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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/01/2014	.	
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The Committee on Community Affairs (Stargel) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

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



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

14 (3) Part III, consisting of sections 189.03, 189.031,
15 189.0311, 189.033, 189.034, and 189.035, Florida Statutes, as
16 created by this act, and entitled "Independent Special
17 Districts."

18 (4) Part IV, consisting of sections 189.04, 189.041, and
19 189.042, Florida Statutes, as created by this act, and entitled
20 "Elections."

21 (5) Part V, consisting of sections 189.05, 189.051,
22 189.052, 189.053, 189.054, and 189.055, Florida Statutes, as
23 created by this act, and entitled "Finance."

24 (6) Part VI, consisting of sections 189.06, 189.061,
25 189.062, 189.063, 189.064, 189.065, 189.066, 189.067, 189.068,
26 and 189.069, Florida Statutes, as created by this act, and
27 entitled "Oversight and Accountability."

28 (7) Part VII, consisting of sections 189.07, 189.071,
29 189.072, 189.073, 189.074, 189.075, 189.076, and 189.0761,
30 Florida Statutes, as created by this act, and entitled "Merger
31 and Dissolution."

32 (8) Part VIII, consisting of sections 189.08, 189.081, and
33 189.082, Florida Statutes, as created by this act, and entitled
34 "Comprehensive Planning."

35 Section 2. Paragraph (b) of subsection (2) of section
36 11.40, Florida Statutes, is amended to read:

37 11.40 Legislative Auditing Committee.—

38 (2) Following notification by the Auditor General, the
39 Department of Financial Services, or the Division of Bond



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40 Finance of the State Board of Administration of the failure of a
41 local governmental entity, district school board, charter
42 school, or charter technical career center to comply with the
43 applicable provisions within s. 11.45(5)-(7), s. 218.32(1), ~~or~~
44 s. 218.38, or s. 218.503(3), the Legislative Auditing Committee
45 may schedule a hearing to determine if the entity should be
46 subject to further state action. If the committee determines
47 that the entity should be subject to further state action, the
48 committee shall:

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

50 1. A special act, notify the President of the Senate, the
51 Speaker of the House of Representatives, the standing committees
52 of the Senate and the House of Representatives charged with
53 special district oversight as determined by the presiding
54 officers of each respective chamber, the legislators who
55 represent a portion of the geographical jurisdiction of the
56 special district, pursuant to s. 189.034(2) and the Department
57 of Economic Opportunity that the special district has failed to
58 comply with the law. Upon receipt of notification, the
59 Department of Economic Opportunity shall proceed pursuant to s.
60 189.062 or s. 189.067. If the special district remains in
61 noncompliance after the process set forth in s. 189.034(3), the
62 Legislative Auditing Committee may request the department to
63 proceed pursuant to s. 189.067(3) ~~189.4044 or s. 189.421.~~

64 2. A local ordinance, notify the chair or equivalent of the
65 local general-purpose government pursuant to s. 189.035(1) and
66 the Department of Economic Opportunity that the special district
67 has failed to comply with the law. Upon receipt of notification,
68 the department shall proceed pursuant to s. 189.062 or s.



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69 189.067. If the special district remains in noncompliance after
70 the process set forth in s. 189.035(2), or if a public hearing
71 has not been held within 6 months, the Legislative Auditing
72 Committee may request the department to proceed pursuant to s.
73 189.067(3).

74 3. Any manner other than a special act or local ordinance,
75 notify the Department of Economic Opportunity that the special
76 district has failed to comply with the law. Upon receipt of
77 notification, the department shall proceed pursuant to s.
78 189.062 or s. 189.067(3).

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

81 112.312 Definitions.—As used in this part and for purposes
82 of the provisions of s. 8, Art. II of the State Constitution,
83 unless the context otherwise requires:

84 (2) "Agency" means any state, regional, county, local, or
85 municipal government entity of this state, whether executive,
86 judicial, or legislative; any department, division, bureau,
87 commission, authority, or political subdivision of this state
88 therein; ~~or~~ any public school, community college, or state
89 university; or any special district as defined in s. 189.012.

90 Section 4. Section 112.511, Florida Statutes, is created to
91 read:

92 112.511 Members of special district governing bodies;
93 suspension; removal from office.—

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



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98 officers.

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

103 Section 5. Subsections (1), (4), and (6) of section
104 125.901, Florida Statutes, are amended to read:

105 125.901 Children's services; independent special district;
106 council; powers, duties, and functions; public records
107 exemption.—

108 (1) Each county may by ordinance create an independent
109 special district, as defined in ss. 189.012 ~~189.403(3)~~ and
110 200.001(8)(e), to provide funding for children's services
111 throughout the county in accordance with this section. The
112 boundaries of such district shall be coterminous with the
113 boundaries of the county. The county governing body shall obtain
114 approval, by a majority vote of those electors voting on the
115 question, to annually levy ad valorem taxes which shall not
116 exceed the maximum millage rate authorized by this section. Any
117 district created pursuant to the provisions of this subsection
118 shall be required to levy and fix millage subject to the
119 provisions of s. 200.065. Once such millage is approved by the
120 electorate, the district shall not be required to seek approval
121 of the electorate in future years to levy the previously
122 approved millage.

123 (a) The governing body ~~board~~ of the district shall be a
124 council on children's services, which may also be known as a
125 juvenile welfare board or similar name as established in the
126 ordinance by the county governing body. Such council shall



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127 consist of 10 members, including: the superintendent of schools;
128 a local school board member; the district administrator from the
129 appropriate district of the Department of Children and Family
130 Services, or his or her designee who is a member of the Senior
131 Management Service or of the Selected Exempt Service; one member
132 of the county governing body; and the judge assigned to juvenile
133 cases who shall sit as a voting member of the board, except that
134 said judge shall not vote or participate in the setting of ad
135 valorem taxes under this section. If there is more than one
136 judge assigned to juvenile cases in a county, the chief judge
137 shall designate one of said juvenile judges to serve on the
138 board. The remaining five members shall be appointed by the
139 Governor, and shall, to the extent possible, represent the
140 demographic diversity of the population of the county. After
141 soliciting recommendations from the public, the county governing
142 body shall submit to the Governor the names of at least three
143 persons for each vacancy occurring among the five members
144 appointed by the Governor, and the Governor shall appoint
145 members to the council from the candidates nominated by the
146 county governing body. The Governor shall make a selection
147 within a 45-day period or request a new list of candidates. All
148 members appointed by the Governor shall have been residents of
149 the county for the previous 24-month period. Such members shall
150 be appointed for 4-year terms, except that the length of the
151 terms of the initial appointees shall be adjusted to stagger the
152 terms. The Governor may remove a member for cause or upon the
153 written petition of the county governing body. If any of the
154 members of the council required to be appointed by the Governor
155 under the provisions of this subsection shall resign, die, or be



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156 removed from office, the vacancy thereby created shall, as soon
157 as practicable, be filled by appointment by the Governor, using
158 the same method as the original appointment, and such
159 appointment to fill a vacancy shall be for the unexpired term of
160 the person who resigns, dies, or is removed from office.

161 (b) However, any county as defined in s. 125.011(1) may
162 instead have a governing body ~~board~~ consisting of 33 members,
163 including: the superintendent of schools; two representatives of
164 public postsecondary education institutions located in the
165 county; the county manager or the equivalent county officer; the
166 district administrator from the appropriate district of the
167 Department of Children and Family Services, or the
168 administrator's designee who is a member of the Senior
169 Management Service or the Selected Exempt Service; the director
170 of the county health department or the director's designee; the
171 state attorney for the county or the state attorney's designee;
172 the chief judge assigned to juvenile cases, or another juvenile
173 judge who is the chief judge's designee and who shall sit as a
174 voting member of the board, except that the judge may not vote
175 or participate in setting ad valorem taxes under this section;
176 an individual who is selected by the board of the local United
177 Way or its equivalent; a member of a locally recognized faith-
178 based coalition, selected by that coalition; a member of the
179 local chamber of commerce, selected by that chamber or, if more
180 than one chamber exists within the county, a person selected by
181 a coalition of the local chambers; a member of the early
182 learning coalition, selected by that coalition; a representative
183 of a labor organization or union active in the county; a member
184 of a local alliance or coalition engaged in cross-system



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185 planning for health and social service delivery in the county,
186 selected by that alliance or coalition; a member of the local
187 Parent-Teachers Association/Parent-Teacher-Student Association,
188 selected by that association; a youth representative selected by
189 the local school system's student government; a local school
190 board member appointed by the chair of the school board; the
191 mayor of the county or the mayor's designee; one member of the
192 county governing body, appointed by the chair of that body; a
193 member of the state Legislature who represents residents of the
194 county, ~~selected by the chair of the local legislative~~
195 ~~delegation~~; an elected official representing the residents of a
196 municipality in the county, selected by the county municipal
197 league; and 4 members-at-large, appointed to the council by the
198 majority of sitting council members. The remaining 7 members
199 shall be appointed by the Governor in accordance with procedures
200 set forth in paragraph (a), except that the Governor may remove
201 a member for cause or upon the written petition of the council.
202 Appointments by the Governor must, to the extent reasonably
203 possible, represent the geographic and demographic diversity of
204 the population of the county. Members who are appointed to the
205 council by reason of their position are not subject to the
206 length of terms and limits on consecutive terms as provided in
207 this section. The remaining appointed members of the governing
208 body ~~board~~ shall be appointed to serve 2-year terms, except that
209 those members appointed by the Governor shall be appointed to
210 serve 4-year terms, and the youth representative and the
211 legislative delegate shall be appointed to serve 1-year terms. A
212 member may be reappointed; however, a member may not serve for
213 more than three consecutive terms. A member is eligible to be



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214 appointed again after a 2-year hiatus from the council.

215 (c) This subsection does not prohibit a county from
216 exercising such power as is provided by general or special law
217 to provide children's services or to create a special district
218 to provide such services.

219 (4) (a) Any district created pursuant to this section may be
220 dissolved by a special act of the Legislature, or the county
221 governing body may by ordinance dissolve the district subject to
222 the approval of the electorate.

223 (b) 1.a. Notwithstanding paragraph (a), the governing body
224 of the county shall submit the question of retention or
225 dissolution of a district with voter-approved taxing authority
226 to the electorate in the general election according to the
227 following schedule:

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

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

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

238 b. A referendum by the electorate on or after July 1, 2010,
239 creating a new district with taxing authority may specify that
240 the district is not subject to reauthorization or may specify
241 the number of years for which the initial authorization shall
242 remain effective. If the referendum does not prescribe terms of



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243 reauthorization, the governing body of the county shall submit
244 the question of retention or dissolution of the district to the
245 electorate in the general election 12 years after the initial
246 authorization.

247 2. The governing body ~~board~~ of the district may specify,
248 and submit to the governing body of the county no later than 9
249 months before the scheduled election, that the district is not
250 subsequently subject to reauthorization or may specify the
251 number of years for which a reauthorization under this paragraph
252 shall remain effective. If the governing body ~~board~~ of the
253 district makes such specification and submission, the governing
254 body of the county shall include that information in the
255 question submitted to the electorate. If the governing body
256 ~~board~~ of the district does not specify and submit such
257 information, the governing body of the county shall resubmit the
258 question of reauthorization to the electorate every 12 years
259 after the year prescribed in subparagraph 1. The governing body
260 ~~board~~ of the district may recommend to the governing body of the
261 county language for the question submitted to the electorate.

262 3. This paragraph does not limit ~~Nothing in this paragraph~~
263 ~~limits~~ the authority to dissolve a district as provided under
264 paragraph (a).

265 4. This paragraph does not preclude ~~Nothing in this~~
266 ~~paragraph precludes~~ the governing body ~~board~~ of a district from
267 requesting that the governing body of the county submit the
268 question of retention or dissolution of a district with voter-
269 approved taxing authority to the electorate at a date earlier
270 than the year prescribed in subparagraph 1. If the governing
271 body of the county accepts the request and submits the question



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272 to the electorate, the governing body satisfies the requirement
273 of that subparagraph.

274
275 If any district is dissolved pursuant to this subsection, each
276 county must first obligate itself to assume the debts,
277 liabilities, contracts, and outstanding obligations of the
278 district within the total millage available to the county
279 governing body for all county and municipal purposes as provided
280 for under s. 9, Art. VII of the State Constitution. Any district
281 may also be dissolved pursuant to part VII of chapter 189 ~~s.~~
282 ~~189.4042~~.

283 (6) Any district created pursuant to the provisions of this
284 section shall comply with all other statutory requirements of
285 general application which relate to the filing of any financial
286 reports or compliance reports required under part III of chapter
287 218, or any other report or documentation required by law,
288 including the requirements of ss. 189.08, 189.015, and 189.016
289 ~~189.415, 189.417, and 189.418~~.

290 Section 6. Section 189.401, Florida Statutes, is
291 transferred, renumbered as section 189.01, Florida Statutes, and
292 amended to read:

293 189.01 ~~189.401~~ Short title.—This chapter may be cited as
294 the "Uniform Special District Accountability Act ~~of 1989~~."

295 Section 7. Subsections (1), (6), and (7) of section
296 189.402, Florida Statutes, are transferred and renumbered as
297 subsections (1), (2), and (3), respectively, of section 189.011,
298 Florida Statutes, and present subsection (6) of that section is
299 amended, to read:

300 189.011 ~~189.402~~ Statement of legislative purpose and



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301 intent.-

302 ~~(2)(6)~~ The Legislature finds that special districts serve a
303 necessary and useful function by providing services to residents
304 and property in the state. The Legislature finds further that
305 special districts operate to serve a public purpose and that
306 this is best secured by certain minimum standards of
307 accountability designed to inform the public and appropriate
308 general-purpose local governments of the status and activities
309 of special districts. It is the intent of the Legislature that
310 this public trust be secured by requiring each independent
311 special district in the state to register and report its
312 financial and other activities. The Legislature further finds
313 that failure of an independent special district to comply with
314 the minimum disclosure requirements set forth in this chapter
315 may result in action against officers of such district body
316 board.

317 Section 8. Subsection (2) of section 189.402, Florida
318 Statutes, is transferred, renumbered as section 189.06, Florida
319 Statutes, and amended to read:

320 189.06 189.402 Legislative intent; centralized location
321 Statement of legislative purpose and intent.-

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

325 (1)(a) Improve the enforcement of statutes currently in
326 place that help ensure the accountability of special districts
327 to state and local governments.

328 (2)(b) Improve communication and coordination between state
329 agencies with respect to required special district reporting and



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330 state monitoring.

331 (3)~~(e)~~ Improve communication and coordination between
332 special districts and other local entities with respect to ad
333 valorem taxation, non-ad valorem assessment collection, special
334 district elections, and local government comprehensive planning.

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

339 (5)~~(e)~~ Clarify special district definitions and creation
340 methods in order to ensure consistent application of those
341 definitions and creation methods across all levels of
342 government.

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

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

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

350 Section 9. Subsections (3), (4), (5), and (8) of section
351 189.402, Florida Statutes, are transferred, renumbered as
352 subsections (1), (2), (3), and (4), respectively, of section
353 189.03, Florida Statutes, and amended to read:

354 189.03 ~~189.402~~ Statement of legislative purpose and intent;
355 independent special districts.—

356 (1)~~(3)~~ The Legislature finds that:

357 (a) There is a need for uniform, focused, and fair
358 procedures in state law to provide a reasonable alternative for



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359 the establishment, powers, operation, and duration of
360 independent special districts ~~to manage and finance basic~~
361 ~~capital infrastructure, facilities, and services; and that,~~
362 ~~based upon a proper and fair determination of applicable facts,~~
363 ~~an independent special district can constitute a timely,~~
364 ~~efficient, effective, responsive, and economic way to deliver~~
365 ~~these basic services, thereby providing a means of solving the~~
366 ~~state's planning, management, and financing needs for delivery~~
367 ~~of capital infrastructure, facilities, and services in order to~~
368 ~~provide for projected growth without overburdening other~~
369 ~~governments and their taxpayers.~~

370 (b) It is in the public interest that any independent
371 special district created pursuant to state law not outlive its
372 usefulness and that the operation of such a district and the
373 exercise by the district of its powers be consistent with
374 applicable due process, disclosure, accountability, ethics, and
375 government-in-the-sunshine requirements which apply both to
376 governmental entities and to their elected and appointed
377 officials.

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

382 (2)(4) It is the policy of this state:

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



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

392 ~~(3)(5)~~ It is the legislative intent and purpose, based
393 upon, and consistent with, its findings of fact and declarations
394 of policy, to authorize a uniform procedure by general law to
395 create an independent special district, ~~as an alternative method~~
396 ~~to manage and finance basic capital infrastructure, facilities,~~
397 ~~and services. It is further the legislative intent and purpose~~
398 to provide by general law for the uniform operation, exercise of
399 power, and procedure for termination of any such independent
400 special district.

401 ~~(4)(8)~~ The Legislature finds and declares that:

402 (a) Growth and development issues transcend the boundaries
403 and responsibilities of individual units of government, and
404 often no single unit of government can plan or implement
405 policies to deal with these issues without affecting other units
406 of government.

407 (b) The provision of capital infrastructure, facilities,
408 and services for the preservation and enhancement of the quality
409 of life of the people of this state may require the creation of
410 multicounty and multijurisdictional districts.

411 Section 10. Section 189.403, Florida Statutes, is
412 transferred, renumbered as section 189.012, Florida Statutes,
413 reordered, and amended, to read:

414 189.012 ~~189.403~~ Definitions.—As used in this chapter, the
415 term:

416 ~~(6)(1)~~ "Special district" means a ~~local~~ unit of local



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417 government created for a ~~of~~ special purpose, as opposed to a
418 general purpose ~~general-purpose, which has jurisdiction to~~
419 operate ~~government~~ within a limited geographic boundary and is,
420 created by general law, special act, local ordinance, or by rule
421 of the Governor and Cabinet. ~~The special purpose or purposes of~~
422 ~~special districts are implemented by specialized functions and~~
423 ~~related prescribed powers. For the purpose of s. 196.199(1),~~
424 ~~special districts shall be treated as municipalities.~~ The term
425 does not include a school district, a community college
426 district, a special improvement district created pursuant to s.
427 285.17, a municipal service taxing or benefit unit as specified
428 in s. 125.01, or a board which provides electrical service and
429 which is a political subdivision of a municipality or is part of
430 a municipality.

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

433 (a) The membership of its governing body is identical to
434 that of the governing body of a single county or a single
435 municipality.

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

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

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

444
445 This subsection is for purposes of definition only. Nothing in



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446 this subsection confers additional authority upon local
447 governments not otherwise authorized by the provisions of the
448 special acts or general acts of local application creating each
449 special district, as amended.

450 (3) "Independent special district" means a special district
451 that is not a dependent special district as defined in
452 subsection (2). A district that includes more than one county is
453 an independent special district unless the district lies wholly
454 within the boundaries of a single municipality.

455 (1)~~(4)~~ "Department" means the Department of Economic
456 Opportunity.

457 (4)~~(5)~~ "Local governing authority" means the governing body
458 of a unit of local general-purpose government. However, if the
459 special district is a political subdivision of a municipality,
460 "local governing authority" means the municipality.

461 (7)~~(6)~~ "Water management district" for purposes of this
462 chapter means a special taxing district which is a regional
463 water management district created and operated pursuant to
464 chapter 373 or chapter 61-691, Laws of Florida, or a flood
465 control district created and operated pursuant to chapter 25270,
466 Laws of Florida, 1949, as modified by s. 373.149.

467 (5)~~(7)~~ "Public facilities" means major capital
468 improvements, including, but not limited to, transportation
469 facilities, sanitary sewer facilities, solid waste facilities,
470 water management and control facilities, potable water
471 facilities, alternative water systems, educational facilities,
472 parks and recreational facilities, health systems and
473 facilities, and, except for spoil disposal by those ports listed
474 in s. 311.09(1), spoil disposal sites for maintenance dredging



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475 in waters of the state.

476 Section 11. Subsection (1) of section 189.4031, Florida
477 Statutes, is transferred and renumbered as section 189.013,
478 Florida Statutes, and the catchline of that section shall read:
479 "Special districts; creation, dissolution, and reporting
480 requirements."

