



LEGISLATIVE ACTION

Senate	.	House
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04/25/2014 11:55 AM	.	
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Senator Stargel moved 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."

(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,
26 189.069, and 189.0691, Florida Statutes, as created by this act,
27 and 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
40 Finance of the State Board of Administration of the failure of a



694030

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 of
57 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), or
62 if a public hearing is not held, the Legislative Auditing
63 Committee may request the department to proceed pursuant to s.
64 189.067(3) ~~s. 189.4044 or s. 189.421.~~

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



70 189.067. If the special district remains in noncompliance after
71 the process set forth in s. 189.034(3), or if a public hearing
72 is not held, the Legislative Auditing Committee may request the
73 department to proceed pursuant to s. 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
98 officers.



694030

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
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
156 removed from office, the vacancy thereby created shall, as soon



694030

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

264 4. Nothing in this paragraph precludes the governing body
265 ~~board~~ of a district from requesting that the governing body of
266 the county submit the question of retention or dissolution of a
267 district with voter-approved taxing authority to the electorate
268 at a date earlier than the year prescribed in subparagraph 1. If
269 the governing body of the county accepts the request and submits
270 the question to the electorate, the governing body satisfies the
271 requirement of that subparagraph.

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694030

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

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

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

291 189.01 ~~189.401~~ Short title.—This chapter may be cited as
292 the "Uniform Special District Accountability Act ~~of 1989~~."

293 Section 7. Subsections (1), (6), and (7) of section
294 189.402, Florida Statutes, are transferred and renumbered as
295 subsections (1), (2), and (3), respectively, of section 189.011,
296 Florida Statutes, and present subsection (6) of that section is
297 amended, to read:

298 189.011 ~~189.402~~ Statement of legislative purpose and
299 intent.—

300 (2) ~~(6)~~ The Legislature finds that special districts serve a
301 necessary and useful function by providing services to residents



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

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

318 189.06 189.402 Legislative intent; centralized location
319 Statement of legislative purpose and intent.-

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

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

326 (2) ~~(b)~~ Improve communication and coordination between state
327 agencies with respect to required special district reporting and
328 state monitoring.

329 (3) ~~(c)~~ Improve communication and coordination between
330 special districts and other local entities with respect to ad



331 valorem taxation, non-ad valorem assessment collection, special
332 district elections, and local government comprehensive planning.

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

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

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

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

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

348 Section 9. Subsections (3), (4), (5), and (8) of section
349 189.402, Florida Statutes, are transferred, renumbered as
350 subsections (1), (2), (3), and (4), respectively, of section
351 189.03, Florida Statutes, and amended to read:

352 189.03 ~~189.402~~ Statement of legislative purpose and intent;
353 independent special districts.-

354 (1)~~(3)~~ The Legislature finds that:

355 (a) There is a need for uniform, focused, and fair
356 procedures in state law to provide a reasonable alternative for
357 the establishment, powers, operation, and duration of
358 independent special districts ~~to manage and finance basic~~
359 ~~capital infrastructure, facilities, and services; and that,~~



694030

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

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

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

380 ~~(2)(4)~~ It is the policy of this state:

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

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



694030

389 and regulations.

390 ~~(3)(5)~~ It is the legislative intent ~~and purpose, based~~
391 ~~upon, and consistent with, its findings of fact and declarations~~
392 ~~of policy,~~ to authorize a uniform procedure by general law to
393 create an independent special district, ~~as an alternative method~~
394 ~~to manage and finance basic capital infrastructure, facilities,~~
395 ~~and services. It is further the legislative intent and purpose~~
396 to provide by general law for the uniform operation, exercise of
397 power, and procedure for termination of any such independent
398 special district.

399 ~~(4)(8)~~ The Legislature finds and declares that:

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

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

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

412 189.012 ~~189.403~~ Definitions.—As used in this chapter, the
413 term:

414 ~~(6)(1)~~ "Special district" means a ~~local~~ unit of local
415 government created for a ~~of~~ special purpose, as opposed to a
416 general purpose ~~general-purpose,~~ which has jurisdiction to
417 operate ~~government~~ within a limited geographic boundary and is



694030

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

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

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

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

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

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

442
443 This subsection is for purposes of definition only. Nothing in
444 this subsection confers additional authority upon local
445 governments not otherwise authorized by the provisions of the
446 special acts or general acts of local application creating each



694030

447 special district, as amended.

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

453 ~~(1)~~ ~~(4)~~ "Department" means the Department of Economic
454 Opportunity.

455 ~~(4)~~ ~~(5)~~ "Local governing authority" means the governing body
456 of a unit of local general-purpose government. However, if the
457 special district is a political subdivision of a municipality,
458 "local governing authority" means the municipality.

459 ~~(7)~~ ~~(6)~~ "Water management district" for purposes of this
460 chapter means a special taxing district which is a regional
461 water management district created and operated pursuant to
462 chapter 373 or chapter 61-691, Laws of Florida, or a flood
463 control district created and operated pursuant to chapter 25270,
464 Laws of Florida, 1949, as modified by s. 373.149.

465 ~~(5)~~ ~~(7)~~ "Public facilities" means major capital
466 improvements, including, but not limited to, transportation
467 facilities, sanitary sewer facilities, solid waste facilities,
468 water management and control facilities, potable water
469 facilities, alternative water systems, educational facilities,
470 parks and recreational facilities, health systems and
471 facilities, and, except for spoil disposal by those ports listed
472 in s. 311.09(1), spoil disposal sites for maintenance dredging
473 in waters of the state.

474 Section 11. Subsection (1) of section 189.4031, Florida
475 Statutes, is transferred and renumbered as section 189.013,



694030

476 Florida Statutes, and the catchline of that section shall read:
477 "Special districts; creation, dissolution, and reporting
478 requirements."

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

482 189.0311 ~~189.4031~~ Independent special districts ~~Special~~
483 ~~districts; creation, dissolution, and reporting requirements;~~
484 charter requirements.-

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

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

499 189.061 ~~189.4035~~ ~~Preparation of~~ Official list of special
500 districts.-

501 (1) The department ~~of Economic Opportunity~~ shall maintain
502 ~~compile~~ the official list of special districts. The official
503 list of special districts shall include all special districts in
504 this state and shall indicate the independent or dependent



694030

505 status of each district. All special districts on ~~in~~ the list
506 shall be sorted by county. The definitions in s. 189.012 ~~189.403~~
507 shall be the criteria for determination of the independent or
508 dependent status of each special district on the official list.
509 The status of community development districts shall be
510 independent on the official list of special districts.

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

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

533 ~~(a) In the event a special district was created by a local~~



694030

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

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

549 Section 14. Section 189.404, Florida Statutes, is
550 transferred and renumbered as section 189.031, Florida Statutes,
551 and amended, to read:

552 189.031 ~~189.404~~ Legislative intent for the creation of
553 independent special districts; special act prohibitions; model
554 elements and other requirements; local general-purpose ~~local~~
555 government/Governor and Cabinet creation authorizations.—

556 (1) LEGISLATIVE INTENT.—It is the intent of the Legislature
557 that, after September 30, 1989, at a minimum, the requirements
558 of subsection (3) must be satisfied when an independent special
559 district is created.

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



694030

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

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

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

569 (d) Exempt an independent special district from the
570 reporting, notice, or public meetings requirements of s.
571 189.051, s. 189.08, s. 189.015, or s. 189.016 ~~189.4085, s.~~
572 ~~189.415, s. 189.417, or s. 189.418~~;

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

576 1. The purpose of the proposed district;

577 2. The authority of the proposed district;

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

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

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

591 (a) The purpose of the district.



694030

592 (b) The powers, functions, and duties of the district
593 regarding ad valorem taxation, bond issuance, other revenue-
594 raising capabilities, budget preparation and approval, liens and
595 foreclosure of liens, use of tax deeds and tax certificates as
596 appropriate for non-ad valorem assessments, and contractual
597 agreements.

598 (c) The methods for establishing the district.

599 (d) The method for amending the charter of the district.

600 (e) The membership and organization of the governing body
601 ~~board~~ of the district. If a district created after September 30,
602 1989, uses a one-acre/one-vote election principle, it shall
603 provide for a governing body ~~board~~ consisting of five members.
604 Three members shall constitute a quorum.

605 (f) The maximum compensation of a governing body ~~board~~
606 member.

607 (g) The administrative duties of the governing body ~~board~~
608 of the district.

609 (h) The applicable financial disclosure, noticing, and
610 reporting requirements.

611 (i) If a district has authority to issue bonds, the
612 procedures and requirements for issuing bonds.

613 (j) The procedures for conducting any district elections or
614 referenda required and the qualifications of an elector of the
615 district.

616 (k) The methods for financing the district.

617 (l) If an independent special district has the authority to
618 levy ad valorem taxes, other than taxes levied for the payment
619 of bonds and taxes levied for periods not longer than 2 years
620 when authorized by vote of the electors of the district, the



621 millage rate that is authorized.

622 (m) The method or methods for collecting non-ad valorem
623 assessments, fees, or service charges.

624 (n) Planning requirements.

625 (o) Geographic boundary limitations.

626 (4) LOCAL GOVERNMENT/GOVERNOR AND CABINET CREATION
627 AUTHORIZATIONS.—Except as otherwise authorized by general law,
628 only the Legislature may create independent special districts.

629 (a) A municipality may create an independent special
630 district which shall be established by ordinance in accordance
631 with s. 190.005, or as otherwise authorized in general law.

632 (b) A county may create an independent special district
633 which shall be adopted by a charter in accordance with s.
634 125.901 or s. 154.331 or chapter 155, or which shall be
635 established by ordinance in accordance with s. 190.005, or as
636 otherwise authorized by general law.

637 (c) The Governor and Cabinet may create an independent
638 special district which shall be established by rule in
639 accordance with s. 190.005 or as otherwise authorized in general
640 law. The Governor and Cabinet may also approve the establishment
641 of a charter for the creation of an independent special district
642 which shall be in accordance with s. 373.713, or as otherwise
643 authorized in general law.

644 (d)1. Any combination of two or more counties may create a
645 regional special district which shall be established in
646 accordance with s. 950.001, or as otherwise authorized in
647 general law.

648 2. Any combination of two or more counties or
649 municipalities may create a regional special district which



694030

650 shall be established in accordance with s. 373.713, or as
651 otherwise authorized by general law.

652 3. Any combination of two or more counties, municipalities,
653 or other political subdivisions may create a regional special
654 district in accordance with s. 163.567, or as otherwise
655 authorized in general law.

656 (5) STATUS STATEMENT.—After October 1, 1997, the charter of
657 any newly created special district shall contain and, as
658 practical, the charter of a preexisting special district shall
659 be amended to contain, a reference to the status of the special
660 district as dependent or independent. When necessary, the status
661 statement shall be amended to conform with the department's
662 determination or declaratory statement regarding the status of
663 the district.

664 Section 15. Section 189.40401, Florida Statutes, is
665 transferred and renumbered as section 189.033, Florida Statutes.

666 Section 16. Section 189.4041, Florida Statutes, is
667 transferred and renumbered as section 189.02, Florida Statutes,
668 and paragraph (e) of subsection (4) of that section is amended,
669 to read:

670 189.02 ~~189.4041~~ Dependent special districts.—

671 (4) Dependent special districts created by a county or
672 municipality shall be created by adoption of an ordinance that
673 includes:

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

676 Section 17. Subsection (1) of section 189.4042, Florida
677 Statutes, is transferred, renumbered as section 189.07, Florida
678 Statutes, and amended to read:



694030

679 189.07 ~~189.4042~~ Definitions ~~Merger and dissolution~~
680 ~~procedures.~~—

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

682 (1) ~~(a)~~ “Component independent special district” means an
683 independent special district that proposes to be merged into a
684 merged independent district, or an independent special district
685 as it existed before its merger into the merged independent
686 district of which it is now a part.

687 (2) ~~(b)~~ “Elector-initiated merger plan” means the merger
688 plan of two or more independent special districts, a majority of
689 whose qualified electors have elected to merge, which outlines
690 the terms and agreements for the official merger of the
691 districts and is finalized and approved by the governing bodies
692 of the districts pursuant to this part ~~section~~.

693 (3) ~~(c)~~ “Governing body” means the governing body of the
694 independent special district in which the general legislative,
695 governmental, or public powers of the district are vested and by
696 authority of which the official business of the district is
697 conducted.

698 (4) ~~(d)~~ “Initiative” means the filing of a petition
699 containing a proposal for a referendum to be placed on the
700 ballot for election.

701 (5) ~~(e)~~ “Joint merger plan” means the merger plan that is
702 adopted by resolution of the governing bodies of two or more
703 independent special districts that outlines the terms and
704 agreements for the official merger of the districts and that is
705 finalized and approved by the governing bodies pursuant to this
706 part ~~section~~.

707 (6) ~~(f)~~ “Merged independent district” means a single



694030

708 independent special district that results from a successful
709 merger of two or more independent special districts pursuant to
710 this part section.

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

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

718 (9)~~(i)~~ "Proposed elector-initiated merger plan" means a
719 written document that contains the terms and information
720 regarding the merger of two or more independent special
721 districts and that accompanies the petition initiated by the
722 qualified electors of the districts but that is not yet
723 finalized and approved by the governing bodies of each component
724 independent special district pursuant to this part section.

725 (10)~~(j)~~ "Proposed joint merger plan" means a written
726 document that contains the terms and information regarding the
727 merger of two or more independent special districts and that has
728 been prepared pursuant to a resolution of the governing bodies
729 of the districts but that is not yet finalized and approved by
730 the governing bodies of each component independent special
731 district pursuant to this part section.

732 (11)~~(k)~~ "Qualified elector" means an individual at least 18
733 years of age who is a citizen of the United States, a permanent
734 resident of this state, and a resident of the district who
735 registers with the supervisor of elections of a county within
736 which the district lands are located when the registration books



694030

737 are open.

738 Section 18. Subsection (2) of section 189.4042, Florida
739 Statutes, is transferred, renumbered as section 189.071, Florida
740 Statutes, and amended to read:

741 189.071 ~~189.4042~~ Merger or ~~and~~ dissolution of a dependent
742 special district procedures.—

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

744 (1) ~~(a)~~ The merger or dissolution of a dependent special
745 district may be effectuated by an ordinance of the local
746 general-purpose ~~local~~ governmental entity wherein the
747 geographical area of the district or districts is located.
748 However, a county may not dissolve a special district that is
749 dependent to a municipality or vice versa, or a dependent
750 district created by special act.

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

755 (3) ~~(c)~~ A dependent special district that meets any criteria
756 for being declared inactive, or that has already been declared
757 inactive, pursuant to s. 189.062 ~~189.4044~~ may be dissolved or
758 merged by special act without a referendum.

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

764 Section 19. Subsection (3) of section 189.4042, Florida
765 Statutes, is transferred, renumbered as section 189.072, Florida



766 Statutes, and amended to read:
767 189.072 ~~189.4042~~ Dissolution of an independent special
768 district Merger and dissolution procedures.-
769 ~~(3) DISSOLUTION OF AN INDEPENDENT SPECIAL DISTRICT.~~-
770 (1)(a) VOLUNTARY DISSOLUTION.-If the governing body ~~board~~
771 of an independent special district created and operating
772 pursuant to a special act elects, by a majority vote plus one,
773 to dissolve the district, the voluntary dissolution of an
774 independent special district created and operating pursuant to a
775 special act may be effectuated only by the Legislature unless
776 otherwise provided by general law.
777 (2)(b) OTHER DISSOLUTIONS.-
778 (a)1. In order for the Legislature to dissolve an active
779 independent special district created and operating pursuant to a
780 special act, the special act dissolving the active independent
781 special district must be approved by a majority of the resident
782 electors of the district or, for districts in which a majority
783 of governing body ~~board~~ members are elected by landowners, a
784 majority of the landowners voting in the same manner by which
785 the independent special district's governing body is elected. If
786 a local general-purpose government passes an ordinance or
787 resolution in support of the dissolution, the local general-
788 purpose government must pay any expenses associated with the
789 referendum required under this paragraph ~~subparagraph~~.
790 (b)2. If an independent special district was created by a
791 county or municipality by referendum or any other procedure, the
792 county or municipality that created the district may dissolve
793 the district pursuant to a referendum or any other procedure by
794 which the independent special district was created. However, if



694030

795 the independent special district has ad valorem taxation powers,
796 the same procedure required to grant the independent special
797 district ad valorem taxation powers is required to dissolve the
798 district.

799 (3) ~~(e)~~ INACTIVE INDEPENDENT SPECIAL DISTRICTS.—An
800 independent special district that meets any criteria for being
801 declared inactive, or that has already been declared inactive,
802 pursuant to s. 189.062 ~~189.4044~~ may be dissolved by special act
803 without a referendum. If an inactive independent special
804 district was created by a county or municipality through a
805 referendum, the county or municipality that created the district
806 may dissolve the district after publishing notice as described
807 in s. 189.062 ~~189.4044~~.

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

811 Section 20. Subsection (4) of section 189.4042, Florida
812 Statutes, is transferred, renumbered as section 189.073, Florida
813 Statutes, and amended to read:

814 189.073 ~~189.4042~~ Legislative merger of independent special
815 districts Merger and dissolution procedures.—

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

819 Section 21. Subsection (5) of section 189.4042, Florida
820 Statutes, is transferred, renumbered as section f, Florida
821 Statutes, and amended to read:

822 189.074 ~~189.4042~~ Voluntary merger of independent special
823 districts Merger and dissolution procedures.—



824 ~~(5) VOLUNTARY MERGER OF INDEPENDENT SPECIAL DISTRICTS.~~ Two
825 or more contiguous independent special districts created by
826 special act which have similar functions and elected governing
827 bodies may elect to merge into a single independent district
828 through the act of merging the component independent special
829 districts.

