

By the Committee on Ethics and Elections; and 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; creating s. 112.511, F.S.;
10 specifying applicability of procedures regarding
11 suspension and removal of a member of the governing
12 body of a special district; transferring, renumbering,
13 and amending s. 189.401, F.S.; revising a short title;
14 transferring, renumbering, and amending s. 189.402,
15 F.S.; revising a statement of legislative purpose and
16 intent; making technical changes; conforming
17 provisions to changes made by the act; transferring,
18 renumbering, and amending s. 189.403, F.S.; redefining
19 the term "special district"; transferring,
20 renumbering, and amending ss. 189.4031, 189.4035,
21 189.404, 189.40401, 189.4041, and 189.4042, F.S.;
22 deleting provisions relating to the application of a
23 special district to amend its charter; conforming
24 provisions and cross-references; transferring,
25 renumbering, and amending s. 189.4044, F.S.; revising
26 the circumstances under which the Department of
27 Economic Opportunity may declare a special district
28 inactive; requiring the department to provide notice
29 of a declaration of inactive status to the chair of

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30 the county legislative delegation and the Legislative
31 Auditing Committee rather than the Legislature;
32 prohibiting special districts that are declared
33 inactive from collecting taxes, fees, or assessments;
34 providing exceptions; providing for enforcement of the
35 prohibition; transferring and renumbering ss. 189.4045
36 and 189.4047, F.S.; transferring, renumbering, and
37 amending s. 189.405, F.S.; revising requirements
38 related to education programs for new members of
39 special district governing bodies; amending s.
40 189.4051, F.S.; revising definitions; conforming
41 provisions; transferring and renumbering ss. 189.4065,
42 189.408, and 189.4085, F.S.; transferring,
43 renumbering, and amending ss. 189.412 and 189.413,
44 F.S.; renaming the Special District Information
45 Program the Special District Accountability Program;
46 revising duties of the Special District Accountability
47 Program; transferring and renumbering ss. 189.415,
48 189.4155, and 189.4156, F.S.; transferring,
49 renumbering, and amending ss. 189.416, 189.417, and
50 189.418, F.S.; conforming provisions and cross-
51 references; transferring, renumbering, and amending s.
52 189.419, F.S.; revising provisions related to the
53 failure of a special district to file certain reports
54 or information; conforming cross-references;
55 transferring and renumbering s. 189.420, F.S.;
56 transferring, renumbering, and amending s. 189.421,
57 F.S.; deleting provisions related to available
58 remedies for the failure of a special district to

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59 disclose required financial reports; transferring and
60 renumbering ss. 189.4221, 189.423, and 189.425, F.S.;
61 transferring, renumbering, and amending s. 189.427,
62 F.S.; providing for the deposit of administration fees
63 into the Operating Trust Fund rather than the Grants
64 and Donations Trust Fund; transferring, renumbering,
65 and amending s. 189.428, F.S.; revising the oversight
66 review process for special districts; transferring and
67 renumbering s. 189.429, F.S.; repealing ss. 189.430,
68 189.431, 189.432, 189.433, 189.434, 189.435, 189.436,
69 189.437, 189.438, 189.439, 189.440, 189.441, 189.442,
70 189.443, and 189.444, F.S., relating to the Community
71 Improvement Authority Act; creating ss. 189.034 and
72 189.035, F.S.; requiring the Legislative Auditing
73 Committee to provide notice of the failure of special
74 districts to file certain required reports to the
75 chair of the county legislative delegation or the
76 chair or equivalent of the local general-purpose
77 government, as applicable; requiring the chair of the
78 county legislative delegation or the chair or
79 equivalent of the local general-purpose government, as
80 applicable, to convene a public hearing on the issue
81 of noncompliance; authorizing the county legislative
82 delegation or the local general-purpose government, as
83 applicable, to request certain information from a
84 special district before the public hearing; creating
85 s. 189.055, F.S.; requiring special districts to be
86 treated as municipalities for certain purposes;
87 creating s. 189.069, F.S.; requiring special districts

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88 to annually update and maintain certain information on
89 the district's website; requiring special districts to
90 submit the web address of their respective websites to
91 the department; requiring that the department's online
92 list of special districts include a link to the
93 website of certain special districts; creating s.
94 189.0691, F.S.; providing for the suspension of
95 special district governing body members by the
96 Governor under certain conditions; requiring the
97 Governor and appointing authority to ensure that the
98 governing body maintains a sufficient number of
99 members to constitute a quorum; amending ss. 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 112.511, Florida Statutes, is created to
180 read:

181 112.511 Members of special district governing bodies;
182 suspension; removal from office.-

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

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

192 Section 6. Section 189.401, Florida Statutes, is
193 transferred, renumbered as section 189.01, Florida Statutes, and
194 amended to read:

195 189.01 ~~189.401~~ Short title.-This chapter may be cited as
196 the "Uniform Special District Accountability Act ~~of 1989.~~"

197 Section 7. Subsections (1), (6), and (7) of section
198 189.402, Florida Statutes, are transferred and renumbered as
199 subsections (1), (2), and (3), respectively, of section 189.011,
200 Florida Statutes, and present subsection (6) of that section is
201 amended, to read:

202 189.011 ~~189.402~~ Statement of legislative purpose and
203 intent.-

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204 (2)~~(6)~~ The Legislature finds that special districts serve a
205 necessary and useful function by providing services to residents
206 and property in the state. The Legislature finds further that
207 special districts operate to serve a public purpose and that
208 this is best secured by certain minimum standards of
209 accountability designed to inform the public and appropriate
210 general-purpose local governments of the status and activities
211 of special districts. It is the intent of the Legislature that
212 this public trust be secured by requiring each independent
213 special district in the state to register and report its
214 financial and other activities. The Legislature further finds
215 that failure of an independent special district to comply with
216 the minimum disclosure requirements set forth in this chapter
217 may result in action against officers of such district body
218 board.

