

By Senator Stargel

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1 A bill to be entitled
2 An act relating to special districts; designating
3 parts I-VIII of ch. 189, F.S., relating to special
4 districts, and renaming the chapter; amending s.
5 11.40, F.S.; revising duties of the Legislative
6 Auditing Committee; amending s. 112.312, F.S.;
7 redefining the term "agency" as it applies to the code
8 of ethics for public officers and employees to include
9 special districts; amending s. 112.50, F.S.; expanding
10 the Governor's power to suspend public officers to
11 include members of the governing body of a special
12 district; amending s. 112.51, F.S.; expanding
13 provisions relating to a municipal officers suspension
14 and removal from office to include members of the
15 governing body of a special district; transferring,
16 renumbering, and amending s. 189.401, F.S.; revising a
17 short title; transferring, renumbering, and amending
18 s. 189.402, F.S.; revising a statement of legislative
19 purpose and intent; making technical changes;
20 conforming provisions to changes made by the act;
21 transferring, renumbering, and amending s. 189.403,
22 F.S.; redefining the term "special district";
23 transferring, renumbering, and amending ss. 189.4031,
24 189.4035, 189.404, 189.40401, 189.4041, and 189.4042,
25 F.S.; deleting provisions relating to the application
26 of a special district to amend its charter; conforming
27 provisions and cross-references; transferring,
28 renumbering, and amending s. 189.4044, F.S.; revising
29 the circumstances under which the Department of

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30 Economic Opportunity may declare a special district
31 inactive; requiring the department to provide notice
32 of a declaration of inactive status to the chair of
33 the county legislative delegation and the Legislative
34 Auditing Committee rather than the Legislature;
35 prohibiting special districts that are declared
36 inactive from collecting taxes, fees, or assessments;
37 providing exceptions; providing for enforcement of the
38 prohibition; transferring and renumbering ss. 189.4045
39 and 189.4047, F.S.; transferring, renumbering, and
40 amending s. 189.405, F.S.; revising requirements
41 related to education programs for new members of
42 special district governing bodies; amending s.
43 189.4051, F.S.; revising definitions; conforming
44 provisions; transferring and renumbering ss. 189.4065,
45 189.408, and 189.4085, F.S.; transferring,
46 renumbering, and amending ss. 189.412 and 189.413,
47 F.S.; renaming the Special District Information
48 Program the Special District Accountability Program;
49 revising duties of the Special District Accountability
50 Program; transferring and renumbering ss. 189.415,
51 189.4155, and 189.4156, F.S.; transferring,
52 renumbering, and amending ss. 189.416, 189.417, and
53 189.418, F.S.; conforming provisions and cross-
54 references; transferring, renumbering, and amending s.
55 189.419, F.S.; revising provisions related to the
56 failure of a special district to file certain reports
57 or information; conforming cross-references;
58 transferring and renumbering s. 189.420, F.S.;

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59 transferring, renumbering, and amending s. 189.421,
60 F.S.; deleting provisions related to available
61 remedies for the failure of a special district to
62 disclose required financial reports; transferring and
63 renumbering ss. 189.4221, 189.423, and 189.425, F.S.;
64 transferring, renumbering, and amending s. 189.427,
65 F.S.; providing for the deposit of administration fees
66 into the Operating Trust Fund rather than the Grants
67 and Donations Trust Fund; transferring, renumbering,
68 and amending s. 189.428, F.S.; revising the oversight
69 review process for special districts; transferring and
70 renumbering s. 189.429, F.S.; repealing ss. 189.430,
71 189.431, 189.432, 189.433, 189.434, 189.435, 189.436,
72 189.437, 189.438, 189.439, 189.440, 189.441, 189.442,
73 189.443, and 189.444, F.S., relating to the Community
74 Improvement Authority Act; creating ss. 189.034 and
75 189.035, F.S.; requiring the Legislative Auditing
76 Committee to provide notice of the failure of special
77 districts to file certain required reports to the
78 chair of the county legislative delegation or the
79 chair or equivalent of the local general-purpose
80 government, as applicable; requiring the chair of the
81 county legislative delegation or the chair or
82 equivalent of the local general-purpose government, as
83 applicable, to convene a public hearing on the issue
84 of noncompliance; authorizing the county legislative
85 delegation or the local general-purpose government, as
86 applicable, to request certain information from a
87 special district before the public hearing; creating

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88 s. 189.055, F.S.; requiring special districts to be
89 treated as municipalities for certain purposes;
90 creating s. 189.069, F.S.; requiring special districts
91 to annually update and maintain certain information on
92 the district's website; requiring special districts to
93 submit the web address of their respective websites to
94 the department; requiring that the department's online
95 list of special districts include a link to the
96 website of certain special districts; creating s.
97 189.0691, F.S.; providing for the suspension of
98 special district governing body members by the
99 Governor under certain conditions; amending s. 11.45,
100 100.011, 101.657, 112.061, 112.63, 112.665, 121.021,
101 121.051, 125.901, 153.94, 163.08, 165.031, 165.0615,
102 171.202, 175.032, 190.011, 190.046, 190.049, 191.003,
103 191.005, 191.013, 191.014, 191.015, 200.001, 218.31,
104 218.32, 218.37, 255.20, 298.225, 343.922, 348.0004,
105 373.711, 403.0891, 582.32, and 1013.355, F.S.;

106 conforming cross-references and provisions to changes
107 made by the act; providing effective dates.

108
109 Be It Enacted by the Legislature of the State of Florida:

110
111 Section 1. Chapter 189, Florida Statutes, as amended by
112 this act, is divided into the following parts:

113 (1) Part I, consisting of sections 189.01, 189.011,
114 189.012, 189.013, 189.014, 189.015, 189.016, 189.017, 189.018,
115 and 189.019, Florida Statutes, as created by this act, and
116 entitled "General Provisions."

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

120 (3) Part III, consisting of sections 189.03, 189.031,
121 189.0311, 189.033, 189.034, and 189.035, Florida Statutes, as
122 created by this act, and entitled "Independent Special
123 Districts."

124 (4) Part IV, consisting of sections 189.04, 189.041, and
125 189.042, Florida Statutes, as created by this act, and entitled
126 "Elections."

127 (5) Part V, consisting of sections 189.05, 189.051,
128 189.052, 189.053, 189.054, and 189.055, Florida Statutes, as
129 created by this act, and entitled "Finance."

130 (6) Part VI, consisting of sections 189.06, 189.061,
131 189.062, 189.063, 189.064, 189.065, 189.066, 189.067, 189.068,
132 189.069, and 189.0691, Florida Statutes, as created by this act,
133 and entitled "Oversight and Accountability."

134 (7) Part VII, consisting of sections 189.07, 189.071,
135 189.072, 189.073, 189.074, 189.075, 189.076, and 189.0761,
136 Florida Statutes, as created by this act, and entitled "Merger
137 and Dissolution."

138 (8) Part VIII, consisting of sections 189.08, 189.081, and
139 189.082, Florida Statutes, as created by this act, and entitled
140 "Comprehensive Planning."

141 Section 2. Chapter 189, Florida Statutes, is renamed
142 "Special Districts."

143 Section 3. Paragraph (b) of subsection (2) of section
144 11.40, Florida Statutes, is amended to read:

145 11.40 Legislative Auditing Committee.-

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146 (2) Following notification by the Auditor General, the
147 Department of Financial Services, or the Division of Bond
148 Finance of the State Board of Administration of the failure of a
149 local governmental entity, district school board, charter
150 school, or charter technical career center to comply with the
151 applicable provisions within s. 11.45(5)-(7), s. 218.32(1), or
152 s. 218.38, the Legislative Auditing Committee may schedule a
153 hearing to determine if the entity should be subject to further
154 state action. If the committee determines that the entity should
155 be subject to further state action, the committee shall:

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

157 1. A special act, notify the chair of the county
158 legislative delegation and the Department of Economic
159 Opportunity that the special district has failed to comply with
160 the law. Upon receipt of notification, the department of
161 Economic Opportunity shall proceed pursuant to s. 189.062 or s.
162 189.067 ~~189.4044~~ or s. ~~189.421~~.

163 2. A local ordinance, notify the chair or equivalent of the
164 local general-purpose government and the Department of Economic
165 Opportunity that the special district has failed to comply with
166 the law. Upon receipt of notification, the department shall
167 proceed pursuant to s. 189.062 or s. 189.067.

168 Section 4. Subsection (2) of section 112.312, Florida
169 Statutes, is amended to read:

170 112.312 Definitions.—As used in this part and for purposes
171 of the provisions of s. 8, Art. II of the State Constitution,
172 unless the context otherwise requires:

173 (2) "Agency" means any state, regional, county, local, or
174 municipal government entity of this state, whether executive,

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175 judicial, or legislative; any department, division, bureau,
176 commission, authority, or political subdivision of this state
177 therein; ~~or~~ any public school, community college, or state
178 university; or any special district as defined in s. 189.012.

179 Section 5. Section 112.50, Florida Statutes, is amended to
180 read:

181 112.50 Governor to retain power to suspend public
182 officers.— Whenever any state, county, ~~or~~ municipal officer, or
183 member of the governing body of a special district, as defined
184 in s. 189.012, is made subject to suspension or removal by the
185 terms of a any statute, special act, or municipal charter, the
186 power of the Governor to suspend officers is ~~shall~~ not ~~be~~
187 affected by such statutory, special act, or charter provisions,
188 and the power to suspend shall reside concurrently in the
189 Governor and in the statutory, special act, or charter
190 authority.

191 Section 6. Section 112.51, Florida Statutes, is amended to
192 read:

193 112.51 Municipal officers and members of special district
194 governing bodies; suspension; removal from office.—

195 (1) By executive order stating the grounds for the
196 suspension and filed with the Secretary of State, the Governor
197 may suspend from office any elected or appointed municipal
198 official, or member of the governing body of a special district,
199 as defined in s. 189.012, for malfeasance, misfeasance, neglect
200 of duty, habitual drunkenness, incompetence, or permanent
201 inability to perform official duties.

202 (2) Whenever any elected or appointed municipal official,
203 or member of the governing body of a special district, as

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204 defined in s. 189.012, is arrested for a felony or for a
205 misdemeanor related to the duties of office or is indicted or
206 informed against for the commission of a federal felony or
207 misdemeanor or state felony or misdemeanor, the Governor has the
208 power to suspend such ~~municipal~~ official from office.

209 (3) The suspension of such official by the Governor creates
210 a temporary vacancy in such office during the suspension. Any
211 temporary vacancy in office created by suspension of an official
212 under the provisions of this section shall be filled by a
213 temporary appointment to such office for the period of the
214 suspension. Such temporary appointment shall be made in the same
215 manner and by the same authority by which a permanent vacancy in
216 such office is filled as provided by law. If no provision for
217 filling a permanent vacancy in such office is provided by law,
218 the temporary appointment shall be made by the Governor.

219 (4) A ~~Ne~~ municipal official, or member of the governing
220 body of a special district, as defined in s. 189.012, who has
221 been suspended from office under this section may not perform
222 any official act, duty, or function during his or her
223 suspension; receive any pay or allowance during his or her
224 suspension; or be entitled to any of the emoluments or
225 privileges of his or her office during suspension.

226 (5) If the municipal official, or member of the governing
227 body of a special district, as defined in s. 189.012, is
228 convicted of any of the charges contained in the indictment or
229 information by reason of which he or she was suspended under the
230 provisions of this section, the Governor shall remove such
231 ~~municipal~~ official from office. If a person was selected to fill
232 the temporary vacancy pursuant to subsection (3), that person

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233 shall serve the remaining balance, if any, of the removed
234 official's term of office. Otherwise, any vacancy created by the
235 removal shall be filled as provided by law. For the purposes of
236 this section, any person who pleads guilty or nolo contendere or
237 who is found guilty shall be deemed to have been convicted,
238 notwithstanding a suspension of sentence or a withholding of
239 adjudication.

240 (6) If the municipal official, or member of the governing
241 body of a special district, as defined in s. 189.012, is
242 acquitted or found not guilty or is otherwise cleared of the
243 charges which were the basis of the arrest, indictment, or
244 information by reason of which he or she was suspended under the
245 provisions of this section, then the Governor shall forthwith
246 revoke the suspension and restore the ~~such municipal~~ official to
247 office; and the official shall be entitled to and be paid full
248 back pay and such other emoluments or allowances to which he or
249 she would have been entitled for the full period of time of the
250 suspension. If, during the suspension, the term of office of the
251 ~~municipal~~ official expires and a successor is either appointed
252 or elected, such back pay, emoluments, or allowances shall only
253 be paid for the duration of the term of office during which the
254 ~~municipal~~ official was suspended under the provisions of this
255 section, and he or she shall not be reinstated.

256 Section 7. Section 189.401, Florida Statutes, is
257 transferred, renumbered as section 189.01, Florida Statutes, and
258 amended to read:

259 189.01 ~~189.401~~ Short title.—This chapter may be cited as
260 the "Uniform Special District Accountability Act ~~of 1989.~~"

261 Section 8. Subsections (1), (6), and (7) of section

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262 189.402, Florida Statutes, are transferred and renumbered as
263 subsections (1), (2), and (3), respectively, of section 189.011,
264 Florida Statutes, and present subsection (6) of that section is
265 amended, to read:

266 189.011 ~~189.402~~ Statement of legislative purpose and
267 intent.—

268 (2) ~~(6)~~ The Legislature finds that special districts serve a
269 necessary and useful function by providing services to residents
270 and property in the state. The Legislature finds further that
271 special districts operate to serve a public purpose and that
272 this is best secured by certain minimum standards of
273 accountability designed to inform the public and appropriate
274 general-purpose local governments of the status and activities
275 of special districts. It is the intent of the Legislature that
276 this public trust be secured by requiring each independent
277 special district in the state to register and report its
278 financial and other activities. The Legislature further finds
279 that failure of an independent special district to comply with
280 the minimum disclosure requirements set forth in this chapter
281 may result in action against officers of such district body
282 ~~board~~.

283 Section 9. Subsection (2) of section 189.402, Florida
284 Statutes, is transferred, renumbered as section 189.06, Florida
285 Statutes, and amended to read:

286 189.06 ~~189.402~~ Legislative intent; centralized location
287 ~~Statement of legislative purpose and intent.—~~

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

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

294 (2)~~(b)~~ Improve communication and coordination between state
295 agencies with respect to required special district reporting and
296 state monitoring.

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

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

305 (5)~~(e)~~ Clarify special district definitions and creation
306 methods in order to ensure consistent application of those
307 definitions and creation methods across all levels of
308 government.

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

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

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

316 Section 10. Subsections (3), (4), (5), and (8) of section
317 189.402, Florida Statutes, are transferred, renumbered as
318 subsections (1), (2), (3), and (4), respectively, of section
319 189.03, Florida Statutes, and amended to read:

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320 189.03 ~~189.402~~ Statement of legislative purpose and intent;
321 independent special districts.—

322 (1)~~(3)~~ The Legislature finds that:

323 (a) There is a need for uniform, focused, and fair
324 procedures in state law to provide a reasonable alternative for
325 the establishment, powers, operation, and duration of
326 independent special districts ~~to manage and finance basic~~
327 ~~capital infrastructure, facilities, and services; and that,~~
328 ~~based upon a proper and fair determination of applicable facts,~~
329 ~~an independent special district can constitute a timely,~~
330 ~~efficient, effective, responsive, and economic way to deliver~~
331 ~~these basic services, thereby providing a means of solving the~~
332 ~~state's planning, management, and financing needs for delivery~~
333 ~~of capital infrastructure, facilities, and services in order to~~
334 ~~provide for projected growth without overburdening other~~
335 ~~governments and their taxpayers.~~

336 (b) It is in the public interest that any independent
337 special district created pursuant to state law not outlive its
338 usefulness and that the operation of such a district and the
339 exercise by the district of its powers be consistent with
340 applicable due process, disclosure, accountability, ethics, and
341 government-in-the-sunshine requirements which apply both to
342 governmental entities and to their elected and appointed
343 officials.

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

348 (2)~~(4)~~ It is the policy of this state:

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

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

358 (3)-(5) It is the legislative intent ~~and purpose, based~~
359 ~~upon, and consistent with, its findings of fact and declarations~~
360 ~~of policy,~~ to authorize a uniform procedure by general law to
361 create an independent special district, ~~as an alternative method~~
362 ~~to manage and finance basic capital infrastructure, facilities,~~
363 ~~and services. It is further the legislative intent and purpose~~
364 to provide by general law for the uniform operation, exercise of
365 power, and procedure for termination of any such independent
366 special district.

367 (4)-(8) The Legislature finds and declares that:

368 (a) Growth and development issues transcend the boundaries
369 and responsibilities of individual units of government, and
370 often no single unit of government can plan or implement
371 policies to deal with these issues without affecting other units
372 of government.

373 (b) The provision of capital infrastructure, facilities,
374 and services for the preservation and enhancement of the quality
375 of life of the people of this state may require the creation of
376 multicounty and multijurisdictional districts.

377 Section 11. Section 189.403, Florida Statutes, is

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378 transferred, renumbered as section 189.012, Florida Statutes,
379 reordered, and amended to read:

380 189.012 ~~189.403~~ Definitions.—As used in this chapter, the
381 term:

382 (6) ~~(1)~~ "Special district" means a ~~local~~ unit of local
383 government created for a ~~of~~ special purpose, as opposed to a
384 general purpose ~~general-purpose~~, which has jurisdiction to
385 operate ~~government~~ within a limited geographic boundary and is
386 created by general law, special act, local ordinance, or by rule
387 of the Governor and Cabinet. ~~The special purpose or purposes of~~
388 ~~special districts are implemented by specialized functions and~~
389 ~~related prescribed powers. For the purpose of s. 196.199(1),~~
390 ~~special districts shall be treated as municipalities.~~ The term
391 does not include a school district, a community college
392 district, a special improvement district created pursuant to s.
393 285.17, a municipal service taxing or benefit unit as specified
394 in s. 125.01, or a board which provides electrical service and
395 which is a political subdivision of a municipality or is part of
396 a municipality.

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

399 (a) The membership of its governing body is identical to
400 that of the governing body of a single county or a single
401 municipality.

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

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

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

410
411 This subsection is for purposes of definition only. Nothing in
412 this subsection confers additional authority upon local
413 governments not otherwise authorized by the provisions of the
414 special acts or general acts of local application creating each
415 special district, as amended.

416 (3) "Independent special district" means a special district
417 that is not a dependent special district as defined in
418 subsection (2). A district that includes more than one county is
419 an independent special district unless the district lies wholly
420 within the boundaries of a single municipality.

421 (1)~~(4)~~ "Department" means the Department of Economic
422 Opportunity.

423 (4)~~(5)~~ "Local governing authority" means the governing body
424 of a unit of local general-purpose government. However, if the
425 special district is a political subdivision of a municipality,
426 "local governing authority" means the municipality.

427 (7)~~(6)~~ "Water management district" for purposes of this
428 chapter means a special taxing district which is a regional
429 water management district created and operated pursuant to
430 chapter 373 or chapter 61-691, Laws of Florida, or a flood
431 control district created and operated pursuant to chapter 25270,
432 Laws of Florida, 1949, as modified by s. 373.149.

433 (5)~~(7)~~ "Public facilities" means major capital
434 improvements, including, but not limited to, transportation
435 facilities, sanitary sewer facilities, solid waste facilities,

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436 water management and control facilities, potable water
 437 facilities, alternative water systems, educational facilities,
 438 parks and recreational facilities, health systems and
 439 facilities, and, except for spoil disposal by those ports listed
 440 in s. 311.09(1), spoil disposal sites for maintenance dredging
 441 in waters of the state.