830 (1) ~~(a)~~ INITIATION.—Merger proceedings may commence by:

831 (a) ~~1.~~ A joint resolution of the governing bodies of each
832 independent special district which endorses a proposed joint
833 merger plan; or

834 (b) ~~2.~~ A qualified elector initiative.

835 (2) ~~(b)~~ JOINT MERGER PLAN BY RESOLUTION.—The governing
836 bodies of two or more contiguous independent special districts
837 may, by joint resolution, endorse a proposed joint merger plan
838 to commence proceedings to merge the districts pursuant to this
839 section subsection.

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

841 1. ~~a.~~ The name of each component independent special
842 district to be merged;

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

844 3. ~~c.~~ The rights, duties, and obligations of the proposed
845 merged independent district;

846 4. ~~d.~~ The territorial boundaries of the proposed merged
847 independent district;

848 5. ~~e.~~ The governmental organization of the proposed merged
849 independent district insofar as it concerns elected and
850 appointed officials and public employees, along with a
851 transitional plan and schedule for elections and appointments of
852 officials;



694030

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

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

858 ~~8.h.~~ Each component independent special district's
859 liabilities and indebtedness, bonded and otherwise, and the
860 current value thereof;

861 ~~9.i.~~ Terms for the assumption and disposition of existing
862 assets, liabilities, and indebtedness of each component
863 independent special district jointly, separately, or in defined
864 proportions;

865 ~~10.j.~~ Terms for the common administration and uniform
866 enforcement of existing laws within the proposed merged
867 independent district;

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

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

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

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

880 ~~(c)3.~~ Within 5 business days after the governing bodies
881 approve the resolution endorsing the proposed joint merger plan,



882 the governing bodies must:

883 ~~1.a.~~ Cause a copy of the proposed joint merger plan, along
884 with a descriptive summary of the plan, to be displayed and be
885 readily accessible to the public for inspection in at least
886 three public places within the territorial limits of each
887 component independent special district, unless a component
888 independent special district has fewer than three public places,
889 in which case the plan must be accessible for inspection in all
890 public places within the component independent special district;

891 ~~2.b.~~ If applicable, cause the proposed joint merger plan,
892 along with a descriptive summary of the plan and a reference to
893 the public places within each component independent special
894 district where a copy of the merger plan may be examined, to be
895 displayed on a website maintained by each district or on a
896 website maintained by the county or municipality in which the
897 districts are located; and

898 ~~3.e.~~ Arrange for a descriptive summary of the proposed
899 joint merger plan, and a reference to the public places within
900 the district where a copy may be examined, to be published in a
901 newspaper of general circulation within the component
902 independent special districts at least once each week for 4
903 successive weeks.

904 ~~(d)4.~~ The governing body of each component independent
905 special district shall set a time and place for one or more
906 public hearings on the proposed joint merger plan. Each public
907 hearing shall be held on a weekday at least 7 business days
908 after the day the first advertisement is published on the
909 proposed joint merger plan. The hearing or hearings may be held
910 jointly or separately by the governing bodies of the component



694030

911 independent special districts. Any interested person residing in
912 the respective district shall be given a reasonable opportunity
913 to be heard on any aspect of the proposed merger at the public
914 hearing.

915 ~~1.a.~~ Notice of the public hearing addressing the resolution
916 for the proposed joint merger plan must be published pursuant to
917 the notice requirements in s. 189.015 ~~189.417~~ and must provide a
918 descriptive summary of the proposed joint merger plan and a
919 reference to the public places within the component independent
920 special districts where a copy of the plan may be examined.

921 ~~2.b.~~ After the final public hearing, the governing bodies
922 of each component independent special district may amend the
923 proposed joint merger plan if the amended version complies with
924 the notice and public hearing requirements provided in this
925 section ~~subsection~~. Thereafter, the governing bodies may approve
926 a final version of the joint merger plan or decline to proceed
927 further with the merger. Approval by the governing bodies of the
928 final version of the joint merger plan must occur within 60
929 business days after the final hearing.

930 ~~(e)5.~~ After the final public hearing, the governing bodies
931 shall notify the supervisors of elections of the applicable
932 counties in which district lands are located of the adoption of
933 the resolution by each governing body. The supervisors of
934 elections shall schedule a separate referendum for each
935 component independent special district. The referenda may be
936 held in each district on the same day, or on different days, but
937 no more than 20 days apart.

938 ~~1.a.~~ Notice of a referendum on the merger of independent
939 special districts must be provided pursuant to the notice



940 requirements in s. 100.342. At a minimum, the notice must
941 include:

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

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

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

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

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

953 2.~~b.~~ The referenda must be held in accordance with the
954 Florida Election Code and may be held pursuant to ss. 101.6101-
955 101.6107. All costs associated with the referenda shall be borne
956 by the respective component independent special district.

957 3.~~e.~~ The ballot question in such referendum placed before
958 the qualified electors of each component independent special
959 district to be merged must be in substantially the following
960 form:

961 "Shall ...(name of component independent special
962 district)... and ...(name of component independent special
963 district or districts)... be merged into ...(name of newly
964 merged independent district)...?"

965

966 YES
967 NO"

968



969 ~~4.d.~~ If the component independent special districts
970 proposing to merge have disparate millage rates, the ballot
971 question in the referendum placed before the qualified electors
972 of each component independent special district must be in
973 substantially the following form:

974
975 "Shall ...(name of component independent special
976 district)... and ...(name of component independent special
977 district or districts)... be merged into ...(name of newly
978 merged independent district)... if the voter-approved maximum
979 millage rate within each independent special district will not
980 increase absent a subsequent referendum?

981
982 YES
983 NO"

984
985 ~~5.e.~~ In any referendum held pursuant to this section
986 ~~subsection~~, the ballots shall be counted, returns made and
987 canvassed, and results certified in the same manner as other
988 elections or referenda for the component independent special
989 districts.

990 ~~6.f.~~ The merger may not take effect unless a majority of
991 the votes cast in each component independent special district
992 are in favor of the merger. If one of the component districts
993 does not obtain a majority vote, the referendum fails, and
994 merger does not take effect.

995 ~~7.g.~~ If the merger is approved by a majority of the votes
996 cast in each component independent special district, the merged
997 independent district is created. Upon approval, the merged



998 independent district shall notify the Special District
999 Accountability Information Program pursuant to s. 189.016(2)
1000 ~~189.418(2)~~ and the local general-purpose governments in which
1001 any part of the component independent special districts is
1002 situated pursuant to s. 189.016(7) ~~189.418(7)~~.

1003 ~~8.h.~~ If the referendum fails, the merger process under this
1004 subsection paragraph may not be initiated for the same purpose
1005 within 2 years after the date of the referendum.

1006 ~~(f)6.~~ Component independent special districts merged
1007 pursuant to a joint merger plan by resolution shall continue to
1008 be governed as before the merger until the effective date
1009 specified in the adopted joint merger plan.

1010 ~~(3)(e)~~ QUALIFIED ELECTOR-INITIATED MERGER PLAN.—The
1011 qualified electors of two or more contiguous independent special
1012 districts may commence a merger proceeding by each filing a
1013 petition with the governing body of their respective independent
1014 special district proposing to be merged. The petition must
1015 contain the signatures of at least 40 percent of the qualified
1016 electors of each component independent special district and must
1017 be submitted to the appropriate component independent special
1018 district governing body no later than 1 year after the start of
1019 the qualified elector-initiated merger process.

1020 ~~(a)1.~~ The petition must comply with, and be circulated in,
1021 the following form:

1022 PETITION FOR
1023 INDEPENDENT SPECIAL DISTRICT MERGER

1024 We, the undersigned electors and legal voters of ...(name
1025 of independent special district)..., qualified to vote at the
1026 next general or special election, respectfully petition that



1027 there be submitted to the electors and legal voters of ...(name
1028 of independent special district or districts proposed to be
1029 merged)..., for their approval or rejection at a referendum held
1030 for that purpose, a proposal to merge ...(name of component
1031 independent special district)... and ...(name of component
1032 independent special district or districts)....

1033 In witness thereof, we have signed our names on the date
1034 indicated next to our signatures.

1035

1036 Date Name Home Address
1037 (print under signature)

1038

1039

1040

1041

1042

1043 ~~(b)2-~~ The petition must be validated by a signed statement
1044 by a witness who is a duly qualified elector of one of the
1045 component independent special districts, a notary public, or
1046 another person authorized to take acknowledgments.

1047 ~~1.a-~~ A statement that is signed by a witness who is a duly
1048 qualified elector of the respective district shall be accepted
1049 for all purposes as the equivalent of an affidavit. Such
1050 statement must be in substantially the following form:

1051 "I, ...(name of witness)..., state that I am a duly
1052 qualified voter of ...(name of independent special district)....
1053 Each of the ...(insert number)... persons who have signed this
1054 petition sheet has signed his or her name in my presence on the
1055 dates indicated above and identified himself or herself to be



694030

1085 petitions.

1086 ~~(c)3.~~ Upon verification by the supervisors of elections of
1087 the counties within which component independent special district
1088 lands are located that 40 percent of the qualified electors have
1089 petitioned for merger and that all such petitions have been
1090 executed within 1 year after the date of the initiation of the
1091 qualified-elector merger process, the governing bodies of each
1092 component independent special district shall meet within 30
1093 business days to prepare and approve by resolution a proposed
1094 elector-initiated merger plan. The proposed plan must include:

1095 ~~1.a.~~ The name of each component independent special
1096 district to be merged;

1097 ~~2.b.~~ The name of the proposed merged independent district;

1098 ~~3.e.~~ The rights, duties, and obligations of the merged
1099 independent district;

1100 ~~4.d.~~ The territorial boundaries of the proposed merged
1101 independent district;

1102 ~~5.e.~~ The governmental organization of the proposed merged
1103 independent district insofar as it concerns elected and
1104 appointed officials and public employees, along with a
1105 transitional plan and schedule for elections and appointments of
1106 officials;

1107 ~~6.f.~~ A fiscal estimate of the potential cost or savings as
1108 a result of the merger;

1109 ~~7.g.~~ Each component independent special district's assets,
1110 including, but not limited to, real and personal property, and
1111 the current value thereof;

1112 ~~8.h.~~ Each component independent special district's
1113 liabilities and indebtedness, bonded and otherwise, and the



1114 current value thereof;

1115 ~~9.i.~~ Terms for the assumption and disposition of existing
1116 assets, liabilities, and indebtedness of each component
1117 independent special district, jointly, separately, or in defined
1118 proportions;

1119 ~~10.j.~~ Terms for the common administration and uniform
1120 enforcement of existing laws within the proposed merged
1121 independent district;

1122 ~~11.k.~~ The times and places for public hearings on the
1123 proposed joint merger plan; and

1124 ~~12.l.~~ The effective date of the proposed merger.

1125 ~~(d)4.~~ The resolution endorsing the proposed elector-
1126 initiated merger plan must be approved by a majority vote of the
1127 governing bodies of each component independent special district
1128 and must be adopted at least 60 business days before any general
1129 or special election on the proposed elector-initiated plan.

1130 ~~(e)5.~~ Within 5 business days after the governing bodies of
1131 each component independent special district approve the proposed
1132 elector-initiated merger plan, the governing bodies shall:

1133 ~~1.a.~~ Cause a copy of the proposed elector-initiated merger
1134 plan, along with a descriptive summary of the plan, to be
1135 displayed and be readily accessible to the public for inspection
1136 in at least three public places within the territorial limits of
1137 each component independent special district, unless a component
1138 independent special district has fewer than three public places,
1139 in which case the plan must be accessible for inspection in all
1140 public places within the component independent special district;

1141 ~~2.b.~~ If applicable, cause the proposed elector-initiated
1142 merger plan, along with a descriptive summary of the plan and a



1143 reference to the public places within each component independent
1144 special district where a copy of the merger plan may be
1145 examined, to be displayed on a website maintained by each
1146 district or otherwise on a website maintained by the county or
1147 municipality in which the districts are located; and

1148 ~~3.e.~~ Arrange for a descriptive summary of the proposed
1149 elector-initiated merger plan, and a reference to the public
1150 places within the district where a copy may be examined, to be
1151 published in a newspaper of general circulation within the
1152 component independent special districts at least once each week
1153 for 4 successive weeks.

1154 ~~(f)6.~~ The governing body of each component independent
1155 special district shall set a time and place for one or more
1156 public hearings on the proposed elector-initiated merger plan.
1157 Each public hearing shall be held on a weekday at least 7
1158 business days after the day the first advertisement is published
1159 on the proposed elector-initiated merger plan. The hearing or
1160 hearings may be held jointly or separately by the governing
1161 bodies of the component independent special districts. Any
1162 interested person residing in the respective district shall be
1163 given a reasonable opportunity to be heard on any aspect of the
1164 proposed merger at the public hearing.

1165 ~~1.a.~~ Notice of the public hearing on the proposed elector-
1166 initiated merger plan must be published pursuant to the notice
1167 requirements in s. 189.015 ~~189.417~~ and must provide a
1168 descriptive summary of the elector-initiated merger plan and a
1169 reference to the public places within the component independent
1170 special districts where a copy of the plan may be examined.

1171 ~~2.b.~~ After the final public hearing, the governing bodies



1172 of each component independent special district may amend the
1173 proposed elector-initiated merger plan if the amended version
1174 complies with the notice and public hearing requirements
1175 provided in this section ~~subsection~~. The governing bodies must
1176 approve a final version of the merger plan within 60 business
1177 days after the final hearing.

1178 ~~(g)7.~~ After the final public hearing, the governing bodies
1179 shall notify the supervisors of elections of the applicable
1180 counties in which district lands are located of the adoption of
1181 the resolution by each governing body. The supervisors of
1182 elections shall schedule a date for the separate referenda for
1183 each district. The referenda may be held in each district on the
1184 same day, or on different days, but no more than 20 days apart.

1185 ~~1.a.~~ Notice of a referendum on the merger of the component
1186 independent special districts must be provided pursuant to the
1187 notice requirements in s. 100.342. At a minimum, the notice must
1188 include:

1189 ~~a.(I)~~ A brief summary of the resolution and elector-
1190 initiated merger plan;

1191 ~~b.(II)~~ A statement as to where a copy of the resolution and
1192 petition for merger may be examined;

1193 ~~c.(III)~~ The names of the component independent special
1194 districts to be merged and a description of their territory;

1195 ~~d.(IV)~~ The times and places at which the referendum will be
1196 held; and

1197 ~~e.(V)~~ Such other matters as may be necessary to call,
1198 provide for, and give notice of the referendum and to provide
1199 for the conduct thereof and the canvass of the returns.

1200 ~~2.b.~~ The referenda must be held in accordance with the



694030

1201 Florida Election Code and may be held pursuant to ss. 101.6101-
1202 101.6107. All costs associated with the referenda shall be borne
1203 by the respective component independent special district.

1204 3.e. The ballot question in such referendum placed before
1205 the qualified electors of each component independent special
1206 district to be merged must be in substantially the following
1207 form:

1208 "Shall ...(name of component independent special
1209 district)... and ...(name of component independent special
1210 district or districts)... be merged into ...(name of newly
1211 merged independent district)...?"

1212YES

1213NO"

1214 4.e. If the component independent special districts
1215 proposing to merge have disparate millage rates, the ballot
1216 question in the referendum placed before the qualified electors
1217 of each component independent special district must be in
1218 substantially the following form:

1219 "Shall ...(name of component independent special
1220 district)... and ...(name of component independent special
1221 district or districts)... be merged into ...(name of newly
1222 merged independent district)... if the voter-approved maximum
1223 millage rate within each independent special district will not
1224 increase absent a subsequent referendum?"

1225YES

1226NO"

1227 5.e. In any referendum held pursuant to this section
1228 ~~subsection~~, the ballots shall be counted, returns made and
1229 canvassed, and results certified in the same manner as other



694030

1230 elections or referenda for the component independent special
1231 districts.

1232 ~~6.f.~~ The merger may not take effect unless a majority of
1233 the votes cast in each component independent special district
1234 are in favor of the merger. If one of the component independent
1235 special districts does not obtain a majority vote, the
1236 referendum fails, and merger does not take effect.

1237 ~~7.g.~~ If the merger is approved by a majority of the votes
1238 cast in each component independent special district, the merged
1239 district shall notify the Special District Accountability
1240 ~~Information~~ Program pursuant to s. 189.016(2) ~~189.418(2)~~ and the
1241 local general-purpose governments in which any part of the
1242 component independent special districts is situated pursuant to
1243 s. 189.016(7) ~~189.418(7)~~.

1244 ~~8.h.~~ If the referendum fails, the merger process under this
1245 subsection ~~paragraph~~ may not be initiated for the same purpose
1246 within 2 years after the date of the referendum.

1247 ~~(h)g.~~ Component independent special districts merged
1248 pursuant to an elector-initiated merger plan shall continue to
1249 be governed as before the merger until the effective date
1250 specified in the adopted elector-initiated merger plan.

1251 ~~(4)(d)~~ EFFECTIVE DATE.—The effective date of the merger
1252 shall be as provided in the joint merger plan or elector-
1253 initiated merger plan, as appropriate, and is not contingent
1254 upon the future act of the Legislature.

1255 ~~(a)1.~~ However, as soon as practicable, the merged
1256 independent district shall, at its own expense, submit a unified
1257 charter for the merged district to the Legislature for approval.
1258 The unified charter must make the powers of the district



694030

1259 consistent within the merged independent district and repeal the
1260 special acts of the districts which existed before the merger.

1261 ~~(b)2.~~ Within 30 business days after the effective date of
1262 the merger, the merged independent district's governing body, as
1263 indicated in this section ~~subsection~~, shall hold an
1264 organizational meeting to implement the provisions of the joint
1265 merger plan or elector-initiated merger plan, as appropriate.

