the repeal of all  
2451 prior special acts of the Legislature relating to the district.  
2452 The codified act shall be filed with the department pursuant to  
2453 s. 189.016(2) ~~189.418(2)~~.

2454 Section 50. Sections 189.430, 189.431, 189.432, 189.433,  
2455 189.434, 189.435, 189.436, 189.437, 189.438, 189.439, 189.440,  
2456 189.441, 189.442, 189.443, and 189.444, Florida Statutes, are  
2457 repealed.

2458 Section 51. Section 189.034, Florida Statutes, is created  
2459 to read:

2460 189.034 Oversight of special districts created by special  
2461 act of the Legislature.—

2462 (1) This section applies to any special district created  
2463 by special act of the Legislature.

2464 (2) If a special district fails to file required reports  
2465 or requested information with the appropriate state agency  
2466 pursuant to ss. 11.45(7), 218.32, 218.39, and 218.503(3), with  
2467 the appropriate state agency or office, the Legislative Auditing  
2468 Committee or its designee shall provide written notice of the  
2469 district's noncompliance to the Speaker of the House of  
2470 Representatives, the President of the Senate, the standing

2471 committees of the Senate and the House of Representatives  
 2472 charged with special district oversight as determined by the  
 2473 presiding officers of each respective chamber, and the  
 2474 legislators who represent a portion of the geographical  
 2475 jurisdiction of the special district.

2476 (3) The Legislative Auditing Committee may convene a  
 2477 public hearing on the issue of noncompliance, as well as general  
 2478 oversight of the district as provided in s. 189.068, at the  
 2479 direction of the Speaker of the House of Representatives and the  
 2480 President of the Senate.

2481 (4) Before the public hearing as provided in subsection  
 2482 (3), the special district shall provide the following  
 2483 information at the request of the Legislative Auditing  
 2484 Committee:

2485 (a) The district's annual financial report for the prior  
 2486 fiscal year.

2487 (b) The district's audit report for the previous fiscal  
 2488 year.

2489 (c) An annual report for the previous fiscal year  
 2490 providing a detailed review of the performance of the special  
 2491 district, including the following information:

- 2492 1. The purpose of the special district.
- 2493 2. The sources of funding for the special district.
- 2494 3. A description of the major activities, programs, and  
 2495 initiatives the special district has undertaken in the most  
 2496 recently completed fiscal year and the benchmarks or criteria



2497 under which the success or failure of the district was  
 2498 determined by its governing body.

2499 4. Any challenges or obstacles faced by the special  
 2500 district in fulfilling its purpose and related responsibilities.

2501 5. Ways the special district believes it could better  
 2502 fulfill its purpose and related responsibilities and a  
 2503 description of the actions that it intends to take during the  
 2504 ensuing fiscal year.

2505 6. Proposed changes to the special act that established  
 2506 the special district and justification for such changes.

2507 7. Any other information reasonably required to provide  
 2508 the Legislative Auditing Committee with an accurate  
 2509 understanding of the purpose for which the special district  
 2510 exists and how it is fulfilling its responsibilities to  
 2511 accomplish that purpose.

2512 8. Any reasons for the district's noncompliance.

2513 9. If the district is currently in compliance and plans to  
 2514 correct any recurring issues of noncompliance.

2515 10. Efforts to promote transparency, including maintenance  
 2516 of the district's website in accordance with s. 189.069.

2517 Section 52. Section 189.035, Florida Statutes, is created  
 2518 to read:

2519 189.035 Oversight of special districts created by local  
 2520 ordinance.—

2521 (1) If a special district created by local ordinance fails  
 2522 to file required reports or requested information under ss.

2523 11.45(7), 218.32, 218.39, and 218.503(3), with the appropriate  
 2524 state agency, the Legislative Auditing Committee or its designee  
 2525 shall provide written notice of the district's noncompliance to  
 2526 the chair or equivalent of the local general-purpose government.

2527 (2) The chair or equivalent of the local general-purpose  
 2528 government may convene a public hearing on the issue of  
 2529 noncompliance, as well as general oversight of the special  
 2530 district as provided in s. 189.068, within 6 months after  
 2531 receipt of notice of noncompliance from the Legislative Auditing  
 2532 Committee.

2533 (3) Before the public hearing regarding the special  
 2534 district's noncompliance, the local general-purpose government  
 2535 may request the following information from the special district:

2536 (a) The district's annual financial report for the  
 2537 previous fiscal year.

2538 (b) The district's audit report for the previous fiscal  
 2539 year.

2540 (c) An annual report for the previous fiscal year, which  
 2541 must provide a detailed review of the performance of the special  
 2542 district and include the following information:

2543 1. The purpose of the special district.

2544 2. The sources of funding for the special district.

2545 3. A description of the major activities, programs, and  
 2546 initiatives the special district undertook in the most recently  
 2547 completed fiscal year and the benchmarks or criteria under which  
 2548 the success or failure of the district was determined by its

2549 governing body.

2550 4. Any challenges or obstacles faced by the special

2551 district in fulfilling its purpose and related responsibilities.

2552 5. Ways the special district believes it could better

2553 fulfill its purpose and related responsibilities and a

2554 description of the actions that it intends to take during the

2555 ensuing fiscal year.

2556 6. Proposed changes to the ordinance that established the

2557 special district and justification for such changes.