442 Section 12. Subsection (1) of section 189.4031, Florida
 443 Statutes, is transferred and renumbered as section 189.013,
 444 Florida Statutes, and the catchline of that section shall read:
 445 "Special districts; creation, dissolution, and reporting
 446 requirements."

447 Section 13. Subsection (2) of section 189.4031, Florida
 448 Statutes, is transferred, renumbered as section 189.0311,
 449 Florida Statutes, and amended to read:

450 189.0311 ~~189.4031~~ Independent special districts ~~Special~~
 451 ~~districts; creation, dissolution, and reporting requirements;~~
 452 charter requirements.-

453 ~~(2)~~ Notwithstanding any general law, special act, or
 454 ordinance of a local government to the contrary, any independent
 455 special district charter enacted after September 30, 1989, ~~the~~
 456 ~~effective date of this section~~ shall contain the information
 457 required by s. 189.031(3) ~~189.404(3)~~. Recognizing that the
 458 exclusive charter for a community development district is the
 459 statutory charter contained in ss. 190.006-190.041, community
 460 development districts established after July 1, 1980, pursuant
 461 to the provisions of chapter 190 shall be deemed in compliance
 462 with this requirement.

463 Section 14. Section 189.4035, Florida Statutes, is
 464 transferred and renumbered as section 189.061, Florida Statutes,

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465 and subsections (1), (5), and (6) of that section are amended,
466 to read:

467 189.061 ~~189.4035~~ ~~Preparation of~~ Official list of special
468 districts.—

469 (1) The department of ~~Economic Opportunity~~ shall maintain
470 ~~compile~~ the official list of special districts. The official
471 list of special districts shall include all special districts in
472 this state and shall indicate the independent or dependent
473 status of each district. All special districts on ~~in~~ the list
474 shall be sorted by county. The definitions in s. 189.012 ~~189.403~~
475 shall be the criteria for determination of the independent or
476 dependent status of each special district on the official list.
477 The status of community development districts shall be
478 independent on the official list of special districts.

479 (5) The official list of special districts shall be
480 available on the department's website and must include a link to
481 the website of each special district that provides web-based
482 access to the public of the information and documentation
483 required under s. 189.069.

484 (6) ~~Preparation of~~ The official list of special districts
485 or the determination of status does not constitute final agency
486 action pursuant to chapter 120. If the status of a special
487 district on the official list is inconsistent with the status
488 submitted by the district, the district may request the
489 department to issue a declaratory statement setting forth the
490 requirements necessary to resolve the inconsistency. If
491 necessary, upon issuance of a declaratory statement by the
492 department which is not appealed pursuant to chapter 120, the
493 governing body ~~board~~ of any special district receiving such a

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494 declaratory statement shall apply to the entity which originally
495 established the district for an amendment to its charter
496 correcting the specified defects in its original charter. This
497 amendment shall be for the sole purpose of resolving
498 inconsistencies between a district charter and the status of a
499 district as it appears on the official list. ~~Such application~~
500 ~~shall occur as follows:~~

501 ~~(a) In the event a special district was created by a local~~
502 ~~general purpose government or state agency and applies for an~~
503 ~~amendment to its charter to confirm its independence, said~~
504 ~~application shall be granted as a matter of right. If~~
505 ~~application by an independent district is not made within 6~~
506 ~~months of rendition of a declaratory statement, the district~~
507 ~~shall be deemed dependent and become a political subdivision of~~
508 ~~the governing body which originally established it by operation~~
509 ~~of law.~~

510 ~~(b) If the Legislature created a special district, the~~
511 ~~district shall request, by resolution, an amendment to its~~
512 ~~charter by the Legislature. Failure to apply to the Legislature~~
513 ~~for an amendment to its charter during the next regular~~
514 ~~legislative session following rendition of a declaratory~~
515 ~~statement or failure of the Legislature to pass a special act~~
516 ~~shall render the district dependent.~~

517 Section 15. Section 189.404, Florida Statutes, is
518 transferred and renumbered as section 189.031, Florida Statutes,
519 and subsection (2) and paragraphs (e), (f), and (g) of
520 subsection (3) of that section are amended, to read:

521 189.031 ~~189.404~~ Legislative intent for the creation of
522 independent special districts; special act prohibitions; model

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523 elements and other requirements; general-purpose local
524 government/Governor and Cabinet creation authorizations.—

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

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

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

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

534 (d) Exempt an independent special district from the
535 reporting, notice, or public meetings requirements of s.
536 189.051, s. 189.08, s. 189.015, or s. 189.016 ~~189.4085, s.~~
537 ~~189.415, s. 189.417, or s. 189.418~~;

538 (e) Create an independent special district for which a
539 statement has not been submitted to the Legislature that
540 documents the following:

541 1. The purpose of the proposed district;

542 2. The authority of the proposed district;

543 3. An explanation of why the district is the best
544 alternative; and

545 4. A resolution or official statement of the governing body
546 or an appropriate administrator of the local jurisdiction within
547 which the proposed district is located stating that the creation
548 of the proposed district is consistent with the approved local
549 government plans of the local governing body and that the local
550 government has no objection to the creation of the proposed
551 district.

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

556 (e) The membership and organization of the governing body
557 ~~board~~ of the district. If a district created after September 30,
558 1989, uses a one-acre/one-vote election principle, it shall
559 provide for a governing body ~~board~~ consisting of five members.
560 Three members shall constitute a quorum.

561 (f) The maximum compensation of a governing body ~~board~~
562 member.

563 (g) The administrative duties of the governing body ~~board~~
564 of the district.

565 Section 16. Section 189.40401, Florida Statutes, is
566 transferred and renumbered as section 189.033, Florida Statutes.

567 Section 17. Section 189.4041, Florida Statutes, is
568 transferred and renumbered as section 189.02, Florida Statutes,
569 and paragraph (e) of subsection (4) of that section is amended,
570 to read:

571 189.02 ~~189.4041~~ Dependent special districts.—

572 (4) Dependent special districts created by a county or
573 municipality shall be created by adoption of an ordinance that
574 includes:

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

577 Section 18. Subsection (1) of section 189.4042, Florida
578 Statutes, is transferred, renumbered as section 189.07, Florida
579 Statutes, and amended to read:

580 189.07 ~~189.4042~~ Definitions ~~Merger and dissolution~~

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581 procedures.-

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

583 (1)(a) "Component independent special district" means an
584 independent special district that proposes to be merged into a
585 merged independent district, or an independent special district
586 as it existed before its merger into the merged independent
587 district of which it is now a part.

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

594 (3)(e) "Governing body" means the governing body of the
595 independent special district in which the general legislative,
596 governmental, or public powers of the district are vested and by
597 authority of which the official business of the district is
598 conducted.

599 (4)(d) "Initiative" means the filing of a petition
600 containing a proposal for a referendum to be placed on the
601 ballot for election.

602 (5)(e) "Joint merger plan" means the merger plan that is
603 adopted by resolution of the governing bodies of two or more
604 independent special districts that outlines the terms and
605 agreements for the official merger of the districts and that is
606 finalized and approved by the governing bodies pursuant to this
607 part ~~section~~.

608 (6)(f) "Merged independent district" means a single
609 independent special district that results from a successful

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610 merger of two or more independent special districts pursuant to
611 this part ~~section~~.

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

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

619 (9)~~(i)~~ "Proposed elector-initiated merger plan" means a
620 written document that contains the terms and information
621 regarding the merger of two or more independent special
622 districts and that accompanies the petition initiated by the
623 qualified electors of the districts but that is not yet
624 finalized and approved by the governing bodies of each component
625 independent special district pursuant to this part ~~section~~.

626 (10)~~(j)~~ "Proposed joint merger plan" means a written
627 document that contains the terms and information regarding the
628 merger of two or more independent special districts and that has
629 been prepared pursuant to a resolution of the governing bodies
630 of the districts but that is not yet finalized and approved by
631 the governing bodies of each component independent special
632 district pursuant to this part ~~section~~.

633 (11)~~(k)~~ "Qualified elector" means an individual at least 18
634 years of age who is a citizen of the United States, a permanent
635 resident of this state, and a resident of the district who
636 registers with the supervisor of elections of a county within
637 which the district lands are located when the registration books
638 are open.

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639 Section 19. Subsection (2) of section 189.4042, Florida
 640 Statutes, is transferred, renumbered as section 189.071, Florida
 641 Statutes, and amended to read:

642 189.071 ~~189.4042~~ Merger or ~~and~~ dissolution of a dependent
 643 special district procedures.—

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

645 (1) ~~(a)~~ The merger or dissolution of a dependent special
 646 district may be effectuated by an ordinance of the general-
 647 purpose local governmental entity wherein the geographical area
 648 of the district or districts is located. However, a county may
 649 not dissolve a special district that is dependent to a
 650 municipality or vice versa, or a dependent district created by
 651 special act.

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

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

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

665 Section 20. Subsection (3) of section 189.4042, Florida
 666 Statutes, is transferred, renumbered as section 189.072, Florida
 667 Statutes, and amended to read:

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668 189.072 ~~189.4042~~ Dissolution of an independent special
669 district ~~Merger and dissolution procedures.~~-

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

671 (1)(a) ~~Voluntary dissolution.~~-If the governing body ~~board~~
672 of an independent special district created and operating
673 pursuant to a special act elects, by a majority vote plus one,
674 to dissolve the district, the voluntary dissolution of an
675 independent special district created and operating pursuant to a
676 special act may be effectuated only by the Legislature unless
677 otherwise provided by general law.

678 (2) ~~(b)~~ ~~Other dissolutions.~~-

679 (a)1. In order for the Legislature to dissolve an active
680 independent special district created and operating pursuant to a
681 special act, the special act dissolving the active independent
682 special district must be approved by a majority of the resident
683 electors of the district or, for districts in which a majority
684 of governing body ~~board~~ members are elected by landowners, a
685 majority of the landowners voting in the same manner by which
686 the independent special district's governing body is elected. If
687 a local general-purpose government passes an ordinance or
688 resolution in support of the dissolution, the local general-
689 purpose government must pay any expenses associated with the
690 referendum required under this paragraph ~~subparagraph~~.

691 (b)2. If an independent special district was created by a
692 county or municipality by referendum or any other procedure, the
693 county or municipality that created the district may dissolve
694 the district pursuant to a referendum or any other procedure by
695 which the independent special district was created. However, if
696 the independent special district has ad valorem taxation powers,

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697 the same procedure required to grant the independent special
 698 district ad valorem taxation powers is required to dissolve the
 699 district.

700 (3)~~(e)~~ *Inactive independent special districts.*—An
 701 independent special district that meets any criteria for being
 702 declared inactive, or that has already been declared inactive,
 703 pursuant to s. 189.062 ~~189.4044~~ may be dissolved by special act
 704 without a referendum. If an inactive independent special
 705 district was created by a county or municipality through a
 706 referendum, the county or municipality that created the district
 707 may dissolve the district after publishing notice as described
 708 in s. 189.062 ~~189.4044~~.

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

712 Section 21. Subsection (4) of section 189.4042, Florida
 713 Statutes, is transferred, renumbered as section 189.073, Florida
 714 Statutes, and amended to read:

715 189.073 ~~189.4042~~ Legislative merger of independent special
 716 districts ~~Merger and dissolution procedures.~~—

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

720 Section 22. Subsection (5) of section 189.4042, Florida
 721 Statutes, is transferred, renumbered as section 189.074, Florida
 722 Statutes, and amended to read:

723 189.074 ~~189.4042~~ Voluntary merger of independent special
 724 districts ~~Merger and dissolution procedures.~~—

725 ~~(5) VOLUNTARY MERGER OF INDEPENDENT SPECIAL DISTRICTS.~~—Two

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726 or more contiguous independent special districts created by
727 special act which have similar functions and elected governing
728 bodies may elect to merge into a single independent district
729 through the act of merging the component independent special
730 districts.

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

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

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

736 (2)~~(b)~~ *Joint merger plan by resolution*.—The governing
737 bodies of two or more contiguous independent special districts
738 may, by joint resolution, endorse a proposed joint merger plan
739 to commence proceedings to merge the districts pursuant to this
740 section subsection.

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

742 1.a. The name of each component independent special
743 district to be merged;

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

745 3.e. The rights, duties, and obligations of the proposed
746 merged independent district;

747 4.d. The territorial boundaries of the proposed merged
748 independent district;

749 5.e. The governmental organization of the proposed merged
750 independent district insofar as it concerns elected and
751 appointed officials and public employees, along with a
752 transitional plan and schedule for elections and appointments of
753 officials;

754 6.f. A fiscal estimate of the potential cost or savings as

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755 a result of the merger;

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

759 ~~8.h.~~ Each component independent special district's
760 liabilities and indebtedness, bonded and otherwise, and the
761 current value thereof;

762 ~~9.i.~~ Terms for the assumption and disposition of existing
763 assets, liabilities, and indebtedness of each component
764 independent special district jointly, separately, or in defined
765 proportions;

766 ~~10.j.~~ Terms for the common administration and uniform
767 enforcement of existing laws within the proposed merged
768 independent district;

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

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

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

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

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

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784 1.a. Cause a copy of the proposed joint merger plan, along
785 with a descriptive summary of the plan, to be displayed and be
786 readily accessible to the public for inspection in at least
787 three public places within the territorial limits of each
788 component independent special district, unless a component
789 independent special district has fewer than three public places,
790 in which case the plan must be accessible for inspection in all
791 public places within the component independent special district;

792 2.b. If applicable, cause the proposed joint merger plan,
793 along with a descriptive summary of the plan and a reference to
794 the public places within each component independent special
795 district where a copy of the merger plan may be examined, to be
796 displayed on a website maintained by each district or on a
797 website maintained by the county or municipality in which the
798 districts are located; and

799 3.e. Arrange for a descriptive summary of the proposed
800 joint merger plan, and a reference to the public places within
801 the district where a copy may be examined, to be published in a
802 newspaper of general circulation within the component
803 independent special districts at least once each week for 4
804 successive weeks.

805 (d)4. The governing body of each component independent
806 special district shall set a time and place for one or more
807 public hearings on the proposed joint merger plan. Each public
808 hearing shall be held on a weekday at least 7 business days
809 after the day the first advertisement is published on the
810 proposed joint merger plan. The hearing or hearings may be held
811 jointly or separately by the governing bodies of the component
812 independent special districts. Any interested person residing in

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813 the respective district shall be given a reasonable opportunity
814 to be heard on any aspect of the proposed merger at the public
815 hearing.

816 ~~1.a.~~ Notice of the public hearing addressing the resolution
817 for the proposed joint merger plan must be published pursuant to
818 the notice requirements in s. 189.015 ~~189.417~~ and must provide a
819 descriptive summary of the proposed joint merger plan and a
820 reference to the public places within the component independent
821 special districts where a copy of the plan may be examined.

822 ~~2.b.~~ After the final public hearing, the governing bodies
823 of each component independent special district may amend the
824 proposed joint merger plan if the amended version complies with
825 the notice and public hearing requirements provided in this
826 section ~~subsection~~. Thereafter, the governing bodies may approve
827 a final version of the joint merger plan or decline to proceed
828 further with the merger. Approval by the governing bodies of the
829 final version of the joint merger plan must occur within 60
830 business days after the final hearing.

831 ~~(e)5.~~ After the final public hearing, the governing bodies
832 shall notify the supervisors of elections of the applicable
833 counties in which district lands are located of the adoption of
834 the resolution by each governing body. The supervisors of
835 elections shall schedule a separate referendum for each
836 component independent special district. The referenda may be
837 held in each district on the same day, or on different days, but
838 no more than 20 days apart.

839 ~~1.a.~~ Notice of a referendum on the merger of independent
840 special districts must be provided pursuant to the notice
841 requirements in s. 100.342. At a minimum, the notice must

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842 include:

843 a.~~(I)~~ A brief summary of the resolution and joint merger

844 plan;

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

846 joint merger plan may be examined;

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

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

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

850 held; and

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

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

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

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

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

856 101.6107. All costs associated with the referenda shall be borne

857 by the respective component independent special district.

858 3.e. The ballot question in such referendum placed before

859 the qualified electors of each component independent special

860 district to be merged must be in substantially the following

861 form:

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

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

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

865 merged independent district)...?"

866

867YES

868NO"

869

870 4.d. If the component independent special districts

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871 proposing to merge have disparate millage rates, the ballot
872 question in the referendum placed before the qualified electors
873 of each component independent special district must be in
874 substantially the following form:

875

876 "Shall ...(name of component independent special
877 district)... and ...(name of component independent special
878 district or districts)... be merged into ...(name of newly
879 merged independent district)... if the voter-approved maximum
880 millage rate within each independent special district will not
881 increase absent a subsequent referendum?

882

883YES

884NO"

885

886 5.e. In any referendum held pursuant to this section
887 ~~subsection~~, the ballots shall be counted, returns made and
888 canvassed, and results certified in the same manner as other
889 elections or referenda for the component independent special
890 districts.

891 6.f. The merger may not take effect unless a majority of
892 the votes cast in each component independent special district
893 are in favor of the merger. If one of the component districts
894 does not obtain a majority vote, the referendum fails, and
895 merger does not take effect.

896 7.g. If the merger is approved by a majority of the votes
897 cast in each component independent special district, the merged
898 independent district is created. Upon approval, the merged
899 independent district shall notify the Special District

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900 Accountability Information Program pursuant to s. 189.016(2)
 901 ~~189.418(2)~~ and the local general-purpose governments in which
 902 any part of the component independent special districts is
 903 situated pursuant to s. 189.016(7) ~~189.418(7)~~.

904 ~~8.4.~~ If the referendum fails, the merger process under this
 905 subsection ~~paragraph~~ may not be initiated for the same purpose
 906 within 2 years after the date of the referendum.

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

911 (3) ~~(e)~~ *Qualified elector-initiated merger plan.*—The
 912 qualified electors of two or more contiguous independent special
 913 districts may commence a merger proceeding by each filing a
 914 petition with the governing body of their respective independent
 915 special district proposing to be merged. The petition must
 916 contain the signatures of at least 40 percent of the qualified
 917 electors of each component independent special district and must
 918 be submitted to the appropriate component independent special
 919 district governing body no later than 1 year after the start of
 920 the qualified elector-initiated merger process.

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

923
 924 PETITION FOR
 925 INDEPENDENT SPECIAL DISTRICT MERGER
 926

927 We, the undersigned electors and legal voters of ...(name
 928 of independent special district)..., qualified to vote at the

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929 next general or special election, respectfully petition that
 930 there be submitted to the electors and legal voters of ...(name
 931 of independent special district or districts proposed to be
 932 merged)..., for their approval or rejection at a referendum held
 933 for that purpose, a proposal to merge ...(name of component
 934 independent special district)... and ...(name of component
 935 independent special district or districts)....

936

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

939

940 Date Name Home Address
 941 (print under signature)

942

943

944

945

946

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

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

955 "I, ...(name of witness)..., state that I am a duly
 956 qualified voter of ...(name of independent special district)....
 957 Each of the ...(insert number)... persons who have signed this

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958 petition sheet has signed his or her name in my presence on the
 959 dates indicated above and identified himself or herself to be
 960 the same person who signed the sheet. I understand that this
 961 statement will be accepted for all purposes as the equivalent of
 962 an affidavit and, if it contains a materially false statement,
 963 shall subject me to the penalties of perjury."

964 Date Signature of Witness

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

968 "On the date indicated above before me personally came each
 969 of the ...(insert number)... electors and legal voters whose
 970 signatures appear on this petition sheet, who signed the
 971 petition in my presence and who, being by me duly sworn, each
 972 for himself or herself, identified himself or herself as the
 973 same person who signed the petition, and I declare that the
 974 foregoing information they provided was true."