1266 ~~(5)(e)~~ RESTRICTIONS DURING TRANSITION PERIOD.—Until the
1267 Legislature formally approves the unified charter pursuant to a
1268 special act, each component independent special district is
1269 considered a subunit of the merged independent district subject
1270 to the following restrictions:

1271 ~~(a)1.~~ During the transition period, the merged independent
1272 district is limited in its powers and financing capabilities
1273 within each subunit to those powers that existed within the
1274 boundaries of each subunit which were previously granted to the
1275 component independent special district in its existing charter
1276 before the merger. The merged independent district may not,
1277 solely by reason of the merger, increase its powers or financing
1278 capability.

1279 ~~(b)2.~~ During the transition period, the merged independent
1280 district shall exercise only the legislative authority to levy
1281 and collect revenues within the boundaries of each subunit which
1282 was previously granted to the component independent special
1283 district by its existing charter before the merger, including
1284 the authority to levy ad valorem taxes, non-ad valorem
1285 assessments, impact fees, and charges.

1286 ~~1.a.~~ The merged independent district may not, solely by
1287 reason of the merger or the legislatively approved unified



1288 charter, increase ad valorem taxes on property within the
1289 original limits of a subunit beyond the maximum millage rate
1290 approved by the electors of the component independent special
1291 district unless the electors of such subunit approve an increase
1292 at a subsequent referendum of the subunit's electors. Each
1293 subunit may be considered a separate taxing unit.

1294 ~~2.b.~~ The merged independent district may not, solely by
1295 reason of the merger, charge non-ad valorem assessments, impact
1296 fees, or other new fees within a subunit which were not
1297 otherwise previously authorized to be charged.

1298 ~~(c)3.~~ During the transition period, each component
1299 independent special district of the merged independent district
1300 must continue to file all information and reports required under
1301 this chapter as subunits until the Legislature formally approves
1302 the unified charter pursuant to a special act.

1303 ~~(d)4.~~ The intent of this part ~~section~~ is to preserve and
1304 transfer to the merged independent district all authority that
1305 exists within each subunit and was previously granted by the
1306 Legislature and, if applicable, by referendum.

1307 ~~(6)(f)~~ EFFECT OF MERGER, GENERALLY.—On and after the
1308 effective date of the merger, the merged independent district
1309 shall be treated and considered for all purposes as one entity
1310 under the name and on the terms and conditions set forth in the
1311 joint merger plan or elector-initiated merger plan, as
1312 appropriate.

1313 ~~(a)1.~~ All rights, privileges, and franchises of each
1314 component independent special district and all assets, real and
1315 personal property, books, records, papers, seals, and equipment,
1316 as well as other things in action, belonging to each component



1317 independent special district before the merger shall be deemed
1318 as transferred to and vested in the merged independent district
1319 without further act or deed.

1320 (b)2- All property, rights-of-way, and other interests are
1321 as effectually the property of the merged independent district
1322 as they were of the component independent special district
1323 before the merger. The title to real estate, by deed or
1324 otherwise, under the laws of this state vested in any component
1325 independent special district before the merger may not be deemed
1326 to revert or be in any way impaired by reason of the merger.

1327 (c)3- The merged independent district is in all respects
1328 subject to all obligations and liabilities imposed and possesses
1329 all the rights, powers, and privileges vested by law in other
1330 similar entities.

1331 (d)4- Upon the effective date of the merger, the joint
1332 merger plan or elector-initiated merger plan, as appropriate, is
1333 subordinate in all respects to the contract rights of all
1334 holders of any securities or obligations of the component
1335 independent special districts outstanding at the effective date
1336 of the merger.

1337 (e)5- The new registration of electors is not necessary as
1338 a result of the merger, but all elector registrations of the
1339 component independent special districts shall be transferred to
1340 the proper registration books of the merged independent
1341 district, and new registrations shall be made as provided by law
1342 as if no merger had taken place.

1343 (7) (g) GOVERNING BODY OF MERGED INDEPENDENT DISTRICT.-

1344 (a)1- From the effective date of the merger until the next
1345 general election, the governing body of the merged independent



1346 district shall be comprised of the governing body members of
1347 each component independent special district, with such members
1348 serving until the governing body members elected at the next
1349 general election take office.

1350 (b)2- Beginning with the next general election following
1351 the effective date of merger, the governing body of the merged
1352 independent district shall be comprised of five members. The
1353 office of each governing body member shall be designated by
1354 seat, which shall be distinguished from other body member seats
1355 by an assigned numeral: 1, 2, 3, 4, or 5. The governing body
1356 members that are elected in this initial election following the
1357 merger shall serve unequal terms of 2 and 4 years in order to
1358 create staggered membership of the governing body, with:

1359 1.a- Member seats 1, 3, and 5 being designated for 4-year
1360 terms; and

1361 2.b- Member seats 2 and 4 being designated for 2-year
1362 terms.

1363 (c)3- In general elections thereafter, all governing body
1364 members shall serve 4-year terms.

1365 (8)(h) EFFECT ON EMPLOYEES.—Except as otherwise provided by
1366 law and except for those officials and employees protected by
1367 tenure of office, civil service provisions, or a collective
1368 bargaining agreement, upon the effective date of merger, all
1369 appointive offices and positions existing in all component
1370 independent special districts involved in the merger are subject
1371 to the terms of the joint merger plan or elector-initiated
1372 merger plan, as appropriate. Such plan may provide for instances
1373 in which there are duplications of positions and for other
1374 matters such as varying lengths of employee contracts, varying



1375 pay levels or benefits, different civil service regulations in
1376 the constituent entities, and differing ranks and position
1377 classifications for similar positions. For those employees who
1378 are members of a bargaining unit certified by the Public
1379 Employees Relations Commission, the requirements of chapter 447
1380 apply.

1381 (9) ~~(i)~~ EFFECT ON DEBTS, LIABILITIES, AND OBLIGATIONS.—

1382 (a) ~~1.~~ All valid and lawful debts and liabilities existing
1383 against a merged independent district, or which may arise or
1384 accrue against the merged independent district, which but for
1385 merger would be valid and lawful debts or liabilities against
1386 one or more of the component independent special districts, are
1387 debts against or liabilities of the merged independent district
1388 and accordingly shall be defrayed and answered to by the merged
1389 independent district to the same extent, and no further than,
1390 the component independent special districts would have been
1391 bound if a merger had not taken place.

1392 (b) ~~2.~~ The rights of creditors and all liens upon the
1393 property of any of the component independent special districts
1394 shall be preserved unimpaired. The respective component
1395 districts shall be deemed to continue in existence to preserve
1396 such rights and liens, and all debts, liabilities, and duties of
1397 any of the component districts attach to the merged independent
1398 district.

1399 (c) ~~3.~~ All bonds, contracts, and obligations of the
1400 component independent special districts which exist as legal
1401 obligations are obligations of the merged independent district,
1402 and all such obligations shall be issued or entered into by and
1403 in the name of the merged independent district.



694030

1404 (10)~~(j)~~ EFFECT ON ACTIONS AND PROCEEDINGS.—In any action or
1405 proceeding pending on the effective date of merger to which a
1406 component independent special district is a party, the merged
1407 independent district may be substituted in its place, and the
1408 action or proceeding may be prosecuted to judgment as if merger
1409 had not taken place. Suits may be brought and maintained against
1410 a merged independent district in any state court in the same
1411 manner as against any other independent special district.

1412 (11)~~(k)~~ EFFECT ON ANNEXATION.—Chapter 171 continues to
1413 apply to all annexations by a city within the component
1414 independent special districts' boundaries after merger occurs.
1415 Any moneys owed to a component independent special district
1416 pursuant to s. 171.093, or any interlocal service boundary
1417 agreement as a result of annexation predating the merger, shall
1418 be paid to the merged independent district after merger.

1419 (12)~~(l)~~ EFFECT ON MILLAGE CALCULATIONS.—The merged
1420 independent special district is authorized to continue or
1421 conclude procedures under chapter 200 on behalf of the component
1422 independent special districts. The merged independent special
1423 district shall make the calculations required by chapter 200 for
1424 each component individual special district separately.

1425 (13)~~(m)~~ DETERMINATION OF RIGHTS.—If any right, title,
1426 interest, or claim arises out of a merger or by reason thereof
1427 which is not determinable by reference to this subsection, the
1428 joint merger plan or elector-initiated merger plan, as
1429 appropriate, or otherwise under the laws of this state, the
1430 governing body of the merged independent district may provide
1431 therefor in a manner conforming to law.

1432 (14)~~(n)~~ EXEMPTION.—This section ~~subsection~~ does not apply



1433 to independent special districts whose governing bodies are
1434 elected by district landowners voting the acreage owned within
1435 the district.

1436 (15) ~~(e)~~ PREEMPTION.—This section ~~subsection~~ preempts any
1437 special act to the contrary.

1438 Section 22. Subsection (6) of section 189.4042, Florida
1439 Statutes, is transferred, renumbered as section 189.075, Florida
1440 Statutes, and amended to read:

1441 189.075 ~~189.4042~~ Involuntary merger of independent special
1442 districts Merger and dissolution procedures.—

1443 ~~(6) INVOLUNTARY MERGER OF INDEPENDENT SPECIAL DISTRICTS.~~—

1444 (1) ~~(a)~~ INDEPENDENT SPECIAL DISTRICTS CREATED BY SPECIAL
1445 ACT.—In order for the Legislature to merge an active independent
1446 special district or districts created and operating pursuant to
1447 a special act, the special act merging the active independent
1448 special district or districts must be approved at separate
1449 referenda of the impacted local governments by a majority of the
1450 resident electors or, for districts in which a majority of
1451 governing body ~~board~~ members are elected by landowners, a
1452 majority of the landowners voting in the same manner by which
1453 each independent special district's governing body is elected.
1454 The special act merging the districts must include a plan of
1455 merger that addresses transition issues such as the effective
1456 date of the merger, governance, administration, powers,
1457 pensions, and assumption of all assets and liabilities. If a
1458 local general-purpose government passes an ordinance or
1459 resolution in support of the merger of an active independent
1460 special district, the local general-purpose government must pay
1461 any expenses associated with the referendum required under this



694030

1462 subsection ~~paragraph~~.

1463 (2) ~~(b)~~ INDEPENDENT SPECIAL DISTRICTS CREATED BY A COUNTY OR
1464 MUNICIPALITY.—A county or municipality may merge an independent
1465 special district created by the county or municipality pursuant
1466 to a referendum or any other procedure by which the independent
1467 special district was created. However, if the independent
1468 special district has ad valorem taxation powers, the same
1469 procedure required to grant the independent special district ad
1470 valorem taxation powers is required to merge the district. The
1471 political subdivisions proposing the involuntary merger of an
1472 active independent special district must pay any expenses
1473 associated with the referendum required under this subsection
1474 ~~paragraph~~.

1475 (3) ~~(c)~~ INACTIVE INDEPENDENT SPECIAL DISTRICTS.—An
1476 independent special district that meets any criteria for being
1477 declared inactive, or that has already been declared inactive,
1478 pursuant to s. 189.062 ~~189.4044~~ may be merged by special act
1479 without a referendum.

1480 Section 23. Subsection (7) of section 189.4042, Florida
1481 Statutes, is transferred and renumbered as section 189.0761,
1482 Florida Statutes, and amended to read:

1483 189.0761 ~~189.4042~~ ~~Merger and dissolution procedures.~~

1484 ~~(7)~~ Exemptions.—This part section does not apply to
1485 community development districts implemented pursuant to chapter
1486 190 or to water management districts created and operated
1487 pursuant to chapter 373.

1488 Section 24. Section 189.4044, Florida Statutes, is
1489 transferred and renumbered as section 189.062, Florida Statutes,
1490 subsections (1) and (3) of that section are amended, and



1491 subsections (5) and (6) are added to that section, to read:

1492 189.062 ~~189.4044~~ Special procedures for inactive
1493 districts.—

1494 (1) The department shall declare inactive any special
1495 district in this state by documenting that:

1496 (a) The special district meets one of the following
1497 criteria:

1498 1. The registered agent of the district, the chair of the
1499 governing body of the district, or the governing body of the
1500 appropriate local general-purpose government notifies the
1501 department in writing that the district has taken no action for
1502 2 or more years;

1503 2. ~~Following an inquiry from the department,~~ The registered
1504 agent of the district, the chair of the governing body of the
1505 district, or the governing body of the appropriate local
1506 general-purpose government notifies the department in writing
1507 that the district has not had a governing body ~~board~~ or a
1508 sufficient number of governing body ~~board~~ members to constitute
1509 a quorum for 2 or more years;

1510 3. ~~or~~ The registered agent of the district, the chair of
1511 the governing body of the district, or the governing body of the
1512 appropriate local general-purpose government fails to respond to
1513 an the department's inquiry by the department within 21 days;

1514 4. ~~3.~~ The department determines, pursuant to s. 189.067
1515 ~~189.421~~, that the district has failed to file any of the reports
1516 listed in s. 189.066 ~~189.419~~;

1517 5. ~~4.~~ The district has not had a registered office and agent
1518 on file with the department for 1 or more years; ~~or~~

1519 6. ~~5.~~ The governing body of a special district provides



694030

1520 documentation to the department that it has unanimously adopted
1521 a resolution declaring the special district inactive. The
1522 special district shall be responsible for payment of any
1523 expenses associated with its dissolution. A special district
1524 declared inactive pursuant to this subparagraph may be dissolved
1525 without a referendum; or

1526 (b) The department, special district, or local general-
1527 purpose government published a notice of proposed declaration of
1528 inactive status in a newspaper of general circulation in the
1529 county or municipality in which the territory of the special
1530 district is located and sent a copy of such notice by certified
1531 mail to the registered agent or chair of the governing body
1532 ~~board~~, if any. Such notice must include the name of the special
1533 district, the law under which it was organized and operating, a
1534 general description of the territory included in the special
1535 district, and a statement that any objections must be filed
1536 pursuant to chapter 120 within 21 days after the publication
1537 date; and

1538 (c) Twenty-one days have elapsed from the publication date
1539 of the notice of proposed declaration of inactive status and no
1540 administrative appeals were filed.

1541 (3) In the case of a district created by special act of the
1542 Legislature, the department shall send a notice of declaration
1543 of inactive status to the Speaker of the House of
1544 Representatives and the President of the Senate, and the
1545 standing committees of the Senate and the House of
1546 Representatives charged with special district oversight as
1547 determined by the presiding officers of each respective chamber
1548 and the Legislative Auditing Committee. The notice of



694030

1549 declaration of inactive status shall reference each known
1550 special act creating or amending the charter of any special
1551 district declared to be inactive under this section. The
1552 declaration of inactive status shall be sufficient notice as
1553 required by s. 10, Art. III of the State Constitution to
1554 authorize the Legislature to repeal any special laws so
1555 reported. In the case of a district created by one or more local
1556 general-purpose governments, the department shall send a notice
1557 of declaration of inactive status to the chair of the governing
1558 body of each local general-purpose government that created the
1559 district. In the case of a district created by interlocal
1560 agreement, the department shall send a notice of declaration of
1561 inactive status to the chair of the governing body of each local
1562 general-purpose government which entered into the interlocal
1563 agreement.

1564 (5) A special district declared inactive under this section
1565 may not collect taxes, fees, or assessments unless the
1566 declaration is:

1567 (a) Withdrawn or revoked by the department; or
1568 (b) Invalidated in proceedings initiated by the special
1569 district within 30 days after the date written notice of the
1570 declaration was provided to the special district governing body
1571 by physical or electronic delivery, receipt confirmed. The
1572 special district governing body may initiate proceedings within
1573 the period authorized in this paragraph by:

1574 1. Filing with the department a petition for an
1575 administrative hearing pursuant to s. 120.569; or
1576 2. Filing an action for declaratory and injunctive relief
1577 under chapter 86 in the circuit court of the judicial circuit in



1578 which the majority of the area of the district is located.

1579 (c) If a timely challenge to the declaration is not
1580 initiated by the special district governing body, or the
1581 department prevails in a proceeding initiated under paragraph
1582 (b), the department may enforce the prohibitions in this
1583 subsection by filing a petition for enforcement with the circuit
1584 court in and for Leon County. The petition may request
1585 declaratory, injunctive, or other equitable relief, including
1586 the appointment of a receiver, and any forfeiture or other
1587 remedy provided by law.

1588 (d) The prevailing party shall be awarded costs of
1589 litigation and reasonable attorney fees in any proceeding
1590 brought under this subsection.

1591 Section 25. Section 189.4045, Florida Statutes, is
1592 transferred and renumbered as section 189.076, Florida Statutes.

1593 Section 26. Section 189.4047, Florida Statutes, is
1594 transferred and renumbered as section 189.021, Florida Statutes.

1595 Section 27. Subsections (1), (2), (3), (4), (6), and (7) of
1596 section 189.405, Florida Statutes, are transferred and
1597 renumbered as subsections (1) through (6) of section 189.04,
1598 Florida Statutes, respectively, and present subsection (1),
1599 paragraph (c) of present subsection (2), and present subsections
1600 (3), (4), and (7) of that section are amended, to read:

1601 189.04 ~~189.405~~ Elections; general requirements and
1602 procedures; ~~education programs.~~

1603 (1) If a dependent special district has an elected
1604 governing ~~body~~ ~~board~~, elections shall be conducted by the
1605 supervisor of elections of the county wherein the district is
1606 located in accordance with the Florida Election Code, chapters



694030

1607 97-106.
1608 (2)
1609 (c) A candidate for a position on a governing body ~~board~~ of
1610 a single-county special district that has its elections
1611 conducted by the supervisor of elections shall qualify for the
1612 office with the county supervisor of elections in whose
1613 jurisdiction the district is located. Elections for governing
1614 body ~~board~~ members elected by registered electors shall be
1615 nonpartisan, except when partisan elections are specified by a
1616 district's charter. Candidates shall qualify as directed by
1617 chapter 99. The qualifying fee shall be remitted to the general
1618 revenue fund of the qualifying officer to help defray the cost
1619 of the election.
1620 (3) (a) If a multicounty special district has a popularly
1621 elected governing body ~~board~~, elections for the purpose of
1622 electing members to such governing body ~~board~~ shall conform to
1623 the Florida Election Code, chapters 97-106.
1624 (b) With the exception of those districts conducting
1625 elections on a one-acre/one-vote basis, qualifying for
1626 multicounty special district governing body ~~board~~ positions
1627 shall be coordinated by the Department of State. Elections for
1628 governing body ~~board~~ members elected by registered electors
1629 shall be nonpartisan, except when partisan elections are
1630 specified by a district's charter. Candidates shall qualify as
1631 directed by chapter 99. The qualifying fee shall be remitted to
1632 the Department of State.
1633 (4) With the exception of elections of special district
1634 governing body ~~board~~ members conducted on a one-acre/one-vote
1635 basis, in any election conducted in a special district the



1636 decision made by a majority of those voting shall prevail,
1637 except as otherwise specified by law.