219 Section 8. Subsection (2) of section 189.402, Florida
220 Statutes, is transferred, renumbered as section 189.06, Florida
221 Statutes, and amended to read:

222 189.06 ~~189.402~~ Legislative intent; centralized location
223 Statement of legislative purpose and intent.-

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

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

230 (2)~~(b)~~ Improve communication and coordination between state
231 agencies with respect to required special district reporting and
232 state monitoring.

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

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

241 (5)~~(e)~~ Clarify special district definitions and creation
242 methods in order to ensure consistent application of those
243 definitions and creation methods across all levels of
244 government.

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

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

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

252 Section 9. Subsections (3), (4), (5), and (8) of section
253 189.402, Florida Statutes, are transferred, renumbered as
254 subsections (1), (2), (3), and (4), respectively, of section
255 189.03, Florida Statutes, and amended to read:

256 189.03 ~~189.402~~ Statement of legislative purpose and intent;
257 independent special districts.—

258 (1)~~(3)~~ The Legislature finds that:

259 (a) There is a need for uniform, focused, and fair
260 procedures in state law to provide a reasonable alternative for
261 the establishment, powers, operation, and duration of

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262 independent special districts ~~to manage and finance basic~~
263 ~~capital infrastructure, facilities, and services; and that,~~
264 ~~based upon a proper and fair determination of applicable facts,~~
265 ~~an independent special district can constitute a timely,~~
266 ~~efficient, effective, responsive, and economic way to deliver~~
267 ~~these basic services, thereby providing a means of solving the~~
268 ~~state's planning, management, and financing needs for delivery~~
269 ~~of capital infrastructure, facilities, and services in order to~~
270 ~~provide for projected growth without overburdening other~~
271 ~~governments and their taxpayers.~~

272 (b) It is in the public interest that any independent
273 special district created pursuant to state law not outlive its
274 usefulness and that the operation of such a district and the
275 exercise by the district of its powers be consistent with
276 applicable due process, disclosure, accountability, ethics, and
277 government-in-the-sunshine requirements which apply both to
278 governmental entities and to their elected and appointed
279 officials.

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

284 (2)~~(4)~~ It is the policy of this state:

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

290 (b) That the exercise by any independent special district

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291 of its powers, ~~as set forth by uniform general law~~ comply with
 292 all applicable ~~governmental comprehensive planning~~ laws, rules,
 293 and regulations.

294 (3)~~(5)~~ It is the legislative intent ~~and purpose, based~~
 295 ~~upon, and consistent with, its findings of fact and declarations~~
 296 ~~of policy,~~ to authorize a uniform procedure by general law to
 297 create an independent special district, ~~as an alternative method~~
 298 ~~to manage and finance basic capital infrastructure, facilities,~~
 299 ~~and services. It is further the legislative intent and purpose~~
 300 to provide by general law for the uniform operation, exercise of
 301 power, and procedure for termination of any such independent
 302 special district.

303 (4)~~(8)~~ The Legislature finds and declares that:

304 (a) Growth and development issues transcend the boundaries
 305 and responsibilities of individual units of government, and
 306 often no single unit of government can plan or implement
 307 policies to deal with these issues without affecting other units
 308 of government.

309 (b) The provision of capital infrastructure, facilities,
 310 and services for the preservation and enhancement of the quality
 311 of life of the people of this state may require the creation of
 312 multicounty and multijurisdictional districts.

313 Section 10. Section 189.403, Florida Statutes, is
 314 transferred, renumbered as section 189.012, Florida Statutes,
 315 reordered, and amended to read:

316 189.012 ~~189.403~~ Definitions.—As used in this chapter, the
 317 term:

318 (6)~~(1)~~ "Special district" means a ~~local~~ unit of local
 319 government created for a ~~of~~ special purpose, as opposed to a a

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320 general purpose ~~general purpose~~, which has jurisdiction to
321 operate ~~government~~ within a limited geographic boundary and is,
322 created by general law, special act, local ordinance, or by rule
323 of the Governor and Cabinet. ~~The special purpose or purposes of~~
324 ~~special districts are implemented by specialized functions and~~
325 ~~related prescribed powers. For the purpose of s. 196.199(1),~~
326 ~~special districts shall be treated as municipalities.~~ The term
327 does not include a school district, a community college
328 district, a special improvement district created pursuant to s.
329 285.17, a municipal service taxing or benefit unit as specified
330 in s. 125.01, or a board which provides electrical service and
331 which is a political subdivision of a municipality or is part of
332 a municipality.

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

335 (a) The membership of its governing body is identical to
336 that of the governing body of a single county or a single
337 municipality.

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

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

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

346

347 This subsection is for purposes of definition only. Nothing in
348 this subsection confers additional authority upon local

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349 governments not otherwise authorized by the provisions of the
350 special acts or general acts of local application creating each
351 special district, as amended.

352 (3) "Independent special district" means a special district
353 that is not a dependent special district as defined in
354 subsection (2). A district that includes more than one county is
355 an independent special district unless the district lies wholly
356 within the boundaries of a single municipality.

357 (1)~~(4)~~ "Department" means the Department of Economic
358 Opportunity.

359 (4)~~(5)~~ "Local governing authority" means the governing body
360 of a unit of local general-purpose government. However, if the
361 special district is a political subdivision of a municipality,
362 "local governing authority" means the municipality.

363 (7)~~(6)~~ "Water management district" for purposes of this
364 chapter means a special taxing district which is a regional
365 water management district created and operated pursuant to
366 chapter 373 or chapter 61-691, Laws of Florida, or a flood
367 control district created and operated pursuant to chapter 25270,
368 Laws of Florida, 1949, as modified by s. 373.149.

369 (5)~~(7)~~ "Public facilities" means major capital
370 improvements, including, but not limited to, transportation
371 facilities, sanitary sewer facilities, solid waste facilities,
372 water management and control facilities, potable water
373 facilities, alternative water systems, educational facilities,
374 parks and recreational facilities, health systems and
375 facilities, and, except for spoil disposal by those ports listed
376 in s. 311.09(1), spoil disposal sites for maintenance dredging
377 in waters of the state.

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378 Section 11. Subsection (1) of section 189.4031, Florida
379 Statutes, is transferred and renumbered as section 189.013,
380 Florida Statutes, and the catchline of that section shall read:
381 "Special districts; creation, dissolution, and reporting
382 requirements."