2558 7. Any other information reasonably required to provide

2559 the reviewing entity with an accurate understanding of the

2560 purpose for which the special district exists and how it is

2561 fulfilling its responsibilities to accomplish that purpose.

2562 8. Any reasons for the district's noncompliance.

2563 9. Whether the district is currently in compliance.

2564 10. Plans to correct any recurring issues of

2565 noncompliance.

2566 11. Efforts to promote transparency, including maintenance

2567 of the district's website in accordance with s. 189.069.

2568 (4) If the local general-purpose government convenes a

2569 public hearing under this section, it shall provide the

2570 department and the Legislative Auditing Committee with a report

2571 containing its findings and conclusions within 60 days after

2572 completion of the public hearing.

2573 Section 53. Section 189.055, Florida Statutes, is created

2574 to read:

2575 189.055 Treatment of special districts.—For the purpose of  
 2576 s. 196.199(1), special districts shall be treated as  
 2577 municipalities.

2578 Section 54. Section 189.069, Florida Statutes, is created  
 2579 to read:

2580 189.069 Special districts; required reporting of  
 2581 information; web-based public access.—

2582 (1) Beginning on October 1, 2015, or by the end of the  
 2583 first full fiscal year after its creation, each special district  
 2584 shall maintain an official Internet website containing the  
 2585 information required by this section in accordance with s.  
 2586 189.016. Special districts shall submit their official Internet  
 2587 website addresses to the department.

2588 (a) Independent special districts shall maintain a  
 2589 separate internet website.

2590 (b) Dependent special districts shall be preeminently  
 2591 displayed on the home page of the Internet website of the  
 2592 general-purpose government that created the special district  
 2593 with a hyperlink to such webpages as are necessary to provide  
 2594 the information required by this section. Dependent special  
 2595 districts may maintain a separate Internet website providing the  
 2596 information required by this section.

2597 (2) (a) A special district shall post the following  
 2598 information, at a minimum, on the district's official website:

- 2599 1. The full legal name of the special district.
- 2600 2. The public purpose of the special district.

2601       3. The name, address, e-mail address, and, if applicable,  
 2602 the term and appointing authority for each member of the  
 2603 governing body of the special district.

2604       4. The fiscal year of the special district.

2605       5. The full text of the special district's charter, the  
 2606 date of establishment, the establishing entity, and the statute  
 2607 or statutes under which the special district operates, if  
 2608 different from the statute or statutes under which the special  
 2609 district was established. Community development districts may  
 2610 reference chapter 190, as the uniform charter, but must include  
 2611 information relating to any grant of special powers.

2612       6. The mailing address, e-mail address, telephone number,  
 2613 and Internet website uniform resource locator of the special  
 2614 district.

2615       7. A description of the boundaries or service area of, and  
 2616 the services provided by, the special district.

2617       8. A listing of all assessments, taxes, fees, or charges  
 2618 imposed and collected by the special district, including the  
 2619 rates or amounts charged for the fiscal year and the statutory  
 2620 authority for the levy of the tax, fee, or charge.

2621       9. The primary contact information for the special  
 2622 district for purposes of communication from the department.

2623       10. A code of ethics adopted by the special district, if  
 2624 applicable, and a hyperlink to generally applicable ethics  
 2625 provisions.

2626       11. The budget of each special district, in addition to

2627 amendments in accordance with s. 189.418.

2628 12. The final, complete audit report for the most recent  
 2629 completed fiscal year, and audit reports required by law or  
 2630 authorized by the governing body of the special district.

2631 (b) The department's Internet website list of special  
 2632 districts in the state required under s. 189.061 shall include a  
 2633 link for each special district that provides web-based access to  
 2634 the public for all information and documentation required for  
 2635 submission to the department pursuant to subsection (1).

2636 Section 55. Paragraph (e) of subsection (1) and paragraph  
 2637 (c) of subsection (7) of section 11.45, Florida Statutes, are  
 2638 amended to read:

2639 11.45 Definitions; duties; authorities; reports; rules.—

2640 (1) DEFINITIONS.—As used in ss. 11.40-11.51, the term:

2641 (e) "Local governmental entity" means a county agency,  
 2642 municipality, or special district as defined in s. 189.012  
 2643 ~~189.403~~, but does not include any housing authority established  
 2644 under chapter 421.

2645 (7) AUDITOR GENERAL REPORTING REQUIREMENTS.—

2646 (c) The Auditor General shall provide annually a list of  
 2647 those special districts which are not in compliance with s.  
 2648 218.39 to the Special District Accountability Information  
 2649 Program of the Department of Economic Opportunity.

2650 Section 56. Paragraph (c) of subsection (4) of section  
 2651 100.011, Florida Statutes, is amended to read:

2652 100.011 Opening and closing of polls, all elections;

2653 expenses.—

2654 (4)

2655 (c) The provisions of any special law to the contrary  
 2656 notwithstanding, all independent and dependent special district  
 2657 elections, with the exception of community development district  
 2658 elections, shall be conducted in accordance with the  
 2659 requirements of ss. 189.04 and 189.041 ~~189.405 and 189.4051~~.

2660 Section 57. Paragraph (f) of subsection (1) of section  
 2661 101.657, Florida Statutes, is amended to read:

2662 101.657 Early voting.—

2663 (1)

2664 (f) Notwithstanding the requirements of s. 189.04 ~~189.405~~,  
 2665 special districts may provide early voting in any district  
 2666 election not held in conjunction with county or state elections.  
 2667 If a special district provides early voting, it may designate as  
 2668 many sites as necessary and shall conduct its activities in  
 2669 accordance with the provisions of paragraphs (a)-(c). The  
 2670 supervisor is not required to conduct early voting if it is  
 2671 provided pursuant to this subsection.