975 Date Signature of Witness

976 ~~3.e.~~ An alteration or correction of information appearing
 977 on a petition's signature line, other than an uninitialed
 978 signature and date, does not invalidate such signature. In
 979 matters of form, this subsection ~~paragraph~~ shall be liberally
 980 construed, not inconsistent with substantial compliance thereto
 981 and the prevention of fraud.

982 ~~4.d.~~ The appropriately signed petition must be filed with
 983 the governing body of each component independent special
 984 district. The petition must be submitted to the supervisors of
 985 elections of the counties in which the district lands are
 986 located. The supervisors shall, within 30 business days after

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987 receipt of the petitions, certify to the governing bodies the
988 number of signatures of qualified electors contained on the
989 petitions.

990 ~~(c)3.~~ Upon verification by the supervisors of elections of
991 the counties within which component independent special district
992 lands are located that 40 percent of the qualified electors have
993 petitioned for merger and that all such petitions have been
994 executed within 1 year after the date of the initiation of the
995 qualified-electoral merger process, the governing bodies of each
996 component independent special district shall meet within 30
997 business days to prepare and approve by resolution a proposed
998 elector-initiated merger plan. The proposed plan must include:

- 999 ~~1.a.~~ The name of each component independent special
1000 district to be merged;
- 1001 ~~2.b.~~ The name of the proposed merged independent district;
- 1002 ~~3.e.~~ The rights, duties, and obligations of the merged
1003 independent district;
- 1004 ~~4.d.~~ The territorial boundaries of the proposed merged
1005 independent district;
- 1006 ~~5.e.~~ The governmental organization of the proposed merged
1007 independent district insofar as it concerns elected and
1008 appointed officials and public employees, along with a
1009 transitional plan and schedule for elections and appointments of
1010 officials;
- 1011 ~~6.f.~~ A fiscal estimate of the potential cost or savings as
1012 a result of the merger;
- 1013 ~~7.g.~~ Each component independent special district's assets,
1014 including, but not limited to, real and personal property, and
1015 the current value thereof;

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1016 ~~8.h.~~ Each component independent special district's
1017 liabilities and indebtedness, bonded and otherwise, and the
1018 current value thereof;

1019 ~~9.i.~~ Terms for the assumption and disposition of existing
1020 assets, liabilities, and indebtedness of each component
1021 independent special district, jointly, separately, or in defined
1022 proportions;

1023 ~~10.j.~~ Terms for the common administration and uniform
1024 enforcement of existing laws within the proposed merged
1025 independent district;

1026 ~~11.k.~~ The times and places for public hearings on the
1027 proposed joint merger plan; and

1028 ~~12.l.~~ The effective date of the proposed merger.

1029 ~~(d)4.~~ The resolution endorsing the proposed elector-
1030 initiated merger plan must be approved by a majority vote of the
1031 governing bodies of each component independent special district
1032 and must be adopted at least 60 business days before any general
1033 or special election on the proposed elector-initiated plan.

1034 ~~(e)5.~~ Within 5 business days after the governing bodies of
1035 each component independent special district approve the proposed
1036 elector-initiated merger plan, the governing bodies shall:

1037 ~~1.a.~~ Cause a copy of the proposed elector-initiated merger
1038 plan, along with a descriptive summary of the plan, to be
1039 displayed and be readily accessible to the public for inspection
1040 in at least three public places within the territorial limits of
1041 each component independent special district, unless a component
1042 independent special district has fewer than three public places,
1043 in which case the plan must be accessible for inspection in all
1044 public places within the component independent special district;

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1045 ~~2.b.~~ If applicable, cause the proposed elector-initiated
1046 merger plan, along with a descriptive summary of the plan and a
1047 reference to the public places within each component independent
1048 special district where a copy of the merger plan may be
1049 examined, to be displayed on a website maintained by each
1050 district or otherwise on a website maintained by the county or
1051 municipality in which the districts are located; and

1052 ~~3.e.~~ Arrange for a descriptive summary of the proposed
1053 elector-initiated merger plan, and a reference to the public
1054 places within the district where a copy may be examined, to be
1055 published in a newspaper of general circulation within the
1056 component independent special districts at least once each week
1057 for 4 successive weeks.

1058 ~~(f)6.~~ The governing body of each component independent
1059 special district shall set a time and place for one or more
1060 public hearings on the proposed elector-initiated merger plan.
1061 Each public hearing shall be held on a weekday at least 7
1062 business days after the day the first advertisement is published
1063 on the proposed elector-initiated merger plan. The hearing or
1064 hearings may be held jointly or separately by the governing
1065 bodies of the component independent special districts. Any
1066 interested person residing in the respective district shall be
1067 given a reasonable opportunity to be heard on any aspect of the
1068 proposed merger at the public hearing.

1069 ~~1.a.~~ Notice of the public hearing on the proposed elector-
1070 initiated merger plan must be published pursuant to the notice
1071 requirements in s. 189.015 ~~189.417~~ and must provide a
1072 descriptive summary of the elector-initiated merger plan and a
1073 reference to the public places within the component independent

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1074 special districts where a copy of the plan may be examined.

1075 ~~2.b.~~ After the final public hearing, the governing bodies
1076 of each component independent special district may amend the
1077 proposed elector-initiated merger plan if the amended version
1078 complies with the notice and public hearing requirements
1079 provided in this section ~~subsection~~. The governing bodies must
1080 approve a final version of the merger plan within 60 business
1081 days after the final hearing.

1082 ~~(g)7.~~ After the final public hearing, the governing bodies
1083 shall notify the supervisors of elections of the applicable
1084 counties in which district lands are located of the adoption of
1085 the resolution by each governing body. The supervisors of
1086 elections shall schedule a date for the separate referenda for
1087 each district. The referenda may be held in each district on the
1088 same day, or on different days, but no more than 20 days apart.

1089 ~~1.a.~~ Notice of a referendum on the merger of the component
1090 independent special districts must be provided pursuant to the
1091 notice requirements in s. 100.342. At a minimum, the notice must
1092 include:

1093 ~~a.(I)~~ A brief summary of the resolution and elector-
1094 initiated merger plan;

1095 ~~b.(II)~~ A statement as to where a copy of the resolution and
1096 petition for merger may be examined;

1097 ~~c.(III)~~ The names of the component independent special
1098 districts to be merged and a description of their territory;

1099 ~~d.(IV)~~ The times and places at which the referendum will be
1100 held; and

1101 ~~e.(V)~~ Such other matters as may be necessary to call,
1102 provide for, and give notice of the referendum and to provide

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1103 for the conduct thereof and the canvass of the returns.

1104 ~~2.b.~~ The referenda must be held in accordance with the
1105 Florida Election Code and may be held pursuant to ss. 101.6101-
1106 101.6107. All costs associated with the referenda shall be borne
1107 by the respective component independent special district.

1108 ~~3.e.~~ The ballot question in such referendum placed before
1109 the qualified electors of each component independent special
1110 district to be merged must be in substantially the following
1111 form:

1112 "Shall ...(name of component independent special
1113 district)... and ...(name of component independent special
1114 district or districts)... be merged into ...(name of newly
1115 merged independent district)...?"

1116YES

1117NO"

1118 ~~4.d.~~ If the component independent special districts
1119 proposing to merge have disparate millage rates, the ballot
1120 question in the referendum placed before the qualified electors
1121 of each component independent special district must be in
1122 substantially the following form:

1123 "Shall ...(name of component independent special
1124 district)... and ...(name of component independent special
1125 district or districts)... be merged into ...(name of newly
1126 merged independent district)... if the voter-approved maximum
1127 millage rate within each independent special district will not
1128 increase absent a subsequent referendum?"

1129YES

1130NO"

1131 ~~5.e.~~ In any referendum held pursuant to this section

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1132 subsection, the ballots shall be counted, returns made and
1133 canvassed, and results certified in the same manner as other
1134 elections or referenda for the component independent special
1135 districts.

1136 6.f. The merger may not take effect unless a majority of
1137 the votes cast in each component independent special district
1138 are in favor of the merger. If one of the component independent
1139 special districts does not obtain a majority vote, the
1140 referendum fails, and merger does not take effect.

1141 7.g. If the merger is approved by a majority of the votes
1142 cast in each component independent special district, the merged
1143 district shall notify the Special District Accountability
1144 Information Program pursuant to s. 189.016(2) ~~189.418(2)~~ and the
1145 local general-purpose governments in which any part of the
1146 component independent special districts is situated pursuant to
1147 s. 189.016(7) ~~189.418(7)~~.

1148 8.h. If the referendum fails, the merger process under this
1149 subsection ~~paragraph~~ may not be initiated for the same purpose
1150 within 2 years after the date of the referendum.

1151 (h)g. Component independent special districts merged
1152 pursuant to an elector-initiated merger plan shall continue to
1153 be governed as before the merger until the effective date
1154 specified in the adopted elector-initiated merger plan.

1155 (4)(d) *Effective date.*—The effective date of the merger
1156 shall be as provided in the joint merger plan or elector-
1157 initiated merger plan, as appropriate, and is not contingent
1158 upon the future act of the Legislature.

1159 (a)1. However, as soon as practicable, the merged
1160 independent district shall, at its own expense, submit a unified

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1161 charter for the merged district to the Legislature for approval.
1162 The unified charter must make the powers of the district
1163 consistent within the merged independent district and repeal the
1164 special acts of the districts which existed before the merger.

1165 (b)2. Within 30 business days after the effective date of
1166 the merger, the merged independent district's governing body, as
1167 indicated in this section ~~subsection~~, shall hold an
1168 organizational meeting to implement the provisions of the joint
1169 merger plan or elector-initiated merger plan, as appropriate.

1170 (5)(e) ~~Restrictions during transition period.~~—Until the
1171 Legislature formally approves the unified charter pursuant to a
1172 special act, each component independent special district is
1173 considered a subunit of the merged independent district subject
1174 to the following restrictions:

1175 (a)1. During the transition period, the merged independent
1176 district is limited in its powers and financing capabilities
1177 within each subunit to those powers that existed within the
1178 boundaries of each subunit which were previously granted to the
1179 component independent special district in its existing charter
1180 before the merger. The merged independent district may not,
1181 solely by reason of the merger, increase its powers or financing
1182 capability.

1183 (b)2. During the transition period, the merged independent
1184 district shall exercise only the legislative authority to levy
1185 and collect revenues within the boundaries of each subunit which
1186 was previously granted to the component independent special
1187 district by its existing charter before the merger, including
1188 the authority to levy ad valorem taxes, non-ad valorem
1189 assessments, impact fees, and charges.

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1190 1.a. The merged independent district may not, solely by
1191 reason of the merger or the legislatively approved unified
1192 charter, increase ad valorem taxes on property within the
1193 original limits of a subunit beyond the maximum millage rate
1194 approved by the electors of the component independent special
1195 district unless the electors of such subunit approve an increase
1196 at a subsequent referendum of the subunit's electors. Each
1197 subunit may be considered a separate taxing unit.

1198 2.b. The merged independent district may not, solely by
1199 reason of the merger, charge non-ad valorem assessments, impact
1200 fees, or other new fees within a subunit which were not
1201 otherwise previously authorized to be charged.

1202 (c)3. During the transition period, each component
1203 independent special district of the merged independent district
1204 must continue to file all information and reports required under
1205 this chapter as subunits until the Legislature formally approves
1206 the unified charter pursuant to a special act.

1207 (d)4. The intent of this part section is to preserve and
1208 transfer to the merged independent district all authority that
1209 exists within each subunit and was previously granted by the
1210 Legislature and, if applicable, by referendum.

1211 (6)(f) *Effect of merger, generally.*—On and after the
1212 effective date of the merger, the merged independent district
1213 shall be treated and considered for all purposes as one entity
1214 under the name and on the terms and conditions set forth in the
1215 joint merger plan or elector-initiated merger plan, as
1216 appropriate.

1217 (a)1. All rights, privileges, and franchises of each
1218 component independent special district and all assets, real and

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1219 personal property, books, records, papers, seals, and equipment,
1220 as well as other things in action, belonging to each component
1221 independent special district before the merger shall be deemed
1222 as transferred to and vested in the merged independent district
1223 without further act or deed.

1224 (b)2. All property, rights-of-way, and other interests are
1225 as effectually the property of the merged independent district
1226 as they were of the component independent special district
1227 before the merger. The title to real estate, by deed or
1228 otherwise, under the laws of this state vested in any component
1229 independent special district before the merger may not be deemed
1230 to revert or be in any way impaired by reason of the merger.

1231 (c)3. The merged independent district is in all respects
1232 subject to all obligations and liabilities imposed and possesses
1233 all the rights, powers, and privileges vested by law in other
1234 similar entities.

1235 (d)4. Upon the effective date of the merger, the joint
1236 merger plan or elector-initiated merger plan, as appropriate, is
1237 subordinate in all respects to the contract rights of all
1238 holders of any securities or obligations of the component
1239 independent special districts outstanding at the effective date
1240 of the merger.

1241 (e)5. The new registration of electors is not necessary as
1242 a result of the merger, but all elector registrations of the
1243 component independent special districts shall be transferred to
1244 the proper registration books of the merged independent
1245 district, and new registrations shall be made as provided by law
1246 as if no merger had taken place.

1247 (7)~~(g)~~ *Governing body of merged independent district.-*

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1248 (a)~~1.~~ From the effective date of the merger until the next
1249 general election, the governing body of the merged independent
1250 district shall be comprised of the governing body members of
1251 each component independent special district, with such members
1252 serving until the governing body members elected at the next
1253 general election take office.

1254 (b)~~2.~~ Beginning with the next general election following
1255 the effective date of merger, the governing body of the merged
1256 independent district shall be comprised of five members. The
1257 office of each governing body member shall be designated by
1258 seat, which shall be distinguished from other body member seats
1259 by an assigned numeral: 1, 2, 3, 4, or 5. The governing body
1260 members that are elected in this initial election following the
1261 merger shall serve unequal terms of 2 and 4 years in order to
1262 create staggered membership of the governing body, with:

1263 1.a.~~a.~~ Member seats 1, 3, and 5 being designated for 4-year
1264 terms; and

1265 2.b.~~b.~~ Member seats 2 and 4 being designated for 2-year
1266 terms.

1267 (c)~~3.~~ In general elections thereafter, all governing body
1268 members shall serve 4-year terms.

1269 (8)~~(h)~~ *Effect on employees.*—Except as otherwise provided by
1270 law and except for those officials and employees protected by
1271 tenure of office, civil service provisions, or a collective
1272 bargaining agreement, upon the effective date of merger, all
1273 appointive offices and positions existing in all component
1274 independent special districts involved in the merger are subject
1275 to the terms of the joint merger plan or elector-initiated
1276 merger plan, as appropriate. Such plan may provide for instances

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1277 in which there are duplications of positions and for other
1278 matters such as varying lengths of employee contracts, varying
1279 pay levels or benefits, different civil service regulations in
1280 the constituent entities, and differing ranks and position
1281 classifications for similar positions. For those employees who
1282 are members of a bargaining unit certified by the Public
1283 Employees Relations Commission, the requirements of chapter 447
1284 apply.

1285 (9)~~(i)~~ *Effect on debts, liabilities, and obligations.*—

1286 (a)~~1.~~ All valid and lawful debts and liabilities existing
1287 against a merged independent district, or which may arise or
1288 accrue against the merged independent district, which but for
1289 merger would be valid and lawful debts or liabilities against
1290 one or more of the component independent special districts, are
1291 debts against or liabilities of the merged independent district
1292 and accordingly shall be defrayed and answered to by the merged
1293 independent district to the same extent, and no further than,
1294 the component independent special districts would have been
1295 bound if a merger had not taken place.

1296 (b)~~2.~~ The rights of creditors and all liens upon the
1297 property of any of the component independent special districts
1298 shall be preserved unimpaired. The respective component
1299 districts shall be deemed to continue in existence to preserve
1300 such rights and liens, and all debts, liabilities, and duties of
1301 any of the component districts attach to the merged independent
1302 district.

1303 (c)~~3.~~ All bonds, contracts, and obligations of the
1304 component independent special districts which exist as legal
1305 obligations are obligations of the merged independent district,

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1306 and all such obligations shall be issued or entered into by and
1307 in the name of the merged independent district.

1308 (10)~~(j)~~ *Effect on actions and proceedings.*—In any action or
1309 proceeding pending on the effective date of merger to which a
1310 component independent special district is a party, the merged
1311 independent district may be substituted in its place, and the
1312 action or proceeding may be prosecuted to judgment as if merger
1313 had not taken place. Suits may be brought and maintained against
1314 a merged independent district in any state court in the same
1315 manner as against any other independent special district.

1316 (11)~~(k)~~ *Effect on annexation.*—Chapter 171 continues to
1317 apply to all annexations by a city within the component
1318 independent special districts' boundaries after merger occurs.
1319 Any moneys owed to a component independent special district
1320 pursuant to s. 171.093, or any interlocal service boundary
1321 agreement as a result of annexation predating the merger, shall
1322 be paid to the merged independent district after merger.

1323 (12)~~(l)~~ *Effect on millage calculations.*—The merged
1324 independent special district is authorized to continue or
1325 conclude procedures under chapter 200 on behalf of the component
1326 independent special districts. The merged independent special
1327 district shall make the calculations required by chapter 200 for
1328 each component individual special district separately.

1329 (13)~~(m)~~ *Determination of rights.*—If any right, title,
1330 interest, or claim arises out of a merger or by reason thereof
1331 which is not determinable by reference to this subsection, the
1332 joint merger plan or elector-initiated merger plan, as
1333 appropriate, or otherwise under the laws of this state, the
1334 governing body of the merged independent district may provide

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1335 therefor in a manner conforming to law.

1336 ~~(14)(n)~~ *Exemption.*—This section ~~subsection~~ does not apply
1337 to independent special districts whose governing bodies are
1338 elected by district landowners voting the acreage owned within
1339 the district.

1340 ~~(15)(e)~~ *Preemption.*—This section ~~subsection~~ preempts any
1341 special act to the contrary.

1342 Section 23. Subsection (6) of section 189.4042, Florida
1343 Statutes, is transferred, renumbered as section 189.075, Florida
1344 Statutes, and amended to read:

1345 189.075 ~~189.4042~~ Involuntary merger of independent special
1346 districts ~~Merger and dissolution procedures.~~—

1347 ~~(6) INVOLUNTARY MERGER OF INDEPENDENT SPECIAL DISTRICTS.~~—

1348 ~~(1)(a)~~ *Independent special districts created by special*
1349 *act.*—In order for the Legislature to merge an active independent
1350 special district or districts created and operating pursuant to
1351 a special act, the special act merging the active independent
1352 special district or districts must be approved at separate
1353 referenda of the impacted local governments by a majority of the
1354 resident electors or, for districts in which a majority of
1355 governing body ~~board~~ members are elected by landowners, a
1356 majority of the landowners voting in the same manner by which
1357 each independent special district's governing body is elected.
1358 The special act merging the districts must include a plan of
1359 merger that addresses transition issues such as the effective
1360 date of the merger, governance, administration, powers,
1361 pensions, and assumption of all assets and liabilities. If a
1362 local general-purpose government passes an ordinance or
1363 resolution in support of the merger of an active independent

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1364 special district, the local general-purpose government must pay
1365 any expenses associated with the referendum required under this
1366 subsection ~~paragraph~~.

1367 (2) ~~(b)~~ *Independent special districts created by a county or*
1368 *municipality.*—A county or municipality may merge an independent
1369 special district created by the county or municipality pursuant
1370 to a referendum or any other procedure by which the independent
1371 special district was created. However, if the independent
1372 special district has ad valorem taxation powers, the same
1373 procedure required to grant the independent special district ad
1374 valorem taxation powers is required to merge the district. The
1375 political subdivisions proposing the involuntary merger of an
1376 active independent special district must pay any expenses
1377 associated with the referendum required under this subsection
1378 ~~paragraph~~.