481 Section 12. Subsection (2) of section 189.4031, Florida
482 Statutes, is transferred, renumbered as section 189.0311,
483 Florida Statutes, and amended to read:

484 189.0311 ~~189.4031~~ Independent special districts ~~Special~~
485 ~~districts; creation, dissolution, and reporting requirements;~~
486 charter requirements.-

487 ~~(2)~~ Notwithstanding any general law, special act, or
488 ordinance of a local government to the contrary, any independent
489 special district charter enacted after September 30, 1989, ~~the~~
490 ~~effective date of this section~~ shall contain the information
491 required by s. 189.031(3) ~~189.404(3)~~. Recognizing that the
492 exclusive charter for a community development district is the
493 statutory charter contained in ss. 190.006-190.041, community
494 development districts established after July 1, 1980, pursuant
495 to the provisions of chapter 190 shall be deemed in compliance
496 with this requirement.

497 Section 13. Section 189.4035, Florida Statutes, is
498 transferred and renumbered as section 189.061, Florida Statutes,
499 and subsections (1), (5), and (6) of that section are amended,
500 to read:

501 189.061 ~~189.4035~~ ~~Preparation of~~ Official list of special
502 districts.-

503 (1) The department ~~of Economic Opportunity~~ shall maintain



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504 ~~compile~~ the official list of special districts. The official
505 list of special districts shall include all special districts in
506 this state and shall indicate the independent or dependent
507 status of each district. All special districts on ~~in~~ the list
508 shall be sorted by county. The definitions in s. 189.012 ~~189.403~~
509 shall be the criteria for determination of the independent or
510 dependent status of each special district on the official list.
511 The status of community development districts shall be
512 independent on the official list of special districts.

513 (5) The official list of special districts shall be
514 available on the department's website and must include a link to
515 the website of each special district that provides web-based
516 access to the public of the information and documentation
517 required under s. 189.069.

518 (6) ~~Preparation of~~ The official list of special districts
519 or the determination of status does not constitute final agency
520 action pursuant to chapter 120. If the status of a special
521 district on the official list is inconsistent with the status
522 submitted by the district, the district may request the
523 department to issue a declaratory statement setting forth the
524 requirements necessary to resolve the inconsistency. If
525 necessary, upon issuance of a declaratory statement by the
526 department which is not appealed pursuant to chapter 120, the
527 governing body ~~board~~ of any special district receiving such a
528 declaratory statement shall apply to the entity which originally
529 established the district for an amendment to its charter
530 correcting the specified defects in its original charter. This
531 amendment shall be for the sole purpose of resolving
532 inconsistencies between a district charter and the status of a



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533 district as it appears on the official list. ~~Such application~~
534 ~~shall occur as follows:~~

535 ~~(a) In the event a special district was created by a local~~
536 ~~general purpose government or state agency and applies for an~~
537 ~~amendment to its charter to confirm its independence, said~~
538 ~~application shall be granted as a matter of right. If~~
539 ~~application by an independent district is not made within 6~~
540 ~~months of rendition of a declaratory statement, the district~~
541 ~~shall be deemed dependent and become a political subdivision of~~
542 ~~the governing body which originally established it by operation~~
543 ~~of law.~~

544 ~~(b) If the Legislature created a special district, the~~
545 ~~district shall request, by resolution, an amendment to its~~
546 ~~charter by the Legislature. Failure to apply to the Legislature~~
547 ~~for an amendment to its charter during the next regular~~
548 ~~legislative session following rendition of a declaratory~~
549 ~~statement or failure of the Legislature to pass a special act~~
550 ~~shall render the district dependent.~~

551 Section 14. Section 189.404, Florida Statutes, is
552 transferred and renumbered as section 189.031, Florida Statutes,
553 and subsection (2) and paragraphs (e), (f), and (g) of
554 subsection (3) of that section are amended, to read:

555 189.031 ~~189.404~~ Legislative intent for the creation of
556 independent special districts; special act prohibitions; model
557 elements and other requirements; general-purpose local
558 government/Governor and Cabinet creation authorizations.—

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



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

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

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

568 (d) Exempt an independent special district from the
569 reporting, notice, or public meetings requirements of s.
570 189.051, s. 189.08, s. 189.015, or s. 189.016 ~~189.4085, s.~~
571 ~~189.415, s. 189.417, or s. 189.418~~;

572 (e) Create an independent special district for which a
573 statement has not been submitted to the Legislature that
574 documents the following:

575 1. The purpose of the proposed district;

576 2. The authority of the proposed district;

577 3. An explanation of why the district is the best
578 alternative; and

579 4. A resolution or official statement of the governing body
580 or an appropriate administrator of the local jurisdiction within
581 which the proposed district is located stating that the creation
582 of the proposed district is consistent with the approved local
583 government plans of the local governing body and that the local
584 government has no objection to the creation of the proposed
585 district.

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

590 (e) The membership and organization of the governing body



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591 ~~board~~ of the district. If a district created after September 30,
592 1989, uses a one-acre/one-vote election principle, it shall
593 provide for a governing body ~~board~~ consisting of five members.
594 Three members shall constitute a quorum.

595 (f) The maximum compensation of a governing body ~~board~~
596 member.

597 (g) The administrative duties of the governing body ~~board~~
598 of the district.

599 Section 15. Section 189.40401, Florida Statutes, is
600 transferred and renumbered as section 189.033, Florida Statutes.

601 Section 16. Section 189.4041, Florida Statutes, is
602 transferred and renumbered as section 189.02, Florida Statutes,
603 and paragraph (e) of subsection (4) of that section is amended,
604 to read:

605 189.02 ~~189.4041~~ Dependent special districts.—

606 (4) Dependent special districts created by a county or
607 municipality shall be created by adoption of an ordinance that
608 includes:

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

611 Section 17. Subsection (1) of section 189.4042, Florida
612 Statutes, is transferred, renumbered as section 189.07, Florida
613 Statutes, and amended to read:

614 189.07 ~~189.4042~~ Definitions ~~Merger and dissolution~~
615 ~~procedures.~~—

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

617 (1)(a) "Component independent special district" means an
618 independent special district that proposes to be merged into a
619 merged independent district, or an independent special district



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620 as it existed before its merger into the merged independent
621 district of which it is now a part.

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

628 (3)~~(c)~~ "Governing body" means the governing body of the
629 independent special district in which the general legislative,
630 governmental, or public powers of the district are vested and by
631 authority of which the official business of the district is
632 conducted.

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

636 (5)~~(e)~~ "Joint merger plan" means the merger plan that is
637 adopted by resolution of the governing bodies of two or more
638 independent special districts that outlines the terms and
639 agreements for the official merger of the districts and that is
640 finalized and approved by the governing bodies pursuant to this
641 part section.

642 (6)~~(f)~~ "Merged independent district" means a single
643 independent special district that results from a successful
644 merger of two or more independent special districts pursuant to
645 this part section.

646 (7)~~(g)~~ "Merger" means the combination of two or more
647 contiguous independent special districts resulting in a newly
648 created merged independent district that assumes jurisdiction



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649 over all of the component independent special districts.

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

653 ~~(9)(i)~~ "Proposed elector-initiated merger plan" means a
654 written document that contains the terms and information
655 regarding the merger of two or more independent special
656 districts and that accompanies the petition initiated by the
657 qualified electors of the districts but that is not yet
658 finalized and approved by the governing bodies of each component
659 independent special district pursuant to this part section.

660 ~~(10)(j)~~ "Proposed joint merger plan" means a written
661 document that contains the terms and information regarding the
662 merger of two or more independent special districts and that has
663 been prepared pursuant to a resolution of the governing bodies
664 of the districts but that is not yet finalized and approved by
665 the governing bodies of each component independent special
666 district pursuant to this part section.

667 ~~(11)(k)~~ "Qualified elector" means an individual at least 18
668 years of age who is a citizen of the United States, a permanent
669 resident of this state, and a resident of the district who
670 registers with the supervisor of elections of a county within
671 which the district lands are located when the registration books
672 are open.

673 Section 18. Subsection (2) of section 189.4042, Florida
674 Statutes, is transferred, renumbered as section 189.071, Florida
675 Statutes, and amended to read:

676 189.071 ~~189.4042~~ Merger or ~~and~~ dissolution of a dependent
677 special district procedures.-



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678 ~~(2) MERGER OR DISSOLUTION OF A DEPENDENT SPECIAL DISTRICT.~~

679 (1)(a) The merger or dissolution of a dependent special
680 district may be effectuated by an ordinance of the general-
681 purpose local governmental entity wherein the geographical area
682 of the district or districts is located. However, a county may
683 not dissolve a special district that is dependent to a
684 municipality or vice versa, or a dependent district created by
685 special act.

686 (2)(b) The merger or dissolution of a dependent special
687 district created and operating pursuant to a special act may be
688 effectuated only by further act of the Legislature unless
689 otherwise provided by general law.

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

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

699 Section 19. Subsection (3) of section 189.4042, Florida
700 Statutes, is transferred, renumbered as section 189.072, Florida
701 Statutes, and amended to read:

702 189.072 ~~189.4042~~ Dissolution of an independent special
703 district Merger and dissolution procedures.

704 ~~(3) DISSOLUTION OF AN INDEPENDENT SPECIAL DISTRICT.~~

705 (1)(a) VOLUNTARY DISSOLUTION.—If the governing body ~~board~~
706 of an independent special district created and operating



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707 pursuant to a special act elects, by a majority vote plus one,
708 to dissolve the district, the voluntary dissolution of an
709 independent special district created and operating pursuant to a
710 special act may be effectuated only by the Legislature unless
711 otherwise provided by general law.

712 (2) ~~(b)~~ OTHER DISSOLUTIONS.—

713 (a) ~~1.~~ In order for the Legislature to dissolve an active
714 independent special district created and operating pursuant to a
715 special act, the special act dissolving the active independent
716 special district must be approved by a majority of the resident
717 electors of the district or, for districts in which a majority
718 of governing body ~~board~~ members are elected by landowners, a
719 majority of the landowners voting in the same manner by which
720 the independent special district's governing body is elected. If
721 a local general-purpose government passes an ordinance or
722 resolution in support of the dissolution, the local general-
723 purpose government must pay any expenses associated with the
724 referendum required under this paragraph ~~subparagraph~~.

725 (b) ~~2.~~ If an independent special district was created by a
726 county or municipality by referendum or any other procedure, the
727 county or municipality that created the district may dissolve
728 the district pursuant to a referendum or any other procedure by
729 which the independent special district was created. However, if
730 the independent special district has ad valorem taxation powers,
731 the same procedure required to grant the independent special
732 district ad valorem taxation powers is required to dissolve the
733 district.

734 (3) ~~(e)~~ INACTIVE INDEPENDENT SPECIAL DISTRICTS.—An
735 independent special district that meets any criteria for being



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736 declared inactive, or that has already been declared inactive,
737 pursuant to s. 189.062 ~~189.4044~~ may be dissolved by special act
738 without a referendum. If an inactive independent special
739 district was created by a county or municipality through a
740 referendum, the county or municipality that created the district
741 may dissolve the district after publishing notice as described
742 in s. 189.062 ~~189.4044~~.

743 ~~(4) (d) DEBTS AND ASSETS.~~—Financial allocations of the
744 assets and indebtedness of a dissolved independent special
745 district shall be pursuant to s. 189.076 ~~189.4045~~.

746 Section 20. Subsection (4) of section 189.4042, Florida
747 Statutes, is transferred, renumbered as section 189.073, Florida
748 Statutes, and amended to read:

749 189.073 ~~189.4042~~ Legislative merger of independent special
750 districts ~~Merger and dissolution procedures.~~—

751 ~~(4) LEGISLATIVE MERGER OF INDEPENDENT SPECIAL DISTRICTS.~~—
752 The Legislature, by special act, may merge independent special
753 districts created and operating pursuant to special act.

754 Section 21. Subsection (5) of section 189.4042, Florida
755 Statutes, is transferred, renumbered as section 189.074, Florida
756 Statutes, and amended to read:

757 189.074 ~~189.4042~~ Voluntary merger of independent special
758 districts ~~Merger and dissolution procedures.~~—

759 ~~(5) VOLUNTARY MERGER OF INDEPENDENT SPECIAL DISTRICTS.~~—Two
760 or more contiguous independent special districts created by
761 special act which have similar functions and elected governing
762 bodies may elect to merge into a single independent district
763 through the act of merging the component independent special
764 districts.



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765 (1)~~(a)~~ INITIATION.—Merger proceedings may commence by:
766 (a)~~1.~~ A joint resolution of the governing bodies of each
767 independent special district which endorses a proposed joint
768 merger plan; or
769 (b)~~2.~~ A qualified elector initiative.
770 (2)~~(b)~~ JOINT MERGER PLAN BY RESOLUTION.—The governing
771 bodies of two or more contiguous independent special districts
772 may, by joint resolution, endorse a proposed joint merger plan
773 to commence proceedings to merge the districts pursuant to this
774 section subsection.
775 (a)~~1.~~ The proposed joint merger plan must specify:
776 1.~~a.~~ The name of each component independent special
777 district to be merged;
778 2.~~b.~~ The name of the proposed merged independent district;
779 3.~~c.~~ The rights, duties, and obligations of the proposed
780 merged independent district;
781 4.~~d.~~ The territorial boundaries of the proposed merged
782 independent district;
783 5.~~e.~~ The governmental organization of the proposed merged
784 independent district insofar as it concerns elected and
785 appointed officials and public employees, along with a
786 transitional plan and schedule for elections and appointments of
787 officials;
788 6.~~f.~~ A fiscal estimate of the potential cost or savings as
789 a result of the merger;
790 7.~~g.~~ Each component independent special district's assets,
791 including, but not limited to, real and personal property, and
792 the current value thereof;
793 8.~~h.~~ Each component independent special district's



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794 liabilities and indebtedness, bonded and otherwise, and the
795 current value thereof;

796 ~~9.i.~~ Terms for the assumption and disposition of existing
797 assets, liabilities, and indebtedness of each component
798 independent special district jointly, separately, or in defined
799 proportions;

800 ~~10.j.~~ Terms for the common administration and uniform
801 enforcement of existing laws within the proposed merged
802 independent district;

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

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

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

810 ~~(b)2.~~ The resolution endorsing the proposed joint merger
811 plan must be approved by a majority vote of the governing bodies
812 of each component independent special district and adopted at
813 least 60 business days before any general or special election on
814 the proposed joint merger plan.

815 ~~(c)3.~~ Within 5 business days after the governing bodies
816 approve the resolution endorsing the proposed joint merger plan,
817 the governing bodies must:

818 ~~1.a.~~ Cause a copy of the proposed joint merger plan, along
819 with a descriptive summary of the plan, to be displayed and be
820 readily accessible to the public for inspection in at least
821 three public places within the territorial limits of each
822 component independent special district, unless a component



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

826 ~~2.b.~~ If applicable, cause the proposed joint merger plan,
827 along with a descriptive summary of the plan and a reference to
828 the public places within each component independent special
829 district where a copy of the merger plan may be examined, to be
830 displayed on a website maintained by each district or on a
831 website maintained by the county or municipality in which the
832 districts are located; and

833 ~~3.e.~~ Arrange for a descriptive summary of the proposed
834 joint merger plan, and a reference to the public places within
835 the district where a copy may be examined, to be published in a
836 newspaper of general circulation within the component
837 independent special districts at least once each week for 4
838 successive weeks.

839 ~~(d)4.~~ The governing body of each component independent
840 special district shall set a time and place for one or more
841 public hearings on the proposed joint merger plan. Each public
842 hearing shall be held on a weekday at least 7 business days
843 after the day the first advertisement is published on the
844 proposed joint merger plan. The hearing or hearings may be held
845 jointly or separately by the governing bodies of the component
846 independent special districts. Any interested person residing in
847 the respective district shall be given a reasonable opportunity
848 to be heard on any aspect of the proposed merger at the public
849 hearing.

850 ~~1.a.~~ Notice of the public hearing addressing the resolution
851 for the proposed joint merger plan must be published pursuant to



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852 the notice requirements in s. 189.015 ~~189.417~~ and must provide a
853 descriptive summary of the proposed joint merger plan and a
854 reference to the public places within the component independent
855 special districts where a copy of the plan may be examined.

856 ~~2.b.~~ After the final public hearing, the governing bodies
857 of each component independent special district may amend the
858 proposed joint merger plan if the amended version complies with
859 the notice and public hearing requirements provided in this
860 section ~~subsection~~. Thereafter, the governing bodies may approve
861 a final version of the joint merger plan or decline to proceed
862 further with the merger. Approval by the governing bodies of the
863 final version of the joint merger plan must occur within 60
864 business days after the final hearing.

865 ~~(e)5.~~ After the final public hearing, the governing bodies
866 shall notify the supervisors of elections of the applicable
867 counties in which district lands are located of the adoption of
868 the resolution by each governing body. The supervisors of
869 elections shall schedule a separate referendum for each
870 component independent special district. The referenda may be
871 held in each district on the same day, or on different days, but
872 no more than 20 days apart.

873 ~~1.a.~~ Notice of a referendum on the merger of independent
874 special districts must be provided pursuant to the notice
875 requirements in s. 100.342. At a minimum, the notice must
876 include:

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

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



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881 ~~c.-(III)~~ The names of the component independent special
882 districts to be merged and a description of their territory;
883 ~~d.-(IV)~~ The times and places at which the referendum will be
884 held; and
885 ~~e.-(V)~~ Such other matters as may be necessary to call,
886 provide for, and give notice of the referendum and to provide
887 for the conduct thereof and the canvass of the returns.
888 ~~2.b.~~ The referenda must be held in accordance with the
889 Florida Election Code and may be held pursuant to ss. 101.6101-
890 101.6107. All costs associated with the referenda shall be borne
891 by the respective component independent special district.
892 ~~3.e.~~ The ballot question in such referendum placed before
893 the qualified electors of each component independent special
894 district to be merged must be in substantially the following
895 form:
896 "Shall ...(name of component independent special
897 district)... and ...(name of component independent special
898 district or districts)... be merged into ...(name of newly
899 merged independent district)...?
900
901 YES
902 NO"
903
904 ~~4.d.~~ If the component independent special districts
905 proposing to merge have disparate millage rates, the ballot
906 question in the referendum placed before the qualified electors
907 of each component independent special district must be in
908 substantially the following form:
909



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910 "Shall ... (name of component independent special
911 district)... and ... (name of component independent special
912 district or districts)... be merged into ... (name of newly
913 merged independent district)... if the voter-approved maximum
914 millage rate within each independent special district will not
915 increase absent a subsequent referendum?

916
917YES

918NO"

919

920 ~~5.e.~~ In any referendum held pursuant to this section
921 ~~subsection~~, the ballots shall be counted, returns made and
922 canvassed, and results certified in the same manner as other
923 elections or referenda for the component independent special
924 districts.

925 ~~6.f.~~ The merger may not take effect unless a majority of
926 the votes cast in each component independent special district
927 are in favor of the merger. If one of the component districts
928 does not obtain a majority vote, the referendum fails, and
929 merger does not take effect.

930 ~~7.g.~~ If the merger is approved by a majority of the votes
931 cast in each component independent special district, the merged
932 independent district is created. Upon approval, the merged
933 independent district shall notify the Special District
934 Accountability Information Program pursuant to s. 189.016(2)
935 ~~189.418(2)~~ and the local general-purpose governments in which
936 any part of the component independent special districts is
937 situated pursuant to s. 189.016(7) ~~189.418(7)~~.

938 ~~8.h.~~ If the referendum fails, the merger process under this



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939 ~~subsection paragraph~~ may not be initiated for the same purpose
940 within 2 years after the date of the referendum.

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

945 ~~(3)(e)~~ QUALIFIED ELECTOR-INITIATED MERGER PLAN.—The
946 qualified electors of two or more contiguous independent special
947 districts may commence a merger proceeding by each filing a
948 petition with the governing body of their respective independent
949 special district proposing to be merged. The petition must
950 contain the signatures of at least 40 percent of the qualified
951 electors of each component independent special district and must
952 be submitted to the appropriate component independent special
953 district governing body no later than 1 year after the start of
954 the qualified elector-initiated merger process.

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

957
958 PETITION FOR
959 INDEPENDENT SPECIAL DISTRICT MERGER
960

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



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968 independent special district)... and ...(name of component
969 independent special district or districts)....

970

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

973

974 Date Name Home Address
975 (print under signature)

976

977

.....

978

979

.....