1638 ~~(6)(7)~~ Nothing in this act requires that a special district
1639 governed by an appointed governing body ~~board~~ convert to an
1640 elected governing body ~~board~~.

1641 Section 28. Subsection (5) of section 189.405, Florida
1642 Statutes, is transferred, renumbered as section 189.063, Florida
1643 Statutes, and amended to read:

1644 189.063 ~~189.405~~ Education programs for new members of
1645 district governing bodies ~~Elections; general requirements and~~
1646 ~~procedures; education programs.-~~

1647 ~~(1)(5)(a)~~ The department may provide, contract for, or
1648 assist in conducting education programs, as its budget permits,
1649 for all newly elected or appointed members of district governing
1650 bodies ~~boards~~. The education programs shall include, but are not
1651 limited to, courses on the code of ethics for public officers
1652 and employees, public meetings and public records requirements,
1653 public finance, and parliamentary procedure. ~~Course content may~~
1654 ~~be offered by means of the following: videotapes, live seminars,~~
1655 ~~workshops, conferences, teleconferences, computer based~~
1656 ~~training, multimedia presentations, or other available~~
1657 ~~instructional methods.~~

1658 ~~(2)(b)~~ An individual district governing body ~~board~~, at its
1659 discretion, may bear the costs associated with educating its
1660 members. Governing body ~~Board~~ members of districts which have
1661 qualified for a zero annual fee for the most recent invoicing
1662 period pursuant to s. 189.018 are ~~189.427~~ shall not be required
1663 to pay a fee for any education program the department provides,
1664 contracts for, or assists in conducting.



694030

1665 Section 29. Section 189.4051, Florida Statutes, is
1666 transferred, renumbered as section 189.041, Florida Statutes,
1667 and amended to read:

1668 189.041 ~~189.4051~~ Elections; special requirements and
1669 procedures for districts with governing bodies ~~boards~~ elected on
1670 a one-acre/one-vote basis.-

1671 (1) DEFINITIONS.-As used in this section:

1672 (a) "Qualified elector" means any person at least 18 years
1673 of age who is a citizen of the United States, a permanent
1674 resident of Florida, and a freeholder or freeholder's spouse and
1675 resident of the district who registers with the supervisor of
1676 elections of a county within which the district lands are
1677 located when the registration books are open.

1678 (b) "Urban area" means a contiguous developed and inhabited
1679 urban area within a district with a minimum average resident
1680 population density of at least 1.5 persons per acre as defined
1681 by the latest official census, special census, or population
1682 estimate or a minimum density of one single-family home per 2.5
1683 acres with access to improved roads or a minimum density of one
1684 single-family home per 5 acres within a recorded plat
1685 subdivision. Urban areas shall be designated by the governing
1686 body ~~board~~ of the district with the assistance of all local
1687 general-purpose governments having jurisdiction over the area
1688 within the district.

1689 (c) "Governing body ~~board~~ member" means any duly elected
1690 member of the governing body ~~board~~ of a special district elected
1691 pursuant to this section, provided that a ~~any board~~ member
1692 elected by popular vote shall be a qualified district elector
1693 and a ~~any board~~ member elected on a one-acre/one-vote basis



1694 shall meet the requirements of s. 298.11 for election to the
1695 governing body ~~board~~.

1696 (d) "Contiguous developed urban area" means any reasonably
1697 compact urban area located entirely within a special district.
1698 The separation of urban areas by a publicly owned park, right-
1699 of-way, highway, road, railroad, canal, utility, body of water,
1700 watercourse, or other minor geographical division of a similar
1701 nature shall not prevent such areas from being defined as urban
1702 areas.

1703 (2) POPULAR ELECTIONS; REFERENDUM; DESIGNATION OF URBAN
1704 AREAS.—

1705 (a) *Referendum*.—

1706 1. A referendum shall be called by the governing body ~~board~~
1707 of a special district where the governing body ~~board~~ is elected
1708 on a one-acre/one-vote basis on the question of whether certain
1709 members of a district governing body ~~board~~ should be elected by
1710 qualified electors, provided each of the following conditions
1711 has been satisfied at least 60 days before ~~prior to~~ the general
1712 or special election at which the referendum is to be held:

1713 a. The district shall have a total population, according to
1714 the latest official state census, a special census, or a
1715 population estimate, of at least 500 qualified electors.

1716 b. A petition signed by 10 percent of the qualified
1717 electors of the district shall have been filed with the
1718 governing body ~~board~~ of the district. The petition shall be
1719 submitted to the supervisor of elections of the county or
1720 counties in which the lands are located. The supervisor shall,
1721 within 30 days after the receipt of the petitions, certify to
1722 the governing body ~~board~~ the number of signatures of qualified



1723 electors contained on the petition.

1724 2. Upon verification by the supervisor or supervisors of
1725 elections of the county or counties within which district lands
1726 are located that 10 percent of the qualified electors of the
1727 district have petitioned the governing body ~~board~~, a referendum
1728 election shall be called by the governing body ~~board~~ at the next
1729 regularly scheduled election of governing body ~~board~~ members
1730 occurring at least 30 days after verification of the petition or
1731 within 6 months of verification, whichever is earlier.

1732 3. If the qualified electors approve the election procedure
1733 described in this subsection, the governing body ~~board~~ of the
1734 district shall be increased to five members and elections shall
1735 be held pursuant to the criteria described in this subsection
1736 beginning with the next regularly scheduled election of
1737 governing body ~~board~~ members or at a special election called
1738 within 6 months following the referendum and final unappealed
1739 approval of district urban area maps as provided in paragraph
1740 (b), whichever is earlier.

1741 4. If the qualified electors of the district disapprove the
1742 election procedure described in this subsection, elections of
1743 the members of the governing body ~~board~~ shall continue as
1744 described by s. 298.12 or the enabling legislation for the
1745 district. No further referendum on the question shall be held
1746 for a minimum period of 2 years following the referendum.

1747 (b) *Designation of urban areas.*—

1748 1. Within 30 days after approval of the election process
1749 described in this subsection by qualified electors of the
1750 district, the governing body ~~board~~ shall direct the district
1751 staff to prepare and present maps of the district describing the



694030

1752 extent and location of all urban areas within the district. Such
1753 determination shall be based upon the criteria contained within
1754 paragraph (1)(b).

1755 2. Within 60 days after approval of the election process
1756 described in this subsection by qualified electors of the
1757 district, the maps describing urban areas within the district
1758 shall be presented to the governing body ~~board~~.

1759 3. Any district landowner or elector may contest the
1760 accuracy of the urban area maps prepared by the district staff
1761 within 30 days after submission to the governing body ~~board~~.
1762 Upon notice of objection to the maps, the governing body ~~board~~
1763 shall request the county engineer to prepare and present maps of
1764 the district describing the extent and location of all urban
1765 areas within the district. Such determination shall be based
1766 upon the criteria contained within paragraph (1)(b). Within 30
1767 days after the governing body ~~board~~ request, the county engineer
1768 shall present the maps to the governing body ~~board~~.

1769 4. Upon presentation of the maps by the county engineer,
1770 the governing body ~~board~~ shall compare the maps submitted by
1771 both the district staff and the county engineer and make a
1772 determination as to which set of maps to adopt. Within 60 days
1773 after presentation of all such maps, the governing body ~~board~~
1774 may amend and shall adopt the official maps at a regularly
1775 scheduled meeting of the governing body ~~board meeting~~.

1776 5. Any district landowner or qualified elector may contest
1777 the accuracy of the urban area maps adopted by the governing
1778 body ~~board~~ within 30 days after adoption by petition to the
1779 circuit court with jurisdiction over the district. Accuracy
1780 shall be determined pursuant to paragraph (1)(b). Any petitions



694030

1781 so filed shall be heard expeditiously, and the maps shall either
1782 be approved or approved with necessary amendments to render the
1783 maps accurate and shall be certified to the governing body
1784 ~~board~~.

1785 6. Upon adoption by the governing body ~~board~~ or
1786 certification by the court, the district urban area maps shall
1787 serve as the official maps for determination of the extent of
1788 urban area within the district and the number of governing body
1789 ~~board~~ members to be elected by qualified electors and by the
1790 one-acre/one-vote principle at the next regularly scheduled
1791 election of governing body ~~board~~ members.

1792 7. Upon a determination of the percentage of urban area
1793 within the district as compared with total area within the
1794 district, the governing body ~~board~~ shall order elections in
1795 accordance with the percentages pursuant to paragraph (3) (a).
1796 The landowners' meeting date shall be designated by the
1797 governing body ~~board~~.

1798 8. The maps shall be updated and readopted every 5 years or
1799 sooner in the discretion of the governing body ~~board~~.

1800 (3) GOVERNING BODY ~~BOARD~~.—

1801 (a) *Composition* ~~of board~~.—

1802 1. Members of the governing body ~~board~~ of the district
1803 shall be elected in accordance with the following determinations
1804 of urban area:

1805 a. If urban areas constitute 25 percent or less of the
1806 district, one governing body ~~board~~ member shall be elected by
1807 the qualified electors and four governing body ~~board~~ members
1808 shall be elected in accordance with the one-acre/one-vote
1809 principle contained within s. 298.11 or the district-enabling



694030

1810 legislation.

1811 b. If urban areas constitute 26 percent to 50 percent of
1812 the district, two governing body ~~board~~ members shall be elected
1813 by the qualified electors and three governing body ~~board~~ members
1814 shall be elected in accordance with the one-acre/one-vote
1815 principle contained within s. 298.11 or the district-enabling
1816 legislation.

1817 c. If urban areas constitute 51 percent to 70 percent of
1818 the district, three governing body ~~board~~ members shall be
1819 elected by the qualified electors and two governing body ~~board~~
1820 members shall be elected in accordance with the one-acre/one-
1821 vote principle contained within s. 298.11 or the district-
1822 enabling legislation.

1823 d. If urban areas constitute 71 percent to 90 percent of
1824 the district, four governing body ~~board~~ members shall be elected
1825 by the qualified electors and one governing body ~~board~~ member
1826 shall be elected in accordance with the one-acre/one-vote
1827 principle contained within s. 298.11 or the district-enabling
1828 legislation.

1829 e. If urban areas constitute 91 percent or more of the
1830 district, all governing body ~~board~~ members shall be elected by
1831 the qualified electors.

1832 2. All governing body ~~board~~ members elected by qualified
1833 electors shall be elected at large.

1834 (b) *Term of office.*—All governing body ~~board~~ members
1835 elected by qualified electors shall have a term of 4 years
1836 except for governing body ~~board~~ members elected at the first
1837 election and the first landowners' meeting following the
1838 referendum prescribed in paragraph (2) (a). Governing body ~~board~~



694030

1839 members elected at the first election and the first landowners'
1840 meeting following the referendum shall serve as follows:

1841 1. If one governing body ~~board~~ member is elected by the
1842 qualified electors and four are elected on a one-acre/one-vote
1843 basis, the governing body ~~board~~ member elected by the qualified
1844 electors shall be elected for a period of 4 years. Governing
1845 body ~~board~~ members elected on a one-acre/one-vote basis shall be
1846 elected for periods of 1, 2, 3, and 4 years, respectively, as
1847 prescribed by ss. 298.11 and 298.12.

1848 2. If two governing body ~~board~~ members are elected by the
1849 qualified electors and three are elected on a one-acre/one-vote
1850 basis, the governing body ~~board~~ members elected by the electors
1851 shall be elected for a period of 4 years. Governing body ~~board~~
1852 members elected on a one-acre/one-vote basis shall be elected
1853 for periods of 1, 2, and 3 years, respectively, as prescribed by
1854 ss. 298.11 and 298.12.

1855 3. If three governing body ~~board~~ members are elected by the
1856 qualified electors and two are elected on a one-acre/one-vote
1857 basis, two of the governing body ~~board~~ members elected by the
1858 electors shall be elected for a term of 4 years and the other
1859 governing body ~~board~~ member elected by the electors shall be
1860 elected for a term of 2 years. Governing body ~~board~~ members
1861 elected on a one-acre/one-vote basis shall be elected for terms
1862 of 1 and 2 years, respectively, as prescribed by ss. 298.11 and
1863 298.12.

1864 4. If four governing body ~~board~~ members are elected by the
1865 qualified electors and one is elected on a one-acre/one-vote
1866 basis, two of the governing body ~~board~~ members elected by the
1867 electors shall be elected for a term of 2 years and the other



1868 two for a term of 4 years. The governing body ~~board~~ member
1869 elected on a one-acre/one-vote basis shall be elected for a term
1870 of 1 year as prescribed by ss. 298.11 and 298.12.

1871 5. If five governing body ~~board~~ members are elected by the
1872 qualified electors, three shall be elected for a term of 4 years
1873 and two for a term of 2 years.

1874 6. If any vacancy occurs in a seat occupied by a governing
1875 body ~~board~~ member elected by the qualified electors, the
1876 remaining members of the governing body ~~board~~ shall, within 45
1877 days after the vacancy occurs, appoint a person who would be
1878 eligible to hold the office to the unexpired term.

1879 (c) *Landowners' meetings.*—

1880 1. An annual landowners' meeting shall be held pursuant to
1881 s. 298.11 and at least one governing body ~~board~~ member shall be
1882 elected on a one-acre/one-vote basis pursuant to s. 298.12 for
1883 so long as 10 percent or more of the district is not contained
1884 in an urban area. In the event all district governing body ~~board~~
1885 members are elected by qualified electors, there shall be no
1886 further landowners' meetings.

1887 2. At any landowners' meeting called pursuant to this
1888 section, 50 percent of the district acreage shall not be
1889 required to constitute a quorum and each governing body ~~board~~
1890 member shall be elected by a majority of the acreage represented
1891 either by owner or proxy present and voting at said meeting.

1892 3. All landowners' meetings of districts operating pursuant
1893 to this section shall be set by the governing body ~~board~~ within
1894 the month preceding the month of the election of the governing
1895 body ~~board~~ members by the electors.

1896 4. Vacancies on the governing body ~~board~~ shall be filled



694030

1897 pursuant to s. 298.12 except as otherwise provided in
1898 subparagraph (b)6.

1899 (4) QUALIFICATIONS.—Elections for governing body ~~board~~
1900 members elected by qualified electors shall be nonpartisan.
1901 Qualifications shall be pursuant to the Florida Election Code
1902 and shall occur during the qualifying period established by s.
1903 99.061. Qualification requirements shall only apply to those
1904 governing body ~~board~~ member candidates elected by qualified
1905 electors. Following the first election pursuant to this section,
1906 elections to the governing body ~~board~~ by qualified electors
1907 shall occur at the next regularly scheduled election closest in
1908 time to the expiration date of the term of the elected governing
1909 body ~~board~~ member. If the next regularly scheduled election is
1910 beyond the normal expiration time for the term of an elected
1911 governing body ~~board~~ member, the governing body ~~board~~ member
1912 shall hold office until the election of a successor.

1913 (5) Those districts established as single-purpose water
1914 control districts, and which continue to act as single-purpose
1915 water control districts, pursuant to chapter 298, pursuant to a
1916 special act, pursuant to a local government ordinance, or
1917 pursuant to a judicial decree, shall be exempt from the
1918 provisions of this section. All other independent special
1919 districts with governing bodies ~~boards~~ elected on a one-
1920 acre/one-vote basis shall be subject to the provisions of this
1921 section.

1922 (6) The provisions of this section shall not apply to
1923 community development districts established pursuant to chapter
1924 190.

