

By Senator Bradley

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1                   A bill to be entitled  
2       An act relating to special districts; amending s.  
3       189.412, F.S.; requiring the Department of Economic  
4       Opportunity to publish certain information on its  
5       website with respect to special districts; creating  
6       part II of ch. 190, F.S., relating to the conversion  
7       of water control districts to community development  
8       districts; authorizing the governing board of a water  
9       control district to conduct a referendum on the  
10      question of whether the district may exercise certain  
11      special powers of a community development district;  
12      providing referendum requirements and procedures;  
13      providing referendum notice requirements; providing  
14      for special act, upon referendum approval, to codify  
15      special powers in the charter of the water control  
16      district and provide for conversion of the district to  
17      a community development district; providing an  
18      effective date.

19  
20 Be It Enacted by the Legislature of the State of Florida:

21  
22       Section 1. Subsection (9) is added to section 189.412,  
23 Florida Statutes, to read:

24       189.412 Special District Information Program; duties and  
25 responsibilities.—The Special District Information Program of  
26 the Department of Economic Opportunity is created and has the  
27 following special duties:

28       (9) The collection and maintenance of each special  
29 district's charter, which shall be made available to the public

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30 on the department's website.

31 Section 2. Chapter 190, Florida Statutes, consisting of  
32 sections 190.001 through 190.049, is designated as part I of  
33 that chapter, and part II, consisting of sections 190.10 through  
34 190.13, is created to read:

35 PART II

36 CONVERSION OF WATER CONTROL DISTRICTS

37 190.10 Special powers; authorization for water control  
38 district to conduct referendum.-

39 (1) The governing board of a water control district  
40 established under chapter 298, or established by special act  
41 that incorporates the powers of chapter 298, is authorized to  
42 conduct a referendum on the question of whether the district may  
43 exercise one or more of the special powers of a community  
44 development district relating to public improvements and  
45 community facilities authorized by s. 190.012. The governing  
46 board of a water control district may initiate a referendum by  
47 adoption of a resolution at a regularly scheduled board meeting  
48 called to determine whether to conduct the referendum. The  
49 resolution must establish the date of the referendum and specify  
50 the special powers that the governing board requests  
51 authorization to exercise.

52 (2) If a majority of the governing board is elected on a  
53 parcel or acreage basis, the referendum election shall be  
54 conducted by the governing board on a parcel or acreage basis,  
55 in which case, the election results shall be certified and  
56 confirmed by an independent forensic auditor.

57 (3) If a majority of the governing board is popularly  
58 elected, the referendum election shall be conducted by the

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59 supervisor of elections pursuant to ss. 101.6101-101.6107 by  
 60 mail ballot of the registered electors residing in the district.  
 61 The costs of the election shall be paid by the district  
 62 conducting the referendum.

63 190.11 Referendum requirements and procedures.-

64 (1) Each referendum question shall be in substantially the  
 65 following form:

66  
 67 REFERENDUM AUTHORIZING THE ...(district name)... WATER CONTROL  
 68 DISTRICT TO EXERCISE CERTAIN SPECIAL POWERS

69  
 70 Shall the ...(district name)... water control district  
 71 be authorized to exercise the following special powers  
 72 within the jurisdiction of the district:

73  
 74 ...(List special powers to be exercised)...

75  
 76 Yes.... No....

77  
 78 (2) Before conducting a referendum, the governing board of  
 79 the water control district must provide public notice of the  
 80 referendum in a newspaper of general circulation in the county  
 81 in which the district is located. If the district is located in  
 82 more than one county, the notice shall be provided in a  
 83 newspaper of general circulation in each county in which the  
 84 district is located. The notice shall be published twice, once  
 85 in the fifth week and once in the second week before the  
 86 referendum election.

87 190.12 Effect of referendum.-If a majority of the acres or

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88 parcels voted or a majority of the electors voting, as  
89 applicable:

90 (1) Approve the referendum question, following  
91 certification of the referendum results, the governing board of  
92 the water control district may begin exercising the special  
93 powers approved by the referendum.

94 (2) Disapprove the referendum question, the governing board  
95 may not exercise the requested special powers and is prohibited  
96 from calling a subsequent referendum on the question of  
97 exercising those special powers for 5 years after the date of  
98 the referendum.

99 190.13 Codification; conversion to community development  
100 district.—At the next regular session of the Legislature  
101 occurring at least 6 months after approval of a referendum  
102 authorizing a water control district to exercise special powers  
103 of a community development district, the district shall submit a  
104 local bill to the Legislature codifying in the district's  
105 charter the special powers approved by the referendum and  
106 reestablishing the district as a community development district.  
107 Upon the effective date of such special act of the Legislature,  
108 the water control district is converted to a community  
109 development district and shall be governed by this part and the  
110 district's special act.

111 Section 3. This act shall take effect July 1, 2014.