2672 Section 58. Paragraph (a) of subsection (14) of section  
 2673 112.061, Florida Statutes, is amended to read:

2674 112.061 Per diem and travel expenses of public officers,  
 2675 employees, and authorized persons.—

2676 (14) APPLICABILITY TO COUNTIES, COUNTY OFFICERS, DISTRICT  
 2677 SCHOOL BOARDS, SPECIAL DISTRICTS, AND METROPOLITAN PLANNING  
 2678 ORGANIZATIONS.—

2679 (a) The following entities may establish rates that vary  
 2680 from the per diem rate provided in paragraph (6) (a), the  
 2681 subsistence rates provided in paragraph (6) (b), or the mileage  
 2682 rate provided in paragraph (7) (d) if those rates are not less  
 2683 than the statutorily established rates that are in effect for  
 2684 the 2005-2006 fiscal year:

2685 1. The governing body of a county by the enactment of an  
 2686 ordinance or resolution;

2687 2. A county constitutional officer, pursuant to s. 1(d),  
 2688 Art. VIII of the State Constitution, by the establishment of  
 2689 written policy;

2690 3. The governing body of a district school board by the  
 2691 adoption of rules;

2692 4. The governing body of a special district, as defined in  
 2693 s. 189.012 ~~189.403(1)~~, except those special districts that are  
 2694 subject to s. 166.021(9), by the enactment of a resolution; or

2695 5. Any metropolitan planning organization created pursuant  
 2696 to s. 339.175 or any other separate legal or administrative  
 2697 entity created pursuant to s. 339.175 of which a metropolitan  
 2698 planning organization is a member, by the enactment of a  
 2699 resolution.

2700 Section 59. Paragraph (d) of subsection (4) of section  
 2701 112.63, Florida Statutes, is amended to read:

2702 112.63 Actuarial reports and statements of actuarial  
 2703 impact; review.-

2704 (4) Upon receipt, pursuant to subsection (2), of an



2705 actuarial report, or, pursuant to subsection (3), of a statement  
 2706 of actuarial impact, the Department of Management Services shall  
 2707 acknowledge such receipt, but shall only review and comment on  
 2708 each retirement system's or plan's actuarial valuations at least  
 2709 on a triennial basis.

2710 (d) In the case of an affected special district, the  
 2711 Department of Management Services shall also notify the  
 2712 Department of Economic Opportunity. Upon receipt of  
 2713 notification, the Department of Economic Opportunity shall  
 2714 proceed pursuant to s. 189.067 ~~189.421~~.

2715 1. Failure of a special district to provide a required  
 2716 report or statement, to make appropriate adjustments, or to  
 2717 provide additional material information after the procedures  
 2718 specified in s. 189.067(1) ~~189.421(1)~~ are exhausted shall be  
 2719 deemed final action by the special district.

2720 2. The Department of Management Services may notify the  
 2721 Department of Economic Opportunity of those special districts  
 2722 that failed to come into compliance. Upon receipt of  
 2723 notification, the Department of Economic Opportunity shall  
 2724 proceed pursuant to s. 189.067(4) ~~189.421(4)~~.

2725 Section 60. Subsection (1) of section 112.665, Florida  
 2726 Statutes, is amended to read:

2727 112.665 Duties of Department of Management Services.—

2728 (1) The Department of Management Services shall:

2729 (a) Gather, catalog, and maintain complete, computerized  
 2730 data information on all public employee retirement systems or

2731 plans in the state based upon a review of audits, reports, and  
2732 other data pertaining to the systems or plans;

2733 (b) Receive and comment upon all actuarial reviews of  
2734 retirement systems or plans maintained by units of local  
2735 government;

2736 (c) Cooperate with local retirement systems or plans on  
2737 matters of mutual concern and provide technical assistance to  
2738 units of local government in the assessment and revision of  
2739 retirement systems or plans;

2740 (d) Annually issue, by January 1, a report to the  
2741 President of the Senate and the Speaker of the House of  
2742 Representatives, which details division activities, findings,  
2743 and recommendations concerning all governmental retirement  
2744 systems. The report may include legislation proposed to carry  
2745 out such recommendations;

2746 (e) Provide a fact sheet for each participating local  
2747 government defined benefit pension plan which summarizes the  
2748 plan's actuarial status. The fact sheet should provide a summary  
2749 of the plan's most current actuarial data, minimum funding  
2750 requirements as a percentage of pay, and a 5-year history of  
2751 funded ratios. The fact sheet must include a brief explanation  
2752 of each element in order to maximize the transparency of the  
2753 local government plans. The fact sheet must also contain the  
2754 information specified in s. 112.664(1). These documents shall be  
2755 posted on the department's website. Plan sponsors that have  
2756 websites must provide a link to the department's website;

2757 (f) Annually issue, by January 1, a report to the Special  
 2758 District Accountability Information ~~Information~~ Program of the Department of  
 2759 Economic Opportunity which includes the participation in and  
 2760 compliance of special districts with the local government  
 2761 retirement system provisions in s. 112.63 and the state-  
 2762 administered retirement system provisions specified in part I of  
 2763 chapter 121; and

2764 (g) Adopt reasonable rules to administer this part.