1925 Section 30. Section 189.4065, Florida Statutes, is



694030

1926 transferred and renumbered as section 189.05, Florida Statutes.
1927 Section 31. Section 189.408, Florida Statutes, is
1928 transferred and renumbered as section 189.042, Florida Statutes.
1929 Section 32. Section 189.4085, Florida Statutes, is
1930 transferred and renumbered as section 189.051, Florida Statutes.
1931 Section 33. Section 189.412, Florida Statutes, is
1932 transferred and renumbered as section 189.064, Florida Statutes,
1933 and amended to read:
1934 189.064 ~~189.412~~ Special District Accountability Information
1935 Program; duties and responsibilities.—The Special District
1936 Accountability Information ~~Program of the department of Economic~~
1937 ~~Opportunity is created and~~ has the following ~~special~~ duties:
1938 (1) Electronically publishing ~~The collection and~~
1939 ~~maintenance of~~ special district noncompliance status reports
1940 from the department ~~of Management Services~~, the Department of
1941 Financial Services, the Division of Bond Finance of the State
1942 Board of Administration, the Auditor General, and the
1943 Legislative Auditing Committee, for the reporting required in
1944 ss. 112.63, 218.32, 218.38, and 218.39. The noncompliance
1945 reports must list those special districts that did not comply
1946 with the statutory reporting requirements and be made available
1947 to the public electronically.
1948 (2) Maintaining the official list of special districts ~~The~~
1949 ~~maintenance of a master list of independent and dependent~~
1950 ~~special districts which shall be available on the department's~~
1951 ~~website.~~
1952 (3) ~~The~~ Publishing and updating of a "Florida Special
1953 District Handbook" that contains, at a minimum:
1954 (a) A section that specifies definitions of special



1955 districts and status distinctions in the statutes.
1956 (b) A section or sections that specify current statutory
1957 provisions for special district creation, implementation,
1958 modification, dissolution, and operating procedures.
1959 (c) A section that summarizes the reporting requirements
1960 applicable to all types of special districts as provided in ss.
1961 189.015 and 189.016 ~~189.417 and 189.418~~.
1962 ~~(4) When feasible, securing and maintaining access to~~
1963 ~~special district information collected by all state agencies in~~
1964 ~~existing or newly created state computer systems.~~
1965 ~~(4)(5) Coordinating and communicating~~ The facilitation of
1966 ~~coordination and communication~~ among state agencies regarding
1967 special districts ~~district~~ information.
1968 ~~(6) The conduct of studies relevant to special districts.~~
1969 ~~(5)(7) Providing technical advisory~~ The provision of
1970 assistance ~~related to~~ special districts regarding the and
1971 ~~appropriate in the performance of~~ requirements specified in this
1972 chapter which may be performed by the department or by a
1973 qualified third-party vendor pursuant to a contract entered into
1974 in accordance with applicable bidding requirements, ~~including~~
1975 ~~assisting with an annual conference sponsored by the Florida~~
1976 ~~Association of Special Districts or its successor.~~
1977 ~~(6)(8) Providing assistance to local general-purpose~~
1978 governments and ~~certain~~ state agencies in collecting delinquent
1979 reports or information. 7
1980 (7) Helping special districts comply with reporting
1981 requirements. 7
1982 (8) Declaring special districts inactive when ~~appropriate,~~
1983 ~~and, when~~ directed by the Legislative Auditing Committee or



694030

1984 required by this chapter.

1985 (9) Initiating enforcement proceedings ~~provisions~~ as
1986 provided in ss. 189.062, 189.066, and 189.067 ~~189.4044, 189.419,~~
1987 ~~and 189.421.~~

1988 Section 34. Section 189.413, Florida Statutes, is
1989 transferred and renumbered as section 189.065, Florida Statutes,
1990 and amended to read:

1991 189.065 ~~189.413~~ Special districts; oversight of state funds
1992 use.—Any state agency administering funding programs for which
1993 special districts are eligible shall be responsible for
1994 oversight of the use of such funds by special districts. The
1995 oversight responsibilities shall include, but not be limited to:

1996 (1) Reporting the existence of the program to the Special
1997 District Accountability Information ~~Information~~ Program of the department.

1998 (2) Submitting annually a list of special districts
1999 participating in a state funding program to the Special District
2000 Accountability Information ~~Information~~ Program of the department. This list
2001 must indicate the special districts, if any, that are not in
2002 compliance with state funding program requirements.

2003 Section 35. Section 189.415, Florida Statutes, is
2004 transferred and renumbered as section 189.08, Florida Statutes.

2005 Section 36. Section 189.4155, Florida Statutes, is
2006 transferred and renumbered as section 189.081, Florida Statutes.

2007 Section 37. Section 189.4156, Florida Statutes, is
2008 transferred and renumbered as section 189.082, Florida Statutes.

2009 Section 38. Section 189.416, Florida Statutes, is
2010 transferred and renumbered as section 189.014, Florida Statutes,
2011 and subsection (1) of that section is amended, to read:

2012 189.014 ~~189.416~~ Designation of registered office and



694030

2013 agent.-

2014 (1) Within 30 days after the first meeting of its governing
2015 body board, each special district in the state shall designate a
2016 registered office and a registered agent and file such
2017 information with the local governing authority or authorities
2018 and with the department. The registered agent shall be an agent
2019 of the district upon whom any process, notice, or demand
2020 required or permitted by law to be served upon the district may
2021 be served. A registered agent shall be an individual resident of
2022 this state whose business address is identical with the
2023 registered office of the district. The registered office may be,
2024 but need not be, the same as the place of business of the
2025 special district.

2026 Section 39. Section 189.417, Florida Statutes, is
2027 transferred and renumbered as section 189.015, Florida Statutes,
2028 and subsection (1) of that section is amended, to read:

2029 189.015 ~~189.417~~ Meetings; notice; required reports.-

2030 (1) The governing body of each special district shall file
2031 quarterly, semiannually, or annually a schedule of its regular
2032 meetings with the local governing authority or authorities. The
2033 schedule shall include the date, time, and location of each
2034 scheduled meeting. The schedule shall be published quarterly,
2035 semiannually, or annually in a newspaper of general paid
2036 circulation in the manner required in this subsection. The
2037 governing body of an independent special district shall
2038 advertise the day, time, place, and purpose of any meeting other
2039 than a regular meeting or any recessed and reconvened meeting of
2040 the governing body, at least 7 days before ~~prior to~~ such
2041 meeting, in a newspaper of general paid circulation in the



694030

2042 county or counties in which the special district is located,
2043 unless a bona fide emergency situation exists, in which case a
2044 meeting to deal with the emergency may be held as necessary,
2045 with reasonable notice, so long as it is subsequently ratified
2046 by the governing body ~~board~~. No approval of the annual budget
2047 shall be granted at an emergency meeting. The advertisement
2048 shall be placed in that portion of the newspaper where legal
2049 notices and classified advertisements appear. The advertisement
2050 shall appear in a newspaper that is published at least 5 days a
2051 week, unless the only newspaper in the county is published fewer
2052 than 5 days a week. The newspaper selected must be one of
2053 general interest and readership in the community and not one of
2054 limited subject matter, pursuant to chapter 50. Any other
2055 provision of law to the contrary notwithstanding, and except in
2056 the case of emergency meetings, water management districts may
2057 provide reasonable notice of public meetings held to evaluate
2058 responses to solicitations issued by the water management
2059 district, by publication in a newspaper of general paid
2060 circulation in the county where the principal office of the
2061 water management district is located, or in the county or
2062 counties where the public work will be performed, no less than 7
2063 days before such meeting.

2064 Section 40. Section 189.418, Florida Statutes, is
2065 transferred and renumbered as section 189.016, Florida Statutes,
2066 and subsections (2) and (10) of that section are amended, to
2067 read:

2068 189.016 ~~189.418~~ Reports; budgets; audits.—

2069 (2) Any amendment, modification, or update of the document
2070 by which the district was created, including changes in



694030

2071 boundaries, must be filed with the department within 30 days
2072 after adoption. The department may initiate proceedings against
2073 special districts as provided in s. 189.067 ~~189.421~~ for failure
2074 to file the information required by this subsection. However,
2075 for the purposes of this section and s. 175.101(1), the
2076 boundaries of a district shall be deemed to include an area that
2077 has been annexed until the completion of the 4-year period
2078 specified in s. 171.093(4) or other mutually agreed upon
2079 extension, or when a district is providing services pursuant to
2080 an interlocal agreement entered into pursuant to s. 171.093(3).

2081 (10) All reports or information required to be filed with a
2082 local general-purpose government or governing authority under
2083 ss. 189.08, 189.014, and 189.015 ~~189.415, 189.416, and 189.417~~
2084 and subsection (8) must:

2085 (a) If the local general-purpose government or governing
2086 authority is a county, be filed with the clerk of the board of
2087 county commissioners.

2088 (b) If the district is a multicounty district, be filed
2089 with the clerk of the county commission in each county.

2090 (c) If the local general-purpose government or governing
2091 authority is a municipality, be filed at the place designated by
2092 the municipal governing body.

2093 Section 41. Section 189.419, Florida Statutes, is
2094 transferred, renumbered as section 189.066, Florida Statutes,
2095 and amended to read:

2096 189.066 ~~189.419~~ Effect of failure to file certain reports
2097 or information.—

2098 (1) If an independent special district fails to file the
2099 reports or information required under s. 189.08, s. 189.014, s.



2100 189.015, or s. 189.016(9) ~~189.415, s. 189.416, s. 189.417, or s.~~
2101 ~~189.418(9)~~ with the local general-purpose government or
2102 governments in which it is located, the person authorized to
2103 receive and read the reports or information or the local
2104 general-purpose government shall notify the district's
2105 registered agent. If requested by the district, the local
2106 general-purpose government shall grant an extension of up to 30
2107 days for filing the required reports or information. If the
2108 governing body of the local general-purpose government or
2109 governments determines that there has been an unjustified
2110 failure to file these reports or information, it shall ~~may~~
2111 notify the department, and the department may proceed pursuant
2112 to s. 189.067(1) ~~189.421(1)~~.

2113 (2) If a dependent special district fails to file the
2114 reports or information required under s. 189.014, s. 189.015, or
2115 s. 189.016(9) ~~189.416, s. 189.417, or s. 189.418(9)~~ with the
2116 local governing authority to which it is dependent, the local
2117 governing authority shall take whatever steps it deems necessary
2118 to enforce the special district's accountability. Such steps may
2119 include, as authorized, withholding funds, removing governing
2120 body ~~board~~ members at will, vetoing the special district's
2121 budget, conducting the oversight review process set forth in s.
2122 189.068 ~~189.428~~, or amending, merging, or dissolving the special
2123 district in accordance with the provisions contained in the
2124 ordinance that created the dependent special district.

2125 (3) If a special district fails to file the reports or
2126 information required under s. 218.38 with the appropriate state
2127 agency, the agency shall notify the department, and the
2128 department shall send a certified technical assistance letter to



694030

2129 the special district which summarizes the requirements and
2130 ~~compels~~ ~~encourages~~ the special district to take steps to prevent
2131 the noncompliance from reoccurring.

2132 (4) If a special district fails to file the reports or
2133 information required under s. 112.63 with the appropriate state
2134 agency, the agency shall notify the department and the
2135 department shall proceed pursuant to s. 189.067(1) ~~189.421(1)~~.

2136 (5) If a special district fails to file the reports or
2137 information required under s. 218.32 or s. 218.39 with the
2138 appropriate state agency or office, the state agency or office
2139 shall, and the Legislative Auditing Committee may, notify the
2140 department and the department shall proceed pursuant to s.
2141 189.067 ~~189.421~~.

2142 Section 42. Section 189.420, Florida Statutes, is
2143 transferred and renumbered as section 189.052, Florida Statutes.

2144 Section 43. Section 189.421, Florida Statutes, is
2145 transferred, renumbered as section 189.067, Florida Statutes,
2146 and amended to read:

2147 189.067 ~~189.421~~ Failure of district to disclose financial
2148 reports.—

2149 (1) (a) If notified pursuant to s. 189.066(1) ~~189.419(1)~~,
2150 (4), or (5), the department shall attempt to assist a special
2151 district in complying with its financial reporting requirements
2152 by sending a certified letter to the special district, and, if
2153 the special district is dependent, sending a copy of that letter
2154 to the chair of the local governing authority. The letter must
2155 include a description of the required report, including
2156 statutory submission deadlines, a contact telephone number for
2157 technical assistance to help the special district comply, a 60-



2158 day deadline for filing the required report with the appropriate
2159 entity, the address where the report must be filed, and an
2160 explanation of the penalties for noncompliance.

2161 (b) A special district that is unable to meet the 60-day
2162 reporting deadline must provide written notice to the department
2163 before the expiration of the deadline stating the reason the
2164 special district is unable to comply with the deadline, the
2165 steps the special district is taking to prevent the
2166 noncompliance from reoccurring, and the estimated date that the
2167 special district will file the report with the appropriate
2168 agency. The district's written response does not constitute an
2169 extension by the department; however, the department shall
2170 forward the written response as follows ~~to~~:

2171 1. If the written response refers to the reports required
2172 under s. 218.32 or s. 218.39, to the Legislative Auditing
2173 Committee for its consideration in determining whether the
2174 special district should be subject to further state action in
2175 accordance with s. 11.40(2)(b).

2176 2. If the written response refers to the reports or
2177 information requirements listed in s. 189.066(1) ~~189.419(1)~~, to
2178 the local general-purpose government or governments for their
2179 consideration in determining whether the oversight review
2180 process set forth in s. 189.068 ~~189.428~~ should be undertaken.

2181 3. If the written response refers to the reports or
2182 information required under s. 112.63, to the Department of
2183 Management Services for its consideration in determining whether
2184 the special district should be subject to further state action
2185 in accordance with s. 112.63(4)(d)2.

2186 (2) Failure of a special district to comply with the



694030

2187 actuarial and financial reporting requirements under s. 112.63,
2188 s. 218.32, or s. 218.39 after the procedures of subsection (1)
2189 are exhausted shall be deemed final action of the special
2190 district. The actuarial and financial reporting requirements are
2191 declared to be essential requirements of law. ~~Remedies~~ Remedy
2192 for noncompliance with ss. 218.32 and 218.39 shall be as
2193 provided in ss. 189.034 and 189.035. Remedy for noncompliance
2194 with s. 112.63 shall be ~~by writ of certiorari~~ as set forth in
2195 subsection (4).

2196 (3) Pursuant to s. 11.40(2)(b), the Legislative Auditing
2197 Committee may ~~shall~~ notify the department of those districts
2198 that fail to file the required reports. If the procedures
2199 described in subsection (1) have not yet been initiated, the
2200 department shall initiate such procedures upon receiving the
2201 notice from the Legislative Auditing Committee. Otherwise,
2202 within 60 days after receiving such notice, or within 60 days
2203 after the expiration of the 60-day deadline provided in
2204 subsection (1), whichever occurs later, the department,
2205 notwithstanding the provisions of chapter 120, shall file a
2206 petition for enforcement ~~writ of certiorari~~ with the circuit
2207 court. The petition may request declaratory, injunctive, any
2208 other equitable relief, or any remedy provided by law. Venue for
2209 all actions pursuant to this subsection is in Leon County. The
2210 court shall award the prevailing party reasonable attorney's
2211 fees and costs unless affirmatively waived by all parties. ~~A~~
2212 ~~writ of certiorari shall be issued unless a respondent~~
2213 ~~establishes that the notification of the Legislative Auditing~~
2214 ~~Committee was issued as a result of material error. Proceedings~~
2215 ~~under this subsection are otherwise governed by the Rules of~~



2216 ~~Appellate Procedure.~~

2217 (4) The department may enforce compliance with s. 112.63 by
2218 filing a petition for enforcement with the circuit court in and
2219 for Leon County. The petition may request declaratory,
2220 injunctive, or other equitable relief, including the appointment
2221 of a receiver, and any forfeiture or other remedy provided by
2222 law. Pursuant to s. 112.63(4)(d)2., the Department of Management
2223 Services may notify the department of those special districts
2224 that have failed to file the required adjustments, additional
2225 information, or report or statement after the procedures of
2226 subsection (1) have been exhausted. Within 60 days after
2227 receiving such notice or within 60 days after the 60-day
2228 deadline provided in subsection (1), whichever occurs later, the
2229 department, notwithstanding chapter 120, shall file a petition
2230 for writ of certiorari with the circuit court. Venue for all
2231 actions pursuant to this subsection is in Leon County. The court
2232 shall award the prevailing party attorney's fees and costs
2233 unless affirmatively waived by all parties. A writ of certiorari
2234 shall be issued unless a respondent establishes that the
2235 notification of the Department of Management Services was issued
2236 as a result of material error. Proceedings under this subsection
2237 are otherwise governed by the Rules of Appellate Procedure.

2238 Section 44. Section 189.4221, Florida Statutes, is
2239 transferred and renumbered as section 189.053, Florida Statutes.

2240 Section 45. Section 189.423, Florida Statutes, is
2241 transferred and renumbered as section 189.054, Florida Statutes.

2242 Section 46. Section 189.425, Florida Statutes, is
2243 transferred and renumbered as section 189.017, Florida Statutes.

2244 Section 47. Section 189.427, Florida Statutes, is



694030

2245 transferred and renumbered as section 189.018, Florida Statutes,
2246 and amended to read:

2247 189.018 ~~189.427~~ Fee schedule; Grants and Donations Trust
2248 Fund.—The department ~~of Economic Opportunity~~, by rule, shall
2249 establish a schedule of fees to pay one-half of the costs
2250 incurred by the department in administering this act, except
2251 that the fee may not exceed \$175 per district per year. The fees
2252 collected under this section shall be deposited in the Grants
2253 and Donations Trust Fund, ~~which shall be administered by the~~
2254 ~~department of Economic Opportunity~~. Any fee rule must consider
2255 factors such as the dependent and independent status of the
2256 district and district revenues for the most recent fiscal year
2257 as reported to the Department of Financial Services. The
2258 department may assess fines of not more than \$25, with an
2259 aggregate total not to exceed \$50, as penalties against special
2260 districts that fail to remit required fees to the department. It
2261 is the intent of the Legislature that general revenue funds will
2262 be made available to the department to pay one-half of the cost
2263 of administering this act.

2264 Section 48. Section ~~189.428~~, Florida Statutes, is
2265 transferred and renumbered as section 189.068, Florida Statutes,
2266 and amended, to read:

2267 189.068 ~~189.428~~ Special districts; authority for oversight;
2268 general oversight review process.—

2269 (1) The Legislature finds it to be in the public interest
2270 to establish an oversight review process for special districts
2271 wherein each special district in the state may be reviewed by
2272 the appropriate oversight entity as provided in this part ~~local~~
2273 ~~general-purpose government in which the district exists~~. The



694030

2274 Legislature further finds and determines that such law fulfills
2275 an important state interest. It is the intent of the Legislature
2276 that the oversight review process shall contribute to informed
2277 decisionmaking. These decisions may involve the continuing
2278 existence or dissolution of a district, the appropriate future
2279 role and focus of a district, improvements in the functioning or
2280 delivery of services by a district, and the need for any
2281 transition, adjustment, or special implementation periods or
2282 provisions. Any final recommendations from the oversight review
2283 process which ~~that~~ are adopted and implemented by the
2284 appropriate level of government may ~~shall~~ not be implemented in
2285 a manner that would impair the obligation of contracts.