383 Section 12. Subsection (2) of section 189.4031, Florida
384 Statutes, is transferred, renumbered as section 189.0311,
385 Florida Statutes, and amended to read:

386 189.0311 ~~189.4031~~ Independent special districts ~~Special~~
387 ~~districts; creation, dissolution, and reporting requirements;~~
388 charter requirements.-

389 ~~(2)~~ Notwithstanding any general law, special act, or
390 ordinance of a local government to the contrary, any independent
391 special district charter enacted after September 30, 1989, ~~the~~
392 ~~effective date of this section~~ shall contain the information
393 required by s. 189.031(3) ~~189.404(3)~~. Recognizing that the
394 exclusive charter for a community development district is the
395 statutory charter contained in ss. 190.006-190.041, community
396 development districts established after July 1, 1980, pursuant
397 to the provisions of chapter 190 shall be deemed in compliance
398 with this requirement.

399 Section 13. Section 189.4035, Florida Statutes, is
400 transferred and renumbered as section 189.061, Florida Statutes,
401 and subsections (1), (5), and (6) of that section are amended,
402 to read:

403 189.061 ~~189.4035~~ ~~Preparation of~~ Official list of special
404 districts.-

405 (1) The department ~~of Economic Opportunity~~ shall maintain
406 ~~compile~~ the official list of special districts. The official

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407 list of special districts shall include all special districts in
408 this state and shall indicate the independent or dependent
409 status of each district. All special districts on ~~in~~ the list
410 shall be sorted by county. The definitions in s. 189.012 ~~189.403~~
411 shall be the criteria for determination of the independent or
412 dependent status of each special district on the official list.
413 The status of community development districts shall be
414 independent on the official list of special districts.

415 (5) The official list of special districts shall be
416 available on the department's website and must include a link to
417 the website of each special district that provides web-based
418 access to the public of the information and documentation
419 required under s. 189.069.

420 (6) ~~Preparation of~~ The official list of special districts
421 or the determination of status does not constitute final agency
422 action pursuant to chapter 120. If the status of a special
423 district on the official list is inconsistent with the status
424 submitted by the district, the district may request the
425 department to issue a declaratory statement setting forth the
426 requirements necessary to resolve the inconsistency. If
427 necessary, upon issuance of a declaratory statement by the
428 department which is not appealed pursuant to chapter 120, the
429 governing body ~~board~~ of any special district receiving such a
430 declaratory statement shall apply to the entity which originally
431 established the district for an amendment to its charter
432 correcting the specified defects in its original charter. This
433 amendment shall be for the sole purpose of resolving
434 inconsistencies between a district charter and the status of a
435 district as it appears on the official list. ~~Such application~~

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436 shall occur as follows:

437 ~~(a) In the event a special district was created by a local~~
438 ~~general-purpose government or state agency and applies for an~~
439 ~~amendment to its charter to confirm its independence, said~~
440 ~~application shall be granted as a matter of right. If~~
441 ~~application by an independent district is not made within 6~~
442 ~~months of rendition of a declaratory statement, the district~~
443 ~~shall be deemed dependent and become a political subdivision of~~
444 ~~the governing body which originally established it by operation~~
445 ~~of law.~~

446 ~~(b) If the Legislature created a special district, the~~
447 ~~district shall request, by resolution, an amendment to its~~
448 ~~charter by the Legislature. Failure to apply to the Legislature~~
449 ~~for an amendment to its charter during the next regular~~
450 ~~legislative session following rendition of a declaratory~~
451 ~~statement or failure of the Legislature to pass a special act~~
452 ~~shall render the district dependent.~~

453 Section 14. Section 189.404, Florida Statutes, is
454 transferred and renumbered as section 189.031, Florida Statutes,
455 and subsection (2) and paragraphs (e), (f), and (g) of
456 subsection (3) of that section are amended, to read:

457 189.031 ~~189.404~~ Legislative intent for the creation of
458 independent special districts; special act prohibitions; model
459 elements and other requirements; general-purpose local
460 government/Governor and Cabinet creation authorizations.—

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

464 (a) Create independent special districts that do not, at a

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465 minimum, conform to the minimum requirements in subsection (3);

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

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

470 (d) Exempt an independent special district from the
471 reporting, notice, or public meetings requirements of s.
472 189.051, s. 189.08, s. 189.015, or s. 189.016 ~~189.4085, s.~~
473 ~~189.415, s. 189.417, or s. 189.418~~;

474 (e) Create an independent special district for which a
475 statement has not been submitted to the Legislature that
476 documents the following:

- 477 1. The purpose of the proposed district;
- 478 2. The authority of the proposed district;
- 479 3. An explanation of why the district is the best
480 alternative; and
- 481 4. A resolution or official statement of the governing body
482 or an appropriate administrator of the local jurisdiction within
483 which the proposed district is located stating that the creation
484 of the proposed district is consistent with the approved local
485 government plans of the local governing body and that the local
486 government has no objection to the creation of the proposed
487 district.

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

492 (e) The membership and organization of the governing body
493 ~~board~~ of the district. If a district created after September 30,

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494 1989, uses a one-acre/one-vote election principle, it shall
 495 provide for a governing body ~~board~~ consisting of five members.
 496 Three members shall constitute a quorum.

497 (f) The maximum compensation of a governing body ~~board~~
 498 member.

499 (g) The administrative duties of the governing body ~~board~~
 500 of the district.

501 Section 15. Section 189.40401, Florida Statutes, is
 502 transferred and renumbered as section 189.033, Florida Statutes.

503 Section 16. Section 189.4041, Florida Statutes, is
 504 transferred and renumbered as section 189.02, Florida Statutes,
 505 and paragraph (e) of subsection (4) of that section is amended,
 506 to read:

507 189.02 ~~189.4041~~ Dependent special districts.—

508 (4) Dependent special districts created by a county or
 509 municipality shall be created by adoption of an ordinance that
 510 includes:

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

513 Section 17. Subsection (1) of section 189.4042, Florida
 514 Statutes, is transferred, renumbered as section 189.07, Florida
 515 Statutes, and amended to read:

516 189.07 ~~189.4042~~ Definitions ~~Merger and dissolution~~
 517 ~~procedures.~~—

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

519 (1) ~~(a)~~ "Component independent special district" means an
 520 independent special district that proposes to be merged into a
 521 merged independent district, or an independent special district
 522 as it existed before its merger into the merged independent

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523 district of which it is now a part.