2765 Section 61. Subsection (9) of section 121.021, Florida  
 2766 Statutes, is amended to read:

2767 121.021 Definitions.—The following words and phrases as  
 2768 used in this chapter have the respective meanings set forth  
 2769 unless a different meaning is plainly required by the context:

2770 (9) "Special district" means an independent special  
 2771 district as defined in s. 189.012 ~~189.403(3)~~.

2772 Section 62. Paragraph (b) of subsection (2) of section  
 2773 121.051, Florida Statutes, is amended to read:

2774 121.051 Participation in the system.—

2775 (2) OPTIONAL PARTICIPATION.—

2776 (b)1. The governing body of any municipality, metropolitan  
 2777 planning organization, or special district in the state may  
 2778 elect to participate in the Florida Retirement System upon  
 2779 proper application to the administrator and may cover all of its  
 2780 units as approved by the Secretary of Health and Human Services  
 2781 and the administrator. The department shall adopt rules  
 2782 establishing procedures for the submission of documents

2783 necessary for such application. Before being approved for  
2784 participation in the system, the governing body of a  
2785 municipality, metropolitan planning organization, or special  
2786 district that has a local retirement system must submit to the  
2787 administrator a certified financial statement showing the  
2788 condition of the local retirement system within 3 months before  
2789 the proposed effective date of membership in the Florida  
2790 Retirement System. The statement must be certified by a  
2791 recognized accounting firm that is independent of the local  
2792 retirement system. All required documents necessary for  
2793 extending Florida Retirement System coverage must be received by  
2794 the department for consideration at least 15 days before the  
2795 proposed effective date of coverage. If the municipality,  
2796 metropolitan planning organization, or special district does not  
2797 comply with this requirement, the department may require that  
2798 the effective date of coverage be changed.

2799       2. A municipality, metropolitan planning organization, or  
2800 special district that has an existing retirement system covering  
2801 the employees in the units that are to be brought under the  
2802 Florida Retirement System may participate only after holding a  
2803 referendum in which all employees in the affected units have the  
2804 right to participate. Only those employees electing coverage  
2805 under the Florida Retirement System by affirmative vote in the  
2806 referendum are eligible for coverage under this chapter, and  
2807 those not participating or electing not to be covered by the  
2808 Florida Retirement System shall remain in their present systems

2809 and are not eligible for coverage under this chapter. After the  
 2810 referendum is held, all future employees are compulsory members  
 2811 of the Florida Retirement System.

2812 3. At the time of joining the Florida Retirement System,  
 2813 the governing body of a municipality, metropolitan planning  
 2814 organization, or special district complying with subparagraph 1.  
 2815 may elect to provide, or not provide, benefits based on past  
 2816 service of officers and employees as described in s. 121.081(1).  
 2817 However, if such employer elects to provide past service  
 2818 benefits, such benefits must be provided for all officers and  
 2819 employees of its covered group.

2820 4. Once this election is made and approved it may not be  
 2821 revoked, except pursuant to subparagraphs 5. and 6., and all  
 2822 present officers and employees electing coverage and all future  
 2823 officers and employees are compulsory members of the Florida  
 2824 Retirement System.

2825 5. Subject to subparagraph 6., the governing body of a  
 2826 hospital licensed under chapter 395 which is governed by the  
 2827 governing body ~~board~~ of a special district as defined in s.  
 2828 189.012 ~~189.403~~ or by the board of trustees of a public health  
 2829 trust created under s. 154.07, hereinafter referred to as  
 2830 "hospital district," and which participates in the Florida  
 2831 Retirement System, may elect to cease participation in the  
 2832 system with regard to future employees in accordance with the  
 2833 following:

2834 a. No more than 30 days and at least 7 days before

2835 adopting a resolution to partially withdraw from the system and  
2836 establish an alternative retirement plan for future employees, a  
2837 public hearing must be held on the proposed withdrawal and  
2838 proposed alternative plan.

2839       b. From 7 to 15 days before such hearing, notice of intent  
2840 to withdraw, specifying the time and place of the hearing, must  
2841 be provided in writing to employees of the hospital district  
2842 proposing partial withdrawal and must be published in a  
2843 newspaper of general circulation in the area affected, as  
2844 provided by ss. 50.011-50.031. Proof of publication must be  
2845 submitted to the Department of Management Services.

2846       c. The governing body of a hospital district seeking to  
2847 partially withdraw from the system must, before such hearing,  
2848 have an actuarial report prepared and certified by an enrolled  
2849 actuary, as defined in s. 112.625, illustrating the cost to the  
2850 hospital district of providing, through the retirement plan that  
2851 the hospital district is to adopt, benefits for new employees  
2852 comparable to those provided under the system.

2853       d. Upon meeting all applicable requirements of this  
2854 subparagraph, and subject to subparagraph 6., partial withdrawal  
2855 from the system and adoption of the alternative retirement plan  
2856 may be accomplished by resolution duly adopted by the hospital  
2857 district board. The hospital district board must provide written  
2858 notice of such withdrawal to the division by mailing a copy of  
2859 the resolution to the division, postmarked by December 15, 1995.  
2860 The withdrawal shall take effect January 1, 1996.