2286 (2) Special districts may be reviewed for general oversight
2287 purposes under this section as follows: ~~It is the intent of the~~
2288 ~~Legislature that any oversight review process be conducted in~~
2289 ~~conjunction with special district public facilities reporting~~
2290 ~~and the local government evaluation and appraisal report process~~
2291 ~~described in s. 189.415(2).~~

2292 ~~(3) The order in which Special districts may be subject to~~
2293 ~~oversight review shall be determined by the reviewer and shall~~
2294 ~~occur as follows:~~

2295 (a) All special districts created by special act may be
2296 reviewed by the Legislature using the public hearing process
2297 provided in s. 189.034.

2298 (b) All special districts created by local ordinance or
2299 resolution may be reviewed by the local general-purpose
2300 government that enacted the ordinance or resolution using the
2301 public hearing process provided in s. 189.035.

2302 (c) All dependent special districts may be reviewed by the



694030

2303 local general-purpose ~~local~~ government to which they are
2304 dependent.

2305 (d) All special districts created or established by rule of
2306 the Governor and Cabinet may be reviewed as directed by the
2307 Governor and Cabinet.

2308 (e) Except as provided in paragraphs (a)-(d), all other
2309 special districts may be reviewed as directed by the President
2310 of the Senate and the Speaker of the House of Representatives.

2311 ~~(b) All single county independent special districts may be~~
2312 ~~reviewed by a county or municipality in which they are located~~
2313 ~~or the government that created the district. Any single county~~
2314 ~~independent district that serves an area greater than the~~
2315 ~~boundaries of one general purpose local government may only be~~
2316 ~~reviewed by the county on the county's own initiative or upon~~
2317 ~~receipt of a request from any municipality served by the special~~
2318 ~~district.~~

2319 ~~(c) All multicounty independent special districts may be~~
2320 ~~reviewed by the government that created the district. Any~~
2321 ~~general purpose local governments within the boundaries of a~~
2322 ~~multicounty district may prepare a preliminary review of a~~
2323 ~~multicounty special district for possible reference or inclusion~~
2324 ~~in the full review report.~~

2325 ~~(d) Upon request by the reviewer, any special district~~
2326 ~~within all or a portion of the same county as the special~~
2327 ~~district being reviewed may prepare a preliminary review of the~~
2328 ~~district for possible reference or inclusion in the full~~
2329 ~~oversight review report.~~

2330 (3)(4) All special districts, governmental entities, and
2331 state agencies shall cooperate with the Legislature and with any



2332 local general-purpose ~~local~~ government seeking information or
2333 assistance with the oversight review process and with the
2334 preparation of an oversight review report.

2335 (4)~~(5)~~ Those conducting the oversight review process shall,
2336 at a minimum, consider the listed criteria for evaluating the
2337 special district, but may also consider any additional factors
2338 relating to the district and its performance. If any of the
2339 listed criteria does not apply to the special district being
2340 reviewed, it need not be considered. The criteria to be
2341 considered by the reviewer include:

2342 (a) The degree to which the service or services offered by
2343 the special district are essential or contribute to the well-
2344 being of the community.

2345 (b) The extent of continuing need for the service or
2346 services currently provided by the special district.

2347 (c) The extent of municipal annexation or incorporation
2348 activity occurring or likely to occur within the boundaries of
2349 the special district and its impact on the delivery of services
2350 by the special district.

2351 (d) Whether there is a less costly alternative method of
2352 delivering the service or services that would adequately provide
2353 the district residents with the services provided by the
2354 district.

2355 (e) Whether transfer of the responsibility for delivery of
2356 the service or services to an entity other than the special
2357 district being reviewed could be accomplished without
2358 jeopardizing the district's existing contracts, bonds, or
2359 outstanding indebtedness.

2360 (f) Whether the Auditor General has notified the



694030

2361 Legislative Auditing Committee that the special district's audit
2362 report, reviewed pursuant to s. 11.45(7), indicates that the
2363 district has met any of the conditions specified in s.
2364 218.503(1) or that a deteriorating financial condition exists
2365 that may cause a condition described in s. 218.503(1) to occur
2366 if actions are not taken to address such condition.

2367 (g) Whether the district is inactive according to the
2368 official list of special districts, and whether the district is
2369 meeting and discharging its responsibilities as required by its
2370 charter, as well as projected increases or decreases in district
2371 activity.

2372 (h) Whether the special district has failed to comply with
2373 any of the reporting requirements in this chapter, including
2374 preparation of the public facilities report.

2375 (i) Whether the special district has designated a
2376 registered office and agent as required by s. 189.014 ~~189.416~~,
2377 and has complied with all open public records and meeting
2378 requirements.

2379 ~~(5)-(6)~~ Any special district may at any time provide the
2380 Legislature and the local general-purpose ~~local~~ government
2381 conducting the review or making decisions based upon the final
2382 oversight review report with written responses to any questions,
2383 concerns, preliminary reports, draft reports, or final reports
2384 relating to the district.

2385 ~~(7) The final report of a reviewing government shall be~~
2386 ~~filed with the government that created the district and shall~~
2387 ~~serve as the basis for any modification to the district charter~~
2388 ~~or dissolution or merger of the district.~~

2389 ~~(8) If legislative dissolution or merger of a district is~~



694030

2390 ~~proposed in the final report, the reviewing government shall~~
2391 ~~also propose a plan for the merger or dissolution, and the plan~~
2392 ~~shall address the following factors in evaluating the proposed~~
2393 ~~merger or dissolution:~~

2394 ~~(a) Whether, in light of independent fiscal analysis,~~
2395 ~~level-of-service implications, and other public policy~~
2396 ~~considerations, the proposed merger or dissolution is the best~~
2397 ~~alternative for delivering services and facilities to the~~
2398 ~~affected area.~~

2399 ~~(b) Whether the services and facilities to be provided~~
2400 ~~pursuant to the merger or dissolution will be compatible with~~
2401 ~~the capacity and uses of existing local services and facilities.~~

2402 ~~(c) Whether the merger or dissolution is consistent with~~
2403 ~~applicable provisions of the state comprehensive plan, the~~
2404 ~~strategic regional policy plan, and the local government~~
2405 ~~comprehensive plans of the affected area.~~

2406 ~~(d) Whether the proposed merger adequately provides for the~~
2407 ~~assumption of all indebtedness.~~

2408
2409 ~~The reviewing government shall consider the report in a public~~
2410 ~~hearing held within the jurisdiction of the district. If adopted~~
2411 ~~by the governing board of the reviewing government, the request~~
2412 ~~for legislative merger or dissolution of the district may~~
2413 ~~proceed. The adopted plan shall be filed as an attachment to the~~
2414 ~~economic impact statement regarding the proposed special act or~~
2415 ~~general act of local application dissolving a district.~~

2416 ~~(6) (9)~~ This section does not apply to a deepwater port
2417 listed in s. 311.09(1) which is in compliance with a port master
2418 plan adopted pursuant to s. 163.3178(2)(k), or to an airport



694030

2419 authority operating in compliance with an airport master plan
2420 approved by the Federal Aviation Administration, or to any
2421 special district organized to operate health systems and
2422 facilities licensed under chapter 395, chapter 400, or chapter
2423 429.

2424 Section 49. Section 189.429, Florida Statutes, is
2425 transferred and renumbered as section 189.019, Florida Statutes,
2426 and subsection (1) of that section is amended, to read:

2427 189.019 ~~189.429~~ Codification.—

2428 (1) Each district, by December 1, 2004, shall submit to the
2429 Legislature a draft codified charter, at its expense, so that
2430 its special acts may be codified into a single act for
2431 reenactment by the Legislature, if there is more than one
2432 special act for the district. The Legislature may adopt a
2433 schedule for individual district codification. Any codified act
2434 relating to a district, which act is submitted to the
2435 Legislature for reenactment, shall provide for the repeal of all
2436 prior special acts of the Legislature relating to the district.
2437 The codified act shall be filed with the department pursuant to
2438 s. 189.016(2) ~~189.418(2)~~.

2439 Section 50. Sections 189.430, 189.431, 189.432, 189.433,
2440 189.434, 189.435, 189.436, 189.437, 189.438, 189.439, 189.440,
2441 189.441, 189.442, 189.443, and 189.444, Florida Statutes, are
2442 repealed.

2443 Section 51. Section 189.034, Florida Statutes, is created
2444 to read:

2445 189.034 Oversight of special districts created by special
2446 act of the Legislature.—

2447 (1) This section applies to any special district created by



2448 special act of the Legislature.

2449 (2) If a special district fails to file required reports or
2450 requested information under ss. 11.45(7), 218.32, 218.39, or
2451 218.503(3), with the appropriate state agency or office, the
2452 Legislative Auditing Committee or its designee shall provide
2453 written notice of the district's noncompliance to the President
2454 of the Senate, the Speaker of the House of Representatives, the
2455 standing committees of the Senate and the House of
2456 Representatives charged with special district oversight as
2457 determined by the presiding officers of each respective chamber,
2458 and the legislators who represent a portion of the geographical
2459 jurisdiction of the special district.

2460 (3) The Legislative Auditing Committee may convene a public
2461 hearing on the issue of noncompliance, as well as general
2462 oversight of the special district as provided in s. 189.068, at
2463 the direction of the President of the Senate and the Speaker of
2464 the House of Representatives.

2465 (4) Before the public hearing as provided in subsection
2466 (3), the special district shall provide the following
2467 information at the request of the Legislative Auditing
2468 Committee:

2469 (a) The district's annual financial report for the prior
2470 fiscal year.

2471 (b) The district's audit report for the previous fiscal
2472 year.

2473 (c) An annual report for the previous fiscal year providing
2474 a detailed review of the performance of the special district,
2475 including the following information:

2476 1. The purpose of the special district.



694030

- 2477 2. The sources of funding for the special district.
- 2478 3. A description of the major activities, programs, and
2479 initiatives the special district undertook in the most recently
2480 completed fiscal year and the benchmarks or criteria under which
2481 the success or failure of the district was determined by its
2482 governing body.
- 2483 4. Any challenges or obstacles faced by the special
2484 district in fulfilling its purpose and related responsibilities.
- 2485 5. Ways the special district believes it could better
2486 fulfill its purpose and related responsibilities and a
2487 description of the actions that it intends to take during the
2488 ensuing fiscal year.
- 2489 6. Proposed changes to the special act that established the
2490 special district and justification for such changes.
- 2491 7. Any other information reasonably required to provide the
2492 Legislative Auditing Committee with an accurate understanding of
2493 the purpose for which the special district exists and how it is
2494 fulfilling its responsibilities to accomplish that purpose.
- 2495 8. Any reasons for the district's noncompliance.
- 2496 9. Whether the district is currently in compliance.
- 2497 10. Plans to correct any recurring issues of noncompliance.
- 2498 11. Efforts to promote transparency, including maintenance
2499 of the district's website in accordance with s. 189.069.
- 2500 Section 52. Section 189.035, Florida Statutes, is created
2501 to read:
- 2502 189.035 Oversight of special districts created by local
2503 ordinance or resolution.—
- 2504 (1) This section applies to any special district created by
2505 local ordinance or resolution.



2506 (2) If a special district fails to file required reports or
2507 requested information under s. 11.45(7), s. 218.32, s. 218.39,
2508 or s. 218.503(3) with the appropriate state agency or office,
2509 the Legislative Auditing Committee or its designee shall provide
2510 written notice of the district's noncompliance to the chair or
2511 equivalent of the local general-purpose government.

2512 (3) The chair or equivalent of the local general-purpose
2513 government may convene a public hearing on the issue of
2514 noncompliance, as well as general oversight of the special
2515 district as provided in s. 189.068, within 3 months after
2516 receipt of notice of noncompliance from the Legislative Auditing
2517 Committee. Within 30 days after receiving written notice of
2518 noncompliance, the local general-purpose government shall notify
2519 the Legislative Auditing Committee as to whether a hearing under
2520 this section will be held and, if so, provide the date, time,
2521 and place of the hearing.

2522 (4) Before the public hearing as provided in subsection
2523 (3), the special district shall provide the following
2524 information at the request of the local general-purpose
2525 government:

2526 (a) The district's annual financial report for the previous
2527 fiscal year.

2528 (b) The district's audit report for the previous fiscal
2529 year.

2530 (c) An annual report for the previous fiscal year, which
2531 must provide a detailed review of the performance of the special
2532 district and include the following information:

2533 1. The purpose of the special district.

2534 2. The sources of funding for the special district.



2535 3. A description of the major activities, programs, and
2536 initiatives the special district undertook in the most recently
2537 completed fiscal year and the benchmarks or criteria under which
2538 the success or failure of the district was determined by its
2539 governing body.

2540 4. Any challenges or obstacles faced by the special
2541 district in fulfilling its purpose and related responsibilities.

2542 5. Ways in which the special district believes that it
2543 could better fulfill its purpose and related responsibilities
2544 and a description of the actions that it intends to take during
2545 the ensuing fiscal year.

2546 6. Proposed changes to the ordinance or resolution that
2547 established the special district and justification for such
2548 changes.

2549 7. Any other information reasonably required to provide the
2550 reviewing entity with an accurate understanding of the purpose
2551 for which the special district exists and how it is fulfilling
2552 its responsibilities to accomplish that purpose.

2553 8. Any reasons for the district's noncompliance.

2554 9. Whether the district is currently in compliance.

2555 10. Plans to correct any recurring issues of noncompliance.

2556 11. Efforts to promote transparency, including maintenance
2557 of the district's website in accordance with s. 189.069.

2558 (5) If the local general-purpose government convenes a
2559 public hearing under this section, it shall provide the
2560 department and the Legislative Auditing Committee with a report
2561 containing its findings and conclusions within 60 days after
2562 completion of the public hearing.

2563 Section 53. Section 189.055, Florida Statutes, is created



694030

2564 to read:

2565 189.055 Treatment of special districts.—For the purpose of
2566 s. 196.199(1), special districts shall be treated as
2567 municipalities.

2568 Section 54. Section 189.069, Florida Statutes, is created
2569 to read:

2570 189.069 Special districts; required reporting of
2571 information; web-based public access.—

2572 (1) Beginning on October 1, 2015, or by the end of the
2573 first full fiscal year after its creation, each special district
2574 shall maintain an official Internet website containing the
2575 information required by this section in accordance with s.
2576 189.016. Special districts shall submit their official Internet
2577 website addresses to the department.

2578 (a) Independent special districts shall maintain a separate
2579 internet website.

2580 (b) Dependent special districts shall be preeminently
2581 displayed on the home page of the Internet website of the local
2582 general-purpose government that created the special district
2583 with a hyperlink to such webpages as are necessary to provide
2584 the information required by this section. Dependent special
2585 districts may maintain a separate Internet website providing the
2586 information required by this section.

2587 (2) (a) A special district shall post the following
2588 information, at a minimum, on the district's official website:

2589 1. The full legal name of the special district.

2590 2. The public purpose of the special district.

2591 3. The name, address, e-mail address, and, if applicable,
2592 the term and appointing authority for each member of the



2593 governing body of the special district.
2594 4. The fiscal year of the special district.
2595 5. The full text of the special district's charter, the
2596 date of establishment, the establishing entity, and the statute
2597 or statutes under which the special district operates, if
2598 different from the statute or statutes under which the special
2599 district was established. Community development districts may
2600 reference chapter 190, as the uniform charter, but must include
2601 information relating to any grant of special powers.
2602 6. The mailing address, e-mail address, telephone number,
2603 and Internet website uniform resource locator of the special
2604 district.
2605 7. A description of the boundaries or service area of, and
2606 the services provided by, the special district.
2607 8. A listing of all taxes, fees, assessments, or charges
2608 imposed and collected by the special district, including the
2609 rates or amounts for the fiscal year and the statutory authority
2610 for the levy of the tax, fee, assessment, or charge. For
2611 purposes of this subparagraph, charges do not include patient
2612 charges by a hospital or other health care provider.
2613 9. The primary contact information for the special district
2614 for purposes of communication from the department.
2615 10. A code of ethics adopted by the special district, if
2616 applicable, and a hyperlink to generally applicable ethics
2617 provisions.
2618 11. The budget of each special district, in addition to
2619 amendments in accordance with s. 189.418.
2620 12. The final, complete audit report for the most recent
2621 completed fiscal year, and audit reports required by law or



694030

2622 authorized by the governing body of the special district.

2623 (b) The department's Internet website list of special
2624 districts in the state required under s. 189.061 shall include a
2625 link for each special district that provides web-based access to
2626 the public for all information and documentation required for
2627 submission to the department pursuant to subsection (1).

2628 Section 55. Paragraph (e) of subsection (1) and paragraph
2629 (c) of subsection (7) of section 11.45, Florida Statutes, are
2630 amended to read:

2631 11.45 Definitions; duties; authorities; reports; rules.—

2632 (1) DEFINITIONS.—As used in ss. 11.40-11.51, the term:

2633 (e) "Local governmental entity" means a county agency,
2634 municipality, or special district as defined in s. 189.012
2635 ~~189.403~~, but does not include any housing authority established
2636 under chapter 421.

2637 (7) AUDITOR GENERAL REPORTING REQUIREMENTS.—

2638 (c) The Auditor General shall provide annually a list of
2639 those special districts which are not in compliance with s.
2640 218.39 to the Special District Accountability Information ~~Information~~
2641 Program of the Department of Economic Opportunity.

2642 Section 56. Paragraph (c) of subsection (4) of section
2643 100.011, Florida Statutes, is amended to read:

2644 100.011 Opening and closing of polls, all elections;
2645 expenses.—

2646 (4)

2647 (c) The provisions of any special law to the contrary
2648 notwithstanding, all independent and dependent special district
2649 elections, with the exception of community development district
2650 elections, shall be conducted in accordance with the



694030

2651 requirements of ss. 189.04 and 189.041 ~~189.405 and 189.4051~~.