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

530 (3)~~(e)~~ "Governing body" means the governing body of the
531 independent special district in which the general legislative,
532 governmental, or public powers of the district are vested and by
533 authority of which the official business of the district is
534 conducted.

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

538 (5)~~(e)~~ "Joint merger plan" means the merger plan that is
539 adopted by resolution of the governing bodies of two or more
540 independent special districts that outlines the terms and
541 agreements for the official merger of the districts and that is
542 finalized and approved by the governing bodies pursuant to this
543 part ~~section~~.

544 (6)~~(f)~~ "Merged independent district" means a single
545 independent special district that results from a successful
546 merger of two or more independent special districts pursuant to
547 this part ~~section~~.

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

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

555 (9)~~(i)~~ "Proposed elector-initiated merger plan" means a
 556 written document that contains the terms and information
 557 regarding the merger of two or more independent special
 558 districts and that accompanies the petition initiated by the
 559 qualified electors of the districts but that is not yet
 560 finalized and approved by the governing bodies of each component
 561 independent special district pursuant to this part section.

562 (10)~~(j)~~ "Proposed joint merger plan" means a written
 563 document that contains the terms and information regarding the
 564 merger of two or more independent special districts and that has
 565 been prepared pursuant to a resolution of the governing bodies
 566 of the districts but that is not yet finalized and approved by
 567 the governing bodies of each component independent special
 568 district pursuant to this part section.

569 (11)~~(k)~~ "Qualified elector" means an individual at least 18
 570 years of age who is a citizen of the United States, a permanent
 571 resident of this state, and a resident of the district who
 572 registers with the supervisor of elections of a county within
 573 which the district lands are located when the registration books
 574 are open.

575 Section 18. Subsection (2) of section 189.4042, Florida
 576 Statutes, is transferred, renumbered as section 189.071, Florida
 577 Statutes, and amended to read:

578 189.071 ~~189.4042~~ Merger or ~~and~~ dissolution of a dependent
 579 special district procedures.—

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

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581 (1)~~(a)~~ The merger or dissolution of a dependent special
 582 district may be effectuated by an ordinance of the general-
 583 purpose local governmental entity wherein the geographical area
 584 of the district or districts is located. However, a county may
 585 not dissolve a special district that is dependent to a
 586 municipality or vice versa, or a dependent district created by
 587 special act.

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

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

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

601 Section 19. Subsection (3) of section 189.4042, Florida
 602 Statutes, is transferred, renumbered as section 189.072, Florida
 603 Statutes, and amended to read:

604 189.072 ~~189.4042~~ Dissolution of an independent special
 605 district Merger and dissolution procedures.-

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

607 (1)~~(a)~~ *Voluntary dissolution.*-If the governing body ~~board~~
 608 of an independent special district created and operating
 609 pursuant to a special act elects, by a majority vote plus one,

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610 to dissolve the district, the voluntary dissolution of an
611 independent special district created and operating pursuant to a
612 special act may be effectuated only by the Legislature unless
613 otherwise provided by general law.

614 (2)~~(b)~~ *Other dissolutions.*—

615 (a)~~1.~~ In order for the Legislature to dissolve an active
616 independent special district created and operating pursuant to a
617 special act, the special act dissolving the active independent
618 special district must be approved by a majority of the resident
619 electors of the district or, for districts in which a majority
620 of governing body ~~board~~ members are elected by landowners, a
621 majority of the landowners voting in the same manner by which
622 the independent special district's governing body is elected. If
623 a local general-purpose government passes an ordinance or
624 resolution in support of the dissolution, the local general-
625 purpose government must pay any expenses associated with the
626 referendum required under this paragraph ~~subparagraph~~.

627 (b)~~2.~~ If an independent special district was created by a
628 county or municipality by referendum or any other procedure, the
629 county or municipality that created the district may dissolve
630 the district pursuant to a referendum or any other procedure by
631 which the independent special district was created. However, if
632 the independent special district has ad valorem taxation powers,
633 the same procedure required to grant the independent special
634 district ad valorem taxation powers is required to dissolve the
635 district.

636 (3)~~(e)~~ *Inactive independent special districts.*—An
637 independent special district that meets any criteria for being
638 declared inactive, or that has already been declared inactive,

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639 pursuant to s. 189.062 ~~189.4044~~ may be dissolved by special act
 640 without a referendum. If an inactive independent special
 641 district was created by a county or municipality through a
 642 referendum, the county or municipality that created the district
 643 may dissolve the district after publishing notice as described
 644 in s. 189.062 ~~189.4044~~.

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

648 Section 20. Subsection (4) of section 189.4042, Florida
 649 Statutes, is transferred, renumbered as section 189.073, Florida
 650 Statutes, and amended to read:

651 189.073 ~~189.4042~~ Legislative merger of independent special
 652 districts ~~Merger and dissolution procedures.~~—

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

656 Section 21. Subsection (5) of section 189.4042, Florida
 657 Statutes, is transferred, renumbered as section 189.074, Florida
 658 Statutes, and amended to read:

659 189.074 ~~189.4042~~ Voluntary merger of independent special
 660 districts ~~Merger and dissolution procedures.~~—

661 ~~(5) VOLUNTARY MERGER OF INDEPENDENT SPECIAL DISTRICTS.~~—Two
 662 or more contiguous independent special districts created by
 663 special act which have similar functions and elected governing
 664 bodies may elect to merge into a single independent district
 665 through the act of merging the component independent special
 666 districts.

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

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668 (a)1. A joint resolution of the governing bodies of each
669 independent special district which endorses a proposed joint
670 merger plan; or

671 (b)2. A qualified elector initiative.