1379 (3) ~~(c)~~ *Inactive independent special districts.*—An
1380 independent special district that meets any criteria for being
1381 declared inactive, or that has already been declared inactive,
1382 pursuant to s. 189.062 ~~189.4044~~ may be merged by special act
1383 without a referendum.

1384 Section 24. Subsection (7) of section 189.4042, Florida
1385 Statutes, is transferred and renumbered as section 189.0761,
1386 Florida Statutes, and amended to read:

1387 189.0761 ~~189.4042~~ ~~Merger and dissolution procedures.~~—

1388 ~~(7)~~ Exemptions.—This part ~~section~~ does not apply to
1389 community development districts implemented pursuant to chapter
1390 190 or to water management districts created and operated
1391 pursuant to chapter 373.

1392 Section 25. Section 189.4044, Florida Statutes, is

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1393 transferred and renumbered as section 189.062, Florida Statutes,
1394 subsections (1) and (3) of that section are amended, and
1395 subsections (5) and (6) are added to that section, to read:

1396 189.062 ~~189.4044~~ Special procedures for inactive
1397 districts.—

1398 (1) The department shall declare inactive any special
1399 district in this state by documenting that:

1400 (a) The special district meets one of the following
1401 criteria:

1402 1. The registered agent of the district, the chair of the
1403 governing body of the district, or the governing body of the
1404 appropriate local general-purpose government notifies the
1405 department in writing that the district has taken no action for
1406 2 or more years;

1407 2. ~~Following an inquiry from the department,~~ The registered
1408 agent of the district, the chair of the governing body of the
1409 district, or the governing body of the appropriate local
1410 general-purpose government notifies the department in writing
1411 that the district has not had a governing body ~~board~~ or a
1412 sufficient number of governing body ~~board~~ members to constitute
1413 a quorum for 2 or more years;

1414 3. ~~or~~ 3. The registered agent of the district, the chair of
1415 the governing body of the district, or the governing body of the
1416 appropriate local general-purpose government fails to respond to
1417 an the department's inquiry by the department within 21 days;

1418 4.3. ~~The department determines, pursuant to s. 189.067~~
1419 ~~189.421,~~ that the district has failed to file any of the reports
1420 listed in s. 189.066. ~~189.419;~~

1421 5.4. The district has not had a registered office and agent

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1422 on file with the department for 1 or more years;~~or~~

1423 ~~6.5.~~ The governing body of a special district provides
1424 documentation to the department that it has unanimously adopted
1425 a resolution declaring the special district inactive. The
1426 special district shall be responsible for payment of any
1427 expenses associated with its dissolution. A special district
1428 declared inactive pursuant to this subparagraph may be dissolved
1429 without a referendum; or

1430 7. The department independently determines that the
1431 district is no longer active.

1432 (b) The department, special district, or local general-
1433 purpose government published a notice of proposed declaration of
1434 inactive status in a newspaper of general circulation in the
1435 county or municipality in which the territory of the special
1436 district is located and sent a copy of such notice by certified
1437 mail to the registered agent or chair of the governing body
1438 ~~board~~, if any. Such notice must include the name of the special
1439 district, the law under which it was organized and operating, a
1440 general description of the territory included in the special
1441 district, and a statement that any objections must be filed
1442 pursuant to chapter 120 within 21 days after the publication
1443 date; and

1444 (c) Twenty-one days have elapsed from the publication date
1445 of the notice of proposed declaration of inactive status and no
1446 administrative appeals were filed.

1447 (3) In the case of a district created by special act of the
1448 Legislature, the department shall send a notice of declaration
1449 of inactive status to the chair of the county legislative
1450 delegation and the Legislative Auditing Committee ~~Speaker of the~~

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1451 ~~House of Representatives and the President of the Senate.~~ The
1452 notice of declaration of inactive status shall reference each
1453 known special act creating or amending the charter of any
1454 special district declared to be inactive under this section. The
1455 declaration of inactive status shall be sufficient notice as
1456 required by s. 10, Art. III of the State Constitution to
1457 authorize the Legislature to repeal any special laws so
1458 reported. In the case of a district created by one or more local
1459 general-purpose governments, the department shall send a notice
1460 of declaration of inactive status to the chair of the governing
1461 body of each local general-purpose government that created the
1462 district. In the case of a district created by interlocal
1463 agreement, the department shall send a notice of declaration of
1464 inactive status to the chair of the governing body of each local
1465 general-purpose government which entered into the interlocal
1466 agreement.

1467 (5) A special district declared inactive under this section
1468 may not collect taxes, fees, or assessments unless the
1469 declaration is:

1470 (a) Withdrawn or revoked by the department; or

1471 (b) Invalidated in proceedings initiated by the special
1472 district within 30 days after the date notice of the declaration
1473 was provided to the special district governing body, either by
1474 an administrative law judge in proceedings under chapter 120 or
1475 by petition for writ of certiorari in the circuit court in the
1476 judicial circuit having jurisdiction over the geographical
1477 boundaries of the special district, or, if such boundaries
1478 extend beyond the boundaries of a single county, in a circuit
1479 court in and for any such county.

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1480 (6) If a special district that is declared inactive
1481 pursuant to this section does not initiate a timely challenge to
1482 such declaration, the department may enforce subsection (5) in
1483 the circuit court in and for Leon County, through injunctive or
1484 other relief.

1485 Section 26. Section 189.4045, Florida Statutes, is
1486 transferred and renumbered as section 189.076, Florida Statutes.

1487 Section 27. Section 189.4047, Florida Statutes, is
1488 transferred and renumbered as section 189.021, Florida Statutes.

1489 Section 28. Subsections (1), (2), (3), (4), (6), and (7) of
1490 section 189.405, Florida Statutes, are transferred and
1491 renumbered as subsections (1) through (6) of section 189.04,
1492 Florida Statutes, respectively, and present subsection (1),
1493 paragraph (c) of present subsection (2), and present subsections
1494 (3), (4), and (7) of that section are amended, to read:

1495 189.04 ~~189.405~~ Elections; general requirements and
1496 procedures; ~~education programs.~~

1497 (1) If a dependent special district has an elected
1498 governing body ~~board~~, elections shall be conducted by the
1499 supervisor of elections of the county wherein the district is
1500 located in accordance with the Florida Election Code, chapters
1501 97-106.

1502 (2)

1503 (c) A candidate for a position on a governing body ~~board~~ of
1504 a single-county special district that has its elections
1505 conducted by the supervisor of elections shall qualify for the
1506 office with the county supervisor of elections in whose
1507 jurisdiction the district is located. Elections for governing
1508 body ~~board~~ members elected by registered electors shall be

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1509 nonpartisan, except when partisan elections are specified by a
1510 district's charter. Candidates shall qualify as directed by
1511 chapter 99. The qualifying fee shall be remitted to the general
1512 revenue fund of the qualifying officer to help defray the cost
1513 of the election.

1514 (3) (a) If a multicounty special district has a popularly
1515 elected governing body ~~board~~, elections for the purpose of
1516 electing members to such governing body ~~board~~ shall conform to
1517 the Florida Election Code, chapters 97-106.

1518 (b) With the exception of those districts conducting
1519 elections on a one-acre/one-vote basis, qualifying for
1520 multicounty special district governing body ~~board~~ positions
1521 shall be coordinated by the Department of State. Elections for
1522 governing body ~~board~~ members elected by registered electors
1523 shall be nonpartisan, except when partisan elections are
1524 specified by a district's charter. Candidates shall qualify as
1525 directed by chapter 99. The qualifying fee shall be remitted to
1526 the Department of State.

1527 (4) With the exception of elections of special district
1528 governing body ~~board~~ members conducted on a one-acre/one-vote
1529 basis, in any election conducted in a special district the
1530 decision made by a majority of those voting shall prevail,
1531 except as otherwise specified by law.

1532 ~~(6)~~ (7) Nothing in this act requires that a special district
1533 governed by an appointed governing body ~~board~~ convert to an
1534 elected governing body ~~board~~.

1535 Section 29. Subsection (5) of section 189.405, Florida
1536 Statutes, is transferred, renumbered as section 189.063, Florida
1537 Statutes, and amended to read:

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1538 189.063 ~~189.405~~ Education programs for new members of
1539 district governing bodies ~~Elections; general requirements and~~
1540 ~~procedures; education programs.~~—

1541 ~~(1)(5)(a)~~ The department may provide, contract for, or
1542 assist in conducting education programs, as its budget permits,
1543 for all newly elected or appointed members of district governing
1544 bodies ~~boards~~. The education programs shall include, but are not
1545 limited to, courses on the code of ethics for public officers
1546 and employees, public meetings and public records requirements,
1547 public finance, and parliamentary procedure. ~~Course content may~~
1548 ~~be offered by means of the following: videotapes, live seminars,~~
1549 ~~workshops, conferences, teleconferences, computer based~~
1550 ~~training, multimedia presentations, or other available~~
1551 ~~instructional methods.~~

1552 ~~(2)(b)~~ An individual district governing body ~~board~~, at its
1553 discretion, may bear the costs associated with educating its
1554 members. Governing body ~~Board~~ members of districts which have
1555 qualified for a zero annual fee for the most recent invoicing
1556 period pursuant to s. 189.018 ~~are 189.427~~ shall not be required
1557 to pay a fee for any education program the department provides,
1558 contracts for, or assists in conducting.

1559 Section 30. Section 189.4051, Florida Statutes, is
1560 transferred, renumbered as section 189.041, Florida Statutes,
1561 and amended to read:

1562 189.041 ~~189.4051~~ Elections; special requirements and
1563 procedures for districts with governing bodies ~~boards~~ elected on
1564 a one-acre/one-vote basis.—

1565 (1) DEFINITIONS.—As used in this section:

1566 (a) "Qualified elector" means any person at least 18 years

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1567 of age who is a citizen of the United States, a permanent
1568 resident of Florida, and a freeholder or freeholder's spouse and
1569 resident of the district who registers with the supervisor of
1570 elections of a county within which the district lands are
1571 located when the registration books are open.

1572 (b) "Urban area" means a contiguous developed and inhabited
1573 urban area within a district with a minimum average resident
1574 population density of at least 1.5 persons per acre as defined
1575 by the latest official census, special census, or population
1576 estimate or a minimum density of one single-family home per 2.5
1577 acres with access to improved roads or a minimum density of one
1578 single-family home per 5 acres within a recorded plat
1579 subdivision. Urban areas shall be designated by the governing
1580 body ~~board~~ of the district with the assistance of all local
1581 general-purpose governments having jurisdiction over the area
1582 within the district.

1583 (c) "Governing body ~~board~~ member" means any duly elected
1584 member of the governing body ~~board~~ of a special district elected
1585 pursuant to this section, provided that a ~~any board~~ member
1586 elected by popular vote shall be a qualified district elector
1587 and a ~~any board~~ member elected on a one-acre/one-vote basis
1588 shall meet the requirements of s. 298.11 for election to the
1589 governing body ~~board~~.

1590 (d) "Contiguous developed urban area" means any reasonably
1591 compact urban area located entirely within a special district.
1592 The separation of urban areas by a publicly owned park, right-
1593 of-way, highway, road, railroad, canal, utility, body of water,
1594 watercourse, or other minor geographical division of a similar
1595 nature shall not prevent such areas from being defined as urban

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1596 areas.

1597 (2) POPULAR ELECTIONS; REFERENDUM; DESIGNATION OF URBAN
1598 AREAS.—

1599 (a) *Referendum.*—

1600 1. A referendum shall be called by the governing body ~~board~~
1601 of a special district where the governing body ~~board~~ is elected
1602 on a one-acre/one-vote basis on the question of whether certain
1603 members of a district governing body ~~board~~ should be elected by
1604 qualified electors, provided each of the following conditions
1605 has been satisfied at least 60 days before ~~prior to~~ the general
1606 or special election at which the referendum is to be held:

1607 a. The district shall have a total population, according to
1608 the latest official state census, a special census, or a
1609 population estimate, of at least 500 qualified electors.

1610 b. A petition signed by 10 percent of the qualified
1611 electors of the district shall have been filed with the
1612 governing body ~~board~~ of the district. The petition shall be
1613 submitted to the supervisor of elections of the county or
1614 counties in which the lands are located. The supervisor shall,
1615 within 30 days after the receipt of the petitions, certify to
1616 the governing body ~~board~~ the number of signatures of qualified
1617 electors contained on the petition.

1618 2. Upon verification by the supervisor or supervisors of
1619 elections of the county or counties within which district lands
1620 are located that 10 percent of the qualified electors of the
1621 district have petitioned the governing body ~~board~~, a referendum
1622 election shall be called by the governing body ~~board~~ at the next
1623 regularly scheduled election of governing body ~~board~~ members
1624 occurring at least 30 days after verification of the petition or

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1625 within 6 months of verification, whichever is earlier.

1626 3. If the qualified electors approve the election procedure
1627 described in this subsection, the governing body ~~board~~ of the
1628 district shall be increased to five members and elections shall
1629 be held pursuant to the criteria described in this subsection
1630 beginning with the next regularly scheduled election of
1631 governing body ~~board~~ members or at a special election called
1632 within 6 months following the referendum and final unappealed
1633 approval of district urban area maps as provided in paragraph
1634 (b), whichever is earlier.

1635 4. If the qualified electors of the district disapprove the
1636 election procedure described in this subsection, elections of
1637 the members of the governing body ~~board~~ shall continue as
1638 described by s. 298.12 or the enabling legislation for the
1639 district. No further referendum on the question shall be held
1640 for a minimum period of 2 years following the referendum.

1641 (b) *Designation of urban areas.*—

1642 1. Within 30 days after approval of the election process
1643 described in this subsection by qualified electors of the
1644 district, the governing body ~~board~~ shall direct the district
1645 staff to prepare and present maps of the district describing the
1646 extent and location of all urban areas within the district. Such
1647 determination shall be based upon the criteria contained within
1648 paragraph (1) (b).

1649 2. Within 60 days after approval of the election process
1650 described in this subsection by qualified electors of the
1651 district, the maps describing urban areas within the district
1652 shall be presented to the governing body ~~board~~.

1653 3. Any district landowner or elector may contest the

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1654 accuracy of the urban area maps prepared by the district staff
1655 within 30 days after submission to the governing body ~~board~~.
1656 Upon notice of objection to the maps, the governing body ~~board~~
1657 shall request the county engineer to prepare and present maps of
1658 the district describing the extent and location of all urban
1659 areas within the district. Such determination shall be based
1660 upon the criteria contained within paragraph (1)(b). Within 30
1661 days after the governing body ~~board~~ request, the county engineer
1662 shall present the maps to the governing body ~~board~~.

1663 4. Upon presentation of the maps by the county engineer,
1664 the governing body ~~board~~ shall compare the maps submitted by
1665 both the district staff and the county engineer and make a
1666 determination as to which set of maps to adopt. Within 60 days
1667 after presentation of all such maps, the governing body ~~board~~
1668 may amend and shall adopt the official maps at a regularly
1669 scheduled meeting of the governing body ~~board meeting~~.

1670 5. Any district landowner or qualified elector may contest
1671 the accuracy of the urban area maps adopted by the governing
1672 body ~~board~~ within 30 days after adoption by petition to the
1673 circuit court with jurisdiction over the district. Accuracy
1674 shall be determined pursuant to paragraph (1)(b). Any petitions
1675 so filed shall be heard expeditiously, and the maps shall either
1676 be approved or approved with necessary amendments to render the
1677 maps accurate and shall be certified to the governing body
1678 ~~board~~.

1679 6. Upon adoption by the governing body ~~board~~ or
1680 certification by the court, the district urban area maps shall
1681 serve as the official maps for determination of the extent of
1682 urban area within the district and the number of governing body

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1683 ~~board~~ members to be elected by qualified electors and by the
1684 one-acre/one-vote principle at the next regularly scheduled
1685 election of governing body ~~board~~ members.

1686 7. Upon a determination of the percentage of urban area
1687 within the district as compared with total area within the
1688 district, the governing body ~~board~~ shall order elections in
1689 accordance with the percentages pursuant to paragraph (3) (a).
1690 The landowners' meeting date shall be designated by the
1691 governing body ~~board~~.

1692 8. The maps shall be updated and readopted every 5 years or
1693 sooner in the discretion of the governing body ~~board~~.

1694 (3) GOVERNING BODY ~~BOARD~~.—

1695 (a) *Composition of* ~~board~~.—

1696 1. Members of the governing body ~~board~~ of the district
1697 shall be elected in accordance with the following determinations
1698 of urban area:

1699 a. If urban areas constitute 25 percent or less of the
1700 district, one governing body ~~board~~ member shall be elected by
1701 the qualified electors and four governing body ~~board~~ members
1702 shall be elected in accordance with the one-acre/one-vote
1703 principle contained within s. 298.11 or the district-enabling
1704 legislation.

1705 b. If urban areas constitute 26 percent to 50 percent of
1706 the district, two governing body ~~board~~ members shall be elected
1707 by the qualified electors and three governing body ~~board~~ members
1708 shall be elected in accordance with the one-acre/one-vote
1709 principle contained within s. 298.11 or the district-enabling
1710 legislation.

1711 c. If urban areas constitute 51 percent to 70 percent of

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1712 the district, three governing body ~~board~~ members shall be
1713 elected by the qualified electors and two governing body ~~board~~
1714 members shall be elected in accordance with the one-acre/one-
1715 vote principle contained within s. 298.11 or the district-
1716 enabling legislation.

1717 d. If urban areas constitute 71 percent to 90 percent of
1718 the district, four governing body ~~board~~ members shall be elected
1719 by the qualified electors and one governing body ~~board~~ member
1720 shall be elected in accordance with the one-acre/one-vote
1721 principle contained within s. 298.11 or the district-enabling
1722 legislation.

1723 e. If urban areas constitute 91 percent or more of the
1724 district, all governing body ~~board~~ members shall be elected by
1725 the qualified electors.

1726 2. All governing body ~~board~~ members elected by qualified
1727 electors shall be elected at large.

1728 (b) *Term of office.*—All governing body ~~board~~ members
1729 elected by qualified electors shall have a term of 4 years
1730 except for governing body ~~board~~ members elected at the first
1731 election and the first landowners' meeting following the
1732 referendum prescribed in paragraph (2) (a). Governing body ~~board~~
1733 members elected at the first election and the first landowners'
1734 meeting following the referendum shall serve as follows:

1735 1. If one governing body ~~board~~ member is elected by the
1736 qualified electors and four are elected on a one-acre/one-vote
1737 basis, the governing body ~~board~~ member elected by the qualified
1738 electors shall be elected for a period of 4 years. Governing
1739 body ~~board~~ members elected on a one-acre/one-vote basis shall be
1740 elected for periods of 1, 2, 3, and 4 years, respectively, as

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1741 prescribed by ss. 298.11 and 298.12.

1742 2. If two governing body ~~board~~ members are elected by the
1743 qualified electors and three are elected on a one-acre/one-vote
1744 basis, the governing body ~~board~~ members elected by the electors
1745 shall be elected for a period of 4 years. Governing body ~~board~~
1746 members elected on a one-acre/one-vote basis shall be elected
1747 for periods of 1, 2, and 3 years, respectively, as prescribed by
1748 ss. 298.11 and 298.12.

1749 3. If three governing body ~~board~~ members are elected by the
1750 qualified electors and two are elected on a one-acre/one-vote
1751 basis, two of the governing body ~~board~~ members elected by the
1752 electors shall be elected for a term of 4 years and the other
1753 governing body ~~board~~ member elected by the electors shall be
1754 elected for a term of 2 years. Governing body ~~board~~ members
1755 elected on a one-acre/one-vote basis shall be elected for terms
1756 of 1 and 2 years, respectively, as prescribed by ss. 298.11 and
1757 298.12.