980

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

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

989 "I, ...(name of witness)..., state that I am a duly
990 qualified voter of ...(name of independent special district)....
991 Each of the ...(insert number)... persons who have signed this
992 petition sheet has signed his or her name in my presence on the
993 dates indicated above and identified himself or herself to be
994 the same person who signed the sheet. I understand that this
995 statement will be accepted for all purposes as the equivalent of
996 an affidavit and, if it contains a materially false statement,



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997 shall subject me to the penalties of perjury.”

998 Date Signature of Witness

999 ~~2.b.~~ A statement that is signed by a notary public or
 1000 another person authorized to take acknowledgments must be in
 1001 substantially the following form:

1002 “On the date indicated above before me personally came each
 1003 of the ... (insert number)... electors and legal voters whose
 1004 signatures appear on this petition sheet, who signed the
 1005 petition in my presence and who, being by me duly sworn, each
 1006 for himself or herself, identified himself or herself as the
 1007 same person who signed the petition, and I declare that the
 1008 foregoing information they provided was true.”

1009 Date Signature of Witness

1010 ~~3.e.~~ An alteration or correction of information appearing
 1011 on a petition’s signature line, other than an uninitialed
 1012 signature and date, does not invalidate such signature. In
 1013 matters of form, this subsection ~~paragraph~~ shall be liberally
 1014 construed, not inconsistent with substantial compliance thereto
 1015 and the prevention of fraud.

1016 ~~4.d.~~ The appropriately signed petition must be filed with
 1017 the governing body of each component independent special
 1018 district. The petition must be submitted to the supervisors of
 1019 elections of the counties in which the district lands are
 1020 located. The supervisors shall, within 30 business days after
 1021 receipt of the petitions, certify to the governing bodies the
 1022 number of signatures of qualified electors contained on the
 1023 petitions.

1024 ~~(c)3.~~ Upon verification by the supervisors of elections of
 1025 the counties within which component independent special district



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1026 lands are located that 40 percent of the qualified electors have
1027 petitioned for merger and that all such petitions have been
1028 executed within 1 year after the date of the initiation of the
1029 qualified-elector merger process, the governing bodies of each
1030 component independent special district shall meet within 30
1031 business days to prepare and approve by resolution a proposed
1032 elector-initiated merger plan. The proposed plan must include:
1033 ~~1.a.~~ The name of each component independent special
1034 district to be merged;
1035 ~~2.b.~~ The name of the proposed merged independent district;
1036 ~~3.c.~~ The rights, duties, and obligations of the merged
1037 independent district;
1038 ~~4.d.~~ The territorial boundaries of the proposed merged
1039 independent district;
1040 ~~5.e.~~ The governmental organization of the proposed merged
1041 independent district insofar as it concerns elected and
1042 appointed officials and public employees, along with a
1043 transitional plan and schedule for elections and appointments of
1044 officials;
1045 ~~6.f.~~ A fiscal estimate of the potential cost or savings as
1046 a result of the merger;
1047 ~~7.g.~~ Each component independent special district's assets,
1048 including, but not limited to, real and personal property, and
1049 the current value thereof;
1050 ~~8.h.~~ Each component independent special district's
1051 liabilities and indebtedness, bonded and otherwise, and the
1052 current value thereof;
1053 ~~9.i.~~ Terms for the assumption and disposition of existing
1054 assets, liabilities, and indebtedness of each component



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1055 independent special district, jointly, separately, or in defined
1056 proportions;

1057 ~~10.j.~~ Terms for the common administration and uniform
1058 enforcement of existing laws within the proposed merged
1059 independent district;

1060 ~~11.k.~~ The times and places for public hearings on the
1061 proposed joint merger plan; and

1062 ~~12.l.~~ The effective date of the proposed merger.

1063 ~~(d)4.~~ The resolution endorsing the proposed elector-
1064 initiated merger plan must be approved by a majority vote of the
1065 governing bodies of each component independent special district
1066 and must be adopted at least 60 business days before any general
1067 or special election on the proposed elector-initiated plan.

1068 ~~(e)5.~~ Within 5 business days after the governing bodies of
1069 each component independent special district approve the proposed
1070 elector-initiated merger plan, the governing bodies shall:

1071 ~~1.a.~~ Cause a copy of the proposed elector-initiated merger
1072 plan, along with a descriptive summary of the plan, to be
1073 displayed and be readily accessible to the public for inspection
1074 in at least three public places within the territorial limits of
1075 each component independent special district, unless a component
1076 independent special district has fewer than three public places,
1077 in which case the plan must be accessible for inspection in all
1078 public places within the component independent special district;

1079 ~~2.b.~~ If applicable, cause the proposed elector-initiated
1080 merger plan, along with a descriptive summary of the plan and a
1081 reference to the public places within each component independent
1082 special district where a copy of the merger plan may be
1083 examined, to be displayed on a website maintained by each



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1084 district or otherwise on a website maintained by the county or
1085 municipality in which the districts are located; and

1086 ~~3.e.~~ Arrange for a descriptive summary of the proposed
1087 elector-initiated merger plan, and a reference to the public
1088 places within the district where a copy may be examined, to be
1089 published in a newspaper of general circulation within the
1090 component independent special districts at least once each week
1091 for 4 successive weeks.

1092 ~~(f)6.~~ The governing body of each component independent
1093 special district shall set a time and place for one or more
1094 public hearings on the proposed elector-initiated merger plan.
1095 Each public hearing shall be held on a weekday at least 7
1096 business days after the day the first advertisement is published
1097 on the proposed elector-initiated merger plan. The hearing or
1098 hearings may be held jointly or separately by the governing
1099 bodies of the component independent special districts. Any
1100 interested person residing in the respective district shall be
1101 given a reasonable opportunity to be heard on any aspect of the
1102 proposed merger at the public hearing.

1103 ~~1.a.~~ Notice of the public hearing on the proposed elector-
1104 initiated merger plan must be published pursuant to the notice
1105 requirements in s. 189.015 ~~189.417~~ and must provide a
1106 descriptive summary of the elector-initiated merger plan and a
1107 reference to the public places within the component independent
1108 special districts where a copy of the plan may be examined.

1109 ~~2.b.~~ After the final public hearing, the governing bodies
1110 of each component independent special district may amend the
1111 proposed elector-initiated merger plan if the amended version
1112 complies with the notice and public hearing requirements



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1113 provided in this section ~~subsection~~. The governing bodies must
1114 approve a final version of the merger plan within 60 business
1115 days after the final hearing.

1116 ~~(g)~~ After the final public hearing, the governing bodies
1117 shall notify the supervisors of elections of the applicable
1118 counties in which district lands are located of the adoption of
1119 the resolution by each governing body. The supervisors of
1120 elections shall schedule a date for the separate referenda for
1121 each district. The referenda may be held in each district on the
1122 same day, or on different days, but no more than 20 days apart.

1123 ~~1.a.~~ Notice of a referendum on the merger of the component
1124 independent special districts must be provided pursuant to the
1125 notice requirements in s. 100.342. At a minimum, the notice must
1126 include:

1127 ~~a.(I)~~ A brief summary of the resolution and elector-
1128 initiated merger plan;

1129 ~~b.(II)~~ A statement as to where a copy of the resolution and
1130 petition for merger may be examined;

1131 ~~c.(III)~~ The names of the component independent special
1132 districts to be merged and a description of their territory;

1133 ~~d.(IV)~~ The times and places at which the referendum will be
1134 held; and

1135 ~~e.(V)~~ Such other matters as may be necessary to call,
1136 provide for, and give notice of the referendum and to provide
1137 for the conduct thereof and the canvass of the returns.

1138 ~~2.b.~~ The referenda must be held in accordance with the
1139 Florida Election Code and may be held pursuant to ss. 101.6101-
1140 101.6107. All costs associated with the referenda shall be borne
1141 by the respective component independent special district.



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1142 ~~3.e.~~ The ballot question in such referendum placed before
1143 the qualified electors of each component independent special
1144 district to be merged must be in substantially the following
1145 form:

1146 "Shall ...(name of component independent special
1147 district)... and ...(name of component independent special
1148 district or districts)... be merged into ...(name of newly
1149 merged independent district)...?"

1150 YES

1151 NO"

1152 ~~4.d.~~ If the component independent special districts
1153 proposing to merge have disparate millage rates, the ballot
1154 question in the referendum placed before the qualified electors
1155 of each component independent special district must be in
1156 substantially the following form:

1157 "Shall ...(name of component independent special
1158 district)... and ...(name of component independent special
1159 district or districts)... be merged into ...(name of newly
1160 merged independent district)... if the voter-approved maximum
1161 millage rate within each independent special district will not
1162 increase absent a subsequent referendum?"

1163 YES

1164 NO"

1165 ~~5.e.~~ In any referendum held pursuant to this section
1166 ~~subsection~~, the ballots shall be counted, returns made and
1167 canvassed, and results certified in the same manner as other
1168 elections or referenda for the component independent special
1169 districts.

1170 ~~6.f.~~ The merger may not take effect unless a majority of



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1171 the votes cast in each component independent special district
1172 are in favor of the merger. If one of the component independent
1173 special districts does not obtain a majority vote, the
1174 referendum fails, and merger does not take effect.

1175 ~~7.g.~~ If the merger is approved by a majority of the votes
1176 cast in each component independent special district, the merged
1177 district shall notify the Special District Accountability
1178 ~~Information~~ Program pursuant to s. 189.016(2) ~~189.418(2)~~ and the
1179 local general-purpose governments in which any part of the
1180 component independent special districts is situated pursuant to
1181 s. 189.016(7) ~~189.418(7)~~.

1182 ~~8.h.~~ If the referendum fails, the merger process under this
1183 subsection ~~paragraph~~ may not be initiated for the same purpose
1184 within 2 years after the date of the referendum.

1185 ~~(h)g.~~ Component independent special districts merged
1186 pursuant to an elector-initiated merger plan shall continue to
1187 be governed as before the merger until the effective date
1188 specified in the adopted elector-initiated merger plan.

1189 ~~(4)(d)~~ EFFECTIVE DATE.—The effective date of the merger
1190 shall be as provided in the joint merger plan or elector-
1191 initiated merger plan, as appropriate, and is not contingent
1192 upon the future act of the Legislature.

1193 ~~(a)1.~~ However, as soon as practicable, the merged
1194 independent district shall, at its own expense, submit a unified
1195 charter for the merged district to the Legislature for approval.
1196 The unified charter must make the powers of the district
1197 consistent within the merged independent district and repeal the
1198 special acts of the districts which existed before the merger.

1199 ~~(b)2.~~ Within 30 business days after the effective date of



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1200 the merger, the merged independent district's governing body, as
1201 indicated in this section ~~subsection~~, shall hold an
1202 organizational meeting to implement the provisions of the joint
1203 merger plan or elector-initiated merger plan, as appropriate.

1204 (5) ~~(e)~~ RESTRICTIONS DURING TRANSITION PERIOD.—Until the
1205 Legislature formally approves the unified charter pursuant to a
1206 special act, each component independent special district is
1207 considered a subunit of the merged independent district subject
1208 to the following restrictions:

1209 (a) ~~1.~~ During the transition period, the merged independent
1210 district is limited in its powers and financing capabilities
1211 within each subunit to those powers that existed within the
1212 boundaries of each subunit which were previously granted to the
1213 component independent special district in its existing charter
1214 before the merger. The merged independent district may not,
1215 solely by reason of the merger, increase its powers or financing
1216 capability.

1217 (b) ~~2.~~ During the transition period, the merged independent
1218 district shall exercise only the legislative authority to levy
1219 and collect revenues within the boundaries of each subunit which
1220 was previously granted to the component independent special
1221 district by its existing charter before the merger, including
1222 the authority to levy ad valorem taxes, non-ad valorem
1223 assessments, impact fees, and charges.

1224 1.a. The merged independent district may not, solely by
1225 reason of the merger or the legislatively approved unified
1226 charter, increase ad valorem taxes on property within the
1227 original limits of a subunit beyond the maximum millage rate
1228 approved by the electors of the component independent special



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1229 district unless the electors of such subunit approve an increase
1230 at a subsequent referendum of the subunit's electors. Each
1231 subunit may be considered a separate taxing unit.

1232 ~~2.b.~~ The merged independent district may not, solely by
1233 reason of the merger, charge non-ad valorem assessments, impact
1234 fees, or other new fees within a subunit which were not
1235 otherwise previously authorized to be charged.

1236 ~~(c)3.~~ During the transition period, each component
1237 independent special district of the merged independent district
1238 must continue to file all information and reports required under
1239 this chapter as subunits until the Legislature formally approves
1240 the unified charter pursuant to a special act.

1241 ~~(d)4.~~ The intent of this part section is to preserve and
1242 transfer to the merged independent district all authority that
1243 exists within each subunit and was previously granted by the
1244 Legislature and, if applicable, by referendum.

1245 ~~(6)(f)~~ EFFECT OF MERGER, GENERALLY.—On and after the
1246 effective date of the merger, the merged independent district
1247 shall be treated and considered for all purposes as one entity
1248 under the name and on the terms and conditions set forth in the
1249 joint merger plan or elector-initiated merger plan, as
1250 appropriate.

1251 ~~(a)4.~~ All rights, privileges, and franchises of each
1252 component independent special district and all assets, real and
1253 personal property, books, records, papers, seals, and equipment,
1254 as well as other things in action, belonging to each component
1255 independent special district before the merger shall be deemed
1256 as transferred to and vested in the merged independent district
1257 without further act or deed.



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1258 (b)2. All property, rights-of-way, and other interests are
1259 as effectually the property of the merged independent district
1260 as they were of the component independent special district
1261 before the merger. The title to real estate, by deed or
1262 otherwise, under the laws of this state vested in any component
1263 independent special district before the merger may not be deemed
1264 to revert or be in any way impaired by reason of the merger.

1265 (c)3. The merged independent district is in all respects
1266 subject to all obligations and liabilities imposed and possesses
1267 all the rights, powers, and privileges vested by law in other
1268 similar entities.

1269 (d)4. Upon the effective date of the merger, the joint
1270 merger plan or elector-initiated merger plan, as appropriate, is
1271 subordinate in all respects to the contract rights of all
1272 holders of any securities or obligations of the component
1273 independent special districts outstanding at the effective date
1274 of the merger.

1275 (e)5. The new registration of electors is not necessary as
1276 a result of the merger, but all elector registrations of the
1277 component independent special districts shall be transferred to
1278 the proper registration books of the merged independent
1279 district, and new registrations shall be made as provided by law
1280 as if no merger had taken place.

1281 (7)(g) GOVERNING BODY OF MERGED INDEPENDENT DISTRICT.—

1282 (a)1. From the effective date of the merger until the next
1283 general election, the governing body of the merged independent
1284 district shall be comprised of the governing body members of
1285 each component independent special district, with such members
1286 serving until the governing body members elected at the next



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1287 general election take office.

1288 ~~(b)2-~~ Beginning with the next general election following
1289 the effective date of merger, the governing body of the merged
1290 independent district shall be comprised of five members. The
1291 office of each governing body member shall be designated by
1292 seat, which shall be distinguished from other body member seats
1293 by an assigned numeral: 1, 2, 3, 4, or 5. The governing body
1294 members that are elected in this initial election following the
1295 merger shall serve unequal terms of 2 and 4 years in order to
1296 create staggered membership of the governing body, with:

1297 ~~1.a-~~ Member seats 1, 3, and 5 being designated for 4-year
1298 terms; and

1299 ~~2.b-~~ Member seats 2 and 4 being designated for 2-year
1300 terms.

1301 ~~(c)3-~~ In general elections thereafter, all governing body
1302 members shall serve 4-year terms.

1303 ~~(8)(h)~~ EFFECT ON EMPLOYEES.—Except as otherwise provided by
1304 law and except for those officials and employees protected by
1305 tenure of office, civil service provisions, or a collective
1306 bargaining agreement, upon the effective date of merger, all
1307 appointive offices and positions existing in all component
1308 independent special districts involved in the merger are subject
1309 to the terms of the joint merger plan or elector-initiated
1310 merger plan, as appropriate. Such plan may provide for instances
1311 in which there are duplications of positions and for other
1312 matters such as varying lengths of employee contracts, varying
1313 pay levels or benefits, different civil service regulations in
1314 the constituent entities, and differing ranks and position
1315 classifications for similar positions. For those employees who



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1316 are members of a bargaining unit certified by the Public
1317 Employees Relations Commission, the requirements of chapter 447
1318 apply.

1319 (9)~~(i)~~ EFFECT ON DEBTS, LIABILITIES, AND OBLIGATIONS.—

1320 (a)~~1-~~ All valid and lawful debts and liabilities existing
1321 against a merged independent district, or which may arise or
1322 accrue against the merged independent district, which but for
1323 merger would be valid and lawful debts or liabilities against
1324 one or more of the component independent special districts, are
1325 debts against or liabilities of the merged independent district
1326 and accordingly shall be defrayed and answered to by the merged
1327 independent district to the same extent, and no further than,
1328 the component independent special districts would have been
1329 bound if a merger had not taken place.

1330 (b)~~2-~~ The rights of creditors and all liens upon the
1331 property of any of the component independent special districts
1332 shall be preserved unimpaired. The respective component
1333 districts shall be deemed to continue in existence to preserve
1334 such rights and liens, and all debts, liabilities, and duties of
1335 any of the component districts attach to the merged independent
1336 district.

1337 (c)~~3-~~ All bonds, contracts, and obligations of the
1338 component independent special districts which exist as legal
1339 obligations are obligations of the merged independent district,
1340 and all such obligations shall be issued or entered into by and
1341 in the name of the merged independent district.

1342 (10)~~(j)~~ EFFECT ON ACTIONS AND PROCEEDINGS.—In any action or
1343 proceeding pending on the effective date of merger to which a
1344 component independent special district is a party, the merged



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1345 independent district may be substituted in its place, and the
1346 action or proceeding may be prosecuted to judgment as if merger
1347 had not taken place. Suits may be brought and maintained against
1348 a merged independent district in any state court in the same
1349 manner as against any other independent special district.

1350 (11) ~~(k)~~ EFFECT ON ANNEXATION.—Chapter 171 continues to
1351 apply to all annexations by a city within the component
1352 independent special districts' boundaries after merger occurs.
1353 Any moneys owed to a component independent special district
1354 pursuant to s. 171.093, or any interlocal service boundary
1355 agreement as a result of annexation predating the merger, shall
1356 be paid to the merged independent district after merger.

1357 (12) ~~(l)~~ EFFECT ON MILLAGE CALCULATIONS.—The merged
1358 independent special district is authorized to continue or
1359 conclude procedures under chapter 200 on behalf of the component
1360 independent special districts. The merged independent special
1361 district shall make the calculations required by chapter 200 for
1362 each component individual special district separately.

1363 (13) ~~(m)~~ DETERMINATION OF RIGHTS.—If any right, title,
1364 interest, or claim arises out of a merger or by reason thereof
1365 which is not determinable by reference to this subsection, the
1366 joint merger plan or elector-initiated merger plan, as
1367 appropriate, or otherwise under the laws of this state, the
1368 governing body of the merged independent district may provide
1369 therefor in a manner conforming to law.

1370 (14) ~~(n)~~ EXEMPTION.—This section ~~subsection~~ does not apply
1371 to independent special districts whose governing bodies are
1372 elected by district landowners voting the acreage owned within
1373 the district.



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1374 (15)~~(e)~~ PREEMPTION.—This section ~~subsection~~ preempts any
1375 special act to the contrary.

1376 Section 22. Subsection (6) of section 189.4042, Florida
1377 Statutes, is transferred, renumbered as section 189.075, Florida
1378 Statutes, and amended to read:

1379 189.075 ~~189.4042~~ Involuntary merger of independent special
1380 districts ~~Merger and dissolution procedures.~~—

1381 ~~(6) INVOLUNTARY MERGER OF INDEPENDENT SPECIAL DISTRICTS.~~—

1382 (1)~~(a)~~ INDEPENDENT SPECIAL DISTRICTS CREATED BY SPECIAL
1383 ACT.—In order for the Legislature to merge an active independent
1384 special district or districts created and operating pursuant to
1385 a special act, the special act merging the active independent
1386 special district or districts must be approved at separate
1387 referenda of the impacted local governments by a majority of the
1388 resident electors or, for districts in which a majority of
1389 governing body ~~board~~ members are elected by landowners, a
1390 majority of the landowners voting in the same manner by which
1391 each independent special district's governing body is elected.
1392 The special act merging the districts must include a plan of
1393 merger that addresses transition issues such as the effective
1394 date of the merger, governance, administration, powers,
1395 pensions, and assumption of all assets and liabilities. If a
1396 local general-purpose government passes an ordinance or
1397 resolution in support of the merger of an active independent
1398 special district, the local general-purpose government must pay
1399 any expenses associated with the referendum required under this
1400 subsection ~~paragraph~~.