672 (2)(b) *Joint merger plan by resolution.*—The governing
673 bodies of two or more contiguous independent special districts
674 may, by joint resolution, endorse a proposed joint merger plan
675 to commence proceedings to merge the districts pursuant to this
676 section subsection.

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

678 1.a. The name of each component independent special
679 district to be merged;

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

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

683 4.d. The territorial boundaries of the proposed merged
684 independent district;

685 5.e. The governmental organization of the proposed merged
686 independent district insofar as it concerns elected and
687 appointed officials and public employees, along with a
688 transitional plan and schedule for elections and appointments of
689 officials;

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

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

695 8.h. Each component independent special district's
696 liabilities and indebtedness, bonded and otherwise, and the

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697 current value thereof;

698 9.i. Terms for the assumption and disposition of existing
699 assets, liabilities, and indebtedness of each component
700 independent special district jointly, separately, or in defined
701 proportions;

702 10.j. Terms for the common administration and uniform
703 enforcement of existing laws within the proposed merged
704 independent district;

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

707 12.l. The times and places for a referendum in each
708 component independent special district on the proposed joint
709 merger plan, along with the referendum language to be presented
710 for approval; and

711 13.m. The effective date of the proposed merger.

712 (b)2. The resolution endorsing the proposed joint merger
713 plan must be approved by a majority vote of the governing bodies
714 of each component independent special district and adopted at
715 least 60 business days before any general or special election on
716 the proposed joint merger plan.

717 (c)3. Within 5 business days after the governing bodies
718 approve the resolution endorsing the proposed joint merger plan,
719 the governing bodies must:

720 1.a. Cause a copy of the proposed joint merger plan, along
721 with a descriptive summary of the plan, to be displayed and be
722 readily accessible to the public for inspection in at least
723 three public places within the territorial limits of each
724 component independent special district, unless a component
725 independent special district has fewer than three public places,

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726 in which case the plan must be accessible for inspection in all
727 public places within the component independent special district;

728 ~~2.b.~~ If applicable, cause the proposed joint merger plan,
729 along with a descriptive summary of the plan and a reference to
730 the public places within each component independent special
731 district where a copy of the merger plan may be examined, to be
732 displayed on a website maintained by each district or on a
733 website maintained by the county or municipality in which the
734 districts are located; and

735 ~~3.e.~~ Arrange for a descriptive summary of the proposed
736 joint merger plan, and a reference to the public places within
737 the district where a copy may be examined, to be published in a
738 newspaper of general circulation within the component
739 independent special districts at least once each week for 4
740 successive weeks.

741 ~~(d)4.~~ The governing body of each component independent
742 special district shall set a time and place for one or more
743 public hearings on the proposed joint merger plan. Each public
744 hearing shall be held on a weekday at least 7 business days
745 after the day the first advertisement is published on the
746 proposed joint merger plan. The hearing or hearings may be held
747 jointly or separately by the governing bodies of the component
748 independent special districts. Any interested person residing in
749 the respective district shall be given a reasonable opportunity
750 to be heard on any aspect of the proposed merger at the public
751 hearing.

752 ~~1.a.~~ Notice of the public hearing addressing the resolution
753 for the proposed joint merger plan must be published pursuant to
754 the notice requirements in s. 189.015 ~~189.417~~ and must provide a

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755 descriptive summary of the proposed joint merger plan and a
756 reference to the public places within the component independent
757 special districts where a copy of the plan may be examined.

758 ~~2.b.~~ After the final public hearing, the governing bodies
759 of each component independent special district may amend the
760 proposed joint merger plan if the amended version complies with
761 the notice and public hearing requirements provided in this
762 section ~~subsection~~. Thereafter, the governing bodies may approve
763 a final version of the joint merger plan or decline to proceed
764 further with the merger. Approval by the governing bodies of the
765 final version of the joint merger plan must occur within 60
766 business days after the final hearing.

767 ~~(e)5.~~ After the final public hearing, the governing bodies
768 shall notify the supervisors of elections of the applicable
769 counties in which district lands are located of the adoption of
770 the resolution by each governing body. The supervisors of
771 elections shall schedule a separate referendum for each
772 component independent special district. The referenda may be
773 held in each district on the same day, or on different days, but
774 no more than 20 days apart.

775 ~~1.a.~~ Notice of a referendum on the merger of independent
776 special districts must be provided pursuant to the notice
777 requirements in s. 100.342. At a minimum, the notice must
778 include:

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

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

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

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

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

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

790 2.b. The referenda must be held in accordance with the
791 Florida Election Code and may be held pursuant to ss. 101.6101-
792 101.6107. All costs associated with the referenda shall be borne
793 by the respective component independent special district.

794 3.e. The ballot question in such referendum placed before
795 the qualified electors of each component independent special
796 district to be merged must be in substantially the following
797 form:

798 "Shall ...(name of component independent special
799 district)... and ...(name of component independent special
800 district or districts)... be merged into ...(name of newly
801 merged independent district)...?"

802
803YES

804NO"

805
806 4.d. If the component independent special districts
807 proposing to merge have disparate millage rates, the ballot
808 question in the referendum placed before the qualified electors
809 of each component independent special district must be in
810 substantially the following form:

811
812 "Shall ...(name of component independent special

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813 district)... and ...(name of component independent special
814 district or districts)... be merged into ...(name of newly
815 merged independent district)... if the voter-approved maximum
816 millage rate within each independent special district will not
817 increase absent a subsequent referendum?

818

819YES

820NO"

821

822 ~~5.e.~~ In any referendum held pursuant to this section
823 ~~subsection~~, the ballots shall be counted, returns made and
824 canvassed, and results certified in the same manner as other
825 elections or referenda for the component independent special
826 districts.

827 ~~6.f.~~ The merger may not take effect unless a majority of
828 the votes cast in each component independent special district
829 are in favor of the merger. If one of the component districts
830 does not obtain a majority vote, the referendum fails, and
831 merger does not take effect.