1758 4. If four governing body ~~board~~ members are elected by the
1759 qualified electors and one is elected on a one-acre/one-vote
1760 basis, two of the governing body ~~board~~ members elected by the
1761 electors shall be elected for a term of 2 years and the other
1762 two for a term of 4 years. The governing body ~~board~~ member
1763 elected on a one-acre/one-vote basis shall be elected for a term
1764 of 1 year as prescribed by ss. 298.11 and 298.12.

1765 5. If five governing body ~~board~~ members are elected by the
1766 qualified electors, three shall be elected for a term of 4 years
1767 and two for a term of 2 years.

1768 6. If any vacancy occurs in a seat occupied by a governing
1769 body ~~board~~ member elected by the qualified electors, the

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1770 remaining members of the governing body ~~board~~ shall, within 45
1771 days after the vacancy occurs, appoint a person who would be
1772 eligible to hold the office to the unexpired term.

1773 (c) *Landowners' meetings.*—

1774 1. An annual landowners' meeting shall be held pursuant to
1775 s. 298.11 and at least one governing body ~~board~~ member shall be
1776 elected on a one-acre/one-vote basis pursuant to s. 298.12 for
1777 so long as 10 percent or more of the district is not contained
1778 in an urban area. In the event all district governing body ~~board~~
1779 members are elected by qualified electors, there shall be no
1780 further landowners' meetings.

1781 2. At any landowners' meeting called pursuant to this
1782 section, 50 percent of the district acreage shall not be
1783 required to constitute a quorum and each governing body ~~board~~
1784 member shall be elected by a majority of the acreage represented
1785 either by owner or proxy present and voting at said meeting.

1786 3. All landowners' meetings of districts operating pursuant
1787 to this section shall be set by the governing body ~~board~~ within
1788 the month preceding the month of the election of the governing
1789 body ~~board~~ members by the electors.

1790 4. Vacancies on the governing body ~~board~~ shall be filled
1791 pursuant to s. 298.12 except as otherwise provided in
1792 subparagraph (b)6.

1793 (4) QUALIFICATIONS.—Elections for governing body ~~board~~
1794 members elected by qualified electors shall be nonpartisan.
1795 Qualifications shall be pursuant to the Florida Election Code
1796 and shall occur during the qualifying period established by s.
1797 99.061. Qualification requirements shall only apply to those
1798 governing body ~~board~~ member candidates elected by qualified

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1799 electors. Following the first election pursuant to this section,
1800 elections to the governing body ~~board~~ by qualified electors
1801 shall occur at the next regularly scheduled election closest in
1802 time to the expiration date of the term of the elected governing
1803 body ~~board~~ member. If the next regularly scheduled election is
1804 beyond the normal expiration time for the term of an elected
1805 governing body ~~board~~ member, the governing body ~~board~~ member
1806 shall hold office until the election of a successor.

1807 (5) Those districts established as single-purpose water
1808 control districts, and which continue to act as single-purpose
1809 water control districts, pursuant to chapter 298, pursuant to a
1810 special act, pursuant to a local government ordinance, or
1811 pursuant to a judicial decree, shall be exempt from the
1812 provisions of this section. All other independent special
1813 districts with governing bodies ~~boards~~ elected on a one-
1814 acre/one-vote basis shall be subject to the provisions of this
1815 section.

1816 (6) The provisions of this section shall not apply to
1817 community development districts established pursuant to chapter
1818 190.

1819 Section 31. Section 189.4065, Florida Statutes, is
1820 transferred and renumbered as section 189.05, Florida Statutes.

1821 Section 32. Section 189.408, Florida Statutes, is
1822 transferred and renumbered as section 189.042, Florida Statutes.

1823 Section 33. Section 189.4085, Florida Statutes, is
1824 transferred and renumbered as section 189.051, Florida Statutes.

1825 Section 34. Section 189.412, Florida Statutes, is
1826 transferred and renumbered as section 189.064, Florida Statutes,
1827 and amended to read:

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1828 189.064 ~~189.412~~ Special District Accountability Information
1829 Program; duties and responsibilities.—The Special District
1830 Accountability Information Program of the department ~~of Economic~~
1831 ~~Opportunity is created~~ and has the following ~~special~~ duties:

1832 (1) Electronically publishing ~~The collection and~~
1833 ~~maintenance of~~ special district noncompliance status reports
1834 from the department ~~of Management Services~~, the Department of
1835 Financial Services, the Division of Bond Finance of the State
1836 Board of Administration, the Auditor General, and the
1837 Legislative Auditing Committee, for the reporting required in
1838 ss. 112.63, 218.32, 218.38, and 218.39. The noncompliance
1839 reports must list those special districts that did not comply
1840 with the statutory reporting requirements and be made available
1841 to the public electronically.

1842 (2) Maintaining the official list of special districts ~~The~~
1843 ~~maintenance of a master list of independent and dependent~~
1844 ~~special districts which shall be available on the department's~~
1845 ~~website~~.

1846 (3) ~~The~~ Publishing and updating of a "Florida Special
1847 District Handbook" that contains, at a minimum:

1848 (a) A section that specifies definitions of special
1849 districts and status distinctions in the statutes.

1850 (b) A section or sections that specify current statutory
1851 provisions for special district creation, implementation,
1852 modification, dissolution, and operating procedures.

1853 (c) A section that summarizes the reporting requirements
1854 applicable to all types of special districts as provided in ss.
1855 189.015 and 189.016 ~~189.417 and 189.418~~.

1856 ~~(4) When feasible, securing and maintaining access to~~

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1857 ~~special district information collected by all state agencies in~~
 1858 ~~existing or newly created state computer systems.~~

1859 (4)(5) Coordinating and communicating ~~The facilitation of~~
 1860 ~~coordination and communication~~ among state agencies regarding
 1861 special districts ~~district information.~~

1862 ~~(6) The conduct of studies relevant to special districts.~~

1863 (5)(7) Providing technical advisory ~~The provision of~~
 1864 assistance related to special districts regarding the and
 1865 ~~appropriate in the performance of~~ requirements specified in this
 1866 chapter, ~~including assisting with an annual conference sponsored~~
 1867 ~~by the Florida Association of Special Districts or its~~
 1868 ~~successor.~~

1869 (6)(8) Providing assistance to local general-purpose
 1870 governments and ~~certain~~ state agencies in collecting delinquent
 1871 reports or information.7

1872 (7) Helping special districts comply with reporting
 1873 requirements.7

1874 (8) Declaring special districts inactive when appropriate,
 1875 ~~and, when~~ directed by the Legislative Auditing Committee or
 1876 required by this chapter.7

1877 (9) Initiating enforcement proceedings ~~provisions~~ as
 1878 provided in ss. 189.062, 189.066, and 189.067 ~~189.4044, 189.419,~~
 1879 ~~and 189.421.~~

1880 Section 35. Section 189.413, Florida Statutes, is
 1881 transferred and renumbered as section 189.065, Florida Statutes,
 1882 and amended to read:

1883 189.065 ~~189.413~~ Special districts; oversight of state funds
 1884 use.—Any state agency administering funding programs for which
 1885 special districts are eligible shall be responsible for

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1886 oversight of the use of such funds by special districts. The
 1887 oversight responsibilities shall include, but not be limited to:

1888 (1) Reporting the existence of the program to the Special
 1889 District Accountability Information ~~Information~~ Program of the department.

1890 (2) Submitting annually a list of special districts
 1891 participating in a state funding program to the Special District
 1892 Accountability Information ~~Information~~ Program of the department. This list
 1893 must indicate the special districts, if any, that are not in
 1894 compliance with state funding program requirements.

1895 Section 36. Section 189.415, Florida Statutes, is
 1896 transferred and renumbered as section 189.08, Florida Statutes.

1897 Section 37. Section 189.4155, Florida Statutes, is
 1898 transferred and renumbered as section 189.081, Florida Statutes.

1899 Section 38. Section 189.4156, Florida Statutes, is
 1900 transferred and renumbered as section 189.082, Florida Statutes.

1901 Section 39. Section 189.416, Florida Statutes, is
 1902 transferred and renumbered as section 189.014, Florida Statutes,
 1903 and subsection (1) of that section is amended, to read:

1904 189.014 ~~189.416~~ Designation of registered office and
 1905 agent.—

1906 (1) Within 30 days after the first meeting of its governing
 1907 body ~~board~~, each special district in the state shall designate a
 1908 registered office and a registered agent and file such
 1909 information with the local governing authority or authorities
 1910 and with the department. The registered agent shall be an agent
 1911 of the district upon whom any process, notice, or demand
 1912 required or permitted by law to be served upon the district may
 1913 be served. A registered agent shall be an individual resident of
 1914 this state whose business address is identical with the

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1915 registered office of the district. The registered office may be,
1916 but need not be, the same as the place of business of the
1917 special district.

1918 Section 40. Section 189.417, Florida Statutes, is
1919 transferred and renumbered as section 189.015, Florida Statutes,
1920 and subsection (1) of that section is amended, to read:

1921 189.015 ~~189.417~~ Meetings; notice; required reports.-

1922 (1) The governing body of each special district shall file
1923 quarterly, semiannually, or annually a schedule of its regular
1924 meetings with the local governing authority or authorities. The
1925 schedule shall include the date, time, and location of each
1926 scheduled meeting. The schedule shall be published quarterly,
1927 semiannually, or annually in a newspaper of general paid
1928 circulation in the manner required in this subsection. The
1929 governing body of an independent special district shall
1930 advertise the day, time, place, and purpose of any meeting other
1931 than a regular meeting or any recessed and reconvened meeting of
1932 the governing body, at least 7 days before ~~prior to~~ such
1933 meeting, in a newspaper of general paid circulation in the
1934 county or counties in which the special district is located,
1935 unless a bona fide emergency situation exists, in which case a
1936 meeting to deal with the emergency may be held as necessary,
1937 with reasonable notice, so long as it is subsequently ratified
1938 by the governing body ~~board~~. No approval of the annual budget
1939 shall be granted at an emergency meeting. The advertisement
1940 shall be placed in that portion of the newspaper where legal
1941 notices and classified advertisements appear. The advertisement
1942 shall appear in a newspaper that is published at least 5 days a
1943 week, unless the only newspaper in the county is published fewer

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1944 than 5 days a week. The newspaper selected must be one of
 1945 general interest and readership in the community and not one of
 1946 limited subject matter, pursuant to chapter 50. Any other
 1947 provision of law to the contrary notwithstanding, and except in
 1948 the case of emergency meetings, water management districts may
 1949 provide reasonable notice of public meetings held to evaluate
 1950 responses to solicitations issued by the water management
 1951 district, by publication in a newspaper of general paid
 1952 circulation in the county where the principal office of the
 1953 water management district is located, or in the county or
 1954 counties where the public work will be performed, no less than 7
 1955 days before such meeting.

1956 Section 41. Section 189.418, Florida Statutes, is
 1957 transferred and renumbered as section 189.016, Florida Statutes,
 1958 and subsections (2) and (10) of that section are amended, to
 1959 read:

1960 189.016 ~~189.418~~ Reports; budgets; audits.—

1961 (2) Any amendment, modification, or update of the document
 1962 by which the district was created, including changes in
 1963 boundaries, must be filed with the department within 30 days
 1964 after adoption. The department may initiate proceedings against
 1965 special districts as provided in s. 189.067 ~~189.421~~ for failure
 1966 to file the information required by this subsection. However,
 1967 for the purposes of this section and s. 175.101(1), the
 1968 boundaries of a district shall be deemed to include an area that
 1969 has been annexed until the completion of the 4-year period
 1970 specified in s. 171.093(4) or other mutually agreed upon
 1971 extension, or when a district is providing services pursuant to
 1972 an interlocal agreement entered into pursuant to s. 171.093(3).

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1973 (10) All reports or information required to be filed with a
 1974 local general-purpose government or governing authority under
 1975 ss. 189.08, 189.014, and 189.015 ~~189.415, 189.416, and 189.417~~
 1976 and subsection (8) must:

1977 (a) If the local general-purpose government or governing
 1978 authority is a county, be filed with the clerk of the board of
 1979 county commissioners.

1980 (b) If the district is a multicounty district, be filed
 1981 with the clerk of the county commission in each county.

1982 (c) If the local general-purpose government or governing
 1983 authority is a municipality, be filed at the place designated by
 1984 the municipal governing body.

1985 Section 42. Section 189.419, Florida Statutes, is
 1986 transferred, renumbered as section 189.066, Florida Statutes,
 1987 and amended to read:

1988 189.066 ~~189.419~~ Effect of failure to file certain reports
 1989 or information.—

1990 (1) If an independent special district fails to file the
 1991 reports or information required under s. 189.08, s. 189.014, s.
 1992 189.015, or s. 189.016(9) ~~189.415, s. 189.416, s. 189.417, or s.~~
 1993 ~~189.418(9)~~ with the local general-purpose government or
 1994 governments in which it is located, the person authorized to
 1995 receive and read the reports or information or the local
 1996 general-purpose government shall notify the district's
 1997 registered agent. If requested by the district, the local
 1998 general-purpose government shall grant an extension of up to 30
 1999 days for filing the required reports or information. If the
 2000 governing body of the local general-purpose government or
 2001 governments determines that there has been an unjustified

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2002 failure to file these reports or information, it may notify the
2003 department, and the department may proceed pursuant to s.
2004 189.067(1) ~~189.421(1)~~.

2005 (2) If a dependent special district fails to file the
2006 reports or information required under s. 189.014, s. 189.015, or
2007 s. 189.016(9) ~~189.416, s. 189.417, or s. 189.418(9)~~ with the
2008 local governing authority to which it is dependent, the local
2009 governing authority shall take whatever steps it deems necessary
2010 to enforce the special district's accountability. Such steps may
2011 include, as authorized, withholding funds, removing governing
2012 body ~~board~~ members at will, vetoing the special district's
2013 budget, conducting the oversight review process set forth in s.
2014 189.068 ~~189.428~~, or amending, merging, or dissolving the special
2015 district in accordance with the provisions contained in the
2016 ordinance that created the dependent special district.

2017 (3) If a special district fails to file the reports or
2018 information required under s. 218.38 with the appropriate state
2019 agency, the agency shall notify the department, and the
2020 department shall send a certified technical assistance letter to
2021 the special district which summarizes the requirements and
2022 compels ~~encourages~~ the special district to take steps to prevent
2023 the noncompliance from reoccurring.

2024 (4) If a special district fails to file the reports or
2025 information required under s. 112.63 with the appropriate state
2026 agency, the agency shall notify the department and the
2027 department shall proceed pursuant to s. 189.067(1) ~~189.421(1)~~.

2028 (5) If a special district fails to file the reports or
2029 information required under s. 218.32 or s. 218.39 with the
2030 appropriate state agency or office, the state agency or office

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2031 shall notify,~~and~~ the Legislative Auditing Committee ~~may~~,notify
 2032 ~~the department and the department shall proceed pursuant to s.~~
 2033 ~~189.421.~~

2034 (6) If a special district created by special act of the
 2035 Legislature fails to file the reports or information required
 2036 under s. 218.32 or s. 218.39 with the appropriate state agency
 2037 or office, the Legislative Auditing Committee shall notify the
 2038 department and the chair of the county legislative delegation in
 2039 writing, pursuant to s. 189.034.

2040 (7) If a special district created by ordinance fails to
 2041 file the reports or information required under s. 218.32 or
 2042 218.39 with the appropriate state agency or office, the
 2043 Legislative Auditing Committee shall notify the department and
 2044 the chair or equivalent of the local general-purpose government
 2045 that created the district, in writing, pursuant to s. 189.035.

2046 Section 43. Section 189.420, Florida Statutes, is
 2047 transferred and renumbered as section 189.052, Florida Statutes.

2048 Section 44. Section 189.421, Florida Statutes, is
 2049 transferred, renumbered as section 189.067, Florida Statutes,
 2050 and amended to read:

2051 189.067 ~~189.421~~ Failure of district to disclose financial
 2052 reports.-

2053 (1) (a) If notified pursuant to s. 189.066(1) ~~189.419(1)~~,
 2054 (4), or (5), the department shall attempt to assist a special
 2055 district in complying with its financial reporting requirements
 2056 by sending a certified letter to the special district, and, if
 2057 the special district is dependent, sending a copy of that letter
 2058 to the chair of the local governing authority. The letter must
 2059 include a description of the required report, including

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2060 statutory submission deadlines, a contact telephone number for
2061 technical assistance to help the special district comply, a 60-
2062 day deadline for filing the required report with the appropriate
2063 entity, the address where the report must be filed, and an
2064 explanation of the penalties for noncompliance.

2065 (b) A special district that is unable to meet the 60-day
2066 reporting deadline must provide written notice to the department
2067 before the expiration of the deadline stating the reason the
2068 special district is unable to comply with the deadline, the
2069 steps the special district is taking to prevent the
2070 noncompliance from reoccurring, and the estimated date that the
2071 special district will file the report with the appropriate
2072 agency. The district's written response does not constitute an
2073 extension by the department; however, the department shall
2074 forward the written response as follows ~~to~~:

2075 1. If the written response refers to the reports required
2076 under s. 218.32 or s. 218.39, to the Legislative Auditing
2077 Committee for its consideration in determining whether the
2078 special district should be subject to further state action in
2079 accordance with s. 11.40(2)(b).

2080 2. If the written response refers to the reports or
2081 information requirements listed in s. 189.066(1) ~~189.419(1)~~, to
2082 the local general-purpose government or governments for their
2083 consideration in determining whether the oversight review
2084 process set forth in s. 189.068 ~~189.428~~ should be undertaken.

2085 3. If the written response refers to the reports or
2086 information required under s. 112.63, to the Department of
2087 Management Services for its consideration in determining whether
2088 the special district should be subject to further state action

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2089 in accordance with s. 112.63(4)(d)2.

2090 (2) Failure of a special district to comply with the
2091 actuarial and financial reporting requirements under s. 112.63,
2092 s. 218.32, or s. 218.39 after the procedures of subsection (1)
2093 are exhausted shall be deemed final action of the special
2094 district. The actuarial and financial reporting requirements are
2095 declared to be essential requirements of law. Remedy for
2096 noncompliance shall be as provided in s. 189.034 or s. 189.035
2097 ~~by writ of certiorari as set forth in subsection (4).~~

2098 ~~(3) Pursuant to s. 11.40(2)(b), the Legislative Auditing~~
2099 ~~Committee shall notify the department of those districts that~~
2100 ~~fail to file the required reports. If the procedures described~~
2101 ~~in subsection (1) have not yet been initiated, the department~~
2102 ~~shall initiate such procedures upon receiving the notice from~~
2103 ~~the Legislative Auditing Committee. Otherwise, within 60 days~~
2104 ~~after receiving such notice, or within 60 days after the~~
2105 ~~expiration of the 60-day deadline provided in subsection (1),~~
2106 ~~whichever occurs later, the department, notwithstanding the~~
2107 ~~provisions of chapter 120, shall file a petition for writ of~~
2108 ~~certiorari with the circuit court. Venue for all actions~~
2109 ~~pursuant to this subsection is in Leon County. The court shall~~
2110 ~~award the prevailing party attorney's fees and costs unless~~
2111 ~~affirmatively waived by all parties. A writ of certiorari shall~~
2112 ~~be issued unless a respondent establishes that the notification~~
2113 ~~of the Legislative Auditing Committee was issued as a result of~~
2114 ~~material error. Proceedings under this subsection are otherwise~~
2115 ~~governed by the Rules of Appellate Procedure.~~

2116 ~~(4) Pursuant to s. 112.63(4)(d)2., the Department of~~
2117 ~~Management Services may notify the department of those special~~

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2118 ~~districts that have failed to file the required adjustments,~~
2119 ~~additional information, or report or statement after the~~
2120 ~~procedures of subsection (1) have been exhausted. Within 60 days~~
2121 ~~after receiving such notice or within 60 days after the 60-day~~
2122 ~~deadline provided in subsection (1), whichever occurs later, the~~
2123 ~~department, notwithstanding chapter 120, shall file a petition~~
2124 ~~for writ of certiorari with the circuit court. Venue for all~~
2125 ~~actions pursuant to this subsection is in Leon County. The court~~
2126 ~~shall award the prevailing party attorney's fees and costs~~
2127 ~~unless affirmatively waived by all parties. A writ of certiorari~~
2128 ~~shall be issued unless a respondent establishes that the~~
2129 ~~notification of the Department of Management Services was issued~~
2130 ~~as a result of material error. Proceedings under this subsection~~
2131 ~~are otherwise governed by the Rules of Appellate Procedure.~~

2132 Section 45. Section 189.4221, Florida Statutes, is
2133 transferred and renumbered as section 189.053, Florida Statutes.