1401 (2)~~(b)~~ INDEPENDENT SPECIAL DISTRICTS CREATED BY A COUNTY OR
1402 MUNICIPALITY.—A county or municipality may merge an independent



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1403 special district created by the county or municipality pursuant
1404 to a referendum or any other procedure by which the independent
1405 special district was created. However, if the independent
1406 special district has ad valorem taxation powers, the same
1407 procedure required to grant the independent special district ad
1408 valorem taxation powers is required to merge the district. The
1409 political subdivisions proposing the involuntary merger of an
1410 active independent special district must pay any expenses
1411 associated with the referendum required under this subsection
1412 paragraph.

1413 (3) ~~(C)~~ INACTIVE INDEPENDENT SPECIAL DISTRICTS.—An
1414 independent special district that meets any criteria for being
1415 declared inactive, or that has already been declared inactive,
1416 pursuant to s. 189.062 ~~189.4044~~ may be merged by special act
1417 without a referendum.

1418 Section 23. Subsection (7) of section 189.4042, Florida
1419 Statutes, is transferred, renumbered as section 189.0761,
1420 Florida Statutes, and amended to read:

1421 189.0761 ~~189.4042~~ ~~Merger and dissolution procedures.~~

1422 ~~(7)~~ Exemptions.—This part section does not apply to
1423 community development districts implemented pursuant to chapter
1424 190 or to water management districts created and operated
1425 pursuant to chapter 373.

1426 Section 24. Section 189.4044, Florida Statutes, is
1427 transferred and renumbered as section 189.062, Florida Statutes,
1428 subsections (1) and (3) of that section are amended, and
1429 subsections (5) and (6) are added to that section, to read:

1430 189.062 ~~189.4044~~ Special procedures for inactive
1431 districts.—



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1432 (1) The department shall declare inactive any special
1433 district in this state by documenting that:

1434 (a) The special district meets one of the following
1435 criteria:

1436 1. The registered agent of the district, the chair of the
1437 governing body of the district, or the governing body of the
1438 appropriate local general-purpose government notifies the
1439 department in writing that the district has taken no action for
1440 2 or more years.~~†~~

1441 ~~2. Following an inquiry from the department,~~ The registered
1442 agent of the district, the chair of the governing body of the
1443 district, or the governing body of the appropriate local
1444 general-purpose government notifies the department in writing
1445 that the district has not had a governing body board or a
1446 sufficient number of governing body board members to constitute
1447 a quorum for 2 or more years.

1448 ~~3. or~~ 3. The registered agent of the district, the chair of
1449 the governing body of the district, or the governing body of the
1450 appropriate local general-purpose government fails to respond to
1451 an the department's inquiry from the department within 21 days.~~†~~

1452 ~~4.3.~~ The department determines, pursuant to s. 189.067
1453 ~~189.421,~~ that the district has failed to file any of the reports
1454 listed in s. 189.066. ~~189.419;~~

1455 ~~5.4.~~ The district has not had a registered office and agent
1456 on file with the department for 1 or more years.~~† or~~

1457 ~~6.5.~~ The governing body of a special district provides
1458 documentation to the department that it has unanimously adopted
1459 a resolution declaring the special district inactive. The
1460 special district shall be responsible for payment of any



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1461 expenses associated with its dissolution. A special district
1462 declared inactive pursuant to this subparagraph may be dissolved
1463 without a referendum.

1464 (b) The department, special district, or local general-
1465 purpose government published a notice of proposed declaration of
1466 inactive status in a newspaper of general circulation in the
1467 county or municipality in which the territory of the special
1468 district is located and sent a copy of such notice by certified
1469 mail to the registered agent or chair of the governing body
1470 ~~board~~, if any. Such notice must include the name of the special
1471 district, the law under which it was organized and operating, a
1472 general description of the territory included in the special
1473 district, and a statement that any objections must be filed
1474 pursuant to chapter 120 within 21 days after the publication
1475 date; and

1476 (c) Twenty-one days have elapsed from the publication date
1477 of the notice of proposed declaration of inactive status and no
1478 administrative appeals were filed.

1479 (3) In the case of a district created by special act of the
1480 Legislature, the department shall send a notice of declaration
1481 of inactive status to the Speaker of the House of
1482 Representatives, ~~and~~ the President of the Senate, the standing
1483 committees of the Senate and the House of Representatives
1484 charged with special district oversight as determined by the
1485 presiding officers of each respective chamber, and the
1486 Legislative Auditing Committee. The notice of declaration of
1487 inactive status shall reference each known special act creating
1488 or amending the charter of any special district declared to be
1489 inactive under this section. The declaration of inactive status



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1490 shall be sufficient notice as required by s. 10, Art. III of the
1491 State Constitution to authorize the Legislature to repeal any
1492 special laws so reported. In the case of a district created by
1493 one or more local general-purpose governments, the department
1494 shall send a notice of declaration of inactive status to the
1495 chair of the governing body of each local general-purpose
1496 government that created the district. In the case of a district
1497 created by interlocal agreement, the department shall send a
1498 notice of declaration of inactive status to the chair of the
1499 governing body of each local general-purpose government which
1500 entered into the interlocal agreement.

1501 (5) A special district declared inactive under this section
1502 may not collect taxes, fees, or assessments unless the
1503 declaration is:

1504 (a) Withdrawn or revoked by the department; or

1505 (b) Invalidated in proceedings initiated by the special
1506 district within 30 days after the date written notice of the
1507 declaration was provided to the special district governing body
1508 by physical or electronic delivery, receipt confirmed. The
1509 special district governing body may initiate invalidation
1510 proceedings within the period authorized in this paragraph by:

1511 1. Filing with the department a petition for an
1512 administrative hearing pursuant to s. 120.569; or

1513 2. Filing an action for declaratory and injunctive relief
1514 under chapter 86 in the circuit court of the judicial circuit in
1515 which the majority of the geographic area of the district is
1516 located.

1517 (6) If the governing body of a special district that is
1518 declared inactive pursuant to this section does not initiate a



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1519 timely challenge to such declaration or if the department
1520 prevails in a proceeding initiated under subsection (5), the
1521 department may enforce the prohibitions in subsection (5) by
1522 filing a petition for enforcement with the circuit court in and
1523 for Leon County. The petition may request declaratory,
1524 injunctive, or other equitable relief, including the appointment
1525 of a receiver, and any forfeiture or other remedy provided by
1526 law. The prevailing party shall be awarded costs of litigation
1527 and reasonable attorney fees in any proceeding brought under
1528 this subsection and subsection (5).

1529 Section 25. Section 189.4045, Florida Statutes, is
1530 transferred and renumbered as section 189.076, Florida Statutes.

1531 Section 26. Section 189.4047, Florida Statutes, is
1532 transferred and renumbered as section 189.021, Florida Statutes.

1533 Section 27. Subsections (1), (2), (3), (4), (6), and (7) of
1534 section 189.405, Florida Statutes, are transferred and
1535 renumbered as subsections (1) through (6) of section 189.04,
1536 Florida Statutes, respectively, and present subsection (1),
1537 paragraph (c) of present subsection (2), and present subsections
1538 (3), (4), and (7) of that section are amended, to read:

1539 189.04 ~~189.405~~ Elections; general requirements and
1540 ~~procedures; education programs.-~~

1541 (1) If a dependent special district has an elected
1542 governing body ~~board~~, elections shall be conducted by the
1543 supervisor of elections of the county wherein the district is
1544 located in accordance with the Florida Election Code, chapters
1545 97-106.

1546 (2)

1547 (c) A candidate for a position on a governing body ~~board~~ of



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1548 a single-county special district that has its elections
1549 conducted by the supervisor of elections shall qualify for the
1550 office with the county supervisor of elections in whose
1551 jurisdiction the district is located. Elections for governing
1552 body ~~board~~ members elected by registered electors shall be
1553 nonpartisan, except when partisan elections are specified by a
1554 district's charter. Candidates shall qualify as directed by
1555 chapter 99. The qualifying fee shall be remitted to the general
1556 revenue fund of the qualifying officer to help defray the cost
1557 of the election.

1558 (3) (a) If a multicounty special district has a popularly
1559 elected governing body ~~board~~, elections for the purpose of
1560 electing members to such governing body ~~board~~ shall conform to
1561 the Florida Election Code, chapters 97-106.

1562 (b) With the exception of those districts conducting
1563 elections on a one-acre/one-vote basis, qualifying for
1564 multicounty special district governing body ~~board~~ positions
1565 shall be coordinated by the Department of State. Elections for
1566 governing body ~~board~~ members elected by registered electors
1567 shall be nonpartisan, except when partisan elections are
1568 specified by a district's charter. Candidates shall qualify as
1569 directed by chapter 99. The qualifying fee shall be remitted to
1570 the Department of State.

1571 (4) With the exception of elections of special district
1572 governing body ~~board~~ members conducted on a one-acre/one-vote
1573 basis, in any election conducted in a special district the
1574 decision made by a majority of those voting shall prevail,
1575 except as otherwise specified by law.

1576 (6) ~~(7)~~ Nothing in this act requires that a special district



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1577 governed by an appointed governing body ~~board~~ convert to an
1578 elected governing body ~~board~~.

1579 Section 28. Subsection (5) of section 189.405, Florida
1580 Statutes, is transferred, renumbered as section 189.063, Florida
1581 Statutes, and amended to read:

1582 189.063 ~~189.405~~ Education programs for new members of
1583 district governing bodies ~~Elections; general requirements and~~
1584 ~~procedures; education programs.-~~

1585 ~~(1)(5)(a)~~ The department may provide, contract for, or
1586 assist in conducting education programs, as its budget permits,
1587 for all newly elected or appointed members of district governing
1588 bodies ~~boards~~. The education programs shall include, but are not
1589 limited to, courses on the code of ethics for public officers
1590 and employees, public meetings and public records requirements,
1591 public finance, and parliamentary procedure. ~~Course content may~~
1592 ~~be offered by means of the following: videotapes, live seminars,~~
1593 ~~workshops, conferences, teleconferences, computer-based~~
1594 ~~training, multimedia presentations, or other available~~
1595 ~~instructional methods.~~

1596 ~~(2)(b)~~ An individual district governing body ~~board~~, at its
1597 discretion, may bear the costs associated with educating its
1598 members. Governing body ~~Board~~ members of districts which have
1599 qualified for a zero annual fee for the most recent invoicing
1600 period pursuant to s. 189.018 are ~~189.427~~ shall not be required
1601 to pay a fee for any education program the department provides,
1602 contracts for, or assists in conducting.

1603 Section 29. Section 189.4051, Florida Statutes, is
1604 transferred, renumbered as section 189.041, Florida Statutes,
1605 and amended to read:



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1606 189.041 ~~189.4051~~ Elections; special requirements and
1607 procedures for districts with governing bodies ~~boards~~ elected on
1608 a one-acre/one-vote basis.—

1609 (1) DEFINITIONS.—As used in this section:

1610 (a) "Qualified elector" means any person at least 18 years
1611 of age who is a citizen of the United States, a permanent
1612 resident of Florida, and a freeholder or freeholder's spouse and
1613 resident of the district who registers with the supervisor of
1614 elections of a county within which the district lands are
1615 located when the registration books are open.

1616 (b) "Urban area" means a contiguous developed and inhabited
1617 urban area within a district with a minimum average resident
1618 population density of at least 1.5 persons per acre as defined
1619 by the latest official census, special census, or population
1620 estimate or a minimum density of one single-family home per 2.5
1621 acres with access to improved roads or a minimum density of one
1622 single-family home per 5 acres within a recorded plat
1623 subdivision. Urban areas shall be designated by the governing
1624 body ~~board~~ of the district with the assistance of all local
1625 general-purpose governments having jurisdiction over the area
1626 within the district.

1627 (c) "Governing body ~~board~~ member" means any duly elected
1628 member of the governing body ~~board~~ of a special district elected
1629 pursuant to this section, provided that a ~~any board~~ member
1630 elected by popular vote shall be a qualified district elector
1631 and a ~~any board~~ member elected on a one-acre/one-vote basis
1632 shall meet the requirements of s. 298.11 for election to the
1633 governing body ~~board~~.

1634 (d) "Contiguous developed urban area" means any reasonably



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1635 compact urban area located entirely within a special district.
1636 The separation of urban areas by a publicly owned park, right-
1637 of-way, highway, road, railroad, canal, utility, body of water,
1638 watercourse, or other minor geographical division of a similar
1639 nature shall not prevent such areas from being defined as urban
1640 areas.

1641 (2) POPULAR ELECTIONS; REFERENDUM; DESIGNATION OF URBAN
1642 AREAS.—

1643 (a) *Referendum*.—

1644 1. A referendum shall be called by the governing body ~~board~~
1645 of a special district where the governing body ~~board~~ is elected
1646 on a one-acre/one-vote basis on the question of whether certain
1647 members of a district governing body ~~board~~ should be elected by
1648 qualified electors, provided each of the following conditions
1649 has been satisfied at least 60 days before ~~prior to~~ the general
1650 or special election at which the referendum is to be held:

1651 a. The district shall have a total population, according to
1652 the latest official state census, a special census, or a
1653 population estimate, of at least 500 qualified electors.

1654 b. A petition signed by 10 percent of the qualified
1655 electors of the district shall have been filed with the
1656 governing body ~~board~~ of the district. The petition shall be
1657 submitted to the supervisor of elections of the county or
1658 counties in which the lands are located. The supervisor shall,
1659 within 30 days after the receipt of the petitions, certify to
1660 the governing body ~~board~~ the number of signatures of qualified
1661 electors contained on the petition.

1662 2. Upon verification by the supervisor or supervisors of
1663 elections of the county or counties within which district lands



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1664 are located that 10 percent of the qualified electors of the
1665 district have petitioned the governing body ~~board~~, a referendum
1666 election shall be called by the governing body ~~board~~ at the next
1667 regularly scheduled election of governing body ~~board~~ members
1668 occurring at least 30 days after verification of the petition or
1669 within 6 months of verification, whichever is earlier.

1670 3. If the qualified electors approve the election procedure
1671 described in this subsection, the governing body ~~board~~ of the
1672 district shall be increased to five members and elections shall
1673 be held pursuant to the criteria described in this subsection
1674 beginning with the next regularly scheduled election of
1675 governing body ~~board~~ members or at a special election called
1676 within 6 months following the referendum and final unappealed
1677 approval of district urban area maps as provided in paragraph
1678 (b), whichever is earlier.

1679 4. If the qualified electors of the district disapprove the
1680 election procedure described in this subsection, elections of
1681 the members of the governing body ~~board~~ shall continue as
1682 described by s. 298.12 or the enabling legislation for the
1683 district. No further referendum on the question shall be held
1684 for a minimum period of 2 years following the referendum.

1685 (b) *Designation of urban areas.*—

1686 1. Within 30 days after approval of the election process
1687 described in this subsection by qualified electors of the
1688 district, the governing body ~~board~~ shall direct the district
1689 staff to prepare and present maps of the district describing the
1690 extent and location of all urban areas within the district. Such
1691 determination shall be based upon the criteria contained within
1692 paragraph (1) (b).



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1693 2. Within 60 days after approval of the election process
1694 described in this subsection by qualified electors of the
1695 district, the maps describing urban areas within the district
1696 shall be presented to the governing body ~~board~~.

1697 3. Any district landowner or elector may contest the
1698 accuracy of the urban area maps prepared by the district staff
1699 within 30 days after submission to the governing body ~~board~~.
1700 Upon notice of objection to the maps, the governing body ~~board~~
1701 shall request the county engineer to prepare and present maps of
1702 the district describing the extent and location of all urban
1703 areas within the district. Such determination shall be based
1704 upon the criteria contained within paragraph (1) (b). Within 30
1705 days after the governing body ~~board~~ request, the county engineer
1706 shall present the maps to the governing body ~~board~~.

1707 4. Upon presentation of the maps by the county engineer,
1708 the governing body ~~board~~ shall compare the maps submitted by
1709 both the district staff and the county engineer and make a
1710 determination as to which set of maps to adopt. Within 60 days
1711 after presentation of all such maps, the governing body ~~board~~
1712 may amend and shall adopt the official maps at a regularly
1713 scheduled meeting of the governing body ~~board meeting~~.

1714 5. Any district landowner or qualified elector may contest
1715 the accuracy of the urban area maps adopted by the governing
1716 body ~~board~~ within 30 days after adoption by petition to the
1717 circuit court with jurisdiction over the district. Accuracy
1718 shall be determined pursuant to paragraph (1) (b). Any petitions
1719 so filed shall be heard expeditiously, and the maps shall either
1720 be approved or approved with necessary amendments to render the
1721 maps accurate and shall be certified to the governing body



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1722 ~~board.~~

1723 6. Upon adoption by the governing body ~~board~~ or
1724 certification by the court, the district urban area maps shall
1725 serve as the official maps for determination of the extent of
1726 urban area within the district and the number of governing body
1727 ~~board~~ members to be elected by qualified electors and by the
1728 one-acre/one-vote principle at the next regularly scheduled
1729 election of governing body ~~board~~ members.

1730 7. Upon a determination of the percentage of urban area
1731 within the district as compared with total area within the
1732 district, the governing body ~~board~~ shall order elections in
1733 accordance with the percentages pursuant to paragraph (3) (a).
1734 The landowners' meeting date shall be designated by the
1735 governing body ~~board~~.

1736 8. The maps shall be updated and readopted every 5 years or
1737 sooner in the discretion of the governing body ~~board~~.

1738 (3) GOVERNING BODY ~~BOARD~~.—

1739 (a) *Composition* ~~of board~~.—

1740 1. Members of the governing body ~~board~~ of the district
1741 shall be elected in accordance with the following determinations
1742 of urban area:

1743 a. If urban areas constitute 25 percent or less of the
1744 district, one governing body ~~board~~ member shall be elected by
1745 the qualified electors and four governing body ~~board~~ members
1746 shall be elected in accordance with the one-acre/one-vote
1747 principle contained within s. 298.11 or the district-enabling
1748 legislation.

1749 b. If urban areas constitute 26 percent to 50 percent of
1750 the district, two governing body ~~board~~ members shall be elected



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1751 by the qualified electors and three governing body ~~board~~ members
1752 shall be elected in accordance with the one-acre/one-vote
1753 principle contained within s. 298.11 or the district-enabling
1754 legislation.

1755 c. If urban areas constitute 51 percent to 70 percent of
1756 the district, three governing body ~~board~~ members shall be
1757 elected by the qualified electors and two governing body ~~board~~
1758 members shall be elected in accordance with the one-acre/one-
1759 vote principle contained within s. 298.11 or the district-
1760 enabling legislation.

1761 d. If urban areas constitute 71 percent to 90 percent of
1762 the district, four governing body ~~board~~ members shall be elected
1763 by the qualified electors and one governing body ~~board~~ member
1764 shall be elected in accordance with the one-acre/one-vote
1765 principle contained within s. 298.11 or the district-enabling
1766 legislation.

1767 e. If urban areas constitute 91 percent or more of the
1768 district, all governing body ~~board~~ members shall be elected by
1769 the qualified electors.

1770 2. All governing body ~~board~~ members elected by qualified
1771 electors shall be elected at large.

1772 (b) *Term of office.*—All governing body ~~board~~ members
1773 elected by qualified electors shall have a term of 4 years
1774 except for governing body ~~board~~ members elected at the first
1775 election and the first landowners' meeting following the
1776 referendum prescribed in paragraph (2) (a). Governing body ~~board~~
1777 members elected at the first election and the first landowners'
1778 meeting following the referendum shall serve as follows:

1779 1. If one governing body ~~board~~ member is elected by the



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1780 qualified electors and four are elected on a one-acre/one-vote
1781 basis, the governing body ~~board~~ member elected by the qualified
1782 electors shall be elected for a period of 4 years. Governing
1783 body ~~board~~ members elected on a one-acre/one-vote basis shall be
1784 elected for periods of 1, 2, 3, and 4 years, respectively, as
1785 prescribed by ss. 298.11 and 298.12.