2861           6. Following the adoption of a resolution under sub-  
 2862 subparagraph 5.d., all employees of the withdrawing hospital  
 2863 district who were members of the system before January 1, 1996,  
 2864 shall remain as members of the system for as long as they are  
 2865 employees of the hospital district, and all rights, duties, and  
 2866 obligations between the hospital district, the system, and the  
 2867 employees remain in full force and effect. Any employee who is  
 2868 hired or appointed on or after January 1, 1996, may not  
 2869 participate in the system, and the withdrawing hospital district  
 2870 has no obligation to the system with respect to such employees.

2871           Section 63. Subsection (1) of section 153.94, Florida  
 2872 Statutes, is amended to read:

2873           153.94 Applicability of other laws.—Except as expressly  
 2874 provided in this act:

2875           (1) With respect to any wastewater facility privatization  
 2876 contract entered into under this act, a public entity is subject  
 2877 to s. 125.3401, s. 180.301, s. 189.054 ~~189.423~~, or s. 190.0125  
 2878 but is not subject to the requirements of chapter 287.

2879           Section 64. Paragraph (a) of subsection (2) of section  
 2880 163.08, Florida Statutes, is amended to read:

2881           163.08 Supplemental authority for improvements to real  
 2882 property.—

2883           (2) As used in this section, the term:

2884           (a) "Local government" means a county, a municipality, a  
 2885 dependent special district as defined in s. 189.012 ~~189.403~~, or  
 2886 a separate legal entity created pursuant to s. 163.01(7).

2887 Section 65. Subsection (7) of section 165.031, Florida  
 2888 Statutes, is amended to read:

2889 165.031 Definitions.—The following terms and phrases, when  
 2890 used in this chapter, shall have the meanings ascribed to them  
 2891 in this section, except where the context clearly indicates a  
 2892 different meaning:

2893 (7) "Special district" means a local unit of special  
 2894 government, as defined in s. 189.012 ~~189.403(1)~~. This term  
 2895 includes dependent special districts, as defined in s. 189.012  
 2896 ~~189.403(2)~~, and independent special districts, as defined in s.  
 2897 189.012 ~~189.403(3)~~. All provisions of s. 200.001(8) (d) and (e)  
 2898 shall be considered provisions of this chapter.

2899 Section 66. Paragraph (b) of subsection (1) and  
 2900 subsections (8) and (16) of section 165.0615, Florida Statutes,  
 2901 are amended to read:

2902 165.0615 Municipal conversion of independent special  
 2903 districts upon elector-initiated and approved referendum.—

2904 (1) The qualified electors of an independent special  
 2905 district may commence a municipal conversion proceeding by  
 2906 filing a petition with the governing body of the independent  
 2907 special district proposed to be converted if the district meets  
 2908 all of the following criteria:

2909 (b) It is designated as an improvement district and  
 2910 created pursuant to chapter 298 or is designated as a  
 2911 stewardship district and created pursuant to s. 189.031 ~~189.404~~.

2912 (8) Notice of the final public hearing on the proposed



2913 elector-initiated combined municipal incorporation plan must be  
 2914 published pursuant to the notice requirements in s. 189.015  
 2915 ~~189.417~~ and must provide a descriptive summary of the elector-  
 2916 initiated municipal incorporation plan and a reference to the  
 2917 public places within the independent special district where a  
 2918 copy of the plan may be examined.

2919 (16) If the incorporation plan is approved by a majority  
 2920 of the votes cast in the independent special district, the  
 2921 district shall notify the special district accountability  
 2922 ~~information~~ program pursuant to s. 189.016(2) ~~189.418(2)~~ and the  
 2923 local general-purpose governments in which any part of the  
 2924 independent special district is situated pursuant to s.  
 2925 189.016(7) ~~189.418(7)~~.

2926 Section 67. Subsection (3) of section 171.202, Florida  
 2927 Statutes, is amended to read:

2928 171.202 Definitions.—As used in this part, the term:

2929 (3) "Independent special district" means an independent  
 2930 special district, as defined in s. 189.012 ~~189.403~~, which  
 2931 provides fire, emergency medical, water, wastewater, or  
 2932 stormwater services.

2933 Section 68. Subsection (16) of section 175.032, Florida  
 2934 Statutes, is amended to read:

2935 175.032 Definitions.—For any municipality, special fire  
 2936 control district, chapter plan, local law municipality, local  
 2937 law special fire control district, or local law plan under this  
 2938 chapter, the following words and phrases have the following

2939 meanings:

2940 (16) "Special fire control district" means a special  
 2941 district, as defined in s. 189.012 ~~189.403(1)~~, established for  
 2942 the purposes of extinguishing fires, protecting life, and  
 2943 protecting property within the incorporated or unincorporated  
 2944 portions of any county or combination of counties, or within any  
 2945 combination of incorporated and unincorporated portions of any  
 2946 county or combination of counties. The term does not include any  
 2947 dependent or independent special district, as defined in s.  
 2948 189.012 ~~189.403(2) and (3)~~, respectively, the employees of which  
 2949 are members of the Florida Retirement System pursuant to s.  
 2950 121.051(1) or (2).