2134 Section 46. Section 189.423, Florida Statutes, is
2135 transferred and renumbered as section 189.054, Florida Statutes.

2136 Section 47. Section 189.425, Florida Statutes, is
2137 transferred and renumbered as section 189.017, Florida Statutes.

2138 Section 48. Section 189.427, Florida Statutes, is
2139 transferred and renumbered as section 189.018, Florida Statutes,
2140 and amended to read:

2141 189.018 ~~189.427~~ Fee schedule; Operating Grants and
2142 ~~Donations Trust Fund.~~—The department ~~of Economic Opportunity,~~ by
2143 rule, shall establish a schedule of fees to pay one-half of the
2144 costs incurred by the department in administering this act,
2145 except that the fee may not exceed \$175 per district per year.
2146 The fees collected under this section shall be deposited in the

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2147 ~~Operating Grants and Donations~~ Trust Fund, which shall be
2148 administered by the department of ~~Economic Opportunity~~. Any fee
2149 rule must consider factors such as the dependent and independent
2150 status of the district and district revenues for the most recent
2151 fiscal year as reported to the Department of Financial Services.
2152 The department may assess fines of not more than \$25, with an
2153 aggregate total not to exceed \$50, as penalties against special
2154 districts that fail to remit required fees to the department. It
2155 is the intent of the Legislature that general revenue funds will
2156 be made available to the department to pay one-half of the cost
2157 of administering this act.

2158 Section 49. Section 189.428, Florida Statutes, is
2159 transferred and renumbered as section 189.068, Florida Statutes,
2160 and amended, to read:

2161 189.068 ~~189.428~~ Special districts; oversight review
2162 process.—

2163 (1) The Legislature finds it to be in the public interest
2164 to establish an oversight review process for special districts
2165 wherein each special district in the state may be reviewed by
2166 the local general-purpose government in which the district
2167 exists. The Legislature further finds and determines that such
2168 law fulfills an important state interest. It is the intent of
2169 the Legislature that the oversight review process shall
2170 contribute to informed decisionmaking. These decisions may
2171 involve the continuing existence or dissolution of a district,
2172 the appropriate future role and focus of a district,
2173 improvements in the functioning or delivery of services by a
2174 district, and the need for any transition, adjustment, or
2175 special implementation periods or provisions. Any final

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2176 recommendations from the oversight review process that are
2177 adopted and implemented by the appropriate level of government
2178 shall not be implemented in a manner that would impair the
2179 obligation of contracts.

2180 ~~(2) It is the intent of the Legislature that any oversight~~
2181 ~~review process be conducted in conjunction with special district~~
2182 ~~public facilities reporting and the local government evaluation~~
2183 ~~and appraisal report process described in s. 189.415(2).~~

2184 ~~(2)(3) The order in which Special districts are may be~~
2185 ~~subject to oversight review shall be determined by the reviewer~~
2186 ~~and shall occur as follows:~~

2187 ~~(a) All independent special districts created by special~~
2188 ~~act of the Legislature may be reviewed by any legislative~~
2189 ~~delegation of a county in which the geographical jurisdiction of~~
2190 ~~the special district exists.~~

2191 ~~(b)(a) All dependent special districts may be reviewed by~~
2192 ~~the general-purpose local government to which they are~~
2193 ~~dependent.~~

2194 ~~(b) All single-county independent special districts may be~~
2195 ~~reviewed by a county or municipality in which they are located~~
2196 ~~or the government that created the district. Any single-county~~
2197 ~~independent district that serves an area greater than the~~
2198 ~~boundaries of one general-purpose local government may only be~~
2199 ~~reviewed by the county on the county's own initiative or upon~~
2200 ~~receipt of a request from any municipality served by the special~~
2201 ~~district.~~

2202 ~~(c) All multicounty independent special districts may be~~
2203 ~~reviewed by the government that created the district. Any~~
2204 ~~general-purpose local governments within the boundaries of a~~

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2205 ~~multicounty district may prepare a preliminary review of a~~
2206 ~~multicounty special district for possible reference or inclusion~~
2207 ~~in the full review report.~~

2208 ~~(d) Upon request by the reviewer, any special district~~
2209 ~~within all or a portion of the same county as the special~~
2210 ~~district being reviewed may prepare a preliminary review of the~~
2211 ~~district for possible reference or inclusion in the full~~
2212 ~~oversight review report.~~

2213 (3)~~(4)~~ All special districts, governmental entities, and
2214 state agencies shall cooperate with the Legislature and with any
2215 general-purpose local government seeking information or
2216 assistance with the oversight review process and with the
2217 preparation of an oversight review report.

2218 (4)~~(5)~~ Those conducting the oversight review process shall,
2219 at a minimum, consider the listed criteria for evaluating the
2220 special district, but may also consider any additional factors
2221 relating to the district and its performance. If any of the
2222 listed criteria does not apply to the special district being
2223 reviewed, it need not be considered. The criteria to be
2224 considered by the reviewer include:

2225 (a) The degree to which the service or services offered by
2226 the special district are essential or contribute to the well-
2227 being of the community.

2228 (b) The extent of continuing need for the service or
2229 services currently provided by the special district.

2230 (c) The extent of municipal annexation or incorporation
2231 activity occurring or likely to occur within the boundaries of
2232 the special district and its impact on the delivery of services
2233 by the special district.

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2234 (d) Whether there is a less costly alternative method of
2235 delivering the service or services that would adequately provide
2236 the district residents with the services provided by the
2237 district.

2238 (e) Whether transfer of the responsibility for delivery of
2239 the service or services to an entity other than the special
2240 district being reviewed could be accomplished without
2241 jeopardizing the district's existing contracts, bonds, or
2242 outstanding indebtedness.

2243 (f) Whether the Auditor General has notified the
2244 Legislative Auditing Committee that the special district's audit
2245 report, reviewed pursuant to s. 11.45(7), indicates that the
2246 district has met any of the conditions specified in s.
2247 218.503(1) or that a deteriorating financial condition exists
2248 that may cause a condition described in s. 218.503(1) to occur
2249 if actions are not taken to address such condition.

2250 (g) Whether the district is inactive according to the
2251 official list of special districts, and whether the district is
2252 meeting and discharging its responsibilities as required by its
2253 charter, as well as projected increases or decreases in district
2254 activity.

2255 (h) Whether the special district has failed to comply with
2256 any of the reporting requirements in this chapter, including
2257 preparation of the public facilities report.

2258 (i) Whether the special district has designated a
2259 registered office and agent as required by s. 189.014 ~~189.416~~,
2260 and has complied with all open public records and meeting
2261 requirements.

2262 ~~(6) Any special district may at any time provide the~~

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2263 ~~Legislature and the general purpose local government conducting~~
2264 ~~the review or making decisions based upon the final oversight~~
2265 ~~review report with written responses to any questions, concerns,~~
2266 ~~preliminary reports, draft reports, or final reports relating to~~
2267 ~~the district.~~

2268 ~~(7) The final report of a reviewing government shall be~~
2269 ~~filed with the government that created the district and shall~~
2270 ~~serve as the basis for any modification to the district charter~~
2271 ~~or dissolution or merger of the district.~~

2272 ~~(8) If legislative dissolution or merger of a district is~~
2273 ~~proposed in the final report, the reviewing government shall~~
2274 ~~also propose a plan for the merger or dissolution, and the plan~~
2275 ~~shall address the following factors in evaluating the proposed~~
2276 ~~merger or dissolution:~~

2277 ~~(a) Whether, in light of independent fiscal analysis,~~
2278 ~~level-of-service implications, and other public policy~~
2279 ~~considerations, the proposed merger or dissolution is the best~~
2280 ~~alternative for delivering services and facilities to the~~
2281 ~~affected area.~~

2282 ~~(b) Whether the services and facilities to be provided~~
2283 ~~pursuant to the merger or dissolution will be compatible with~~
2284 ~~the capacity and uses of existing local services and facilities.~~

2285 ~~(c) Whether the merger or dissolution is consistent with~~
2286 ~~applicable provisions of the state comprehensive plan, the~~
2287 ~~strategic regional policy plan, and the local government~~
2288 ~~comprehensive plans of the affected area.~~

2289 ~~(d) Whether the proposed merger adequately provides for the~~
2290 ~~assumption of all indebtedness.~~

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2292 ~~The reviewing government shall consider the report in a public~~
2293 ~~hearing held within the jurisdiction of the district. If adopted~~
2294 ~~by the governing board of the reviewing government, the request~~
2295 ~~for legislative merger or dissolution of the district may~~
2296 ~~proceed. The adopted plan shall be filed as an attachment to the~~
2297 ~~economic impact statement regarding the proposed special act or~~
2298 ~~general act of local application dissolving a district.~~

2299 ~~(9) This section does not apply to a deepwater port listed~~
2300 ~~in s. 311.09(1) which is in compliance with a port master plan~~
2301 ~~adopted pursuant to s. 163.3178(2)(k), or to an airport~~
2302 ~~authority operating in compliance with an airport master plan~~
2303 ~~approved by the Federal Aviation Administration, or to any~~
2304 ~~special district organized to operate health systems and~~
2305 ~~facilities licensed under chapter 395, chapter 400, or chapter~~
2306 ~~429.~~

2307 Section 50. Section 189.429, Florida Statutes, is
2308 transferred and renumbered as section 189.019, Florida Statutes,
2309 and subsection (1) of that section is amended, to read:

2310 189.019 ~~189.429~~ Codification.—

2311 (1) Each district, by December 1, 2004, shall submit to the
2312 Legislature a draft codified charter, at its expense, so that
2313 its special acts may be codified into a single act for
2314 reenactment by the Legislature, if there is more than one
2315 special act for the district. The Legislature may adopt a
2316 schedule for individual district codification. Any codified act
2317 relating to a district, which act is submitted to the
2318 Legislature for reenactment, shall provide for the repeal of all
2319 prior special acts of the Legislature relating to the district.
2320 The codified act shall be filed with the department pursuant to

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2321 s. 189.016(2) ~~189.418(2)~~.

2322 Section 51. Sections 189.430, 189.431, 189.432, 189.433,
2323 189.434, 189.435, 189.436, 189.437, 189.438, 189.439, 189.440,
2324 189.441, 189.442, 189.443, and 189.444, Florida Statutes, are
2325 repealed.

2326 Section 52. Section 189.034, Florida Statutes, is created
2327 to read:

2328 189.034 Oversight of special districts created by special
2329 act of the Legislature.-

2330 (1) If a special district created by special act of the
2331 Legislature fails to file reports required under ss. 218.32 and
2332 218.39 with the appropriate state agency, the Legislative
2333 Auditing Committee or its designee shall provide written notice
2334 of the district's noncompliance to the chair of the county
2335 legislative delegation in which the geographical boundaries of
2336 the jurisdiction of the special district are located or, if the
2337 jurisdiction of the special district extends beyond the
2338 boundaries of a single county, to the chairs of the county
2339 legislative delegation for each county in which the district has
2340 jurisdiction.

2341 (2) The chair of the county legislative delegation shall
2342 convene a public hearing on the issue of noncompliance within 6
2343 months after receipt of notice of noncompliance from the
2344 Legislative Auditing Committee.

2345 (3) Before the public hearing regarding the special
2346 district's noncompliance, the county legislative delegation may
2347 request the following information from the special district:

2348 (a) The district's annual financial report for the previous
2349 fiscal year.

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2350 (b) The district's audit report for the previous fiscal
2351 year.

2352 (c) An annual report for the previous fiscal year providing
2353 a detailed review of the performance of the special district,
2354 which must include the following information:

2355 1. The mission of the special district.

2356 2. The sources of funding for the special district.

2357 3. A description of the major activities, programs, and
2358 initiatives the special district undertook in the most recently
2359 completed fiscal year and the benchmarks or criteria under which
2360 the success or failure of the district was determined by its
2361 governing body.

2362 4. Any challenges or obstacles faced by the special
2363 district in fulfilling its mission and related responsibilities.

2364 5. Ways the special district believes it could better
2365 fulfill its mission and related responsibilities and a
2366 description of the actions that it intends to take during the
2367 ensuing fiscal year.

2368 6. Proposed changes to the special act that established the
2369 special district and justification for such changes.

2370 7. Any other information reasonably required to provide the
2371 legislative delegation with an accurate understanding of the
2372 purpose for which the special district exists and how it is
2373 fulfilling its responsibilities to accomplish that purpose.

2374 8. Any reasons for the district's noncompliance.

2375 9. Whether the district is currently in compliance.

2376 10. Plans to correct any recurring issues of noncompliance.

2377 11. Efforts to promote transparency, including maintenance
2378 of the district's website in accordance with s. 189.069.

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2379 Section 53. Section 189.035, Florida Statutes, is created
2380 to read:

2381 189.035 Oversight of special districts created by local
2382 ordinance.—

2383 (1) If a special district created by local ordinance fails
2384 to file reports required under ss. 218.32 and 218.39 with the
2385 appropriate state agency, the Legislative Auditing Committee or
2386 its designee shall provide written notice of the district's
2387 noncompliance to the chair or equivalent of the local general-
2388 purpose government.

2389 (2) The chair or equivalent of the local general-purpose
2390 government shall convene a public hearing on the issue of
2391 noncompliance within 6 months after receipt of notice of
2392 noncompliance from the Legislative Auditing Committee.

2393 (3) Before the public hearing regarding the special
2394 district's noncompliance, the local general-purpose government
2395 may request the following information from the special district:

2396 (a) The district's annual financial report for the previous
2397 fiscal year.

2398 (b) The district's audit report for the previous fiscal
2399 year.

2400 (c) An annual report for the previous fiscal year, which
2401 must provide a detailed review of the performance of the special
2402 district and include the following information:

2403 1. The mission of the special district.

2404 2. The sources of funding for the special district.

2405 3. A description of the major activities, programs, and
2406 initiatives the special district undertook in the most recently
2407 completed fiscal year and the benchmarks or criteria under which

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2408 the success or failure of the district was determined by its
2409 governing body.

2410 4. Any challenges or obstacles faced by the special
2411 district in fulfilling its mission and related responsibilities.

2412 5. Ways the special district believes it could better
2413 fulfill its mission and related responsibilities and a
2414 description of the actions that it intends to take during the
2415 ensuing fiscal year.

2416 6. Proposed changes to the special act that established the
2417 special district and justification for such changes.

2418 7. Any other information reasonably required to provide the
2419 legislative delegations with an accurate understanding of the
2420 purpose for which the special district exists and how it is
2421 fulfilling its responsibilities to accomplish that purpose.

2422 8. Any reasons for the district's noncompliance.

2423 9. Whether the district is currently in compliance.

2424 10. Plans to correct any recurring issues of noncompliance.

2425 11. Efforts to promote transparency, including maintenance
2426 of the district's website in accordance with s. 189.069.

2427 Section 54. Section 189.055, Florida Statutes, is created
2428 to read:

2429 189.055 Treatment of special districts.—For the purpose of
2430 s. 196.199(1), special districts shall be treated as
2431 municipalities.

2432 Section 55. Section 189.069, Florida Statutes, is created
2433 to read:

2434 189.069 Special districts; required reporting of
2435 information; web-based public access.—

2436 (1) Beginning on July 1, 2015, for each fiscal year, all

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2437 special districts shall annually update and maintain on their
2438 respective official Internet websites the information required
2439 by this section in accordance with s. 189.016. All special
2440 districts shall submit their official Internet website addresses
2441 to the department.

2442 (a) A special district shall post the following
2443 information, at a minimum, on the district's official website:

2444 1. The full legal name of the special district.

2445 2. The public purpose of the special district.

2446 3. The name, address, e-mail address, and, if applicable,
2447 the term and appointing authority for each member of the
2448 governing body of the special district.

2449 4. The fiscal year of the special district.

2450 5. The full text of the special district's charter, the
2451 date the special district was established, the entity that
2452 established the special district, and the statute or statutes
2453 under which the special district operates, if different from the
2454 statute or statutes under which the special district was
2455 established.

2456 6. The mailing address, e-mail address, telephone number,
2457 and Internet website uniform resource locator of the special
2458 district.

2459 7. A description of the boundaries or service area of, and
2460 the services provided by, the special district.

2461 8. A listing of all taxes, fees, or charges imposed and
2462 collected by the special district, including the rates or
2463 amounts charged for the fiscal year and the statutory authority
2464 for the levy of the tax, fee, or charge.

2465 9. The primary contact information for the special district

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2466 for purposes of communication from the department.

2467 10. The code of ethics that applies to the special
2468 district, and whether the special district has adopted
2469 additional ethics provisions.

2470 11. A listing of all federal, state, and local entities
2471 that have oversight authority over the special district or to
2472 which the special district submits reports, data, or
2473 information.

2474 12. The most recent adopted budget of the special district.

2475 13. After the end of each fiscal year, a comparison of the
2476 budget to actual revenues and expenditures for each fiscal year.

2477 14. Any completed audit reports for the most recent
2478 completed fiscal year, and audit reports required by law or
2479 authorized by the governing body of the special district.

2480 15. Any other financial and administrative information
2481 required by the department.

2482 (b) The department's Internet website list of special
2483 districts in the state required under s. 189.061 must include a
2484 link to the website of each special district that provides web-
2485 based access to the public to the information and documents
2486 required under paragraph (a).

2487 Section 56. Section 189.0691, Florida Statutes, is created
2488 to read:

2489 189.0691 Suspension of special district governing body
2490 members.—If a special district violates the requirements of this
2491 chapter, the department shall report such violations, and
2492 provide all appropriate proof of the violations, to the
2493 Governor, who may take action against the governing body members
2494 of the special district as authorized in s. 112.51.

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2495 Section 57. Paragraph (e) of subsection (1) and paragraph
2496 (c) of subsection (7) of section 11.45, Florida Statutes, are
2497 amended to read:

2498 11.45 Definitions; duties; authorities; reports; rules.—

2499 (1) DEFINITIONS.—As used in ss. 11.40-11.51, the term:

2500 (e) "Local governmental entity" means a county agency,
2501 municipality, or special district as defined in s. 189.012
2502 ~~189.403~~, but does not include any housing authority established
2503 under chapter 421.

2504 (7) AUDITOR GENERAL REPORTING REQUIREMENTS.—

2505 (c) The Auditor General shall provide annually a list of
2506 those special districts which are not in compliance with s.
2507 218.39 to the Special District Accountability Information
2508 Program of the Department of Economic Opportunity.

2509 Section 58. Paragraph (c) of subsection (4) of section
2510 100.011, Florida Statutes, is amended to read:

2511 100.011 Opening and closing of polls, all elections;
2512 expenses.—

2513 (4)

2514 (c) The provisions of any special law to the contrary
2515 notwithstanding, all independent and dependent special district
2516 elections, with the exception of community development district
2517 elections, shall be conducted in accordance with the
2518 requirements of ss. 189.04 and 189.041 ~~189.405 and 189.4051~~.