2652 Section 57. Paragraph (f) of subsection (1) of section
2653 101.657, Florida Statutes, is amended to read:

2654 101.657 Early voting.—

2655 (1)

2656 (f) Notwithstanding the requirements of s. 189.04 ~~189.405~~,
2657 special districts may provide early voting in any district
2658 election not held in conjunction with county or state elections.
2659 If a special district provides early voting, it may designate as
2660 many sites as necessary and shall conduct its activities in
2661 accordance with the provisions of paragraphs (a)-(c). The
2662 supervisor is not required to conduct early voting if it is
2663 provided pursuant to this subsection.

2664 Section 58. Paragraph (a) of subsection (14) of section
2665 112.061, Florida Statutes, is amended to read:

2666 112.061 Per diem and travel expenses of public officers,
2667 employees, and authorized persons.—

2668 (14) APPLICABILITY TO COUNTIES, COUNTY OFFICERS, DISTRICT
2669 SCHOOL BOARDS, SPECIAL DISTRICTS, AND METROPOLITAN PLANNING
2670 ORGANIZATIONS.—

2671 (a) The following entities may establish rates that vary
2672 from the per diem rate provided in paragraph (6)(a), the
2673 subsistence rates provided in paragraph (6)(b), or the mileage
2674 rate provided in paragraph (7)(d) if those rates are not less
2675 than the statutorily established rates that are in effect for
2676 the 2005-2006 fiscal year:

2677 1. The governing body of a county by the enactment of an
2678 ordinance or resolution;

2679 2. A county constitutional officer, pursuant to s. 1(d),



2680 Art. VIII of the State Constitution, by the establishment of
2681 written policy;

2682 3. The governing body of a district school board by the
2683 adoption of rules;

2684 4. The governing body of a special district, as defined in
2685 s. 189.012 ~~189.403(1)~~, except those special districts that are
2686 subject to s. 166.021(9), by the enactment of a resolution; or

2687 5. Any metropolitan planning organization created pursuant
2688 to s. 339.175 or any other separate legal or administrative
2689 entity created pursuant to s. 339.175 of which a metropolitan
2690 planning organization is a member, by the enactment of a
2691 resolution.

2692 Section 59. Paragraph (d) of subsection (4) of section
2693 112.63, Florida Statutes, is amended to read:

2694 112.63 Actuarial reports and statements of actuarial
2695 impact; review.—

2696 (4) Upon receipt, pursuant to subsection (2), of an
2697 actuarial report, or, pursuant to subsection (3), of a statement
2698 of actuarial impact, the Department of Management Services shall
2699 acknowledge such receipt, but shall only review and comment on
2700 each retirement system's or plan's actuarial valuations at least
2701 on a triennial basis.

2702 (d) In the case of an affected special district, the
2703 Department of Management Services shall also notify the
2704 Department of Economic Opportunity. Upon receipt of
2705 notification, the Department of Economic Opportunity shall
2706 proceed pursuant to s. 189.067 ~~189.421~~.

2707 1. Failure of a special district to provide a required
2708 report or statement, to make appropriate adjustments, or to



2709 provide additional material information after the procedures
2710 specified in s. 189.067(1) ~~189.421(1)~~ are exhausted shall be
2711 deemed final action by the special district.

2712 2. The Department of Management Services may notify the
2713 Department of Economic Opportunity of those special districts
2714 that failed to come into compliance. Upon receipt of
2715 notification, the Department of Economic Opportunity shall
2716 proceed pursuant to s. 189.067(4) ~~189.421(4)~~.

2717 Section 60. Subsection (1) of section 112.665, Florida
2718 Statutes, is amended to read:

2719 112.665 Duties of Department of Management Services.—

2720 (1) The Department of Management Services shall:

2721 (a) Gather, catalog, and maintain complete, computerized
2722 data information on all public employee retirement systems or
2723 plans in the state based upon a review of audits, reports, and
2724 other data pertaining to the systems or plans;

2725 (b) Receive and comment upon all actuarial reviews of
2726 retirement systems or plans maintained by units of local
2727 government;

2728 (c) Cooperate with local retirement systems or plans on
2729 matters of mutual concern and provide technical assistance to
2730 units of local government in the assessment and revision of
2731 retirement systems or plans;

2732 (d) Annually issue, by January 1, a report to the President
2733 of the Senate and the Speaker of the House of Representatives,
2734 which details division activities, findings, and recommendations
2735 concerning all governmental retirement systems. The report may
2736 include legislation proposed to carry out such recommendations;

2737 (e) Provide a fact sheet for each participating local



694030

2738 government defined benefit pension plan which summarizes the
2739 plan's actuarial status. The fact sheet should provide a summary
2740 of the plan's most current actuarial data, minimum funding
2741 requirements as a percentage of pay, and a 5-year history of
2742 funded ratios. The fact sheet must include a brief explanation
2743 of each element in order to maximize the transparency of the
2744 local government plans. The fact sheet must also contain the
2745 information specified in s. 112.664(1). These documents shall be
2746 posted on the department's website. Plan sponsors that have
2747 websites must provide a link to the department's website;

2748 (f) Annually issue, by January 1, a report to the Special
2749 District Accountability Information ~~Information~~ Program of the Department of
2750 Economic Opportunity which includes the participation in and
2751 compliance of special districts with the local government
2752 retirement system provisions in s. 112.63 and the state-
2753 administered retirement system provisions specified in part I of
2754 chapter 121; and

2755 (g) Adopt reasonable rules to administer this part.

2756 Section 61. Subsection (9) of section 121.021, Florida
2757 Statutes, is amended to read:

2758 121.021 Definitions.—The following words and phrases as
2759 used in this chapter have the respective meanings set forth
2760 unless a different meaning is plainly required by the context:

2761 (9) "Special district" means an independent special
2762 district as defined in s. 189.012 ~~189.403(3)~~.

2763 Section 62. Paragraph (b) of subsection (2) of section
2764 121.051, Florida Statutes, is amended to read:

2765 121.051 Participation in the system.—

2766 (2) OPTIONAL PARTICIPATION.—



694030

2767 (b)1. The governing body of any municipality, metropolitan
2768 planning organization, or special district in the state may
2769 elect to participate in the Florida Retirement System upon
2770 proper application to the administrator and may cover all of its
2771 units as approved by the Secretary of Health and Human Services
2772 and the administrator. The department shall adopt rules
2773 establishing procedures for the submission of documents
2774 necessary for such application. Before being approved for
2775 participation in the system, the governing body of a
2776 municipality, metropolitan planning organization, or special
2777 district that has a local retirement system must submit to the
2778 administrator a certified financial statement showing the
2779 condition of the local retirement system within 3 months before
2780 the proposed effective date of membership in the Florida
2781 Retirement System. The statement must be certified by a
2782 recognized accounting firm that is independent of the local
2783 retirement system. All required documents necessary for
2784 extending Florida Retirement System coverage must be received by
2785 the department for consideration at least 15 days before the
2786 proposed effective date of coverage. If the municipality,
2787 metropolitan planning organization, or special district does not
2788 comply with this requirement, the department may require that
2789 the effective date of coverage be changed.

2790 2. A municipality, metropolitan planning organization, or
2791 special district that has an existing retirement system covering
2792 the employees in the units that are to be brought under the
2793 Florida Retirement System may participate only after holding a
2794 referendum in which all employees in the affected units have the
2795 right to participate. Only those employees electing coverage



694030

2796 under the Florida Retirement System by affirmative vote in the
2797 referendum are eligible for coverage under this chapter, and
2798 those not participating or electing not to be covered by the
2799 Florida Retirement System shall remain in their present systems
2800 and are not eligible for coverage under this chapter. After the
2801 referendum is held, all future employees are compulsory members
2802 of the Florida Retirement System.

2803 3. At the time of joining the Florida Retirement System,
2804 the governing body of a municipality, metropolitan planning
2805 organization, or special district complying with subparagraph 1.
2806 may elect to provide, or not provide, benefits based on past
2807 service of officers and employees as described in s. 121.081(1).
2808 However, if such employer elects to provide past service
2809 benefits, such benefits must be provided for all officers and
2810 employees of its covered group.

2811 4. Once this election is made and approved it may not be
2812 revoked, except pursuant to subparagraphs 5. and 6., and all
2813 present officers and employees electing coverage and all future
2814 officers and employees are compulsory members of the Florida
2815 Retirement System.

2816 5. Subject to subparagraph 6., the governing body of a
2817 hospital licensed under chapter 395 which is governed by the
2818 governing body ~~board~~ of a special district as defined in s.
2819 189.012 ~~189.403~~ or by the board of trustees of a public health
2820 trust created under s. 154.07, hereinafter referred to as
2821 "hospital district," and which participates in the Florida
2822 Retirement System, may elect to cease participation in the
2823 system with regard to future employees in accordance with the
2824 following:



2825 a. No more than 30 days and at least 7 days before adopting
2826 a resolution to partially withdraw from the system and establish
2827 an alternative retirement plan for future employees, a public
2828 hearing must be held on the proposed withdrawal and proposed
2829 alternative plan.

2830 b. From 7 to 15 days before such hearing, notice of intent
2831 to withdraw, specifying the time and place of the hearing, must
2832 be provided in writing to employees of the hospital district
2833 proposing partial withdrawal and must be published in a
2834 newspaper of general circulation in the area affected, as
2835 provided by ss. 50.011-50.031. Proof of publication must be
2836 submitted to the Department of Management Services.

2837 c. The governing body of a hospital district seeking to
2838 partially withdraw from the system must, before such hearing,
2839 have an actuarial report prepared and certified by an enrolled
2840 actuary, as defined in s. 112.625, illustrating the cost to the
2841 hospital district of providing, through the retirement plan that
2842 the hospital district is to adopt, benefits for new employees
2843 comparable to those provided under the system.

2844 d. Upon meeting all applicable requirements of this
2845 subparagraph, and subject to subparagraph 6., partial withdrawal
2846 from the system and adoption of the alternative retirement plan
2847 may be accomplished by resolution duly adopted by the hospital
2848 district board. The hospital district board must provide written
2849 notice of such withdrawal to the division by mailing a copy of
2850 the resolution to the division, postmarked by December 15, 1995.
2851 The withdrawal shall take effect January 1, 1996.

2852 6. Following the adoption of a resolution under sub-
2853 subparagraph 5.d., all employees of the withdrawing hospital



2854 district who were members of the system before January 1, 1996,
2855 shall remain as members of the system for as long as they are
2856 employees of the hospital district, and all rights, duties, and
2857 obligations between the hospital district, the system, and the
2858 employees remain in full force and effect. Any employee who is
2859 hired or appointed on or after January 1, 1996, may not
2860 participate in the system, and the withdrawing hospital district
2861 has no obligation to the system with respect to such employees.

2862 Section 63. Subsection (1) of section 153.94, Florida
2863 Statutes, is amended to read:

2864 153.94 Applicability of other laws.—Except as expressly
2865 provided in this act:

2866 (1) With respect to any wastewater facility privatization
2867 contract entered into under this act, a public entity is subject
2868 to s. 125.3401, s. 180.301, s. 189.054 ~~189.423~~, or s. 190.0125
2869 but is not subject to the requirements of chapter 287.

2870 Section 64. Paragraph (a) of subsection (2) of section
2871 163.08, Florida Statutes, is amended to read:

2872 163.08 Supplemental authority for improvements to real
2873 property.—

2874 (2) As used in this section, the term:

2875 (a) "Local government" means a county, a municipality, a
2876 dependent special district as defined in s. 189.012 ~~189.403~~, or
2877 a separate legal entity created pursuant to s. 163.01(7).

2878 Section 65. Subsection (7) of section 165.031, Florida
2879 Statutes, is amended to read:

2880 165.031 Definitions.—The following terms and phrases, when
2881 used in this chapter, shall have the meanings ascribed to them
2882 in this section, except where the context clearly indicates a



2883 different meaning:

2884 (7) "Special district" means a local unit of special
2885 government, as defined in s. 189.012 ~~189.403(1)~~. This term
2886 includes dependent special districts, as defined in s. 189.012
2887 ~~189.403(2)~~, and independent special districts, as defined in s.
2888 189.012 ~~189.403(3)~~. All provisions of s. 200.001(8)(d) and (e)
2889 shall be considered provisions of this chapter.

2890 Section 66. Paragraph (b) of subsection (1) and subsections
2891 (8) and (16) of section 165.0615, Florida Statutes, are amended
2892 to read:

2893 165.0615 Municipal conversion of independent special
2894 districts upon elector-initiated and approved referendum.—

2895 (1) The qualified electors of an independent special
2896 district may commence a municipal conversion proceeding by
2897 filing a petition with the governing body of the independent
2898 special district proposed to be converted if the district meets
2899 all of the following criteria:

2900 (b) It is designated as an improvement district and created
2901 pursuant to chapter 298 or is designated as a stewardship
2902 district and created pursuant to s. 189.031 ~~189.404~~.

2903 (8) Notice of the final public hearing on the proposed
2904 elector-initiated combined municipal incorporation plan must be
2905 published pursuant to the notice requirements in s. 189.015
2906 ~~189.417~~ and must provide a descriptive summary of the elector-
2907 initiated municipal incorporation plan and a reference to the
2908 public places within the independent special district where a
2909 copy of the plan may be examined.

2910 (16) If the incorporation plan is approved by a majority of
2911 the votes cast in the independent special district, the district



694030

2912 shall notify the special district accountability information
2913 program pursuant to s. 189.016(2) ~~189.418(2)~~ and the local
2914 general-purpose governments in which any part of the independent
2915 special district is situated pursuant to s. 189.016(7)
2916 ~~189.418(7)~~.

2917 Section 67. Subsection (3) of section 171.202, Florida
2918 Statutes, is amended to read:

2919 171.202 Definitions.—As used in this part, the term:

2920 (3) "Independent special district" means an independent
2921 special district, as defined in s. 189.012 ~~189.403~~, which
2922 provides fire, emergency medical, water, wastewater, or
2923 stormwater services.

2924 Section 68. Subsection (16) of section 175.032, Florida
2925 Statutes, is amended to read:

2926 175.032 Definitions.—For any municipality, special fire
2927 control district, chapter plan, local law municipality, local
2928 law special fire control district, or local law plan under this
2929 chapter, the following words and phrases have the following
2930 meanings:

2931 (16) "Special fire control district" means a special
2932 district, as defined in s. 189.012 ~~189.403(1)~~, established for
2933 the purposes of extinguishing fires, protecting life, and
2934 protecting property within the incorporated or unincorporated
2935 portions of any county or combination of counties, or within any
2936 combination of incorporated and unincorporated portions of any
2937 county or combination of counties. The term does not include any
2938 dependent or independent special district, as defined in s.
2939 189.012 ~~189.403(2) and (3)~~, respectively, the employees of which
2940 are members of the Florida Retirement System pursuant to s.



694030

2941 121.051(1) or (2).

2942 Section 69. Subsection (6) of section 190.011, Florida
2943 Statutes, is amended to read:

2944 190.011 General powers.—The district shall have, and the
2945 body board may exercise, the following powers:

2946 (6) To maintain an office at such place or places as it may
2947 designate within a county in which the district is located or
2948 within the boundaries of a development of regional impact or a
2949 Florida Quality Development, or a combination of a development
2950 of regional impact and a Florida Quality Development, which
2951 includes the district, which office must be reasonably
2952 accessible to the landowners. Meetings pursuant to s. 189.015(3)
2953 ~~189.417(3)~~ of a district within the boundaries of a development
2954 of regional impact or Florida Quality Development, or a
2955 combination of a development of regional impact and a Florida
2956 Quality Development, may be held at such office.

2957 Section 70. Subsection (8) of section 190.046, Florida
2958 Statutes, is amended to read:

2959 190.046 Termination, contraction, or expansion of
2960 district.—

2961 (8) In the event the district has become inactive pursuant
2962 to s. 189.062 ~~189.4044~~, the respective board of county
2963 commissioners or city commission shall be informed and it shall
2964 take appropriate action.

2965 Section 71. Section 190.049, Florida Statutes, is amended
2966 to read:

2967 190.049 Special acts prohibited.—Pursuant to s. 11(a)(21),
2968 Art. III of the State Constitution, there shall be no special
2969 law or general law of local application creating an independent



2970 special district which has the powers enumerated in two or more
2971 of the paragraphs contained in s. 190.012, unless such district
2972 is created pursuant to the provisions of s. 189.031 ~~189.404~~.

2973 Section 72. Subsection (5) of section 191.003, Florida
2974 Statutes, is amended to read:

2975 191.003 Definitions.—As used in this act:

2976 (5) "Independent special fire control district" means an
2977 independent special district as defined in s. 189.012 ~~189.403~~,
2978 created by special law or general law of local application,
2979 providing fire suppression and related activities within the
2980 jurisdictional boundaries of the district. The term does not
2981 include a municipality, a county, a dependent special district
2982 as defined in s. 189.012 ~~189.403~~, a district providing primarily
2983 emergency medical services, a community development district
2984 established under chapter 190, or any other multiple-power
2985 district performing fire suppression and related services in
2986 addition to other services.

2987 Section 73. Paragraph (a) of subsection (1) and subsection
2988 (8) of section 191.005, Florida Statutes, are amended to read:

2989 191.005 District boards of commissioners; membership,
2990 officers, meetings.—

2991 (1) (a) With the exception of districts whose governing
2992 boards are appointed collectively by the Governor, the county
2993 commission, and any cooperating city within the county, the
2994 business affairs of each district shall be conducted and
2995 administered by a five-member board. All three-member boards
2996 existing on the effective date of this act shall be converted to
2997 five-member boards, except those permitted to continue as a
2998 three-member board by special act adopted in 1997 or thereafter.