832 ~~7.g.~~ If the merger is approved by a majority of the votes
833 cast in each component independent special district, the merged
834 independent district is created. Upon approval, the merged
835 independent district shall notify the Special District
836 Accountability Information Program pursuant to s. 189.016(2)
837 ~~189.418(2)~~ and the local general-purpose governments in which
838 any part of the component independent special districts is
839 situated pursuant to s. 189.016(7) ~~189.418(7)~~.

840 ~~8.h.~~ If the referendum fails, the merger process under this
841 subsection ~~paragraph~~ may not be initiated for the same purpose

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842 within 2 years after the date of the referendum.

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

847 (3)~~(e)~~ *Qualified elector-initiated merger plan.*—The
848 qualified electors of two or more contiguous independent special
849 districts may commence a merger proceeding by each filing a
850 petition with the governing body of their respective independent
851 special district proposing to be merged. The petition must
852 contain the signatures of at least 40 percent of the qualified
853 electors of each component independent special district and must
854 be submitted to the appropriate component independent special
855 district governing body no later than 1 year after the start of
856 the qualified elector-initiated merger process.

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

859
860 PETITION FOR
861 INDEPENDENT SPECIAL DISTRICT MERGER
862

863 We, the undersigned electors and legal voters of ...(name
864 of independent special district)..., qualified to vote at the
865 next general or special election, respectfully petition that
866 there be submitted to the electors and legal voters of ...(name
867 of independent special district or districts proposed to be
868 merged)..., for their approval or rejection at a referendum held
869 for that purpose, a proposal to merge ...(name of component
870 independent special district)... and ...(name of component

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871 independent special district or districts)....

872

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

875

876 Date Name Home Address
877 (print under signature)

878

879

880

881

882

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

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

891 "I, ...(name of witness)..., state that I am a duly
892 qualified voter of ...(name of independent special district)....
893 Each of the ...(insert number)... persons who have signed this
894 petition sheet has signed his or her name in my presence on the
895 dates indicated above and identified himself or herself to be
896 the same person who signed the sheet. I understand that this
897 statement will be accepted for all purposes as the equivalent of
898 an affidavit and, if it contains a materially false statement,
899 shall subject me to the penalties of perjury."

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900 Date Signature of Witness

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

904 "On the date indicated above before me personally came each
 905 of the ...(insert number)... electors and legal voters whose
 906 signatures appear on this petition sheet, who signed the
 907 petition in my presence and who, being by me duly sworn, each
 908 for himself or herself, identified himself or herself as the
 909 same person who signed the petition, and I declare that the
 910 foregoing information they provided was true."

911 Date Signature of Witness

912 ~~3.e.~~ An alteration or correction of information appearing
 913 on a petition's signature line, other than an uninitialed
 914 signature and date, does not invalidate such signature. In
 915 matters of form, this subsection ~~paragraph~~ shall be liberally
 916 construed, not inconsistent with substantial compliance thereto
 917 and the prevention of fraud.

918 ~~4.d.~~ The appropriately signed petition must be filed with
 919 the governing body of each component independent special
 920 district. The petition must be submitted to the supervisors of
 921 elections of the counties in which the district lands are
 922 located. The supervisors shall, within 30 business days after
 923 receipt of the petitions, certify to the governing bodies the
 924 number of signatures of qualified electors contained on the
 925 petitions.

926 (c)3. Upon verification by the supervisors of elections of
 927 the counties within which component independent special district
 928 lands are located that 40 percent of the qualified electors have

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929 petitioned for merger and that all such petitions have been
930 executed within 1 year after the date of the initiation of the
931 qualified-electoral merger process, the governing bodies of each
932 component independent special district shall meet within 30
933 business days to prepare and approve by resolution a proposed
934 electoral-initiated merger plan. The proposed plan must include:

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

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

938 ~~3.c.~~ The rights, duties, and obligations of the merged
939 independent district;

940 ~~4.d.~~ The territorial boundaries of the proposed merged
941 independent district;

942 ~~5.e.~~ The governmental organization of the proposed merged
943 independent district insofar as it concerns elected and
944 appointed officials and public employees, along with a
945 transitional plan and schedule for elections and appointments of
946 officials;

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

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

952 ~~8.h.~~ Each component independent special district's
953 liabilities and indebtedness, bonded and otherwise, and the
954 current value thereof;

955 ~~9.i.~~ Terms for the assumption and disposition of existing
956 assets, liabilities, and indebtedness of each component
957 independent special district, jointly, separately, or in defined

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958 proportions;

959 10.j. Terms for the common administration and uniform
960 enforcement of existing laws within the proposed merged
961 independent district;

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

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

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

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

973 1.a. Cause a copy of the proposed elector-initiated merger
974 plan, along with a descriptive summary of the plan, to be
975 displayed and be readily accessible to the public for inspection
976 in at least three public places within the territorial limits of
977 each component independent special district, unless a component
978 independent special district has fewer than three public places,
979 in which case the plan must be accessible for inspection in all
980 public places within the component independent special district;

981 2.b. If applicable, cause the proposed elector-initiated
982 merger plan, along with a descriptive summary of the plan and a
983 reference to the public places within each component independent
984 special district where a copy of the merger plan may be
985 examined, to be displayed on a website maintained by each
986 district or otherwise on a website maintained by the county or

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987 municipality in which the districts are located; and

988 ~~3.e.~~ Arrange for a descriptive summary of the proposed
989 elector-initiated merger plan, and a reference to the public
990 places within the district where a copy may be examined, to be
991 published in a newspaper of general circulation within the
992 component independent special districts at least once each week
993 for 4 successive weeks.

994 ~~(f)6.~~ The governing body of each component independent
995 special district shall set a time and place for one or more
996 public hearings on the proposed elector-initiated merger plan.
997 Each public hearing shall be held on a weekday at least 7
998 business days after the day the first advertisement is published
999 on the proposed elector-initiated merger plan. The hearing or
1000 hearings may be held jointly or separately by the governing
1001 bodies of the component independent special districts. Any
1002 interested person residing in the respective district shall be
1003 given a reasonable opportunity to be heard on any aspect of the
1004 proposed merger at the public hearing.