2951 Section 69. Subsection (6) of section 190.011, Florida  
 2952 Statutes, is amended to read:

2953 190.011 General powers.—The district shall have, and the  
 2954 body ~~board~~ may exercise, the following powers:

2955 (6) To maintain an office at such place or places as it  
 2956 may designate within a county in which the district is located  
 2957 or within the boundaries of a development of regional impact or  
 2958 a Florida Quality Development, or a combination of a development  
 2959 of regional impact and a Florida Quality Development, which  
 2960 includes the district, which office must be reasonably  
 2961 accessible to the landowners. Meetings pursuant to s. 189.015(3)  
 2962 ~~189.417(3)~~ of a district within the boundaries of a development  
 2963 of regional impact or Florida Quality Development, or a  
 2964 combination of a development of regional impact and a Florida

2965 Quality Development, may be held at such office.

2966 Section 70. Subsection (8) of section 190.046, Florida  
 2967 Statutes, is amended to read:

2968 190.046 Termination, contraction, or expansion of  
 2969 district.—

2970 (8) In the event the district has become inactive pursuant  
 2971 to s. 189.062 ~~189.4044~~, the respective board of county  
 2972 commissioners or city commission shall be informed and it shall  
 2973 take appropriate action.

2974 Section 71. Section 190.049, Florida Statutes, is amended  
 2975 to read:

2976 190.049 Special acts prohibited.—Pursuant to s. 11(a)(21),  
 2977 Art. III of the State Constitution, there shall be no special  
 2978 law or general law of local application creating an independent  
 2979 special district which has the powers enumerated in two or more  
 2980 of the paragraphs contained in s. 190.012, unless such district  
 2981 is created pursuant to the provisions of s. 189.031 ~~189.404~~.

2982 Section 72. Subsection (5) of section 191.003, Florida  
 2983 Statutes, is amended to read:

2984 191.003 Definitions.—As used in this act:

2985 (5) "Independent special fire control district" means an  
 2986 independent special district as defined in s. 189.012 ~~189.403~~,  
 2987 created by special law or general law of local application,  
 2988 providing fire suppression and related activities within the  
 2989 jurisdictional boundaries of the district. The term does not  
 2990 include a municipality, a county, a dependent special district

2991 as defined in s. 189.012 ~~189.403~~, a district providing primarily  
 2992 emergency medical services, a community development district  
 2993 established under chapter 190, or any other multiple-power  
 2994 district performing fire suppression and related services in  
 2995 addition to other services.

2996 Section 73. Paragraph (a) of subsection (1) and subsection  
 2997 (8) of section 191.005, Florida Statutes, are amended to read:

2998 191.005 District boards of commissioners; membership,  
 2999 officers, meetings.—

3000 (1) (a) With the exception of districts whose governing  
 3001 boards are appointed collectively by the Governor, the county  
 3002 commission, and any cooperating city within the county, the  
 3003 business affairs of each district shall be conducted and  
 3004 administered by a five-member board. All three-member boards  
 3005 existing on the effective date of this act shall be converted to  
 3006 five-member boards, except those permitted to continue as a  
 3007 three-member board by special act adopted in 1997 or thereafter.  
 3008 The board shall be elected in nonpartisan elections by the  
 3009 electors of the district. Except as provided in this act, such  
 3010 elections shall be held at the time and in the manner prescribed  
 3011 by law for holding general elections in accordance with s.  
 3012 189.04(2)(a) ~~189.405(2)(a)~~ and (3), and each member shall be  
 3013 elected for a term of 4 years and serve until the member's  
 3014 successor assumes office. Candidates for the board of a district  
 3015 shall qualify as directed by chapter 99.

3016 (8) All meetings of the board shall be open to the public

3017 consistent with chapter 286, s. 189.015 ~~189.417~~, and other  
 3018 applicable general laws.

3019 Section 74. Subsection (2) of section 191.013, Florida  
 3020 Statutes, is amended to read:

3021 191.013 Intergovernmental coordination.—

3022 (2) Each independent special fire control district shall  
 3023 adopt a 5-year plan to identify the facilities, equipment,  
 3024 personnel, and revenue needed by the district during that 5-year  
 3025 period. The plan shall be updated in accordance with s. 189.08  
 3026 ~~189.415~~ and shall satisfy the requirement for a public  
 3027 facilities report required by s. 189.08(2) ~~189.415(2)~~.

3028 Section 75. Subsection (1) of section 191.014, Florida  
 3029 Statutes, is amended to read:

3030 191.014 District creation and expansion.—

3031 (1) New districts may be created only by the Legislature  
 3032 under s. 189.031 ~~189.404~~.

3033 Section 76. Section 191.015, Florida Statutes, is amended  
 3034 to read:

3035 191.015 Codification.—Each fire control district existing  
 3036 on the effective date of this section, by December 1, 2004,  
 3037 shall submit to the Legislature a draft codified charter, at its  
 3038 expense, so that its special acts may be codified into a single  
 3039 act for reenactment by the Legislature, if there is more than  
 3040 one special act for the district. The Legislature may adopt a  
 3041 schedule for individual district codification. Any codified act  
 3042 relating to a district, which act is submitted to the

3043 Legislature for reenactment, shall provide for the repeal of all  
3044 prior special acts of the Legislature relating to the district.  
3045 The codified act shall be filed with the Department of Economic  
3046 Opportunity pursuant to s. 189.016(2) ~~189.418(2)~~.

3047 Section 77. Paragraphs (c), (d), and (e) of subsection (8)  
3048 of section 200.001, Florida Statutes, are amended to read:

3049 200.001 Millages; definitions and general provisions.—

3050 (8)

3051 (c) "Special district" means a special district as defined  
3052 in s. 189.012 ~~189.403(1)~~.