1786 2. If two governing body ~~board~~ members are elected by the
1787 qualified electors and three are elected on a one-acre/one-vote
1788 basis, the governing body ~~board~~ members elected by the electors
1789 shall be elected for a period of 4 years. Governing body ~~board~~
1790 members elected on a one-acre/one-vote basis shall be elected
1791 for periods of 1, 2, and 3 years, respectively, as prescribed by
1792 ss. 298.11 and 298.12.

1793 3. If three governing body ~~board~~ members are elected by the
1794 qualified electors and two are elected on a one-acre/one-vote
1795 basis, two of the governing body ~~board~~ members elected by the
1796 electors shall be elected for a term of 4 years and the other
1797 governing body ~~board~~ member elected by the electors shall be
1798 elected for a term of 2 years. Governing body ~~board~~ members
1799 elected on a one-acre/one-vote basis shall be elected for terms
1800 of 1 and 2 years, respectively, as prescribed by ss. 298.11 and
1801 298.12.

1802 4. If four governing body ~~board~~ members are elected by the
1803 qualified electors and one is elected on a one-acre/one-vote
1804 basis, two of the governing body ~~board~~ members elected by the
1805 electors shall be elected for a term of 2 years and the other
1806 two for a term of 4 years. The governing body ~~board~~ member
1807 elected on a one-acre/one-vote basis shall be elected for a term
1808 of 1 year as prescribed by ss. 298.11 and 298.12.



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1809 5. If five governing body ~~board~~ members are elected by the
1810 qualified electors, three shall be elected for a term of 4 years
1811 and two for a term of 2 years.

1812 6. If any vacancy occurs in a seat occupied by a governing
1813 body ~~board~~ member elected by the qualified electors, the
1814 remaining members of the governing body ~~board~~ shall, within 45
1815 days after the vacancy occurs, appoint a person who would be
1816 eligible to hold the office to the unexpired term.

1817 (c) *Landowners' meetings.*—

1818 1. An annual landowners' meeting shall be held pursuant to
1819 s. 298.11 and at least one governing body ~~board~~ member shall be
1820 elected on a one-acre/one-vote basis pursuant to s. 298.12 for
1821 so long as 10 percent or more of the district is not contained
1822 in an urban area. In the event all district governing body ~~board~~
1823 members are elected by qualified electors, there shall be no
1824 further landowners' meetings.

1825 2. At any landowners' meeting called pursuant to this
1826 section, 50 percent of the district acreage shall not be
1827 required to constitute a quorum and each governing body ~~board~~
1828 member shall be elected by a majority of the acreage represented
1829 either by owner or proxy present and voting at said meeting.

1830 3. All landowners' meetings of districts operating pursuant
1831 to this section shall be set by the governing body ~~board~~ within
1832 the month preceding the month of the election of the governing
1833 body ~~board~~ members by the electors.

1834 4. Vacancies on the governing body ~~board~~ shall be filled
1835 pursuant to s. 298.12 except as otherwise provided in
1836 subparagraph (b)6.

1837 (4) QUALIFICATIONS.—Elections for governing body ~~board~~



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1838 members elected by qualified electors shall be nonpartisan.
1839 Qualifications shall be pursuant to the Florida Election Code
1840 and shall occur during the qualifying period established by s.
1841 99.061. Qualification requirements shall only apply to those
1842 governing body ~~board~~ member candidates elected by qualified
1843 electors. Following the first election pursuant to this section,
1844 elections to the governing body ~~board~~ by qualified electors
1845 shall occur at the next regularly scheduled election closest in
1846 time to the expiration date of the term of the elected governing
1847 body ~~board~~ member. If the next regularly scheduled election is
1848 beyond the normal expiration time for the term of an elected
1849 governing body ~~board~~ member, the governing body ~~board~~ member
1850 shall hold office until the election of a successor.

1851 (5) Those districts established as single-purpose water
1852 control districts, and which continue to act as single-purpose
1853 water control districts, pursuant to chapter 298, pursuant to a
1854 special act, pursuant to a local government ordinance, or
1855 pursuant to a judicial decree, shall be exempt from the
1856 provisions of this section. All other independent special
1857 districts with governing bodies ~~boards~~ elected on a one-
1858 acre/one-vote basis shall be subject to the provisions of this
1859 section.

1860 (6) The provisions of this section shall not apply to
1861 community development districts established pursuant to chapter
1862 190.

1863 Section 30. Section 189.4065, Florida Statutes, is
1864 transferred and renumbered as section 189.05, Florida Statutes.

1865 Section 31. Section 189.408, Florida Statutes, is
1866 transferred and renumbered as section 189.042, Florida Statutes.



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1867 Section 32. Section 189.4085, Florida Statutes, is
1868 transferred and renumbered as section 189.051, Florida Statutes.

1869 Section 33. Section 189.412, Florida Statutes, is
1870 transferred and renumbered as section 189.064, Florida Statutes,
1871 and amended to read:

1872 189.064 ~~189.412~~ Special District Accountability Information
1873 Program; duties and responsibilities.—The Special District
1874 Accountability Information Program of the department ~~of Economic~~
1875 ~~Opportunity is created and has the following special~~ duties:

1876 (1) Electronically publishing ~~The collection and~~
1877 ~~maintenance of~~ special district noncompliance status reports
1878 from the department ~~of Management Services,~~ the Department of
1879 Financial Services, the Division of Bond Finance of the State
1880 Board of Administration, the Auditor General, and the
1881 Legislative Auditing Committee, for the reporting required in
1882 ss. 112.63, 218.32, 218.38, and 218.39. The noncompliance
1883 reports must list those special districts that did not comply
1884 with the statutory reporting requirements and be made available
1885 to the public electronically.

1886 (2) Maintaining the official list of special districts ~~The~~
1887 ~~maintenance of a master list of independent and dependent~~
1888 ~~special districts which shall be available on the department's~~
1889 ~~website.~~

1890 (3) ~~The~~ Publishing and updating ~~of~~ a "Florida Special
1891 District Handbook" that contains, at a minimum:

1892 (a) A section that specifies definitions of special
1893 districts and status distinctions in the statutes.

1894 (b) A section or sections that specify current statutory
1895 provisions for special district creation, implementation,



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1896 modification, dissolution, and operating procedures.

1897 (c) A section that summarizes the reporting requirements
1898 applicable to all types of special districts as provided in ss.
1899 189.015 and 189.016 ~~189.417 and 189.418~~.

1900 ~~(4) When feasible, securing and maintaining access to~~
1901 ~~special district information collected by all state agencies in~~
1902 ~~existing or newly created state computer systems.~~

1903 ~~(4)-(5) Coordinating and communicating~~ The facilitation of
1904 ~~coordination and communication~~ among state agencies regarding
1905 special districts ~~district information~~.

1906 ~~(6) The conduct of studies relevant to special districts.~~

1907 ~~(5)-(7) Providing technical advisory~~ The provision of
1908 ~~assistance related to~~ special districts regarding the ~~and~~
1909 ~~appropriate in the performance of~~ requirements specified in this
1910 chapter which duty may be performed by the department or by a
1911 qualified third-party vendor pursuant to a contract entered into
1912 in accordance with applicable bidding requirements, ~~including~~
1913 ~~assisting with an annual conference sponsored by the Florida~~
1914 ~~Association of Special Districts or its successor.~~

1915 ~~(6)-(8) Providing assistance to local general-purpose~~
1916 ~~governments and certain~~ state agencies in collecting delinquent
1917 reports or information.~~7~~

1918 ~~(7) Helping special districts comply with reporting~~
1919 ~~requirements.~~7

1920 ~~(8) Declaring special districts inactive when appropriate,~~
1921 ~~and, when~~ directed by the Legislative Auditing Committee or
1922 required by this chapter.7

1923 ~~(9) Initiating enforcement~~ proceedings ~~provisions~~ as
1924 provided in ss. 189.062, 189.066, and 189.067 ~~189.4044, 189.419,~~



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1925 and ~~189.421~~.

1926 Section 34. Section 189.413, Florida Statutes, is
1927 transferred and renumbered as section 189.065, Florida Statutes,
1928 and amended to read:

1929 189.065 ~~189.413~~ Special districts; oversight of state funds
1930 use.—Any state agency administering funding programs for which
1931 special districts are eligible shall be responsible for
1932 oversight of the use of such funds by special districts. The
1933 oversight responsibilities shall include, but not be limited to:

1934 (1) Reporting the existence of the program to the Special
1935 District Accountability Information ~~Information~~ Program of the department.

1936 (2) Submitting annually a list of special districts
1937 participating in a state funding program to the Special District
1938 Accountability Information ~~Information~~ Program of the department. This list
1939 must indicate the special districts, if any, that are not in
1940 compliance with state funding program requirements.

1941 Section 35. Section 189.415, Florida Statutes, is
1942 transferred and renumbered as section 189.08, Florida Statutes.

1943 Section 36. Section 189.4155, Florida Statutes, is
1944 transferred and renumbered as section 189.081, Florida Statutes.

1945 Section 37. Section 189.4156, Florida Statutes, is
1946 transferred and renumbered as section 189.082, Florida Statutes.

1947 Section 38. Section 189.416, Florida Statutes, is
1948 transferred and renumbered as section 189.014, Florida Statutes,
1949 and subsection (1) of that section is amended, to read:

1950 189.014 ~~189.416~~ Designation of registered office and
1951 agent.—

1952 (1) Within 30 days after the first meeting of its governing
1953 body ~~board~~, each special district in the state shall designate a



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1954 registered office and a registered agent and file such
1955 information with the local governing authority or authorities
1956 and with the department. The registered agent shall be an agent
1957 of the district upon whom any process, notice, or demand
1958 required or permitted by law to be served upon the district may
1959 be served. A registered agent shall be an individual resident of
1960 this state whose business address is identical with the
1961 registered office of the district. The registered office may be,
1962 but need not be, the same as the place of business of the
1963 special district.

1964 Section 39. Section 189.417, Florida Statutes, is
1965 transferred and renumbered as section 189.015, Florida Statutes,
1966 and subsection (1) of that section is amended, to read:

1967 189.015 ~~189.417~~ Meetings; notice; required reports.-

1968 (1) The governing body of each special district shall file
1969 quarterly, semiannually, or annually a schedule of its regular
1970 meetings with the local governing authority or authorities. The
1971 schedule shall include the date, time, and location of each
1972 scheduled meeting. The schedule shall be published quarterly,
1973 semiannually, or annually in a newspaper of general paid
1974 circulation in the manner required in this subsection. The
1975 governing body of an independent special district shall
1976 advertise the day, time, place, and purpose of any meeting other
1977 than a regular meeting or any recessed and reconvened meeting of
1978 the governing body, at least 7 days before ~~prior to~~ such
1979 meeting, in a newspaper of general paid circulation in the
1980 county or counties in which the special district is located,
1981 unless a bona fide emergency situation exists, in which case a
1982 meeting to deal with the emergency may be held as necessary,



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1983 with reasonable notice, so long as it is subsequently ratified
1984 by the governing body ~~board~~. No approval of the annual budget
1985 shall be granted at an emergency meeting. The advertisement
1986 shall be placed in that portion of the newspaper where legal
1987 notices and classified advertisements appear. The advertisement
1988 shall appear in a newspaper that is published at least 5 days a
1989 week, unless the only newspaper in the county is published fewer
1990 than 5 days a week. The newspaper selected must be one of
1991 general interest and readership in the community and not one of
1992 limited subject matter, pursuant to chapter 50. Any other
1993 provision of law to the contrary notwithstanding, and except in
1994 the case of emergency meetings, water management districts may
1995 provide reasonable notice of public meetings held to evaluate
1996 responses to solicitations issued by the water management
1997 district, by publication in a newspaper of general paid
1998 circulation in the county where the principal office of the
1999 water management district is located, or in the county or
2000 counties where the public work will be performed, no less than 7
2001 days before such meeting.

2002 Section 40. Section 189.418, Florida Statutes, is
2003 transferred and renumbered as section 189.016, Florida Statutes,
2004 and subsections (2) and (10) of that section are amended, to
2005 read:

2006 189.016 ~~189.418~~ Reports; budgets; audits.—

2007 (2) Any amendment, modification, or update of the document
2008 by which the district was created, including changes in
2009 boundaries, must be filed with the department within 30 days
2010 after adoption. The department may initiate proceedings against
2011 special districts as provided in s. 189.067 ~~189.421~~ for failure



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2012 to file the information required by this subsection. However,
2013 for the purposes of this section and s. 175.101(1), the
2014 boundaries of a district shall be deemed to include an area that
2015 has been annexed until the completion of the 4-year period
2016 specified in s. 171.093(4) or other mutually agreed upon
2017 extension, or when a district is providing services pursuant to
2018 an interlocal agreement entered into pursuant to s. 171.093(3).

2019 (10) All reports or information required to be filed with a
2020 local general-purpose government or governing authority under
2021 ss. 189.08, 189.014, and 189.015 ~~189.415, 189.416, and 189.417~~
2022 and subsection (8) must:

2023 (a) If the local general-purpose government or governing
2024 authority is a county, be filed with the clerk of the board of
2025 county commissioners.

2026 (b) If the district is a multicounty district, be filed
2027 with the clerk of the county commission in each county.

2028 (c) If the local general-purpose government or governing
2029 authority is a municipality, be filed at the place designated by
2030 the municipal governing body.

2031 Section 41. Section 189.419, Florida Statutes, is
2032 transferred, renumbered as section 189.066, Florida Statutes,
2033 and amended to read:

2034 189.066 ~~189.419~~ Effect of failure to file certain reports
2035 or information.—

2036 (1) If an independent special district fails to file the
2037 reports or information required under s. 189.08, s. 189.014, s.
2038 189.015, or s. 189.016(9) ~~189.415, s. 189.416, s. 189.417, or s.~~
2039 ~~189.418(9)~~ with the local general-purpose government or
2040 governments in which it is located, the person authorized to



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2041 receive and read the reports or information or the local
2042 general-purpose government shall notify the district's
2043 registered agent. If requested by the district, the local
2044 general-purpose government shall grant an extension of up to 30
2045 days for filing the required reports or information. If the
2046 governing body of the local general-purpose government or
2047 governments determines that there has been an unjustified
2048 failure to file these reports or information, it shall ~~may~~
2049 notify the department, and the department may proceed pursuant
2050 to s. 189.067(1) ~~189.421(1)~~.

2051 (2) If a dependent special district fails to file the
2052 reports or information required under s. 189.014, s. 189.015, or
2053 s. 189.016(9) ~~189.416, s. 189.417, or s. 189.418(9)~~ with the
2054 local governing authority to which it is dependent, the local
2055 governing authority shall take whatever steps it deems necessary
2056 to enforce the special district's accountability. Such steps may
2057 include, as authorized, withholding funds, removing governing
2058 body ~~board~~ members at will, vetoing the special district's
2059 budget, conducting the oversight review process set forth in s.
2060 189.068 ~~189.428~~, or amending, merging, or dissolving the special
2061 district in accordance with the provisions contained in the
2062 ordinance that created the dependent special district.

2063 (3) If a special district fails to file the reports or
2064 information required under s. 218.38 with the appropriate state
2065 agency, the agency shall notify the department, and the
2066 department shall send a certified technical assistance letter to
2067 the special district which summarizes the requirements and
2068 compels ~~encourages~~ the special district to take steps to prevent
2069 the noncompliance from reoccurring.



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2070 (4) If a special district fails to file the reports or
2071 information required under s. 112.63 with the appropriate state
2072 agency, the agency shall notify the department and the
2073 department shall proceed pursuant to s. 189.067(1) ~~189.421(1)~~.

2074 (5) If a special district fails to file the reports or
2075 information required under s. 218.32 or s. 218.39 with the
2076 appropriate state agency or office, the state agency or office
2077 shall, and the Legislative Auditing Committee may, notify the
2078 department and the department shall proceed pursuant to s.
2079 189.067 ~~189.421~~.

2080 (6) If a special district created by special act of the
2081 Legislature fails to file the reports or information required
2082 under ss. 11.45(7), 218.32, s. 218.39, or 218.503 with the
2083 appropriate state agency or office, the Legislative Auditing
2084 Committee shall notify, in writing, the Speaker of the House of
2085 Representatives, the President of the Senate, and the standing
2086 committees of the Senate and the House of Representatives
2087 charged with special district oversight as determined by the
2088 presiding officers of each respective chamber, pursuant to s.
2089 189.034.

2090 (7) If a special district created by ordinance fails to
2091 file the reports or information required under ss. 11.45(7),
2092 218.32, 218.39, and 218.503 with the appropriate state agency or
2093 office, the Legislative Auditing Committee shall notify, in
2094 writing, the department and the chair or equivalent of the local
2095 general-purpose government that created the district, pursuant
2096 to s. 189.035.

2097 Section 42. Section 189.420, Florida Statutes, is
2098 transferred and renumbered as section 189.052, Florida Statutes.



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2099 Section 43. Section 189.421, Florida Statutes, is
2100 transferred, renumbered as section 189.067, Florida Statutes,
2101 and amended to read:

2102 189.067 ~~189.421~~ Failure of district to disclose financial
2103 reports.-

2104 (1) (a) If notified pursuant to s. 189.066(1) ~~189.419(1)~~,
2105 (4), or (5), the department shall attempt to assist a special
2106 district in complying with its financial reporting requirements
2107 by sending a certified letter to the special district, and, if
2108 the special district is dependent, sending a copy of that letter
2109 to the chair of the local governing authority. The letter must
2110 include a description of the required report, including
2111 statutory submission deadlines, a contact telephone number for
2112 technical assistance to help the special district comply, a 60-
2113 day deadline for filing the required report with the appropriate
2114 entity, the address where the report must be filed, and an
2115 explanation of the penalties for noncompliance.

2116 (b) A special district that is unable to meet the 60-day
2117 reporting deadline must provide written notice to the department
2118 before the expiration of the deadline stating the reason the
2119 special district is unable to comply with the deadline, the
2120 steps the special district is taking to prevent the
2121 noncompliance from reoccurring, and the estimated date that the
2122 special district will file the report with the appropriate
2123 agency. The district's written response does not constitute an
2124 extension by the department; however, the department shall
2125 forward the written response as follows ~~to~~:

2126 1. If the written response refers to the reports required
2127 under s. 218.32 or s. 218.39, to the Legislative Auditing



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2128 Committee for its consideration in determining whether the
2129 special district should be subject to further state action in
2130 accordance with s. 11.40(2)(b).

2131 2. If the written response refers to the reports or
2132 information requirements listed in s. 189.066(1) ~~189.419(1)~~, to
2133 the local general-purpose government or governments for their
2134 consideration in determining whether the oversight review
2135 process set forth in s. 189.068 ~~189.428~~ should be undertaken.

2136 3. If the written response refers to the reports or
2137 information required under s. 112.63, to the Department of
2138 Management Services for its consideration in determining whether
2139 the special district should be subject to further state action
2140 in accordance with s. 112.63(4)(d)2.