1005 ~~1.a.~~ Notice of the public hearing on the proposed elector-
1006 initiated merger plan must be published pursuant to the notice
1007 requirements in s. 189.015 ~~189.417~~ and must provide a
1008 descriptive summary of the elector-initiated merger plan and a
1009 reference to the public places within the component independent
1010 special districts where a copy of the plan may be examined.

1011 ~~2.b.~~ After the final public hearing, the governing bodies
1012 of each component independent special district may amend the
1013 proposed elector-initiated merger plan if the amended version
1014 complies with the notice and public hearing requirements
1015 provided in this section ~~subsection~~. The governing bodies must

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1016 approve a final version of the merger plan within 60 business
1017 days after the final hearing.

1018 (g)~~7.~~ After the final public hearing, the governing bodies
1019 shall notify the supervisors of elections of the applicable
1020 counties in which district lands are located of the adoption of
1021 the resolution by each governing body. The supervisors of
1022 elections shall schedule a date for the separate referenda for
1023 each district. The referenda may be held in each district on the
1024 same day, or on different days, but no more than 20 days apart.

1025 1.a. ~~Notice of a referendum on the merger of the component~~
1026 independent special districts must be provided pursuant to the
1027 notice requirements in s. 100.342. At a minimum, the notice must
1028 include:

1029 a.~~(I)~~ A brief summary of the resolution and elector-
1030 initiated merger plan;

1031 b.~~(II)~~ A statement as to where a copy of the resolution and
1032 petition for merger may be examined;

1033 c.~~(III)~~ The names of the component independent special
1034 districts to be merged and a description of their territory;

1035 d.~~(IV)~~ The times and places at which the referendum will be
1036 held; and

1037 e.~~(V)~~ Such other matters as may be necessary to call,
1038 provide for, and give notice of the referendum and to provide
1039 for the conduct thereof and the canvass of the returns.

1040 2.b. ~~The referenda must be held in accordance with the~~
1041 Florida Election Code and may be held pursuant to ss. 101.6101-
1042 101.6107. All costs associated with the referenda shall be borne
1043 by the respective component independent special district.

1044 3.e. ~~The ballot question in such referendum placed before~~

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1045 the qualified electors of each component independent special
1046 district to be merged must be in substantially the following
1047 form:

1048 "Shall ...(name of component independent special
1049 district)... and ...(name of component independent special
1050 district or districts)... be merged into ...(name of newly
1051 merged independent district)...?"

1052YES

1053NO"

1054 4.d. If the component independent special districts
1055 proposing to merge have disparate millage rates, the ballot
1056 question in the referendum placed before the qualified electors
1057 of each component independent special district must be in
1058 substantially the following form:

1059 "Shall ...(name of component independent special
1060 district)... and ...(name of component independent special
1061 district or districts)... be merged into ...(name of newly
1062 merged independent district)... if the voter-approved maximum
1063 millage rate within each independent special district will not
1064 increase absent a subsequent referendum?"

1065YES

1066NO"

1067 5.e. In any referendum held pursuant to this section
1068 ~~subsection~~, the ballots shall be counted, returns made and
1069 canvassed, and results certified in the same manner as other
1070 elections or referenda for the component independent special
1071 districts.

1072 6.f. The merger may not take effect unless a majority of
1073 the votes cast in each component independent special district

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1074 are in favor of the merger. If one of the component independent
1075 special districts does not obtain a majority vote, the
1076 referendum fails, and merger does not take effect.

1077 ~~7.g.~~ If the merger is approved by a majority of the votes
1078 cast in each component independent special district, the merged
1079 district shall notify the Special District Accountability
1080 ~~Information~~ Program pursuant to s. 189.016(2) ~~189.418(2)~~ and the
1081 local general-purpose governments in which any part of the
1082 component independent special districts is situated pursuant to
1083 s. 189.016(7) ~~189.418(7)~~.

1084 ~~8.h.~~ If the referendum fails, the merger process under this
1085 subsection ~~paragraph~~ may not be initiated for the same purpose
1086 within 2 years after the date of the referendum.

1087 ~~(h)g.~~ Component independent special districts merged
1088 pursuant to an elector-initiated merger plan shall continue to
1089 be governed as before the merger until the effective date
1090 specified in the adopted elector-initiated merger plan.

1091 ~~(4)(d)~~ *Effective date.*—The effective date of the merger
1092 shall be as provided in the joint merger plan or elector-
1093 initiated merger plan, as appropriate, and is not contingent
1094 upon the future act of the Legislature.

1095 ~~(a)1.~~ However, as soon as practicable, the merged
1096 independent district shall, at its own expense, submit a unified
1097 charter for the merged district to the Legislature for approval.
1098 The unified charter must make the powers of the district
1099 consistent within the merged independent district and repeal the
1100 special acts of the districts which existed before the merger.

1101 ~~(b)2.~~ Within 30 business days after the effective date of
1102 the merger, the merged independent district's governing body, as

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1103 indicated in this section ~~subsection~~, shall hold an
1104 organizational meeting to implement the provisions of the joint
1105 merger plan or elector-initiated merger plan, as appropriate.

1106 (5)~~(e)~~ *Restrictions during transition period.*—Until the
1107 Legislature formally approves the unified charter pursuant to a
1108 special act, each component independent special district is
1109 considered a subunit of the merged independent district subject
1110 to the following restrictions:

1111 (a)~~1.~~ During the transition period, the merged independent
1112 district is limited in its powers and financing capabilities
1113 within each subunit to those powers that existed within the
1114 boundaries of each subunit which were previously granted to the
1115 component independent special district in its existing charter
1116 before the merger. The merged independent district may not,
1117 solely by reason of the merger, increase its powers or financing
1118 capability.

1119 (b)~~2.~~ During the transition period, the merged independent
1120 district shall exercise only the legislative authority to levy
1121 and collect revenues within the boundaries of each subunit which
1122 was previously granted to the component independent special
1123 district by its existing charter before the merger, including
1124 the authority to levy ad valorem taxes, non-ad valorem
1125 assessments, impact fees, and charges.