3053 (d) "Dependent special district" means a dependent special  
3054 district as defined in s. 189.012 ~~189.403(2)~~. Dependent special  
3055 district millage, when added to the millage of the governing  
3056 body to which it is dependent, shall not exceed the maximum  
3057 millage applicable to such governing body.

3058 (e) "Independent special district" means an independent  
3059 special district as defined in s. 189.012 ~~189.403(3)~~, with the  
3060 exception of a downtown development authority established prior  
3061 to the effective date of the 1968 State Constitution as an  
3062 independent body, either appointed or elected, regardless of  
3063 whether or not the budget is approved by the local governing  
3064 body, if the district levies a millage authorized as of the  
3065 effective date of the 1968 State Constitution. Independent  
3066 special district millage shall not be levied in excess of a  
3067 millage amount authorized by general law and approved by vote of  
3068 the electors pursuant to s. 9(b), Art. VII of the State

3069 Constitution, except for those independent special districts  
 3070 levying millage for water management purposes as provided in  
 3071 that section and municipal service taxing units as specified in  
 3072 s. 125.01(1)(q) and (r). However, independent special district  
 3073 millage authorized as of the date the 1968 State Constitution  
 3074 became effective need not be so approved, pursuant to s. 2, Art.  
 3075 XII of the State Constitution.

3076 Section 78. Subsections (1), (5), (6), and (7) of section  
 3077 218.31, Florida Statutes, are amended to read:

3078 218.31 Definitions.—As used in this part, except where the  
 3079 context clearly indicates a different meaning:

3080 (1) "Local governmental entity" means a county agency, a  
 3081 municipality, or a special district as defined in s. 189.012  
 3082 ~~189.403~~. For purposes of s. 218.32, the term also includes a  
 3083 housing authority created under chapter 421.

3084 (5) "Special district" means a special district as defined  
 3085 in s. 189.012 ~~189.403(1)~~.

3086 (6) "Dependent special district" means a dependent special  
 3087 district as defined in s. 189.012 ~~189.403(2)~~.

3088 (7) "Independent special district" means an independent  
 3089 special district as defined in s. 189.012 ~~189.403(3)~~.

3090 Section 79. Paragraph (a) and (f) of subsection (1) and  
 3091 subsection (2) of section 218.32, Florida Statutes, are amended  
 3092 to read:

3093 218.32 Annual financial reports; local governmental  
 3094 entities.—

3095 (1) (a) Each local governmental entity that is determined  
 3096 to be a reporting entity, as defined by generally accepted  
 3097 accounting principles, and each independent special district as  
 3098 defined in s. 189.012 ~~189.403~~, shall submit to the department a  
 3099 copy of its annual financial report for the previous fiscal year  
 3100 in a format prescribed by the department. The annual financial  
 3101 report must include a list of each local governmental entity  
 3102 included in the report and each local governmental entity that  
 3103 failed to provide financial information as required by paragraph  
 3104 (b). The chair of the governing body and the chief financial  
 3105 officer of each local governmental entity shall sign the annual  
 3106 financial report submitted pursuant to this subsection attesting  
 3107 to the accuracy of the information included in the report. The  
 3108 county annual financial report must be a single document that  
 3109 covers each county agency.

3110 (f) If the department does not receive a completed annual  
 3111 financial report from a local governmental entity within the  
 3112 required period, it shall notify the Legislative Auditing  
 3113 Committee and the Special District Accountability ~~Information~~  
 3114 Program of the Department of Economic Opportunity of the  
 3115 entity's failure to comply with the reporting requirements.

3116 (2) The department shall annually by December 1 file a  
 3117 verified report with the Governor, the Legislature, the Auditor  
 3118 General, and the Special District Accountability ~~Information~~  
 3119 Program of the Department of Economic Opportunity showing the  
 3120 revenues, both locally derived and derived from



3121 intergovernmental transfers, and the expenditures of each local  
3122 governmental entity, regional planning council, local government  
3123 finance commission, and municipal power corporation that is  
3124 required to submit an annual financial report. The report must  
3125 include, but is not limited to:

3126 (a) The total revenues and expenditures of each local  
3127 governmental entity that is a component unit included in the  
3128 annual financial report of the reporting entity.

3129 (b) The amount of outstanding long-term debt by each local  
3130 governmental entity. For purposes of this paragraph, the term  
3131 "long-term debt" means any agreement or series of agreements to  
3132 pay money, which, at inception, contemplate terms of payment  
3133 exceeding 1 year in duration.

3134 Section 80. Paragraph (g) of subsection (1) of section  
3135 218.37, Florida Statutes, is amended to read:

3136 218.37 Powers and duties of Division of Bond Finance;  
3137 advisory council.—

3138 (1) The Division of Bond Finance of the State Board of  
3139 Administration, with respect to both general obligation bonds  
3140 and revenue bonds, shall:

3141 (g) By January 1 each year, provide the Special District  
3142 Accountability Information ~~Information~~ Program of the Department of Economic  
3143 Opportunity with a list of special districts that are not in  
3144 compliance with the requirements in s. 218.38.