2141 (2) Failure of a special district to comply with the
2142 actuarial and financial reporting requirements under s. 112.63,
2143 s. 218.32, or s. 218.39 after the procedures of subsection (1)
2144 are exhausted shall be deemed final action of the special
2145 district. The actuarial and financial reporting requirements are
2146 declared to be essential requirements of law. Remedies ~~Remedy~~
2147 for noncompliance with ss. 218.32 and 218.39 shall be as
2148 provided in ss. 189.034 and 189.035. Remedies for noncompliance
2149 with s. 112.63 shall be as set forth in subsection (4) ~~by writ~~
2150 ~~of certiorari as set forth in subsection (4).~~

2151 (3) Pursuant to s. 11.40(2)(b), the Legislative Auditing
2152 Committee may ~~shall~~ notify the department of those districts
2153 that fail to file the required reports. If the procedures
2154 described in subsection (1) have not yet been initiated, the
2155 department shall initiate such procedures upon receiving the
2156 notice from the Legislative Auditing Committee. Otherwise,



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2157 within 60 days after receiving such notice, or within 60 days
2158 after the expiration of the 60-day deadline provided in
2159 subsection (1), whichever occurs later, the department,
2160 notwithstanding the provisions of chapter 120, shall file a
2161 petition for enforcement writ of certiorari with the circuit
2162 court. The petition may request declaratory, injunctive, any
2163 other equitable relief, or any remedy provided by law. Venue for
2164 all actions pursuant to this subsection is in Leon County. The
2165 court shall award the prevailing party reasonable attorney's
2166 fees and costs unless affirmatively waived by all parties. ~~A~~
2167 ~~writ of certiorari shall be issued unless a respondent~~
2168 ~~establishes that the notification of the Legislative Auditing~~
2169 ~~Committee was issued as a result of material error. Proceedings~~
2170 ~~under this subsection are otherwise governed by the Rules of~~
2171 ~~Appellate Procedure.~~

2172 (4) The department may enforce compliance with s. 112.63 by
2173 filing a petition for enforcement with the circuit court in and
2174 for Leon County. The petition may request declaratory,
2175 injunctive, or other equitable relief, including the appointment
2176 of a receiver, and any forfeiture or other remedy provided by
2177 law. Pursuant to s. 112.63(4)(d)2., ~~the Department of Management~~
2178 ~~Services may notify the department of those special districts~~
2179 ~~that have failed to file the required adjustments, additional~~
2180 ~~information, or report or statement after the procedures of~~
2181 ~~subsection (1) have been exhausted. Within 60 days after~~
2182 ~~receiving such notice or within 60 days after the 60-day~~
2183 ~~deadline provided in subsection (1), whichever occurs later, the~~
2184 ~~department, notwithstanding chapter 120, shall file a petition~~
2185 ~~for writ of certiorari with the circuit court. Venue for all~~



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2186 ~~actions pursuant to this subsection is in Leon County. The court~~
2187 ~~shall award the prevailing party attorney's fees and costs~~
2188 ~~unless affirmatively waived by all parties. A writ of certiorari~~
2189 ~~shall be issued unless a respondent establishes that the~~
2190 ~~notification of the Department of Management Services was issued~~
2191 ~~as a result of material error. Proceedings under this subsection~~
2192 ~~are otherwise governed by the Rules of Appellate Procedure.~~

2193 Section 44. Section 189.4221, Florida Statutes, is
2194 transferred and renumbered as section 189.053, Florida Statutes.

2195 Section 45. Section 189.423, Florida Statutes, is
2196 transferred and renumbered as section 189.054, Florida Statutes.

2197 Section 46. Section 189.425, Florida Statutes, is
2198 transferred and renumbered as section 189.017, Florida Statutes.

2199 Section 47. Section 189.427, Florida Statutes, is
2200 transferred and renumbered as section 189.018, Florida Statutes,
2201 and amended to read:

2202 189.018 189.427 Fee schedule; Operating Grants and
2203 ~~Donations~~ Trust Fund.—The department ~~of Economic Opportunity~~, by
2204 rule, shall establish a schedule of fees to pay one-half of the
2205 costs incurred by the department in administering this act,
2206 except that the fee may not exceed \$175 per district per year.
2207 The fees collected under this section shall be deposited in the
2208 Operating Grants and Donations Trust Fund, ~~which shall be~~
2209 administered by the department ~~of Economic Opportunity~~. Any fee
2210 rule must consider factors such as the dependent and independent
2211 status of the district and district revenues for the most recent
2212 fiscal year as reported to the Department of Financial Services.
2213 The department may assess fines of not more than \$25, with an
2214 aggregate total not to exceed \$50, as penalties against special



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2215 districts that fail to remit required fees to the department. It
2216 is the intent of the Legislature that general revenue funds will
2217 be made available to the department to pay one-half of the cost
2218 of administering this act.

2219 Section 48. Section 189.428, Florida Statutes, is
2220 transferred and renumbered as section 189.068, Florida Statutes,
2221 and amended to read:

2222 189.068 ~~189.428~~ Special districts; oversight review
2223 process.—

2224 (1) The Legislature finds it to be in the public interest
2225 to establish an oversight review process for special districts
2226 wherein each special district in the state may be reviewed by
2227 the local general-purpose government in which the district
2228 exists. The Legislature further finds and determines that such
2229 law fulfills an important state interest. It is the intent of
2230 the Legislature that the oversight review process shall
2231 contribute to informed decisionmaking. These decisions may
2232 involve the continuing existence or dissolution of a district,
2233 the appropriate future role and focus of a district,
2234 improvements in the functioning or delivery of services by a
2235 district, and the need for any transition, adjustment, or
2236 special implementation periods or provisions. Any final
2237 recommendations from the oversight review process that are
2238 adopted and implemented by the appropriate level of government
2239 shall not be implemented in a manner that would impair the
2240 obligation of contracts.

2241 ~~(2) It is the intent of the Legislature that any oversight~~
2242 ~~review process be conducted in conjunction with special district~~
2243 ~~public facilities reporting and the local government evaluation~~



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2244 ~~and appraisal report process described in s. 189.415(2).~~
2245 ~~(3) The order in which Special districts may be subject to~~
2246 ~~oversight review shall be determined by the reviewer and shall~~
2247 ~~occur as follows:~~
2248 ~~(2)(a) All dependent special districts may be reviewed by~~
2249 ~~the general-purpose local government to which they are~~
2250 ~~dependent.~~
2251 ~~(b) All single-county independent special districts may be~~
2252 ~~reviewed by a county or municipality in which they are located~~
2253 ~~or the government that created the district. Any single-county~~
2254 ~~independent district that serves an area greater than the~~
2255 ~~boundaries of one general-purpose local government may only be~~
2256 ~~reviewed by the county on the county's own initiative or upon~~
2257 ~~receipt of a request from any municipality served by the special~~
2258 ~~district.~~
2259 ~~(c) All multicounty independent special districts may be~~
2260 ~~reviewed by the government that created the district. Any~~
2261 ~~general-purpose local governments within the boundaries of a~~
2262 ~~multicounty district may prepare a preliminary review of a~~
2263 ~~multicounty special district for possible reference or inclusion~~
2264 ~~in the full review report.~~
2265 ~~(d) Upon request by the reviewer, any special district~~
2266 ~~within all or a portion of the same county as the special~~
2267 ~~district being reviewed may prepare a preliminary review of the~~
2268 ~~district for possible reference or inclusion in the full~~
2269 ~~oversight review report.~~
2270 ~~(3)(4) All special districts, governmental entities, and~~
2271 ~~state agencies shall cooperate with the Legislature and with any~~
2272 ~~general-purpose local government seeking information or~~



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2273 assistance with the oversight review process and with the
2274 preparation of an oversight review report.

2275 (4)~~(5)~~ Those conducting the oversight review process shall,
2276 at a minimum, consider the listed criteria for evaluating the
2277 special district, but may also consider any additional factors
2278 relating to the district and its performance. If any of the
2279 listed criteria does not apply to the special district being
2280 reviewed, it need not be considered. The criteria to be
2281 considered by the reviewer include:

2282 (a) The degree to which the service or services offered by
2283 the special district are essential or contribute to the well-
2284 being of the community.

2285 (b) The extent of continuing need for the service or
2286 services currently provided by the special district.

2287 (c) The extent of municipal annexation or incorporation
2288 activity occurring or likely to occur within the boundaries of
2289 the special district and its impact on the delivery of services
2290 by the special district.

2291 (d) Whether there is a less costly alternative method of
2292 delivering the service or services that would adequately provide
2293 the district residents with the services provided by the
2294 district.

2295 (e) Whether transfer of the responsibility for delivery of
2296 the service or services to an entity other than the special
2297 district being reviewed could be accomplished without
2298 jeopardizing the district's existing contracts, bonds, or
2299 outstanding indebtedness.

2300 (f) Whether the Auditor General has notified the
2301 Legislative Auditing Committee that the special district's audit



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2302 report, reviewed pursuant to s. 11.45(7), indicates that the
2303 district has met any of the conditions specified in s.
2304 218.503(1) or that a deteriorating financial condition exists
2305 that may cause a condition described in s. 218.503(1) to occur
2306 if actions are not taken to address such condition.

2307 (g) Whether the district is inactive according to the
2308 official list of special districts, and whether the district is
2309 meeting and discharging its responsibilities as required by its
2310 charter, as well as projected increases or decreases in district
2311 activity.

2312 (h) Whether the special district has failed to comply with
2313 any of the reporting requirements in this chapter, including
2314 preparation of the public facilities report.

2315 (i) Whether the special district has designated a
2316 registered office and agent as required by s. 189.014 ~~189.416~~,
2317 and has complied with all open public records and meeting
2318 requirements.

2319 ~~(5)-(6)~~ Any special district may at any time provide the
2320 Legislature and the general-purpose local government conducting
2321 the review or making decisions based upon the final oversight
2322 review report with written responses to any questions, concerns,
2323 preliminary reports, draft reports, or final reports relating to
2324 the district.

2325 ~~(7) The final report of a reviewing government shall be~~
2326 ~~filed with the government that created the district and shall~~
2327 ~~serve as the basis for any modification to the district charter~~
2328 ~~or dissolution or merger of the district.~~

2329 ~~(8) If legislative dissolution or merger of a district is~~
2330 ~~proposed in the final report, the reviewing government shall~~



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2331 ~~also propose a plan for the merger or dissolution, and the plan~~
2332 ~~shall address the following factors in evaluating the proposed~~
2333 ~~merger or dissolution:~~

2334 ~~(a) Whether, in light of independent fiscal analysis,~~
2335 ~~level-of-service implications, and other public policy~~
2336 ~~considerations, the proposed merger or dissolution is the best~~
2337 ~~alternative for delivering services and facilities to the~~
2338 ~~affected area.~~

2339 ~~(b) Whether the services and facilities to be provided~~
2340 ~~pursuant to the merger or dissolution will be compatible with~~
2341 ~~the capacity and uses of existing local services and facilities.~~

2342 ~~(c) Whether the merger or dissolution is consistent with~~
2343 ~~applicable provisions of the state comprehensive plan, the~~
2344 ~~strategic regional policy plan, and the local government~~
2345 ~~comprehensive plans of the affected area.~~

2346 ~~(d) Whether the proposed merger adequately provides for the~~
2347 ~~assumption of all indebtedness.~~

2348
2349 ~~The reviewing government shall consider the report in a public~~
2350 ~~hearing held within the jurisdiction of the district. If adopted~~
2351 ~~by the governing board of the reviewing government, the request~~
2352 ~~for legislative merger or dissolution of the district may~~
2353 ~~proceed. The adopted plan shall be filed as an attachment to the~~
2354 ~~economic impact statement regarding the proposed special act or~~
2355 ~~general act of local application dissolving a district.~~

2356 ~~(6) (9)~~ This section does not apply to a deepwater port
2357 listed in s. 311.09(1) which is in compliance with a port master
2358 plan adopted pursuant to s. 163.3178(2)(k), or to an airport
2359 authority operating in compliance with an airport master plan



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2360 approved by the Federal Aviation Administration, or to any
2361 special district organized to operate health systems and
2362 facilities licensed under chapter 395, chapter 400, or chapter
2363 429.

2364 Section 49. Section 189.429, Florida Statutes, is
2365 transferred and renumbered as section 189.019, Florida Statutes,
2366 and subsection (1) of that section is amended, to read:

2367 189.019 ~~189.429~~ Codification.—

2368 (1) Each district, by December 1, 2004, shall submit to the
2369 Legislature a draft codified charter, at its expense, so that
2370 its special acts may be codified into a single act for
2371 reenactment by the Legislature, if there is more than one
2372 special act for the district. The Legislature may adopt a
2373 schedule for individual district codification. Any codified act
2374 relating to a district, which act is submitted to the
2375 Legislature for reenactment, shall provide for the repeal of all
2376 prior special acts of the Legislature relating to the district.
2377 The codified act shall be filed with the department pursuant to
2378 s. 189.016(2) ~~189.418(2)~~.

2379 Section 50. Sections 189.430, 189.431, 189.432, 189.433,
2380 189.434, 189.435, 189.436, 189.437, 189.438, 189.439, 189.440,
2381 189.441, 189.442, 189.443, and 189.444, Florida Statutes, are
2382 repealed.

2383 Section 51. Section 189.034, Florida Statutes, is created
2384 to read:

2385 189.034 Oversight of special districts created by special
2386 act of the Legislature.—

2387 (1) This section applies to any special district created by
2388 special act of the Legislature.



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2389 (2) If a special district fails to file required reports or
2390 requested information with the appropriate state agency or
2391 office pursuant to ss. 11.45(7), 218.32, 218.39, and 218.503(3),
2392 the Legislative Auditing Committee or its designee shall provide
2393 written notice of the district's noncompliance to the Speaker of
2394 the House of Representatives, the President of the Senate, the
2395 standing committees of the Senate and the House of
2396 Representatives charged with special district oversight as
2397 determined by the presiding officers of each respective chamber,
2398 and the legislators who represent a portion of the geographical
2399 jurisdiction of the special district.

2400 (3) The Legislative Auditing Committee may convene a public
2401 hearing on the issue of noncompliance, as well as general
2402 oversight of the district as provided in s. 189.068, at the
2403 direction of the Speaker of the House of Representatives and the
2404 President of the Senate.

2405 (4) Before a public hearing as provided in subsection (3),
2406 the special district shall provide the following information at
2407 the request of the Legislative Auditing Committee:

2408 (a) The district's annual financial report for the previous
2409 fiscal year.

2410 (b) The district's audit report for the previous fiscal
2411 year.

2412 (c) An annual report for the previous fiscal year providing
2413 a detailed review of the performance of the special district,
2414 including the following information:

2415 1. The purpose of the special district.

2416 2. The sources of funding for the special district.

2417 3. A description of the major activities, programs, and



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2418 initiatives the special district undertook in the most recently
2419 completed fiscal year and the benchmarks or criteria under which
2420 the success or failure of the district was determined by its
2421 governing body.

2422 4. Any challenges or obstacles faced by the special
2423 district in fulfilling its purpose and related responsibilities.

2424 5. Ways the special district believes it could better
2425 fulfill its purpose and related responsibilities and a
2426 description of the actions that it intends to take during the
2427 ensuing fiscal year.

2428 6. Proposed changes to the special act that established the
2429 special district and justification for such changes.

2430 7. Any other information reasonably required to provide the
2431 Legislative Auditing Committee with an accurate understanding of
2432 the purpose for which the special district exists and how it is
2433 fulfilling its responsibilities to accomplish that purpose.

2434 8. Any reasons for the district's noncompliance.

2435 9. If the district is currently in compliance and plans to
2436 correct any recurring issues of noncompliance.

2437 10. Efforts to promote transparency, including maintenance
2438 of the district's website in accordance with s. 189.069.

2439 Section 52. Section 189.035, Florida Statutes, is created
2440 to read:

2441 189.035 Oversight of special districts created by local
2442 ordinance.—

2443 (1) If a special district created by local ordinance fails
2444 to file required reports or requested information under ss.
2445 11.45(7), 218.32, 218.39, and 218.503(3), with the appropriate
2446 state agency, the Legislative Auditing Committee or its designee



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2447 shall provide written notice of the district's noncompliance to
2448 the chair or equivalent of the local general-purpose government.

2449 (2) The chair or equivalent of the local general-purpose
2450 government may convene a public hearing on the issue of
2451 noncompliance within 6 months after receipt of notice of
2452 noncompliance from the Legislative Auditing Committee.

2453 (3) Before the public hearing regarding the special
2454 district's noncompliance, the local general-purpose government
2455 may request the following information from the special district:

2456 (a) The district's annual financial report for the previous
2457 fiscal year.

2458 (b) The district's audit report for the previous fiscal
2459 year.

2460 (c) An annual report for the previous fiscal year, which
2461 must provide a detailed review of the performance of the special
2462 district and include the following information:

2463 1. The purpose of the special district.

2464 2. The sources of funding for the special district.

2465 3. A description of the major activities, programs, and
2466 initiatives the special district undertook in the most recently
2467 completed fiscal year and the benchmarks or criteria under which
2468 the success or failure of the district was determined by its
2469 governing body.

2470 4. Any challenges or obstacles faced by the special
2471 district in fulfilling its purpose and related responsibilities.

2472 5. Ways the special district believes it could better
2473 fulfill its purpose and related responsibilities and a
2474 description of the actions that it intends to take during the
2475 ensuing fiscal year.



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2476 6. Proposed changes to the ordinance that established the
2477 special district and justification for such changes.

2478 7. Any other information reasonably required to provide the
2479 reviewing entity with an accurate understanding of the purpose
2480 for which the special district exists and how it is fulfilling
2481 its responsibilities to accomplish that purpose.

2482 8. Any reasons for the district's noncompliance.

2483 9. Whether the district is currently in compliance.

2484 10. Plans to correct any recurring issues of noncompliance.

2485 11. Efforts to promote transparency, including maintenance
2486 of the district's website in accordance with s. 189.069.

2487 Section 53. Section 189.055, Florida Statutes, is created
2488 to read:

2489 189.055 Treatment of special districts.—For the purpose of
2490 s. 196.199(1), special districts shall be treated as
2491 municipalities.

2492 Section 54. Section 189.069, Florida Statutes, is created
2493 to read:

2494 189.069 Special districts; required reporting of
2495 information; web-based public access.—

2496 (1) By October 1, 2015, or by the end of the first full
2497 fiscal year after its creation, each special district shall
2498 establish and maintain an official Internet website containing
2499 the information required by this section in accordance with s.
2500 189.016. Special districts shall submit their official Internet
2501 website addresses to the department.

2502 (a) Independent special districts shall maintain a separate
2503 Internet website.

2504 (b) Dependent special districts shall be prominently



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2505 displayed on the homepage of the Internet website of the
2506 general-purpose government that created the special district
2507 with a hyperlink to such webpages as are necessary to provide
2508 the information required by this section. Dependent special
2509 districts may maintain a separate Internet website providing the
2510 information required by this section.

2511 (2) A special district shall post the following
2512 information, at a minimum, on the district's official website:

2513 (a) The full legal name of the special district.

2514 (b) The public purpose of the special district.

2515 (c) The name, address, e-mail address, and, if applicable,
2516 the term and appointing authority for each member of the
2517 governing body of the special district.

2518 (d) The fiscal year of the special district.

2519 (e) The full text of the special district's charter, the
2520 date the special district was established, the entity that
2521 established the special district, and the statute or statutes
2522 under which the special district operates, if different from the
2523 statute or statutes under which the special district was
2524 established. Community development districts may reference
2525 chapter 190, as the uniform charter, but must include
2526 information relating to any grant of special powers.

2527 (f) The mailing address, e-mail address, telephone number,
2528 and Internet website uniform resource locator of the special
2529 district.

2530 (g) A description of the boundaries or service area of, and
2531 the services provided by, the special district.

2532 (h) A listing of all taxes, fees, assessments, or charges
2533 imposed and collected by the special district, including the



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2534 rates or amounts charged for the fiscal year and the statutory
2535 authority for the levy of the tax, fee, or charge.

2536 (i) The primary contact information for the special
2537 district for purposes of communication from the department.

2538 (j) Any code of ethics that specifically applies to the
2539 special district.

2540 (k) The budget of each special district, in addition to
2541 amendments in accordance with s. 189.418.

2542 (l) The final, complete audit report for the most recent
2543 completed fiscal year, and audit reports required by law or
2544 authorized by the governing body of the special district.

2545 (3) The department's Internet website list of special
2546 districts in the state required under s. 189.061 must include a
2547 link to the website of each special district that provides web-
2548 based access to the public for all information and documentation
2549 required for submission to the department under subsection (1).

2550 Section 55. Paragraph (e) of subsection (1) and paragraph
2551 (c) of subsection (7) of section 11.45, Florida Statutes, are
2552 amended to read:

2553 11.45 Definitions; duties; authorities; reports; rules.—

2554 (1) DEFINITIONS.—As used in ss. 11.40-11.51, the term:

2555 (e) "Local governmental entity" means a county agency,
2556 municipality, or special district as defined in s. 189.012
2557 ~~189.403~~, but does not include any housing authority established
2558 under chapter 421.

2559 (7) AUDITOR GENERAL REPORTING REQUIREMENTS.—

2560 (c) The Auditor General shall provide annually a list of
2561 those special districts which are not in compliance with s.
2562 218.39 to the Special District Accountability Information



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2563 Program of the Department of Economic Opportunity.