694030

2999 The board shall be elected in nonpartisan elections by the
3000 electors of the district. Except as provided in this act, such
3001 elections shall be held at the time and in the manner prescribed
3002 by law for holding general elections in accordance with s.
3003 189.04(2)(a) ~~189.405(2)(a)~~ and (3), and each member shall be
3004 elected for a term of 4 years and serve until the member's
3005 successor assumes office. Candidates for the board of a district
3006 shall qualify as directed by chapter 99.

3007 (8) All meetings of the board shall be open to the public
3008 consistent with chapter 286, s. 189.015 ~~189.417~~, and other
3009 applicable general laws.

3010 Section 74. Subsection (2) of section 191.013, Florida
3011 Statutes, is amended to read:

3012 191.013 Intergovernmental coordination.—

3013 (2) Each independent special fire control district shall
3014 adopt a 5-year plan to identify the facilities, equipment,
3015 personnel, and revenue needed by the district during that 5-year
3016 period. The plan shall be updated in accordance with s. 189.08
3017 ~~189.415~~ and shall satisfy the requirement for a public
3018 facilities report required by s. 189.08(2) ~~189.415(2)~~.

3019 Section 75. Subsection (1) of section 191.014, Florida
3020 Statutes, is amended to read:

3021 191.014 District creation and expansion.—

3022 (1) New districts may be created only by the Legislature
3023 under s. 189.031 ~~189.404~~.

3024 Section 76. Section 191.015, Florida Statutes, is amended
3025 to read:

3026 191.015 Codification.—Each fire control district existing
3027 on the effective date of this section, by December 1, 2004,



3028 shall submit to the Legislature a draft codified charter, at its
3029 expense, so that its special acts may be codified into a single
3030 act for reenactment by the Legislature, if there is more than
3031 one special act for the district. The Legislature may adopt a
3032 schedule for individual district codification. Any codified act
3033 relating to a district, which act is submitted to the
3034 Legislature for reenactment, shall provide for the repeal of all
3035 prior special acts of the Legislature relating to the district.
3036 The codified act shall be filed with the Department of Economic
3037 Opportunity pursuant to s. 189.016(2) ~~189.418(2)~~.

3038 Section 77. Paragraphs (c), (d), and (e) of subsection (8)
3039 of section 200.001, Florida Statutes, are amended to read:

3040 200.001 Millages; definitions and general provisions.—

3041 (8)

3042 (c) "Special district" means a special district as defined
3043 in s. 189.012 ~~189.403(1)~~.

3044 (d) "Dependent special district" means a dependent special
3045 district as defined in s. 189.012 ~~189.403(2)~~. Dependent special
3046 district millage, when added to the millage of the governing
3047 body to which it is dependent, shall not exceed the maximum
3048 millage applicable to such governing body.

3049 (e) "Independent special district" means an independent
3050 special district as defined in s. 189.012 ~~189.403(3)~~, with the
3051 exception of a downtown development authority established prior
3052 to the effective date of the 1968 State Constitution as an
3053 independent body, either appointed or elected, regardless of
3054 whether or not the budget is approved by the local governing
3055 body, if the district levies a millage authorized as of the
3056 effective date of the 1968 State Constitution. Independent



3057 special district millage shall not be levied in excess of a
3058 millage amount authorized by general law and approved by vote of
3059 the electors pursuant to s. 9(b), Art. VII of the State
3060 Constitution, except for those independent special districts
3061 levying millage for water management purposes as provided in
3062 that section and municipal service taxing units as specified in
3063 s. 125.01(1)(q) and (r). However, independent special district
3064 millage authorized as of the date the 1968 State Constitution
3065 became effective need not be so approved, pursuant to s. 2, Art.
3066 XII of the State Constitution.

3067 Section 78. Subsections (1), (5), (6), and (7) of section
3068 218.31, Florida Statutes, are amended to read:

3069 218.31 Definitions.—As used in this part, except where the
3070 context clearly indicates a different meaning:

3071 (1) "Local governmental entity" means a county agency, a
3072 municipality, or a special district as defined in s. 189.012
3073 ~~189.403~~. For purposes of s. 218.32, the term also includes a
3074 housing authority created under chapter 421.

3075 (5) "Special district" means a special district as defined
3076 in s. 189.012 ~~189.403(1)~~.

3077 (6) "Dependent special district" means a dependent special
3078 district as defined in s. 189.012 ~~189.403(2)~~.

3079 (7) "Independent special district" means an independent
3080 special district as defined in s. 189.012 ~~189.403(3)~~.

3081 Section 79. Paragraph (a) and (f) of subsection (1) and
3082 subsection (2) of section 218.32, Florida Statutes, are amended
3083 to read:

3084 218.32 Annual financial reports; local governmental
3085 entities.—



694030

3086 (1) (a) Each local governmental entity that is determined to
3087 be a reporting entity, as defined by generally accepted
3088 accounting principles, and each independent special district as
3089 defined in s. 189.012 ~~189.403~~, shall submit to the department a
3090 copy of its annual financial report for the previous fiscal year
3091 in a format prescribed by the department. The annual financial
3092 report must include a list of each local governmental entity
3093 included in the report and each local governmental entity that
3094 failed to provide financial information as required by paragraph
3095 (b). The chair of the governing body and the chief financial
3096 officer of each local governmental entity shall sign the annual
3097 financial report submitted pursuant to this subsection attesting
3098 to the accuracy of the information included in the report. The
3099 county annual financial report must be a single document that
3100 covers each county agency.

3101 (f) If the department does not receive a completed annual
3102 financial report from a local governmental entity within the
3103 required period, it shall notify the Legislative Auditing
3104 Committee and the Special District Accountability Information ~~Information~~
3105 Program of the Department of Economic Opportunity of the
3106 entity's failure to comply with the reporting requirements.

3107 (2) The department shall annually by December 1 file a
3108 verified report with the Governor, the Legislature, the Auditor
3109 General, and the Special District Accountability Information ~~Information~~
3110 Program of the Department of Economic Opportunity showing the
3111 revenues, both locally derived and derived from
3112 intergovernmental transfers, and the expenditures of each local
3113 governmental entity, regional planning council, local government
3114 finance commission, and municipal power corporation that is



694030

3115 required to submit an annual financial report. The report must
3116 include, but is not limited to:

3117 (a) The total revenues and expenditures of each local
3118 governmental entity that is a component unit included in the
3119 annual financial report of the reporting entity.

3120 (b) The amount of outstanding long-term debt by each local
3121 governmental entity. For purposes of this paragraph, the term
3122 "long-term debt" means any agreement or series of agreements to
3123 pay money, which, at inception, contemplate terms of payment
3124 exceeding 1 year in duration.

3125 Section 80. Paragraph (g) of subsection (1) of section
3126 218.37, Florida Statutes, is amended to read:

3127 218.37 Powers and duties of Division of Bond Finance;
3128 advisory council.-

3129 (1) The Division of Bond Finance of the State Board of
3130 Administration, with respect to both general obligation bonds
3131 and revenue bonds, shall:

3132 (g) By January 1 each year, provide the Special District
3133 Accountability Information ~~Information~~ Program of the Department of Economic
3134 Opportunity with a list of special districts that are not in
3135 compliance with the requirements in s. 218.38.

3136 Section 81. Paragraph (j) of subsection (1) of section
3137 255.20, Florida Statutes, is amended to read:

3138 255.20 Local bids and contracts for public construction
3139 works; specification of state-produced lumber.-

3140 (1) A county, municipality, special district as defined in
3141 chapter 189, or other political subdivision of the state seeking
3142 to construct or improve a public building, structure, or other
3143 public construction works must competitively award to an



694030

3144 appropriately licensed contractor each project that is estimated
3145 in accordance with generally accepted cost-accounting principles
3146 to cost more than \$300,000. For electrical work, the local
3147 government must competitively award to an appropriately licensed
3148 contractor each project that is estimated in accordance with
3149 generally accepted cost-accounting principles to cost more than
3150 \$75,000. As used in this section, the term "competitively award"
3151 means to award contracts based on the submission of sealed bids,
3152 proposals submitted in response to a request for proposal,
3153 proposals submitted in response to a request for qualifications,
3154 or proposals submitted for competitive negotiation. This
3155 subsection expressly allows contracts for construction
3156 management services, design/build contracts, continuation
3157 contracts based on unit prices, and any other contract
3158 arrangement with a private sector contractor permitted by any
3159 applicable municipal or county ordinance, by district
3160 resolution, or by state law. For purposes of this section, cost
3161 includes the cost of all labor, except inmate labor, and the
3162 cost of equipment and materials to be used in the construction
3163 of the project. Subject to the provisions of subsection (3), the
3164 county, municipality, special district, or other political
3165 subdivision may establish, by municipal or county ordinance or
3166 special district resolution, procedures for conducting the
3167 bidding process.

3168 (j) A county, municipality, special district as defined in
3169 s. 189.012 ~~189.403~~, or any other political subdivision of the
3170 state that owns or operates a public-use airport as defined in
3171 s. 332.004 is exempt from this section when performing repairs
3172 or maintenance on the airport's buildings, structures, or public



694030

3173 construction works using the local government's own services,
3174 employees, and equipment.

3175 Section 82. Subsection (4) of section 298.225, Florida
3176 Statutes, is amended to read:

3177 298.225 Water control plan; plan development and
3178 amendment.—

3179 (4) Information contained within a district's facilities
3180 plan prepared pursuant to s. 189.08 ~~189.415~~ which satisfies any
3181 of the provisions of subsection (3) may be used as part of the
3182 district water control plan.

3183 Section 83. Subsection (7) of section 343.922, Florida
3184 Statutes, is amended to read:

3185 343.922 Powers and duties.—

3186 (7) The authority shall comply with all statutory
3187 requirements of general application which relate to the filing
3188 of any report or documentation required by law, including the
3189 requirements of ss. 189.015, 189.016, 189.051, and 189.08
3190 ~~189.4085, 189.415, 189.417, and 189.418.~~

3191 Section 84. Subsection (5) of section 348.0004, Florida
3192 Statutes, is amended to read:

3193 348.0004 Purposes and powers.—

3194 (5) Any authority formed pursuant to this act shall comply
3195 with all statutory requirements of general application which
3196 relate to the filing of any report or documentation required by
3197 law, including the requirements of ss. 189.015, 189.016,
3198 189.051, and 189.08 ~~189.4085, 189.415, 189.417, and 189.418.~~

3199 Section 85. Section 373.711, Florida Statutes, is amended
3200 to read:

3201 373.711 Technical assistance to local governments.—The



694030

3202 water management districts shall assist local governments in the
3203 development and future revision of local government
3204 comprehensive plan elements or public facilities report as
3205 required by s. 189.08 ~~189.415~~, related to water resource issues.

3206 Section 86. Paragraph (b) of subsection (3) of section
3207 403.0891, Florida Statutes, is amended to read:

3208 403.0891 State, regional, and local stormwater management
3209 plans and programs.—The department, the water management
3210 districts, and local governments shall have the responsibility
3211 for the development of mutually compatible stormwater management
3212 programs.

3213 (3)

3214 (b) Local governments are encouraged to consult with the
3215 water management districts, the Department of Transportation,
3216 and the department before adopting or updating their local
3217 government comprehensive plan or public facilities report as
3218 required by s. 189.08 ~~189.415~~, whichever is applicable.

3219 Section 87. Subsection (1) of section 582.32, Florida
3220 Statutes, is amended to read:

3221 582.32 Effect of dissolution.—

3222 (1) Upon issuance of a certificate of dissolution, s.
3223 189.076(2) ~~189.4045(2)~~ applies and all land use regulations in
3224 effect within such districts are void.

3225 Section 88. Paragraph (a) of subsection (3) of section
3226 1013.355, Florida Statutes, is amended to read:

3227 1013.355 Educational facilities benefit districts.—

3228 (3)(a) An educational facilities benefit district may be
3229 created pursuant to this act and chapters 125, 163, 166, and
3230 189. An educational facilities benefit district charter may be



3231 created by a county or municipality by entering into an
3232 interlocal agreement, as authorized by s. 163.01, with the
3233 district school board and any local general-purpose ~~general~~
3234 ~~purpose~~ government within whose jurisdiction a portion of the
3235 district is located and adoption of an ordinance that includes
3236 all provisions contained within s. 189.02 ~~189.4041~~. The creating
3237 entity shall be the local general purpose government within
3238 whose boundaries a majority of the educational facilities
3239 benefit district's lands are located.

3240 Section 89. This act shall take effect July 1, 2014.

3241
3242 ===== T I T L E A M E N D M E N T =====

3243 And the title is amended as follows:

3244 Delete everything before the enacting clause
3245 and insert:

3246 A bill to be entitled
3247 An act relating to special districts; designating
3248 parts I-VIII of chapter 189, F.S., relating to special
3249 districts; amending s. 11.40, F.S.; revising duties of
3250 the Legislative Auditing Committee; amending s.
3251 112.312, F.S.; redefining the term "agency" as it
3252 applies to the code of ethics for public officers and
3253 employees to include special districts; creating s.
3254 112.511, F.S.; specifying applicability of procedures
3255 regarding suspension and removal of a member of the
3256 governing body of a special district; amending s.
3257 125.901, F.S.; conforming provisions to changes made
3258 by the act; transferring, renumbering, and amending s.
3259 189.401, F.S.; revising a short title; transferring,



3260 renumbering, and amending s. 189.402, F.S.; revising a
3261 statement of legislative purpose and intent; making
3262 technical changes; conforming provisions to changes
3263 made by the act; transferring, renumbering, and
3264 amending s. 189.403, F.S.; redefining the term
3265 "special district"; transferring, renumbering, and
3266 amending ss. 189.4031, 189.4035, 189.404, 189.40401,
3267 189.4041, and 189.4042, F.S.; deleting provisions
3268 relating to the application of a special district to
3269 amend its charter; conforming provisions and cross-
3270 references; transferring, renumbering, and amending s.
3271 189.4044, F.S.; revising the circumstances under which
3272 the Department of Economic Opportunity may declare a
3273 special district inactive; requiring the department to
3274 provide notice of a declaration of inactive status to
3275 certain persons and bodies; prohibiting special
3276 districts that are declared inactive from collecting
3277 taxes, fees, or assessments; providing exceptions;
3278 providing for enforcement of the prohibition;
3279 providing for costs of litigation and reasonable
3280 attorney fees under certain conditions; transferring
3281 and renumbering ss. 189.4045 and 189.4047, F.S.;

3282 transferring, renumbering, and amending s. 189.405,
3283 F.S.; revising requirements related to education
3284 programs for new members of special district governing
3285 bodies; amending s. 189.4051, F.S.; revising
3286 definitions; conforming provisions; transferring and
3287 renumbering ss. 189.4065, 189.408, and 189.4085, F.S.;

3288 transferring, renumbering, and amending ss. 189.412



3289 and 189.413, F.S.; renaming the Special District
3290 Information Program the Special District
3291 Accountability Program; revising duties of the Special
3292 District Accountability Program; transferring and
3293 renumbering ss. 189.415, 189.4155, and 189.4156, F.S.;
3294 transferring, renumbering, and amending ss. 189.416,
3295 189.417, and 189.418, F.S.; conforming provisions and
3296 cross-references; transferring, renumbering, and
3297 amending s. 189.419, F.S.; revising provisions related
3298 to the failure of a special district to file certain
3299 reports or information; conforming cross-references;
3300 transferring and renumbering s. 189.420, F.S.;
3301 transferring, renumbering, and amending s. 189.421,
3302 F.S.; revising notification requirements; authorizing
3303 the department to petition for the enforcement of
3304 compliance; deleting provisions related to available
3305 remedies for the failure of a special district to
3306 disclose required financial reports; transferring and
3307 renumbering ss. 189.4221, 189.423, and 189.425, F.S.;
3308 transferring, renumbering, and amending s. 189.427,
3309 F.S.; making editorial changes; transferring,
3310 renumbering, and amending s. 189.428, F.S.; revising
3311 the oversight review process for special districts;
3312 transferring and renumbering s. 189.429, F.S.;
3313 repealing ss. 189.430, 189.431, 189.432, 189.433,
3314 189.434, 189.435, 189.436, 189.437, 189.438, 189.439,
3315 189.440, 189.441, 189.442, 189.443, and 189.444, F.S.,
3316 relating to the Community Improvement Authority Act;
3317 creating ss. 189.034 and 189.035, F.S.; requiring the



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3318 Legislative Auditing Committee to provide notice of
3319 the failure of special districts to file certain
3320 required reports to certain persons and bodies;
3321 authorizing the Legislative Auditing Committee or
3322 reviewing entity to convene a public hearing;
3323 requiring certain reviewing entities to notify the
3324 Legislative Auditing Committee of a public hearing;
3325 requiring a special district to provide certain
3326 information before the public hearing at the request
3327 of the Legislative Auditing Committee or the reviewing
3328 entity; providing reporting requirements for certain
3329 public hearings; creating s. 189.055, F.S.; requiring
3330 special districts to be treated as municipalities for
3331 certain purposes; creating s. 189.069, F.S.; requiring
3332 special districts to maintain an official Internet
3333 website for certain purposes; requiring special
3334 districts to annually update and maintain certain
3335 information on the website; requiring special
3336 districts to submit the web address of their
3337 respective websites to the department; requiring that
3338 the department's online list of special districts
3339 include a link to the website of certain special
3340 districts; amending ss. 11.45, 100.011, 101.657,
3341 112.061, 112.63, 112.665, 121.021, 121.051, 153.94,
3342 163.08, 165.031, 165.0615, 171.202, 175.032, 190.011,
3343 190.046, 190.049, 191.003, 191.005, 191.013, 191.014,
3344 191.015, 200.001, 218.31, 218.32, 218.37, 255.20,
3345 298.225, 343.922, 348.0004, 373.711, 403.0891, 582.32,
3346 and 1013.355, F.S.; conforming cross-references and



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provisions to changes made by the act; providing an
effective date.