2519 Section 59. Paragraph (f) of subsection (1) of section
2520 101.657, Florida Statutes, is amended to read:

2521 101.657 Early voting.—

2522 (1)

2523 (f) Notwithstanding the requirements of s. 189.04 ~~189.405~~,

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2524 special districts may provide early voting in any district
 2525 election not held in conjunction with county or state elections.
 2526 If a special district provides early voting, it may designate as
 2527 many sites as necessary and shall conduct its activities in
 2528 accordance with the provisions of paragraphs (a)-(c). The
 2529 supervisor is not required to conduct early voting if it is
 2530 provided pursuant to this subsection.

2531 Section 60. Paragraph (a) of subsection (14) of section
 2532 112.061, Florida Statutes, is amended to read:

2533 112.061 Per diem and travel expenses of public officers,
 2534 employees, and authorized persons.—

2535 (14) APPLICABILITY TO COUNTIES, COUNTY OFFICERS, DISTRICT
 2536 SCHOOL BOARDS, SPECIAL DISTRICTS, AND METROPOLITAN PLANNING
 2537 ORGANIZATIONS.—

2538 (a) The following entities may establish rates that vary
 2539 from the per diem rate provided in paragraph (6) (a), the
 2540 subsistence rates provided in paragraph (6) (b), or the mileage
 2541 rate provided in paragraph (7) (d) if those rates are not less
 2542 than the statutorily established rates that are in effect for
 2543 the 2005-2006 fiscal year:

2544 1. The governing body of a county by the enactment of an
 2545 ordinance or resolution;

2546 2. A county constitutional officer, pursuant to s. 1(d),
 2547 Art. VIII of the State Constitution, by the establishment of
 2548 written policy;

2549 3. The governing body of a district school board by the
 2550 adoption of rules;

2551 4. The governing body of a special district, as defined in
 2552 s. 189.012 ~~189.403(1)~~, except those special districts that are

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2553 subject to s. 166.021(9), by the enactment of a resolution; or

2554 5. Any metropolitan planning organization created pursuant
2555 to s. 339.175 or any other separate legal or administrative
2556 entity created pursuant to s. 339.175 of which a metropolitan
2557 planning organization is a member, by the enactment of a
2558 resolution.

2559 Section 61. Paragraph (d) of subsection (4) of section
2560 112.63, Florida Statutes, is amended to read:

2561 112.63 Actuarial reports and statements of actuarial
2562 impact; review.—

2563 (4) Upon receipt, pursuant to subsection (2), of an
2564 actuarial report, or, pursuant to subsection (3), of a statement
2565 of actuarial impact, the Department of Management Services shall
2566 acknowledge such receipt, but shall only review and comment on
2567 each retirement system's or plan's actuarial valuations at least
2568 on a triennial basis.

2569 (d) In the case of an affected special district, the
2570 Department of Management Services shall also notify the
2571 Department of Economic Opportunity. Upon receipt of
2572 notification, the Department of Economic Opportunity shall
2573 proceed pursuant to s. 189.067 ~~189.421~~.

2574 1. Failure of a special district to provide a required
2575 report or statement, to make appropriate adjustments, or to
2576 provide additional material information after the procedures
2577 specified in s. 189.067(1) ~~189.421(1)~~ are exhausted shall be
2578 deemed final action by the special district.

2579 2. The Department of Management Services may notify the
2580 Department of Economic Opportunity of those special districts
2581 that failed to come into compliance. Upon receipt of

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2582 notification, the Department of Economic Opportunity shall
2583 proceed pursuant to s. 189.067(4) ~~189.421(4)~~.

2584 Section 62. Subsection (1) of section 112.665, Florida
2585 Statutes, is amended to read:

2586 112.665 Duties of Department of Management Services.—

2587 (1) The Department of Management Services shall:

2588 (a) Gather, catalog, and maintain complete, computerized
2589 data information on all public employee retirement systems or
2590 plans in the state based upon a review of audits, reports, and
2591 other data pertaining to the systems or plans;

2592 (b) Receive and comment upon all actuarial reviews of
2593 retirement systems or plans maintained by units of local
2594 government;

2595 (c) Cooperate with local retirement systems or plans on
2596 matters of mutual concern and provide technical assistance to
2597 units of local government in the assessment and revision of
2598 retirement systems or plans;

2599 (d) Annually issue, by January 1, a report to the President
2600 of the Senate and the Speaker of the House of Representatives,
2601 which details division activities, findings, and recommendations
2602 concerning all governmental retirement systems. The report may
2603 include legislation proposed to carry out such recommendations;

2604 (e) Provide a fact sheet for each participating local
2605 government defined benefit pension plan which summarizes the
2606 plan's actuarial status. The fact sheet should provide a summary
2607 of the plan's most current actuarial data, minimum funding
2608 requirements as a percentage of pay, and a 5-year history of
2609 funded ratios. The fact sheet must include a brief explanation
2610 of each element in order to maximize the transparency of the

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2611 local government plans. The fact sheet must also contain the
2612 information specified in s. 112.664(1). These documents shall be
2613 posted on the department's website. Plan sponsors that have
2614 websites must provide a link to the department's website;

2615 (f) Annually issue, by January 1, a report to the Special
2616 District Accountability Information ~~Information~~ Program of the Department of
2617 Economic Opportunity which includes the participation in and
2618 compliance of special districts with the local government
2619 retirement system provisions in s. 112.63 and the state-
2620 administered retirement system provisions specified in part I of
2621 chapter 121; and

2622 (g) Adopt reasonable rules to administer this part.

2623 Section 63. Subsection (9) of section 121.021, Florida
2624 Statutes, is amended to read:

2625 121.021 Definitions.—The following words and phrases as
2626 used in this chapter have the respective meanings set forth
2627 unless a different meaning is plainly required by the context:

2628 (9) "Special district" means an independent special
2629 district as defined in s. 189.012 ~~189.403(3)~~.

2630 Section 64. Paragraph (b) of subsection (2) of section
2631 121.051, Florida Statutes, is amended to read:

2632 121.051 Participation in the system.—

2633 (2) OPTIONAL PARTICIPATION.—

2634 (b)1. The governing body of any municipality, metropolitan
2635 planning organization, or special district in the state may
2636 elect to participate in the Florida Retirement System upon
2637 proper application to the administrator and may cover all of its
2638 units as approved by the Secretary of Health and Human Services
2639 and the administrator. The department shall adopt rules

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2640 establishing procedures for the submission of documents
2641 necessary for such application. Before being approved for
2642 participation in the system, the governing body of a
2643 municipality, metropolitan planning organization, or special
2644 district that has a local retirement system must submit to the
2645 administrator a certified financial statement showing the
2646 condition of the local retirement system within 3 months before
2647 the proposed effective date of membership in the Florida
2648 Retirement System. The statement must be certified by a
2649 recognized accounting firm that is independent of the local
2650 retirement system. All required documents necessary for
2651 extending Florida Retirement System coverage must be received by
2652 the department for consideration at least 15 days before the
2653 proposed effective date of coverage. If the municipality,
2654 metropolitan planning organization, or special district does not
2655 comply with this requirement, the department may require that
2656 the effective date of coverage be changed.

2657 2. A municipality, metropolitan planning organization, or
2658 special district that has an existing retirement system covering
2659 the employees in the units that are to be brought under the
2660 Florida Retirement System may participate only after holding a
2661 referendum in which all employees in the affected units have the
2662 right to participate. Only those employees electing coverage
2663 under the Florida Retirement System by affirmative vote in the
2664 referendum are eligible for coverage under this chapter, and
2665 those not participating or electing not to be covered by the
2666 Florida Retirement System shall remain in their present systems
2667 and are not eligible for coverage under this chapter. After the
2668 referendum is held, all future employees are compulsory members

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2669 of the Florida Retirement System.

2670 3. At the time of joining the Florida Retirement System,
2671 the governing body of a municipality, metropolitan planning
2672 organization, or special district complying with subparagraph 1.
2673 may elect to provide, or not provide, benefits based on past
2674 service of officers and employees as described in s. 121.081(1).
2675 However, if such employer elects to provide past service
2676 benefits, such benefits must be provided for all officers and
2677 employees of its covered group.

2678 4. Once this election is made and approved it may not be
2679 revoked, except pursuant to subparagraphs 5. and 6., and all
2680 present officers and employees electing coverage and all future
2681 officers and employees are compulsory members of the Florida
2682 Retirement System.

2683 5. Subject to subparagraph 6., the governing body of a
2684 hospital licensed under chapter 395 which is governed by the
2685 governing body ~~board~~ of a special district as defined in s.
2686 189.012 ~~189.403~~ or by the board of trustees of a public health
2687 trust created under s. 154.07, hereinafter referred to as
2688 "hospital district," and which participates in the Florida
2689 Retirement System, may elect to cease participation in the
2690 system with regard to future employees in accordance with the
2691 following:

2692 a. No more than 30 days and at least 7 days before adopting
2693 a resolution to partially withdraw from the system and establish
2694 an alternative retirement plan for future employees, a public
2695 hearing must be held on the proposed withdrawal and proposed
2696 alternative plan.

2697 b. From 7 to 15 days before such hearing, notice of intent

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2698 to withdraw, specifying the time and place of the hearing, must
2699 be provided in writing to employees of the hospital district
2700 proposing partial withdrawal and must be published in a
2701 newspaper of general circulation in the area affected, as
2702 provided by ss. 50.011-50.031. Proof of publication must be
2703 submitted to the Department of Management Services.

2704 c. The governing body of a hospital district seeking to
2705 partially withdraw from the system must, before such hearing,
2706 have an actuarial report prepared and certified by an enrolled
2707 actuary, as defined in s. 112.625, illustrating the cost to the
2708 hospital district of providing, through the retirement plan that
2709 the hospital district is to adopt, benefits for new employees
2710 comparable to those provided under the system.

2711 d. Upon meeting all applicable requirements of this
2712 subparagraph, and subject to subparagraph 6., partial withdrawal
2713 from the system and adoption of the alternative retirement plan
2714 may be accomplished by resolution duly adopted by the hospital
2715 district board. The hospital district board must provide written
2716 notice of such withdrawal to the division by mailing a copy of
2717 the resolution to the division, postmarked by December 15, 1995.
2718 The withdrawal shall take effect January 1, 1996.

2719 6. Following the adoption of a resolution under sub-
2720 subparagraph 5.d., all employees of the withdrawing hospital
2721 district who were members of the system before January 1, 1996,
2722 shall remain as members of the system for as long as they are
2723 employees of the hospital district, and all rights, duties, and
2724 obligations between the hospital district, the system, and the
2725 employees remain in full force and effect. Any employee who is
2726 hired or appointed on or after January 1, 1996, may not

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2727 participate in the system, and the withdrawing hospital district
2728 has no obligation to the system with respect to such employees.

2729 Section 65. Subsections (1), (4), and (6) of section
2730 125.901, Florida Statutes, are amended to read:

2731 125.901 Children's services; independent special district;
2732 council; powers, duties, and functions; public records
2733 exemption.—

2734 (1) Each county may by ordinance create an independent
2735 special district, as defined in ss. 189.012 ~~189.403(3)~~ and
2736 200.001(8)(e), to provide funding for children's services
2737 throughout the county in accordance with this section. The
2738 boundaries of such district shall be coterminous with the
2739 boundaries of the county. The county governing body shall obtain
2740 approval, by a majority vote of those electors voting on the
2741 question, to annually levy ad valorem taxes which shall not
2742 exceed the maximum millage rate authorized by this section. Any
2743 district created pursuant to the provisions of this subsection
2744 shall be required to levy and fix millage subject to the
2745 provisions of s. 200.065. Once such millage is approved by the
2746 electorate, the district shall not be required to seek approval
2747 of the electorate in future years to levy the previously
2748 approved millage.

2749 (a) The governing body ~~board~~ of the district shall be a
2750 council on children's services, which may also be known as a
2751 juvenile welfare board or similar name as established in the
2752 ordinance by the county governing body. Such council shall
2753 consist of 10 members, including: the superintendent of schools;
2754 a local school board member; the district administrator from the
2755 appropriate district of the Department of Children and Family

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2756 Services, or his or her designee who is a member of the Senior
2757 Management Service or of the Selected Exempt Service; one member
2758 of the county governing body; and the judge assigned to juvenile
2759 cases who shall sit as a voting member of the board, except that
2760 said judge shall not vote or participate in the setting of ad
2761 valorem taxes under this section. If there is more than one
2762 judge assigned to juvenile cases in a county, the chief judge
2763 shall designate one of said juvenile judges to serve on the
2764 board. The remaining five members shall be appointed by the
2765 Governor, and shall, to the extent possible, represent the
2766 demographic diversity of the population of the county. After
2767 soliciting recommendations from the public, the county governing
2768 body shall submit to the Governor the names of at least three
2769 persons for each vacancy occurring among the five members
2770 appointed by the Governor, and the Governor shall appoint
2771 members to the council from the candidates nominated by the
2772 county governing body. The Governor shall make a selection
2773 within a 45-day period or request a new list of candidates. All
2774 members appointed by the Governor shall have been residents of
2775 the county for the previous 24-month period. Such members shall
2776 be appointed for 4-year terms, except that the length of the
2777 terms of the initial appointees shall be adjusted to stagger the
2778 terms. The Governor may remove a member for cause or upon the
2779 written petition of the county governing body. If any of the
2780 members of the council required to be appointed by the Governor
2781 under the provisions of this subsection shall resign, die, or be
2782 removed from office, the vacancy thereby created shall, as soon
2783 as practicable, be filled by appointment by the Governor, using
2784 the same method as the original appointment, and such

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2785 appointment to fill a vacancy shall be for the unexpired term of
2786 the person who resigns, dies, or is removed from office.

2787 (b) However, any county as defined in s. 125.011(1) may
2788 instead have a governing body ~~board~~ consisting of 33 members,
2789 including: the superintendent of schools; two representatives of
2790 public postsecondary education institutions located in the
2791 county; the county manager or the equivalent county officer; the
2792 district administrator from the appropriate district of the
2793 Department of Children and Family Services, or the
2794 administrator's designee who is a member of the Senior
2795 Management Service or the Selected Exempt Service; the director
2796 of the county health department or the director's designee; the
2797 state attorney for the county or the state attorney's designee;
2798 the chief judge assigned to juvenile cases, or another juvenile
2799 judge who is the chief judge's designee and who shall sit as a
2800 voting member of the board, except that the judge may not vote
2801 or participate in setting ad valorem taxes under this section;
2802 an individual who is selected by the board of the local United
2803 Way or its equivalent; a member of a locally recognized faith-
2804 based coalition, selected by that coalition; a member of the
2805 local chamber of commerce, selected by that chamber or, if more
2806 than one chamber exists within the county, a person selected by
2807 a coalition of the local chambers; a member of the early
2808 learning coalition, selected by that coalition; a representative
2809 of a labor organization or union active in the county; a member
2810 of a local alliance or coalition engaged in cross-system
2811 planning for health and social service delivery in the county,
2812 selected by that alliance or coalition; a member of the local
2813 Parent-Teachers Association/Parent-Teacher-Student Association,

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2814 selected by that association; a youth representative selected by
2815 the local school system's student government; a local school
2816 board member appointed by the chair of the school board; the
2817 mayor of the county or the mayor's designee; one member of the
2818 county governing body, appointed by the chair of that body; a
2819 member of the state Legislature who represents residents of the
2820 county, selected by the chair of the local legislative
2821 delegation; an elected official representing the residents of a
2822 municipality in the county, selected by the county municipal
2823 league; and 4 members-at-large, appointed to the council by the
2824 majority of sitting council members. The remaining 7 members
2825 shall be appointed by the Governor in accordance with procedures
2826 set forth in paragraph (a), except that the Governor may remove
2827 a member for cause or upon the written petition of the council.
2828 Appointments by the Governor must, to the extent reasonably
2829 possible, represent the geographic and demographic diversity of
2830 the population of the county. Members who are appointed to the
2831 council by reason of their position are not subject to the
2832 length of terms and limits on consecutive terms as provided in
2833 this section. The remaining appointed members of the governing
2834 board shall be appointed to serve 2-year terms, except that
2835 those members appointed by the Governor shall be appointed to
2836 serve 4-year terms, and the youth representative and the
2837 legislative delegate shall be appointed to serve 1-year terms. A
2838 member may be reappointed; however, a member may not serve for
2839 more than three consecutive terms. A member is eligible to be
2840 appointed again after a 2-year hiatus from the council.

2841 (c) This subsection does not prohibit a county from
2842 exercising such power as is provided by general or special law

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2843 to provide children's services or to create a special district
2844 to provide such services.

2845 (4) (a) Any district created pursuant to this section may be
2846 dissolved by a special act of the Legislature, or the county
2847 governing body may by ordinance dissolve the district subject to
2848 the approval of the electorate.

2849 (b)1.a. Notwithstanding paragraph (a), the governing body
2850 of the county shall submit the question of retention or
2851 dissolution of a district with voter-approved taxing authority
2852 to the electorate in the general election according to the
2853 following schedule:

2854 (I) For a district in existence on July 1, 2010, and serving a
2855 county with a population of 400,000 or fewer persons as of that
2856 date.....2014.

2857 (II) For a district in existence on July 1, 2010, and serving a
2858 county with a population of more than 400,000 but fewer than 2
2859 million persons as of
2860 that date.....2016.

2861 (III) For a district in existence on July 1, 2010, and serving a
2862 county with a population of 2 million or more persons as of that
2863 date.....2020.

2864 b. A referendum by the electorate on or after July 1, 2010,
2865 creating a new district with taxing authority may specify that
2866 the district is not subject to reauthorization or may specify
2867 the number of years for which the initial authorization shall
2868 remain effective. If the referendum does not prescribe terms of
2869 reauthorization, the governing body of the county shall submit
2870 the question of retention or dissolution of the district to the
2871 electorate in the general election 12 years after the initial

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2872 authorization.

2873 2. The governing body ~~board~~ of the district may specify,
2874 and submit to the governing body of the county no later than 9
2875 months before the scheduled election, that the district is not
2876 subsequently subject to reauthorization or may specify the
2877 number of years for which a reauthorization under this paragraph
2878 shall remain effective. If the governing board of the district
2879 makes such specification and submission, the governing body of
2880 the county shall include that information in the question
2881 submitted to the electorate. If the governing board of the
2882 district does not specify and submit such information, the
2883 governing body of the county shall resubmit the question of
2884 reauthorization to the electorate every 12 years after the year
2885 prescribed in subparagraph 1. The governing board of the
2886 district may recommend to the governing body of the county
2887 language for the question submitted to the electorate.

2888 3. Nothing in this paragraph limits the authority to
2889 dissolve a district as provided under paragraph (a).

2890 4. Nothing in this paragraph precludes the governing board
2891 of a district from requesting that the governing body of the
2892 county submit the question of retention or dissolution of a
2893 district with voter-approved taxing authority to the electorate
2894 at a date earlier than the year prescribed in subparagraph 1. If
2895 the governing body of the county accepts the request and submits
2896 the question to the electorate, the governing body satisfies the
2897 requirement of that subparagraph.

2898

2899 If any district is dissolved pursuant to this subsection, each
2900 county must first obligate itself to assume the debts,

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2901 liabilities, contracts, and outstanding obligations of the
2902 district within the total millage available to the county
2903 governing body for all county and municipal purposes as provided
2904 for under s. 9, Art. VII of the State Constitution. Any district
2905 may also be dissolved pursuant to s. part VII of chapter 189
2906 ~~189.4042~~.