2564 Section 56. Paragraph (c) of subsection (4) of section
2565 100.011, Florida Statutes, is amended to read:

2566 100.011 Opening and closing of polls, all elections;
2567 expenses.—

2568 (4)

2569 (c) The provisions of any special law to the contrary
2570 notwithstanding, all independent and dependent special district
2571 elections, with the exception of community development district
2572 elections, shall be conducted in accordance with the
2573 requirements of ss. 189.04 and 189.041 ~~189.405 and 189.4051~~.

2574 Section 57. Paragraph (f) of subsection (1) of section
2575 101.657, Florida Statutes, is amended to read:

2576 101.657 Early voting.—

2577 (1)

2578 (f) Notwithstanding the requirements of s. 189.04 ~~189.405~~,
2579 special districts may provide early voting in any district
2580 election not held in conjunction with county or state elections.
2581 If a special district provides early voting, it may designate as
2582 many sites as necessary and shall conduct its activities in
2583 accordance with the provisions of paragraphs (a)-(c). The
2584 supervisor is not required to conduct early voting if it is
2585 provided pursuant to this subsection.

2586 Section 58. Paragraph (a) of subsection (14) of section
2587 112.061, Florida Statutes, is amended to read:

2588 112.061 Per diem and travel expenses of public officers,
2589 employees, and authorized persons.—

2590 (14) APPLICABILITY TO COUNTIES, COUNTY OFFICERS, DISTRICT
2591 SCHOOL BOARDS, SPECIAL DISTRICTS, AND METROPOLITAN PLANNING



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2592 ORGANIZATIONS.—

2593 (a) The following entities may establish rates that vary
2594 from the per diem rate provided in paragraph (6) (a), the
2595 subsistence rates provided in paragraph (6) (b), or the mileage
2596 rate provided in paragraph (7) (d) if those rates are not less
2597 than the statutorily established rates that are in effect for
2598 the 2005-2006 fiscal year:

2599 1. The governing body of a county by the enactment of an
2600 ordinance or resolution;

2601 2. A county constitutional officer, pursuant to s. 1(d),
2602 Art. VIII of the State Constitution, by the establishment of
2603 written policy;

2604 3. The governing body of a district school board by the
2605 adoption of rules;

2606 4. The governing body of a special district, as defined in
2607 s. 189.012 ~~189.403(1)~~, except those special districts that are
2608 subject to s. 166.021(9), by the enactment of a resolution; or

2609 5. Any metropolitan planning organization created pursuant
2610 to s. 339.175 or any other separate legal or administrative
2611 entity created pursuant to s. 339.175 of which a metropolitan
2612 planning organization is a member, by the enactment of a
2613 resolution.

2614 Section 59. Paragraph (d) of subsection (4) of section
2615 112.63, Florida Statutes, is amended to read:

2616 112.63 Actuarial reports and statements of actuarial
2617 impact; review.—

2618 (4) Upon receipt, pursuant to subsection (2), of an
2619 actuarial report, or, pursuant to subsection (3), of a statement
2620 of actuarial impact, the Department of Management Services shall



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2621 acknowledge such receipt, but shall only review and comment on
2622 each retirement system's or plan's actuarial valuations at least
2623 on a triennial basis.

2624 (d) In the case of an affected special district, the
2625 Department of Management Services shall also notify the
2626 Department of Economic Opportunity. Upon receipt of
2627 notification, the Department of Economic Opportunity shall
2628 proceed pursuant to s. 189.067 ~~189.421~~.

2629 1. Failure of a special district to provide a required
2630 report or statement, to make appropriate adjustments, or to
2631 provide additional material information after the procedures
2632 specified in s. 189.067(1) ~~189.421(1)~~ are exhausted shall be
2633 deemed final action by the special district.

2634 2. The Department of Management Services may notify the
2635 Department of Economic Opportunity of those special districts
2636 that failed to come into compliance. Upon receipt of
2637 notification, the Department of Economic Opportunity shall
2638 proceed pursuant to s. 189.067 ~~189.421(4)~~.

2639 Section 60. Subsection (1) of section 112.665, Florida
2640 Statutes, is amended to read:

2641 112.665 Duties of Department of Management Services.—

2642 (1) The Department of Management Services shall:

2643 (a) Gather, catalog, and maintain complete, computerized
2644 data information on all public employee retirement systems or
2645 plans in the state based upon a review of audits, reports, and
2646 other data pertaining to the systems or plans;

2647 (b) Receive and comment upon all actuarial reviews of
2648 retirement systems or plans maintained by units of local
2649 government;



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2650 (c) Cooperate with local retirement systems or plans on
2651 matters of mutual concern and provide technical assistance to
2652 units of local government in the assessment and revision of
2653 retirement systems or plans;

2654 (d) Annually issue, by January 1, a report to the President
2655 of the Senate and the Speaker of the House of Representatives,
2656 which details division activities, findings, and recommendations
2657 concerning all governmental retirement systems. The report may
2658 include legislation proposed to carry out such recommendations;

2659 (e) Provide a fact sheet for each participating local
2660 government defined benefit pension plan which summarizes the
2661 plan's actuarial status. The fact sheet should provide a summary
2662 of the plan's most current actuarial data, minimum funding
2663 requirements as a percentage of pay, and a 5-year history of
2664 funded ratios. The fact sheet must include a brief explanation
2665 of each element in order to maximize the transparency of the
2666 local government plans. The fact sheet must also contain the
2667 information specified in s. 112.664(1). These documents shall be
2668 posted on the department's website. Plan sponsors that have
2669 websites must provide a link to the department's website;

2670 (f) Annually issue, by January 1, a report to the Special
2671 District Accountability Information ~~Information~~ Program of the Department of
2672 Economic Opportunity which includes the participation in and
2673 compliance of special districts with the local government
2674 retirement system provisions in s. 112.63 and the state-
2675 administered retirement system provisions specified in part I of
2676 chapter 121; and

2677 (g) Adopt reasonable rules to administer this part.

2678 Section 61. Subsection (9) of section 121.021, Florida



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2679 Statutes, is amended to read:

2680 121.021 Definitions.—The following words and phrases as
2681 used in this chapter have the respective meanings set forth
2682 unless a different meaning is plainly required by the context:

2683 (9) "Special district" means an independent special
2684 district as defined in s. 189.012 ~~189.403(3)~~.

2685 Section 62. Paragraph (b) of subsection (2) of section
2686 121.051, Florida Statutes, is amended to read:

2687 121.051 Participation in the system.—

2688 (2) OPTIONAL PARTICIPATION.—

2689 (b)1. The governing body of any municipality, metropolitan
2690 planning organization, or special district in the state may
2691 elect to participate in the Florida Retirement System upon
2692 proper application to the administrator and may cover all of its
2693 units as approved by the Secretary of Health and Human Services
2694 and the administrator. The department shall adopt rules
2695 establishing procedures for the submission of documents
2696 necessary for such application. Before being approved for
2697 participation in the system, the governing body of a
2698 municipality, metropolitan planning organization, or special
2699 district that has a local retirement system must submit to the
2700 administrator a certified financial statement showing the
2701 condition of the local retirement system within 3 months before
2702 the proposed effective date of membership in the Florida
2703 Retirement System. The statement must be certified by a
2704 recognized accounting firm that is independent of the local
2705 retirement system. All required documents necessary for
2706 extending Florida Retirement System coverage must be received by
2707 the department for consideration at least 15 days before the



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2708 proposed effective date of coverage. If the municipality,
2709 metropolitan planning organization, or special district does not
2710 comply with this requirement, the department may require that
2711 the effective date of coverage be changed.

2712 2. A municipality, metropolitan planning organization, or
2713 special district that has an existing retirement system covering
2714 the employees in the units that are to be brought under the
2715 Florida Retirement System may participate only after holding a
2716 referendum in which all employees in the affected units have the
2717 right to participate. Only those employees electing coverage
2718 under the Florida Retirement System by affirmative vote in the
2719 referendum are eligible for coverage under this chapter, and
2720 those not participating or electing not to be covered by the
2721 Florida Retirement System shall remain in their present systems
2722 and are not eligible for coverage under this chapter. After the
2723 referendum is held, all future employees are compulsory members
2724 of the Florida Retirement System.

2725 3. At the time of joining the Florida Retirement System,
2726 the governing body of a municipality, metropolitan planning
2727 organization, or special district complying with subparagraph 1.
2728 may elect to provide, or not provide, benefits based on past
2729 service of officers and employees as described in s. 121.081(1).
2730 However, if such employer elects to provide past service
2731 benefits, such benefits must be provided for all officers and
2732 employees of its covered group.

2733 4. Once this election is made and approved it may not be
2734 revoked, except pursuant to subparagraphs 5. and 6., and all
2735 present officers and employees electing coverage and all future
2736 officers and employees are compulsory members of the Florida



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2737 Retirement System.

2738 5. Subject to subparagraph 6., the governing body of a
2739 hospital licensed under chapter 395 which is governed by the
2740 governing body ~~board~~ of a special district as defined in s.
2741 189.012 ~~189.403~~ or by the board of trustees of a public health
2742 trust created under s. 154.07, hereinafter referred to as
2743 "hospital district," and which participates in the Florida
2744 Retirement System, may elect to cease participation in the
2745 system with regard to future employees in accordance with the
2746 following:

2747 a. No more than 30 days and at least 7 days before adopting
2748 a resolution to partially withdraw from the system and establish
2749 an alternative retirement plan for future employees, a public
2750 hearing must be held on the proposed withdrawal and proposed
2751 alternative plan.

2752 b. From 7 to 15 days before such hearing, notice of intent
2753 to withdraw, specifying the time and place of the hearing, must
2754 be provided in writing to employees of the hospital district
2755 proposing partial withdrawal and must be published in a
2756 newspaper of general circulation in the area affected, as
2757 provided by ss. 50.011-50.031. Proof of publication must be
2758 submitted to the Department of Management Services.

2759 c. The governing body of a hospital district seeking to
2760 partially withdraw from the system must, before such hearing,
2761 have an actuarial report prepared and certified by an enrolled
2762 actuary, as defined in s. 112.625, illustrating the cost to the
2763 hospital district of providing, through the retirement plan that
2764 the hospital district is to adopt, benefits for new employees
2765 comparable to those provided under the system.



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2766 d. Upon meeting all applicable requirements of this
2767 subparagraph, and subject to subparagraph 6., partial withdrawal
2768 from the system and adoption of the alternative retirement plan
2769 may be accomplished by resolution duly adopted by the hospital
2770 district board. The hospital district board must provide written
2771 notice of such withdrawal to the division by mailing a copy of
2772 the resolution to the division, postmarked by December 15, 1995.
2773 The withdrawal shall take effect January 1, 1996.

2774 6. Following the adoption of a resolution under sub-
2775 subparagraph 5.d., all employees of the withdrawing hospital
2776 district who were members of the system before January 1, 1996,
2777 shall remain as members of the system for as long as they are
2778 employees of the hospital district, and all rights, duties, and
2779 obligations between the hospital district, the system, and the
2780 employees remain in full force and effect. Any employee who is
2781 hired or appointed on or after January 1, 1996, may not
2782 participate in the system, and the withdrawing hospital district
2783 has no obligation to the system with respect to such employees.

2784 Section 63. Subsection (1) of section 153.94, Florida
2785 Statutes, is amended to read:

2786 153.94 Applicability of other laws.—Except as expressly
2787 provided in this act:

2788 (1) With respect to any wastewater facility privatization
2789 contract entered into under this act, a public entity is subject
2790 to s. 125.3401, s. 180.301, s. 189.054 ~~189.423~~, or s. 190.0125
2791 but is not subject to the requirements of chapter 287.

2792 Section 64. Paragraph (a) of subsection (2) of section
2793 163.08, Florida Statutes, is amended to read:

2794 163.08 Supplemental authority for improvements to real



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2795 property.-

2796 (2) As used in this section, the term:

2797 (a) "Local government" means a county, a municipality, a
2798 dependent special district as defined in s. 189.012 ~~189.403~~, or
2799 a separate legal entity created pursuant to s. 163.01(7).

2800 Section 65. Subsection (7) of section 165.031, Florida
2801 Statutes, is amended to read:

2802 165.031 Definitions.—The following terms and phrases, when
2803 used in this chapter, shall have the meanings ascribed to them
2804 in this section, except where the context clearly indicates a
2805 different meaning:

2806 (7) "Special district" means a local unit of special
2807 government, as defined in s. 189.012 ~~189.403(1)~~. This term
2808 includes dependent special districts, as defined in s. 189.012
2809 ~~189.403(2)~~, and independent special districts, as defined in s.
2810 189.012 ~~189.403(3)~~. All provisions of s. 200.001(8)(d) and (e)
2811 shall be considered provisions of this chapter.

2812 Section 66. Paragraph (b) of subsection (1) and subsections
2813 (8) and (16) of section 165.0615, Florida Statutes, are amended
2814 to read:

2815 165.0615 Municipal conversion of independent special
2816 districts upon elector-initiated and approved referendum.—

2817 (1) The qualified electors of an independent special
2818 district may commence a municipal conversion proceeding by
2819 filing a petition with the governing body of the independent
2820 special district proposed to be converted if the district meets
2821 all of the following criteria:

2822 (b) It is designated as an improvement district and created
2823 pursuant to chapter 298 or is designated as a stewardship



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2824 district and created pursuant to s. 189.031 ~~189.404~~.

2825 (8) Notice of the final public hearing on the proposed
2826 elector-initiated combined municipal incorporation plan must be
2827 published pursuant to the notice requirements in s. 189.015
2828 ~~189.417~~ and must provide a descriptive summary of the elector-
2829 initiated municipal incorporation plan and a reference to the
2830 public places within the independent special district where a
2831 copy of the plan may be examined.

2832 (16) If the incorporation plan is approved by a majority of
2833 the votes cast in the independent special district, the district
2834 shall notify the special district accountability information
2835 program pursuant to s. 189.016(2) ~~189.418(2)~~ and the local
2836 general-purpose governments in which any part of the independent
2837 special district is situated pursuant to s. 189.016(7)
2838 ~~189.418(7)~~.

2839 Section 67. Subsection (3) of section 171.202, Florida
2840 Statutes, is amended to read:

2841 171.202 Definitions.—As used in this part, the term:

2842 (3) "Independent special district" means an independent
2843 special district, as defined in s. 189.012 ~~189.403~~, which
2844 provides fire, emergency medical, water, wastewater, or
2845 stormwater services.

2846 Section 68. Subsection (16) of section 175.032, Florida
2847 Statutes, is amended to read:

2848 175.032 Definitions.—For any municipality, special fire
2849 control district, chapter plan, local law municipality, local
2850 law special fire control district, or local law plan under this
2851 chapter, the following words and phrases have the following
2852 meanings:



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2853 (16) "Special fire control district" means a special
2854 district, as defined in s. 189.012 ~~189.403(1)~~, established for
2855 the purposes of extinguishing fires, protecting life, and
2856 protecting property within the incorporated or unincorporated
2857 portions of any county or combination of counties, or within any
2858 combination of incorporated and unincorporated portions of any
2859 county or combination of counties. The term does not include any
2860 dependent or independent special district, as defined in s.
2861 189.012 ~~189.403(2) and (3)~~, respectively, the employees of which
2862 are members of the Florida Retirement System pursuant to s.
2863 121.051(1) or (2).

2864 Section 69. Section 190.011, Florida Statutes, is amended
2865 to read:

2866 190.011 General powers.—The district shall have, and the
2867 governing body ~~board~~ may exercise, the following powers:

2868 (1) To sue and be sued in the name of the district; to
2869 adopt and use a seal and authorize the use of a facsimile
2870 thereof; to acquire, by purchase, gift, devise, or otherwise,
2871 and to dispose of, real and personal property, or any estate
2872 therein; and to make and execute contracts and other instruments
2873 necessary or convenient to the exercise of its powers.

2874 (2) To apply for coverage of its employees under the state
2875 retirement system in the same manner as if such employees were
2876 state employees, subject to necessary action by the district to
2877 pay employer contributions into the state retirement fund.

2878 (3) To contract for the services of consultants to perform
2879 planning, engineering, legal, or other appropriate services of a
2880 professional nature. Such contracts shall be subject to public
2881 bidding or competitive negotiation requirements as set forth in



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2882 s. 190.033.

2883 (4) To borrow money and accept gifts; to apply for and use
2884 grants or loans of money or other property from the United
2885 States, the state, a unit of local government, or any person for
2886 any district purposes and enter into agreements required in
2887 connection therewith; and to hold, use, and dispose of such
2888 moneys or property for any district purposes in accordance with
2889 the terms of the gift, grant, loan, or agreement relating
2890 thereto.

2891 (5) To adopt rules and orders pursuant to the provisions of
2892 chapter 120 prescribing the powers, duties, and functions of the
2893 officers of the district; the conduct of the business of the
2894 district; the maintenance of records; and the form of
2895 certificates evidencing tax liens and all other documents and
2896 records of the district. The board may also adopt administrative
2897 rules with respect to any of the projects of the district and
2898 define the area to be included therein. The board may also adopt
2899 resolutions which may be necessary for the conduct of district
2900 business.

2901 (6) To maintain an office at such place or places as it may
2902 designate within a county in which the district is located or
2903 within the boundaries of a development of regional impact or a
2904 Florida Quality Development, or a combination of a development
2905 of regional impact and a Florida Quality Development, which
2906 includes the district, which office must be reasonably
2907 accessible to the landowners. Meetings pursuant to s. 189.015(3)
2908 ~~189.417(3)~~ of a district within the boundaries of a development
2909 of regional impact or Florida Quality Development, or a
2910 combination of a development of regional impact and a Florida



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2911 Quality Development, may be held at such office.

2912 (7) (a) To hold, control, and acquire by donation, purchase,
2913 or condemnation, or dispose of, any public easements,
2914 dedications to public use, platted reservations for public
2915 purposes, or any reservations for those purposes authorized by
2916 this act and to make use of such easements, dedications, or
2917 reservations for any of the purposes authorized by this act.

2918 (b) When real property in the district is owned by a
2919 governmental entity and subject to a ground lease as described
2920 in s. 190.003(14), to collect ground rent from landowners
2921 pursuant to a contract with such governmental entity and to
2922 contract with the county tax collector for collection of such
2923 ground rent using the procedures authorized in s. 197.3631,
2924 other than the procedures contained in s. 197.3632.

2925 (8) To lease as lessor or lessee to or from any person,
2926 firm, corporation, association, or body, public or private, any
2927 projects of the type that the district is authorized to
2928 undertake and facilities or property of any nature for the use
2929 of the district to carry out any of the purposes authorized by
2930 this act.

2931 (9) To borrow money and issue bonds, certificates,
2932 warrants, notes, or other evidence of indebtedness as
2933 hereinafter provided; to levy such tax and special assessments
2934 as may be authorized; and to charge, collect, and enforce fees
2935 and other user charges.

2936 (10) To raise, by user charges or fees authorized by
2937 resolution of the board, amounts of money which are necessary
2938 for the conduct of the district activities and services and to
2939 enforce their receipt and collection in the manner prescribed by



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2940 resolution not inconsistent with law.

2941 (11) To exercise within the district, or beyond the
2942 district with prior approval by resolution of the governing body
2943 of the county if the taking will occur in an unincorporated area
2944 or with prior approval by resolution of the governing body of
2945 the municipality if the taking will occur within a municipality,
2946 the right and power of eminent domain, pursuant to the
2947 provisions of chapters 73 and 74, over any property within the
2948 state, except municipal, county, state, and federal property,
2949 for the uses and purposes of the district relating solely to
2950 water, sewer, district roads, and water management, specifically
2951 including, without limitation, the power for the taking of
2952 easements for the drainage of the land of one person over and
2953 through the land of another.

2954 (12) To cooperate with, or contract with, other
2955 governmental agencies as may be necessary, convenient,
2956 incidental, or proper in connection with any of the powers,
2957 duties, or purposes authorized by this act.

2958 (13) To assess and impose upon lands in the district ad
2959 valorem taxes as provided by this act.

2960 (14) To determine, order, levy, impose, collect, and
2961 enforce special assessments pursuant to this act and chapter
2962 170. Such special assessments may, in the discretion of the
2963 district, be collected and enforced pursuant to the provisions
2964 of ss. 197.3631, 197.3632, and 197.3635, chapter 170, or chapter
2965 173.

2966 (15) To exercise all of the powers necessary, convenient,
2967 incidental, or proper in connection with any of the powers,
2968 duties, or purposes authorized by this act.