3145 Section 81. Paragraph (j) of subsection (1) of section  
3146 255.20, Florida Statutes, is amended to read:

3147 | 255.20 Local bids and contracts for public construction  
3148 | works; specification of state-produced lumber.-  
3149 | (1) A county, municipality, special district as defined in  
3150 | chapter 189, or other political subdivision of the state seeking  
3151 | to construct or improve a public building, structure, or other  
3152 | public construction works must competitively award to an  
3153 | appropriately licensed contractor each project that is estimated  
3154 | in accordance with generally accepted cost-accounting principles  
3155 | to cost more than \$300,000. For electrical work, the local  
3156 | government must competitively award to an appropriately licensed  
3157 | contractor each project that is estimated in accordance with  
3158 | generally accepted cost-accounting principles to cost more than  
3159 | \$75,000. As used in this section, the term "competitively award"  
3160 | means to award contracts based on the submission of sealed bids,  
3161 | proposals submitted in response to a request for proposal,  
3162 | proposals submitted in response to a request for qualifications,  
3163 | or proposals submitted for competitive negotiation. This  
3164 | subsection expressly allows contracts for construction  
3165 | management services, design/build contracts, continuation  
3166 | contracts based on unit prices, and any other contract  
3167 | arrangement with a private sector contractor permitted by any  
3168 | applicable municipal or county ordinance, by district  
3169 | resolution, or by state law. For purposes of this section, cost  
3170 | includes the cost of all labor, except inmate labor, and the  
3171 | cost of equipment and materials to be used in the construction  
3172 | of the project. Subject to the provisions of subsection (3), the

3173 county, municipality, special district, or other political  
 3174 subdivision may establish, by municipal or county ordinance or  
 3175 special district resolution, procedures for conducting the  
 3176 bidding process.

3177 (j) A county, municipality, special district as defined in  
 3178 s. 189.012 ~~189.403~~, or any other political subdivision of the  
 3179 state that owns or operates a public-use airport as defined in  
 3180 s. 332.004 is exempt from this section when performing repairs  
 3181 or maintenance on the airport's buildings, structures, or public  
 3182 construction works using the local government's own services,  
 3183 employees, and equipment.

3184 Section 82. Subsection (4) of section 298.225, Florida  
 3185 Statutes, is amended to read:

3186 298.225 Water control plan; plan development and  
 3187 amendment.—

3188 (4) Information contained within a district's facilities  
 3189 plan prepared pursuant to s. 189.08 ~~189.415~~ which satisfies any  
 3190 of the provisions of subsection (3) may be used as part of the  
 3191 district water control plan.

3192 Section 83. Subsection (7) of section 343.922, Florida  
 3193 Statutes, is amended to read:

3194 343.922 Powers and duties.—

3195 (7) The authority shall comply with all statutory  
 3196 requirements of general application which relate to the filing  
 3197 of any report or documentation required by law, including the  
 3198 requirements of ss. 189.015, 189.016, 189.051, and 189.08

3199 ~~189.4085, 189.415, 189.417, and 189.418.~~

3200 Section 84. Subsection (5) of section 348.0004, Florida  
 3201 Statutes, is amended to read:

3202 348.0004 Purposes and powers.—

3203 (5) Any authority formed pursuant to this act shall comply  
 3204 with all statutory requirements of general application which  
 3205 relate to the filing of any report or documentation required by  
 3206 law, including the requirements of ss. 189.015, 189.016,  
 3207 189.051, and 189.08 ~~189.4085, 189.415, 189.417, and 189.418.~~

3208 Section 85. Section 373.711, Florida Statutes, is amended  
 3209 to read:

3210 373.711 Technical assistance to local governments.—The  
 3211 water management districts shall assist local governments in the  
 3212 development and future revision of local government  
 3213 comprehensive plan elements or public facilities report as  
 3214 required by s. 189.08 ~~189.415~~, related to water resource issues.

3215 Section 86. Paragraph (b) of subsection (3) of section  
 3216 403.0891, Florida Statutes, is amended to read:

3217 403.0891 State, regional, and local stormwater management  
 3218 plans and programs.—The department, the water management  
 3219 districts, and local governments shall have the responsibility  
 3220 for the development of mutually compatible stormwater management  
 3221 programs.

3222 (3)

3223 (b) Local governments are encouraged to consult with the  
 3224 water management districts, the Department of Transportation,

3225 and the department before adopting or updating their local  
 3226 government comprehensive plan or public facilities report as  
 3227 required by s. 189.08 ~~189.415~~, whichever is applicable.

3228 Section 87. Subsection (1) of section 582.32, Florida  
 3229 Statutes, is amended to read:

3230 582.32 Effect of dissolution.—

3231 (1) Upon issuance of a certificate of dissolution, s.  
 3232 189.076(2) ~~189.4045(2)~~ applies and all land use regulations in  
 3233 effect within such districts are void.

3234 Section 88. Paragraph (a) of subsection (3) of section  
 3235 1013.355, Florida Statutes, is amended to read:

3236 1013.355 Educational facilities benefit districts.—

3237 (3)(a) An educational facilities benefit district may be  
 3238 created pursuant to this act and chapters 125, 163, 166, and  
 3239 189. An educational facilities benefit district charter may be  
 3240 created by a county or municipality by entering into an  
 3241 interlocal agreement, as authorized by s. 163.01, with the  
 3242 district school board and any local general purpose government  
 3243 within whose jurisdiction a portion of the district is located  
 3244 and adoption of an ordinance that includes all provisions  
 3245 contained within s. 189.02 ~~189.4041~~. The creating entity shall  
 3246 be the local general purpose government within whose boundaries  
 3247 a majority of the educational facilities benefit district's  
 3248 lands are located.

3249 Section 89. This act shall take effect July 1, 2014.