2907 (6) Any district created pursuant to the provisions of this
2908 section shall comply with all other statutory requirements of
2909 general application which relate to the filing of any financial
2910 reports or compliance reports required under part III of chapter
2911 218, or any other report or documentation required by law,
2912 including the requirements of ss. 189.08, 189.015, and 189.016
2913 ~~189.415, 189.417, and 189.418~~.

2914 Section 66. Subsection (1) of section 153.94, Florida
2915 Statutes, is amended to read:

2916 153.94 Applicability of other laws.—Except as expressly
2917 provided in this act:

2918 (1) With respect to any wastewater facility privatization
2919 contract entered into under this act, a public entity is subject
2920 to s. 125.3401, s. 180.301, s. 189.054 ~~189.423~~, or s. 190.0125
2921 but is not subject to the requirements of chapter 287.

2922 Section 67. Paragraph (a) of subsection (2) of section
2923 163.08, Florida Statutes, is amended to read:

2924 163.08 Supplemental authority for improvements to real
2925 property.—

2926 (2) As used in this section, the term:

2927 (a) "Local government" means a county, a municipality, a
2928 dependent special district as defined in s. 189.012 ~~189.403~~, or
2929 a separate legal entity created pursuant to s. 163.01(7).

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2930 Section 68. Subsection (7) of section 165.031, Florida
2931 Statutes, is amended to read:

2932 165.031 Definitions.—The following terms and phrases, when
2933 used in this chapter, shall have the meanings ascribed to them
2934 in this section, except where the context clearly indicates a
2935 different meaning:

2936 (7) "Special district" means a local unit of special
2937 government, as defined in s. 189.012 ~~189.403(1)~~. This term
2938 includes dependent special districts, as defined in s. 189.012
2939 ~~189.403(2)~~, and independent special districts, as defined in s.
2940 189.012 ~~189.403(3)~~. All provisions of s. 200.001(8)(d) and (e)
2941 shall be considered provisions of this chapter.

2942 Section 69. Paragraph (b) of subsection (1) and subsections
2943 (8) and (16) of section 165.0615, Florida Statutes, are amended
2944 to read:

2945 165.0615 Municipal conversion of independent special
2946 districts upon elector-initiated and approved referendum.—

2947 (1) The qualified electors of an independent special
2948 district may commence a municipal conversion proceeding by
2949 filing a petition with the governing body of the independent
2950 special district proposed to be converted if the district meets
2951 all of the following criteria:

2952 (b) It is designated as an improvement district and created
2953 pursuant to chapter 298 or is designated as a stewardship
2954 district and created pursuant to s. 189.031 ~~189.404~~.

2955 (8) Notice of the final public hearing on the proposed
2956 elector-initiated combined municipal incorporation plan must be
2957 published pursuant to the notice requirements in s. 189.015
2958 ~~189.417~~ and must provide a descriptive summary of the elector-

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2959 initiated municipal incorporation plan and a reference to the
2960 public places within the independent special district where a
2961 copy of the plan may be examined.

2962 (16) If the incorporation plan is approved by a majority of
2963 the votes cast in the independent special district, the district
2964 shall notify the special district accountability information
2965 program pursuant to s. 189.016(2) ~~189.418(2)~~ and the local
2966 general-purpose governments in which any part of the independent
2967 special district is situated pursuant to s. 189.016(7)
2968 ~~189.418(7)~~.

2969 Section 70. Subsection (3) of section 171.202, Florida
2970 Statutes, is amended to read:

2971 171.202 Definitions.—As used in this part, the term:

2972 (3) "Independent special district" means an independent
2973 special district, as defined in s. 189.012 ~~189.403~~, which
2974 provides fire, emergency medical, water, wastewater, or
2975 stormwater services.

2976 Section 71. Subsection (16) of section 175.032, Florida
2977 Statutes, is amended to read:

2978 175.032 Definitions.—For any municipality, special fire
2979 control district, chapter plan, local law municipality, local
2980 law special fire control district, or local law plan under this
2981 chapter, the following words and phrases have the following
2982 meanings:

2983 (16) "Special fire control district" means a special
2984 district, as defined in s. 189.012 ~~189.403(1)~~, established for
2985 the purposes of extinguishing fires, protecting life, and
2986 protecting property within the incorporated or unincorporated
2987 portions of any county or combination of counties, or within any

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2988 combination of incorporated and unincorporated portions of any
 2989 county or combination of counties. The term does not include any
 2990 dependent or independent special district, as defined in s.
 2991 189.012 ~~189.403(2) and (3)~~, respectively, the employees of which
 2992 are members of the Florida Retirement System pursuant to s.
 2993 121.051(1) or (2).

2994 Section 72. Subsection (6) of section 190.011, Florida
 2995 Statutes, is amended to read:

2996 190.011 General powers.—The district shall have, and the
 2997 board may exercise, the following powers:

2998 (6) To maintain an office at such place or places as it may
 2999 designate within a county in which the district is located or
 3000 within the boundaries of a development of regional impact or a
 3001 Florida Quality Development, or a combination of a development
 3002 of regional impact and a Florida Quality Development, which
 3003 includes the district, which office must be reasonably
 3004 accessible to the landowners. Meetings pursuant to s. 189.015(3)
 3005 ~~189.417(3)~~ of a district within the boundaries of a development
 3006 of regional impact or Florida Quality Development, or a
 3007 combination of a development of regional impact and a Florida
 3008 Quality Development, may be held at such office.

3009 Section 73. Subsection (8) of section 190.046, Florida
 3010 Statutes, is amended to read:

3011 190.046 Termination, contraction, or expansion of
 3012 district.—

3013 (8) In the event the district has become inactive pursuant
 3014 to s. 189.062 ~~189.4044~~, the respective board of county
 3015 commissioners or city commission shall be informed and it shall
 3016 take appropriate action.

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3017 Section 74. Section 190.049, Florida Statutes, is amended
3018 to read:

3019 190.049 Special acts prohibited.—Pursuant to s. 11(a)(21),
3020 Art. III of the State Constitution, there shall be no special
3021 law or general law of local application creating an independent
3022 special district which has the powers enumerated in two or more
3023 of the paragraphs contained in s. 190.012, unless such district
3024 is created pursuant to the provisions of s. 189.031 ~~189.404~~.

3025 Section 75. Subsection (5) of section 191.003, Florida
3026 Statutes, is amended to read:

3027 191.003 Definitions.—As used in this act:

3028 (5) "Independent special fire control district" means an
3029 independent special district as defined in s. 189.012 ~~189.403~~,
3030 created by special law or general law of local application,
3031 providing fire suppression and related activities within the
3032 jurisdictional boundaries of the district. The term does not
3033 include a municipality, a county, a dependent special district
3034 as defined in s. 189.012 ~~189.403~~, a district providing primarily
3035 emergency medical services, a community development district
3036 established under chapter 190, or any other multiple-power
3037 district performing fire suppression and related services in
3038 addition to other services.

3039 Section 76. Paragraph (a) of subsection (1) and subsection
3040 (8) of section 191.005, Florida Statutes, are amended to read:

3041 191.005 District boards of commissioners; membership,
3042 officers, meetings.—

3043 (1) (a) With the exception of districts whose governing
3044 boards are appointed collectively by the Governor, the county
3045 commission, and any cooperating city within the county, the

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3046 business affairs of each district shall be conducted and
3047 administered by a five-member board. All three-member boards
3048 existing on the effective date of this act shall be converted to
3049 five-member boards, except those permitted to continue as a
3050 three-member board by special act adopted in 1997 or thereafter.
3051 The board shall be elected in nonpartisan elections by the
3052 electors of the district. Except as provided in this act, such
3053 elections shall be held at the time and in the manner prescribed
3054 by law for holding general elections in accordance with s.
3055 189.04(2)(a) ~~189.405(2)(a)~~ and (3), and each member shall be
3056 elected for a term of 4 years and serve until the member's
3057 successor assumes office. Candidates for the board of a district
3058 shall qualify as directed by chapter 99.

3059 (8) All meetings of the board shall be open to the public
3060 consistent with chapter 286, s. 189.015 ~~189.417~~, and other
3061 applicable general laws.

3062 Section 77. Subsection (2) of section 191.013, Florida
3063 Statutes, is amended to read:

3064 191.013 Intergovernmental coordination.—

3065 (2) Each independent special fire control district shall
3066 adopt a 5-year plan to identify the facilities, equipment,
3067 personnel, and revenue needed by the district during that 5-year
3068 period. The plan shall be updated in accordance with s. 189.08
3069 ~~189.415~~ and shall satisfy the requirement for a public
3070 facilities report required by s. 189.08(2) ~~189.415(2)~~.

3071 Section 78. Subsection (1) of section 191.014, Florida
3072 Statutes, is amended to read:

3073 191.014 District creation and expansion.—

3074 (1) New districts may be created only by the Legislature

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3075 under s. 189.031 ~~189.404~~.

3076 Section 79. Section 191.015, Florida Statutes, is amended
3077 to read:

3078 191.015 Codification.—Each fire control district existing
3079 on the effective date of this section, by December 1, 2004,
3080 shall submit to the Legislature a draft codified charter, at its
3081 expense, so that its special acts may be codified into a single
3082 act for reenactment by the Legislature, if there is more than
3083 one special act for the district. The Legislature may adopt a
3084 schedule for individual district codification. Any codified act
3085 relating to a district, which act is submitted to the
3086 Legislature for reenactment, shall provide for the repeal of all
3087 prior special acts of the Legislature relating to the district.
3088 The codified act shall be filed with the Department of Economic
3089 Opportunity pursuant to s. 189.016(2) ~~189.418(2)~~.

3090 Section 80. Paragraphs (c), (d), and (e) of subsection (8)
3091 of section 200.001, Florida Statutes, are amended to read:

3092 200.001 Millages; definitions and general provisions.—

3093 (8)

3094 (c) "Special district" means a special district as defined
3095 in s. 189.012 ~~189.403(1)~~.

3096 (d) "Dependent special district" means a dependent special
3097 district as defined in s. 189.012 ~~189.403(2)~~. Dependent special
3098 district millage, when added to the millage of the governing
3099 body to which it is dependent, shall not exceed the maximum
3100 millage applicable to such governing body.

3101 (e) "Independent special district" means an independent
3102 special district as defined in s. 189.012 ~~189.403(3)~~, with the
3103 exception of a downtown development authority established prior

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3104 to the effective date of the 1968 State Constitution as an
3105 independent body, either appointed or elected, regardless of
3106 whether or not the budget is approved by the local governing
3107 body, if the district levies a millage authorized as of the
3108 effective date of the 1968 State Constitution. Independent
3109 special district millage shall not be levied in excess of a
3110 millage amount authorized by general law and approved by vote of
3111 the electors pursuant to s. 9(b), Art. VII of the State
3112 Constitution, except for those independent special districts
3113 levying millage for water management purposes as provided in
3114 that section and municipal service taxing units as specified in
3115 s. 125.01(1)(q) and (r). However, independent special district
3116 millage authorized as of the date the 1968 State Constitution
3117 became effective need not be so approved, pursuant to s. 2, Art.
3118 XII of the State Constitution.

3119 Section 81. Subsections (1), (5), (6), and (7) of section
3120 218.31, Florida Statutes, are amended to read:

3121 218.31 Definitions.—As used in this part, except where the
3122 context clearly indicates a different meaning:

3123 (1) "Local governmental entity" means a county agency, a
3124 municipality, or a special district as defined in s. 189.012
3125 ~~189.403~~. For purposes of s. 218.32, the term also includes a
3126 housing authority created under chapter 421.

3127 (5) "Special district" means a special district as defined
3128 in s. 189.012 ~~189.403(1)~~.

3129 (6) "Dependent special district" means a dependent special
3130 district as defined in s. 189.012 ~~189.403(2)~~.

3131 (7) "Independent special district" means an independent
3132 special district as defined in s. 189.012 ~~189.403(3)~~.

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3133 Section 82. Paragraph (a) and (f) of subsection (1) and
 3134 subsection (2) of section 218.32, Florida Statutes, are amended
 3135 to read:

3136 218.32 Annual financial reports; local governmental
 3137 entities.—

3138 (1) (a) Each local governmental entity that is determined to
 3139 be a reporting entity, as defined by generally accepted
 3140 accounting principles, and each independent special district as
 3141 defined in s. 189.012 ~~189.403~~, shall submit to the department a
 3142 copy of its annual financial report for the previous fiscal year
 3143 in a format prescribed by the department. The annual financial
 3144 report must include a list of each local governmental entity
 3145 included in the report and each local governmental entity that
 3146 failed to provide financial information as required by paragraph
 3147 (b). The chair of the governing body and the chief financial
 3148 officer of each local governmental entity shall sign the annual
 3149 financial report submitted pursuant to this subsection attesting
 3150 to the accuracy of the information included in the report. The
 3151 county annual financial report must be a single document that
 3152 covers each county agency.

3153 (f) If the department does not receive a completed annual
 3154 financial report from a local governmental entity within the
 3155 required period, it shall notify the Legislative Auditing
 3156 Committee and the Special District Accountability Information
 3157 Program of the Department of Economic Opportunity of the
 3158 entity's failure to comply with the reporting requirements.

3159 (2) The department shall annually by December 1 file a
 3160 verified report with the Governor, the Legislature, the Auditor
 3161 General, and the Special District Accountability Information

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3162 Program of the Department of Economic Opportunity showing the
3163 revenues, both locally derived and derived from
3164 intergovernmental transfers, and the expenditures of each local
3165 governmental entity, regional planning council, local government
3166 finance commission, and municipal power corporation that is
3167 required to submit an annual financial report. The report must
3168 include, but is not limited to:

3169 (a) The total revenues and expenditures of each local
3170 governmental entity that is a component unit included in the
3171 annual financial report of the reporting entity.

3172 (b) The amount of outstanding long-term debt by each local
3173 governmental entity. For purposes of this paragraph, the term
3174 "long-term debt" means any agreement or series of agreements to
3175 pay money, which, at inception, contemplate terms of payment
3176 exceeding 1 year in duration.

3177 Section 83. Paragraph (g) of subsection (1) of section
3178 218.37, Florida Statutes, is amended to read:

3179 218.37 Powers and duties of Division of Bond Finance;
3180 advisory council.—

3181 (1) The Division of Bond Finance of the State Board of
3182 Administration, with respect to both general obligation bonds
3183 and revenue bonds, shall:

3184 (g) By January 1 each year, provide the Special District
3185 Accountability Information ~~Information~~ Program of the Department of Economic
3186 Opportunity with a list of special districts that are not in
3187 compliance with the requirements in s. 218.38.

3188 Section 84. Paragraph (j) of subsection (1) of section
3189 255.20, Florida Statutes, is amended to read:

3190 255.20 Local bids and contracts for public construction

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3191 works; specification of state-produced lumber.-

3192 (1) A county, municipality, special district as defined in
3193 chapter 189, or other political subdivision of the state seeking
3194 to construct or improve a public building, structure, or other
3195 public construction works must competitively award to an
3196 appropriately licensed contractor each project that is estimated
3197 in accordance with generally accepted cost-accounting principles
3198 to cost more than \$300,000. For electrical work, the local
3199 government must competitively award to an appropriately licensed
3200 contractor each project that is estimated in accordance with
3201 generally accepted cost-accounting principles to cost more than
3202 \$75,000. As used in this section, the term "competitively award"
3203 means to award contracts based on the submission of sealed bids,
3204 proposals submitted in response to a request for proposal,
3205 proposals submitted in response to a request for qualifications,
3206 or proposals submitted for competitive negotiation. This
3207 subsection expressly allows contracts for construction
3208 management services, design/build contracts, continuation
3209 contracts based on unit prices, and any other contract
3210 arrangement with a private sector contractor permitted by any
3211 applicable municipal or county ordinance, by district
3212 resolution, or by state law. For purposes of this section, cost
3213 includes the cost of all labor, except inmate labor, and the
3214 cost of equipment and materials to be used in the construction
3215 of the project. Subject to the provisions of subsection (3), the
3216 county, municipality, special district, or other political
3217 subdivision may establish, by municipal or county ordinance or
3218 special district resolution, procedures for conducting the
3219 bidding process.

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3220 (j) A county, municipality, special district as defined in
3221 s. 189.012 ~~189.403~~, or any other political subdivision of the
3222 state that owns or operates a public-use airport as defined in
3223 s. 332.004 is exempt from this section when performing repairs
3224 or maintenance on the airport's buildings, structures, or public
3225 construction works using the local government's own services,
3226 employees, and equipment.

3227 Section 85. Subsection (4) of section 298.225, Florida
3228 Statutes, is amended to read:

3229 298.225 Water control plan; plan development and
3230 amendment.—

3231 (4) Information contained within a district's facilities
3232 plan prepared pursuant to s. 189.08 ~~189.415~~ which satisfies any
3233 of the provisions of subsection (3) may be used as part of the
3234 district water control plan.

3235 Section 86. Subsection (7) of section 343.922, Florida
3236 Statutes, is amended to read:

3237 343.922 Powers and duties.—

3238 (7) The authority shall comply with all statutory
3239 requirements of general application which relate to the filing
3240 of any report or documentation required by law, including the
3241 requirements of ss. 189.015, 189.016, 189.051, and 189.08
3242 ~~189.4085, 189.415, 189.417, and 189.418~~.

3243 Section 87. Subsection (5) of section 348.0004, Florida
3244 Statutes, is amended to read:

3245 348.0004 Purposes and powers.—

3246 (5) Any authority formed pursuant to this act shall comply
3247 with all statutory requirements of general application which
3248 relate to the filing of any report or documentation required by

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3249 law, including the requirements of ss. 189.015, 189.016,
3250 189.051, and 189.08 ~~189.4085, 189.415, 189.417, and 189.418.~~

3251 Section 88. Section 373.711, Florida Statutes, is amended
3252 to read:

3253 373.711 Technical assistance to local governments.—The
3254 water management districts shall assist local governments in the
3255 development and future revision of local government
3256 comprehensive plan elements or public facilities report as
3257 required by s. 189.08 ~~189.415~~, related to water resource issues.

3258 Section 89. Paragraph (b) of subsection (3) of section
3259 403.0891, Florida Statutes, is amended to read:

3260 403.0891 State, regional, and local stormwater management
3261 plans and programs.—The department, the water management
3262 districts, and local governments shall have the responsibility
3263 for the development of mutually compatible stormwater management
3264 programs.

3265 (3)

3266 (b) Local governments are encouraged to consult with the
3267 water management districts, the Department of Transportation,
3268 and the department before adopting or updating their local
3269 government comprehensive plan or public facilities report as
3270 required by s. 189.08 ~~189.415~~, whichever is applicable.

3271 Section 90. Subsection (1) of section 582.32, Florida
3272 Statutes, is amended to read:

3273 582.32 Effect of dissolution.—

3274 (1) Upon issuance of a certificate of dissolution, s.
3275 189.076(2) ~~189.4045(2)~~ applies and all land use regulations in
3276 effect within such districts are void.

3277 Section 91. Paragraph (a) of subsection (3) of section

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3278 1013.355, Florida Statutes, is amended to read:

3279 1013.355 Educational facilities benefit districts.—

3280 (3) (a) An educational facilities benefit district may be
3281 created pursuant to this act and chapters 125, 163, 166, and
3282 189. An educational facilities benefit district charter may be
3283 created by a county or municipality by entering into an
3284 interlocal agreement, as authorized by s. 163.01, with the
3285 district school board and any local general purpose government
3286 within whose jurisdiction a portion of the district is located
3287 and adoption of an ordinance that includes all provisions
3288 contained within s. 189.02 ~~189.4041~~. The creating entity shall
3289 be the local general purpose government within whose boundaries
3290 a majority of the educational facilities benefit district's
3291 lands are located.

3292 Section 92. This act shall take effect July 1, 2014.