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2969 (16) To exercise such special powers as may be authorized
2970 by this act.

2971 Section 70. Subsection (8) of section 190.046, Florida
2972 Statutes, is amended to read:

2973 190.046 Termination, contraction, or expansion of
2974 district.—

2975 (8) In the event the district has become inactive pursuant
2976 to s. 189.062 ~~189.4044~~, the respective board of county
2977 commissioners or city commission shall be informed and it shall
2978 take appropriate action.

2979 Section 71. Section 190.049, Florida Statutes, is amended
2980 to read:

2981 190.049 Special acts prohibited.—Pursuant to s. 11(a)(21),
2982 Art. III of the State Constitution, there shall be no special
2983 law or general law of local application creating an independent
2984 special district which has the powers enumerated in two or more
2985 of the paragraphs contained in s. 190.012, unless such district
2986 is created pursuant to the provisions of s. 189.031 ~~189.404~~.

2987 Section 72. Subsection (5) of section 191.003, Florida
2988 Statutes, is amended to read:

2989 191.003 Definitions.—As used in this act:

2990 (5) "Independent special fire control district" means an
2991 independent special district as defined in s. 189.012 ~~189.403~~,
2992 created by special law or general law of local application,
2993 providing fire suppression and related activities within the
2994 jurisdictional boundaries of the district. The term does not
2995 include a municipality, a county, a dependent special district
2996 as defined in s. 189.012 ~~189.403~~, a district providing primarily
2997 emergency medical services, a community development district



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2998 established under chapter 190, or any other multiple-power
2999 district performing fire suppression and related services in
3000 addition to other services.

3001 Section 73. Paragraph (a) of subsection (1) and subsection
3002 (8) of section 191.005, Florida Statutes, are amended to read:

3003 191.005 District boards of commissioners; membership,
3004 officers, meetings.—

3005 (1) (a) With the exception of districts whose governing
3006 boards are appointed collectively by the Governor, the county
3007 commission, and any cooperating city within the county, the
3008 business affairs of each district shall be conducted and
3009 administered by a five-member board. All three-member boards
3010 existing on the effective date of this act shall be converted to
3011 five-member boards, except those permitted to continue as a
3012 three-member board by special act adopted in 1997 or thereafter.
3013 The board shall be elected in nonpartisan elections by the
3014 electors of the district. Except as provided in this act, such
3015 elections shall be held at the time and in the manner prescribed
3016 by law for holding general elections in accordance with s.
3017 189.04(2)(a) ~~189.405(2)(a)~~ and (3), and each member shall be
3018 elected for a term of 4 years and serve until the member's
3019 successor assumes office. Candidates for the board of a district
3020 shall qualify as directed by chapter 99.

3021 (8) All meetings of the board shall be open to the public
3022 consistent with chapter 286, s. 189.015 ~~189.417~~, and other
3023 applicable general laws.

3024 Section 74. Subsection (2) of section 191.013, Florida
3025 Statutes, is amended to read:

3026 191.013 Intergovernmental coordination.—



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3027 (2) Each independent special fire control district shall
3028 adopt a 5-year plan to identify the facilities, equipment,
3029 personnel, and revenue needed by the district during that 5-year
3030 period. The plan shall be updated in accordance with s. 189.08
3031 ~~189.415~~ and shall satisfy the requirement for a public
3032 facilities report required by s. 189.08(2) ~~189.415(2)~~.

3033 Section 75. Subsection (1) of section 191.014, Florida
3034 Statutes, is amended to read:

3035 191.014 District creation and expansion.—

3036 (1) New districts may be created only by the Legislature
3037 under s. 189.031 ~~189.404~~.

3038 Section 76. Section 191.015, Florida Statutes, is amended
3039 to read:

3040 191.015 Codification.—Each fire control district existing
3041 on the effective date of this section, by December 1, 2004,
3042 shall submit to the Legislature a draft codified charter, at its
3043 expense, so that its special acts may be codified into a single
3044 act for reenactment by the Legislature, if there is more than
3045 one special act for the district. The Legislature may adopt a
3046 schedule for individual district codification. Any codified act
3047 relating to a district, which act is submitted to the
3048 Legislature for reenactment, shall provide for the repeal of all
3049 prior special acts of the Legislature relating to the district.
3050 The codified act shall be filed with the Department of Economic
3051 Opportunity pursuant to s. 189.016(2) ~~189.418(2)~~.

3052 Section 77. Paragraphs (c), (d), and (e) of subsection (8)
3053 of section 200.001, Florida Statutes, are amended to read:

3054 200.001 Millages; definitions and general provisions.—

3055 (8)



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3056 (c) "Special district" means a special district as defined
3057 in s. 189.012 ~~189.403(1)~~.

3058 (d) "Dependent special district" means a dependent special
3059 district as defined in s. 189.012 ~~189.403(2)~~. Dependent special
3060 district millage, when added to the millage of the governing
3061 body to which it is dependent, shall not exceed the maximum
3062 millage applicable to such governing body.

3063 (e) "Independent special district" means an independent
3064 special district as defined in s. 189.012 ~~189.403(3)~~, with the
3065 exception of a downtown development authority established prior
3066 to the effective date of the 1968 State Constitution as an
3067 independent body, either appointed or elected, regardless of
3068 whether or not the budget is approved by the local governing
3069 body, if the district levies a millage authorized as of the
3070 effective date of the 1968 State Constitution. Independent
3071 special district millage shall not be levied in excess of a
3072 millage amount authorized by general law and approved by vote of
3073 the electors pursuant to s. 9(b), Art. VII of the State
3074 Constitution, except for those independent special districts
3075 levying millage for water management purposes as provided in
3076 that section and municipal service taxing units as specified in
3077 s. 125.01(1)(q) and (r). However, independent special district
3078 millage authorized as of the date the 1968 State Constitution
3079 became effective need not be so approved, pursuant to s. 2, Art.
3080 XII of the State Constitution.

3081 Section 78. Subsections (1), (5), (6), and (7) of section
3082 218.31, Florida Statutes, are amended to read:

3083 218.31 Definitions.—As used in this part, except where the
3084 context clearly indicates a different meaning:



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3085 (1) "Local governmental entity" means a county agency, a
3086 municipality, or a special district as defined in s. 189.012
3087 ~~189.403~~. For purposes of s. 218.32, the term also includes a
3088 housing authority created under chapter 421.

3089 (5) "Special district" means a special district as defined
3090 in s. 189.012 ~~189.403(1)~~.

3091 (6) "Dependent special district" means a dependent special
3092 district as defined in s. 189.012 ~~189.403(2)~~.

3093 (7) "Independent special district" means an independent
3094 special district as defined in s. 189.012 ~~189.403(3)~~.

3095 Section 79. Paragraph (a) and (f) of subsection (1) and
3096 subsection (2) of section 218.32, Florida Statutes, are amended
3097 to read:

3098 218.32 Annual financial reports; local governmental
3099 entities.—

3100 (1)(a) Each local governmental entity that is determined to
3101 be a reporting entity, as defined by generally accepted
3102 accounting principles, and each independent special district as
3103 defined in s. 189.012 ~~189.403~~, shall submit to the department a
3104 copy of its annual financial report for the previous fiscal year
3105 in a format prescribed by the department. The annual financial
3106 report must include a list of each local governmental entity
3107 included in the report and each local governmental entity that
3108 failed to provide financial information as required by paragraph
3109 (b). The chair of the governing body and the chief financial
3110 officer of each local governmental entity shall sign the annual
3111 financial report submitted pursuant to this subsection attesting
3112 to the accuracy of the information included in the report. The
3113 county annual financial report must be a single document that



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3114 covers each county agency.

3115 (f) If the department does not receive a completed annual
3116 financial report from a local governmental entity within the
3117 required period, it shall notify the Legislative Auditing
3118 Committee and the Special District Accountability Information
3119 Program of the Department of Economic Opportunity of the
3120 entity's failure to comply with the reporting requirements.

3121 (2) The department shall annually by December 1 file a
3122 verified report with the Governor, the Legislature, the Auditor
3123 General, and the Special District Accountability Information
3124 Program of the Department of Economic Opportunity showing the
3125 revenues, both locally derived and derived from
3126 intergovernmental transfers, and the expenditures of each local
3127 governmental entity, regional planning council, local government
3128 finance commission, and municipal power corporation that is
3129 required to submit an annual financial report. The report must
3130 include, but is not limited to:

3131 (a) The total revenues and expenditures of each local
3132 governmental entity that is a component unit included in the
3133 annual financial report of the reporting entity.

3134 (b) The amount of outstanding long-term debt by each local
3135 governmental entity. For purposes of this paragraph, the term
3136 "long-term debt" means any agreement or series of agreements to
3137 pay money, which, at inception, contemplate terms of payment
3138 exceeding 1 year in duration.

3139 Section 80. Paragraph (g) of subsection (1) of section
3140 218.37, Florida Statutes, is amended to read:

3141 218.37 Powers and duties of Division of Bond Finance;
3142 advisory council.-



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3143 (1) The Division of Bond Finance of the State Board of
3144 Administration, with respect to both general obligation bonds
3145 and revenue bonds, shall:

3146 (g) By January 1 each year, provide the Special District
3147 Accountability Information Program of the Department of Economic
3148 Opportunity with a list of special districts that are not in
3149 compliance with the requirements in s. 218.38.

3150 Section 81. Paragraph (j) of subsection (1) of section
3151 255.20, Florida Statutes, is amended to read:

3152 255.20 Local bids and contracts for public construction
3153 works; specification of state-produced lumber.-

3154 (1) A county, municipality, special district as defined in
3155 chapter 189, or other political subdivision of the state seeking
3156 to construct or improve a public building, structure, or other
3157 public construction works must competitively award to an
3158 appropriately licensed contractor each project that is estimated
3159 in accordance with generally accepted cost-accounting principles
3160 to cost more than \$300,000. For electrical work, the local
3161 government must competitively award to an appropriately licensed
3162 contractor each project that is estimated in accordance with
3163 generally accepted cost-accounting principles to cost more than
3164 \$75,000. As used in this section, the term "competitively award"
3165 means to award contracts based on the submission of sealed bids,
3166 proposals submitted in response to a request for proposal,
3167 proposals submitted in response to a request for qualifications,
3168 or proposals submitted for competitive negotiation. This
3169 subsection expressly allows contracts for construction
3170 management services, design/build contracts, continuation
3171 contracts based on unit prices, and any other contract



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3172 arrangement with a private sector contractor permitted by any
3173 applicable municipal or county ordinance, by district
3174 resolution, or by state law. For purposes of this section, cost
3175 includes the cost of all labor, except inmate labor, and the
3176 cost of equipment and materials to be used in the construction
3177 of the project. Subject to the provisions of subsection (3), the
3178 county, municipality, special district, or other political
3179 subdivision may establish, by municipal or county ordinance or
3180 special district resolution, procedures for conducting the
3181 bidding process.

3182 (j) A county, municipality, special district as defined in
3183 s. 189.012 ~~189.403~~, or any other political subdivision of the
3184 state that owns or operates a public-use airport as defined in
3185 s. 332.004 is exempt from this section when performing repairs
3186 or maintenance on the airport's buildings, structures, or public
3187 construction works using the local government's own services,
3188 employees, and equipment.

3189 Section 82. Subsection (4) of section 298.225, Florida
3190 Statutes, is amended to read:

3191 298.225 Water control plan; plan development and
3192 amendment.—

3193 (4) Information contained within a district's facilities
3194 plan prepared pursuant to s. 189.08 ~~189.415~~ which satisfies any
3195 of the provisions of subsection (3) may be used as part of the
3196 district water control plan.

3197 Section 83. Subsection (7) of section 343.922, Florida
3198 Statutes, is amended to read:

3199 343.922 Powers and duties.—

3200 (7) The authority shall comply with all statutory



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3201 requirements of general application which relate to the filing
3202 of any report or documentation required by law, including the
3203 requirements of ss. 189.015, 189.016, 189.051, and 189.08
3204 ~~189.4085, 189.415, 189.417, and 189.418.~~

3205 Section 84. Subsection (5) of section 348.0004, Florida
3206 Statutes, is amended to read:

3207 348.0004 Purposes and powers.—

3208 (5) Any authority formed pursuant to this act shall comply
3209 with all statutory requirements of general application which
3210 relate to the filing of any report or documentation required by
3211 law, including the requirements of ss. 189.015, 189.016,
3212 189.051, and 189.08 ~~189.4085, 189.415, 189.417, and 189.418.~~

3213 Section 85. Section 373.711, Florida Statutes, is amended
3214 to read:

3215 373.711 Technical assistance to local governments.—The
3216 water management districts shall assist local governments in the
3217 development and future revision of local government
3218 comprehensive plan elements or public facilities report as
3219 required by s. 189.08 ~~189.415~~, related to water resource issues.

3220 Section 86. Paragraph (b) of subsection (3) of section
3221 403.0891, Florida Statutes, is amended to read:

3222 403.0891 State, regional, and local stormwater management
3223 plans and programs.—The department, the water management
3224 districts, and local governments shall have the responsibility
3225 for the development of mutually compatible stormwater management
3226 programs.

3227 (3)

3228 (b) Local governments are encouraged to consult with the
3229 water management districts, the Department of Transportation,



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3230 and the department before adopting or updating their local
3231 government comprehensive plan or public facilities report as
3232 required by s. 189.08 ~~189.415~~, whichever is applicable.

3233 Section 87. Subsection (1) of section 582.32, Florida
3234 Statutes, is amended to read:

3235 582.32 Effect of dissolution.—

3236 (1) Upon issuance of a certificate of dissolution, s.
3237 189.076(2) ~~189.4045(2)~~ applies and all land use regulations in
3238 effect within such districts are void.

3239 Section 88. Paragraph (a) of subsection (3) of section
3240 1013.355, Florida Statutes, is amended to read:

3241 1013.355 Educational facilities benefit districts.—

3242 (3) (a) An educational facilities benefit district may be
3243 created pursuant to this act and chapters 125, 163, 166, and
3244 189. An educational facilities benefit district charter may be
3245 created by a county or municipality by entering into an
3246 interlocal agreement, as authorized by s. 163.01, with the
3247 district school board and any local general purpose government
3248 within whose jurisdiction a portion of the district is located
3249 and adoption of an ordinance that includes all provisions
3250 contained within s. 189.02 ~~189.4041~~. The creating entity shall
3251 be the local general purpose government within whose boundaries
3252 a majority of the educational facilities benefit district's
3253 lands are located.

3254 Section 89. This act shall take effect July 1, 2014.

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3256 ===== T I T L E A M E N D M E N T =====

3257 And the title is amended as follows:

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3259 Delete everything before the enacting clause
3260 and insert:

3261 A bill to be entitled
3262 An act relating to special districts; designating
3263 parts I-VIII of chapter 189, F.S., relating to special
3264 districts; amending s. 11.40, F.S.; revising duties of
3265 the Legislative Auditing Committee; amending s.
3266 112.312, F.S.; redefining the term "agency" as it
3267 applies to the code of ethics for public officers and
3268 employees to include special districts; creating s.
3269 112.511, F.S.; specifying applicability of procedures
3270 regarding suspension and removal of a member of the
3271 governing body of a special district; amending s.
3272 125.901, F.S.; revising governing body membership for
3273 independent special districts created to provide
3274 funding for children's services; conforming provisions
3275 to changes made by the act; transferring, renumbering,
3276 and amending s. 189.401, F.S.; revising a short title;
3277 transferring, renumbering, and amending s. 189.402,
3278 F.S.; revising a statement of legislative purpose and
3279 intent; making technical changes; conforming
3280 provisions to changes made by the act; transferring,
3281 renumbering, and amending s. 189.403, F.S.; redefining
3282 the term "special district"; transferring,
3283 renumbering, and amending ss. 189.4031, 189.4035,
3284 189.404, 189.40401, 189.4041, and 189.4042, F.S.;
3285 deleting provisions relating to the application of a
3286 special district to amend its charter; conforming
3287 provisions to changes made by the act; transferring,



3288 renumbering, and amending s. 189.4044, F.S.; revising
3289 the circumstances under which the Department of
3290 Economic Opportunity may declare a special district
3291 inactive; requiring the department to provide notice
3292 of a declaration of inactive status to certain persons
3293 and bodies; prohibiting special districts that are
3294 declared inactive from collecting taxes, fees, or
3295 assessments; providing exceptions; providing for
3296 enforcement of the prohibition; providing for costs of
3297 litigation and reasonable attorney fees in certain
3298 proceedings; transferring and renumbering ss. 189.4045
3299 and 189.4047, F.S.; transferring, renumbering, and
3300 amending s. 189.405, F.S.; revising requirements
3301 related to education programs for new members of
3302 special district governing bodies; amending s.
3303 189.4051, F.S.; revising definitions; conforming
3304 provisions to changes made by the act; transferring
3305 and renumbering ss. 189.4065, 189.408, and 189.4085,
3306 F.S.; transferring, renumbering, and amending ss.
3307 189.412 and 189.413, F.S.; renaming the Special
3308 District Information Program the Special District
3309 Accountability Program; revising duties of the Special
3310 District Accountability Program; transferring and
3311 renumbering ss. 189.415, 189.4155, and 189.4156, F.S.;
3312 transferring, renumbering, and amending ss. 189.416,
3313 189.417, and 189.418, F.S.; conforming provisions to
3314 changes made by the act; transferring, renumbering,
3315 and amending s. 189.419, F.S.; revising provisions
3316 related to the failure of a special district to file



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3317 certain reports or information; conforming provisions
3318 to changes made by the act; transferring and
3319 renumbering s. 189.420, F.S.; transferring,
3320 renumbering, and amending s. 189.421, F.S.; revising
3321 notification requirements for special districts that
3322 fail to file certain reports; revising available
3323 remedies for the failure of a special district to
3324 disclose required financial reports; transferring and
3325 renumbering ss. 189.4221, 189.423, and 189.425, F.S.;
3326 transferring, renumbering, and amending s. 189.427,
3327 F.S.; providing for the deposit of administration fees
3328 into the Operating Trust Fund rather than the Grants
3329 and Donations Trust Fund; transferring, renumbering,
3330 and amending s. 189.428, F.S.; revising the oversight
3331 review process for special districts; transferring and
3332 renumbering s. 189.429, F.S.; repealing ss. 189.430,
3333 189.431, 189.432, 189.433, 189.434, 189.435, 189.436,
3334 189.437, 189.438, 189.439, 189.440, 189.441, 189.442,
3335 189.443, and 189.444, F.S., relating to the Community
3336 Improvement Authority Act; creating ss. 189.034 and
3337 189.035, F.S.; providing applicability; requiring the
3338 Legislative Auditing Committee to provide notice of
3339 the failure of special districts to file certain
3340 required reports and requested information to certain
3341 persons and bodies; authorizing the Legislative
3342 Auditing Committee to convene a public hearing on the
3343 issue of noncompliance and general oversight of
3344 special districts created by special act of the
3345 Legislature; requiring a special district created by



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3346 special act of the Legislature to provide certain
3347 information to the Legislative Auditing Committee
3348 before a public hearing upon request; requiring the
3349 chair or equivalent of the local general-purpose
3350 government to convene a public hearing on the issue of
3351 noncompliance of special districts created by local
3352 ordinance; authorizing the local general-purpose
3353 government to request certain information from a
3354 special district created by local ordinance before a
3355 public hearing; creating s. 189.055, F.S.; requiring
3356 special districts to be treated as municipalities for
3357 certain purposes; creating s. 189.069, F.S.; requiring
3358 special districts to establish and maintain an
3359 official website for certain information; requiring
3360 special districts to submit the web address of their
3361 respective websites to the department; requiring that
3362 the department's online list of special districts
3363 include a link to the website of certain special
3364 districts; amending ss. 11.45, 100.011, 101.657,
3365 112.061, 112.63, 112.665, 121.021, 121.051, 153.94,
3366 163.08, 165.031, 165.0615, 171.202, 175.032, 190.011,
3367 190.046, 190.049, 191.003, 191.005, 191.013, 191.014,
3368 191.015, 200.001, 218.31, 218.32, 218.37, 255.20,
3369 298.225, 343.922, 348.0004, 373.711, 403.0891, 582.32,
3370 and 1013.355, F.S.; conforming provisions to changes
3371 made by the act; providing an effective date.