1126 1.a. The merged independent district may not, solely by
1127 reason of the merger or the legislatively approved unified
1128 charter, increase ad valorem taxes on property within the
1129 original limits of a subunit beyond the maximum millage rate
1130 approved by the electors of the component independent special
1131 district unless the electors of such subunit approve an increase

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1132 at a subsequent referendum of the subunit's electors. Each
1133 subunit may be considered a separate taxing unit.

1134 ~~2.b.~~ The merged independent district may not, solely by
1135 reason of the merger, charge non-ad valorem assessments, impact
1136 fees, or other new fees within a subunit which were not
1137 otherwise previously authorized to be charged.

1138 ~~(c)3.~~ During the transition period, each component
1139 independent special district of the merged independent district
1140 must continue to file all information and reports required under
1141 this chapter as subunits until the Legislature formally approves
1142 the unified charter pursuant to a special act.

1143 ~~(d)4.~~ The intent of this part ~~section~~ is to preserve and
1144 transfer to the merged independent district all authority that
1145 exists within each subunit and was previously granted by the
1146 Legislature and, if applicable, by referendum.

1147 ~~(6)(f)~~ *Effect of merger, generally.*—On and after the
1148 effective date of the merger, the merged independent district
1149 shall be treated and considered for all purposes as one entity
1150 under the name and on the terms and conditions set forth in the
1151 joint merger plan or elector-initiated merger plan, as
1152 appropriate.

1153 ~~(a)1.~~ All rights, privileges, and franchises of each
1154 component independent special district and all assets, real and
1155 personal property, books, records, papers, seals, and equipment,
1156 as well as other things in action, belonging to each component
1157 independent special district before the merger shall be deemed
1158 as transferred to and vested in the merged independent district
1159 without further act or deed.

1160 ~~(b)2.~~ All property, rights-of-way, and other interests are

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1161 as effectually the property of the merged independent district
1162 as they were of the component independent special district
1163 before the merger. The title to real estate, by deed or
1164 otherwise, under the laws of this state vested in any component
1165 independent special district before the merger may not be deemed
1166 to revert or be in any way impaired by reason of the merger.

1167 (c)~~3.~~ The merged independent district is in all respects
1168 subject to all obligations and liabilities imposed and possesses
1169 all the rights, powers, and privileges vested by law in other
1170 similar entities.

1171 (d)~~4.~~ Upon the effective date of the merger, the joint
1172 merger plan or elector-initiated merger plan, as appropriate, is
1173 subordinate in all respects to the contract rights of all
1174 holders of any securities or obligations of the component
1175 independent special districts outstanding at the effective date
1176 of the merger.

1177 (e)~~5.~~ The new registration of electors is not necessary as
1178 a result of the merger, but all elector registrations of the
1179 component independent special districts shall be transferred to
1180 the proper registration books of the merged independent
1181 district, and new registrations shall be made as provided by law
1182 as if no merger had taken place.

1183 (7)~~(g)~~ *Governing body of merged independent district.*-

1184 (a)~~1.~~ From the effective date of the merger until the next
1185 general election, the governing body of the merged independent
1186 district shall be comprised of the governing body members of
1187 each component independent special district, with such members
1188 serving until the governing body members elected at the next
1189 general election take office.

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1190 (b)2- Beginning with the next general election following
1191 the effective date of merger, the governing body of the merged
1192 independent district shall be comprised of five members. The
1193 office of each governing body member shall be designated by
1194 seat, which shall be distinguished from other body member seats
1195 by an assigned numeral: 1, 2, 3, 4, or 5. The governing body
1196 members that are elected in this initial election following the
1197 merger shall serve unequal terms of 2 and 4 years in order to
1198 create staggered membership of the governing body, with:

1199 1.a- Member seats 1, 3, and 5 being designated for 4-year
1200 terms; and

1201 2.b- Member seats 2 and 4 being designated for 2-year
1202 terms.

1203 (c)3- In general elections thereafter, all governing body
1204 members shall serve 4-year terms.

1205 (8)-(h) *Effect on employees.*—Except as otherwise provided by
1206 law and except for those officials and employees protected by
1207 tenure of office, civil service provisions, or a collective
1208 bargaining agreement, upon the effective date of merger, all
1209 appointive offices and positions existing in all component
1210 independent special districts involved in the merger are subject
1211 to the terms of the joint merger plan or elector-initiated
1212 merger plan, as appropriate. Such plan may provide for instances
1213 in which there are duplications of positions and for other
1214 matters such as varying lengths of employee contracts, varying
1215 pay levels or benefits, different civil service regulations in
1216 the constituent entities, and differing ranks and position
1217 classifications for similar positions. For those employees who
1218 are members of a bargaining unit certified by the Public

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1219 Employees Relations Commission, the requirements of chapter 447
1220 apply.

1221 (9)~~(i)~~ *Effect on debts, liabilities, and obligations.*—

1222 (a)~~1.~~ All valid and lawful debts and liabilities existing
1223 against a merged independent district, or which may arise or
1224 accrue against the merged independent district, which but for
1225 merger would be valid and lawful debts or liabilities against
1226 one or more of the component independent special districts, are
1227 debts against or liabilities of the merged independent district
1228 and accordingly shall be defrayed and answered to by the merged
1229 independent district to the same extent, and no further than,
1230 the component independent special districts would have been
1231 bound if a merger had not taken place.

1232 (b)~~2.~~ The rights of creditors and all liens upon the
1233 property of any of the component independent special districts
1234 shall be preserved unimpaired. The respective component
1235 districts shall be deemed to continue in existence to preserve
1236 such rights and liens, and all debts, liabilities, and duties of
1237 any of the component districts attach to the merged independent
1238 district.

1239 (c)~~3.~~ All bonds, contracts, and obligations of the
1240 component independent special districts which exist as legal
1241 obligations are obligations of the merged independent district,
1242 and all such obligations shall be issued or entered into by and
1243 in the name of the merged independent district.

1244 (10)~~(j)~~ *Effect on actions and proceedings.*—In any action or
1245 proceeding pending on the effective date of merger to which a
1246 component independent special district is a party, the merged
1247 independent district may be substituted in its place, and the

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1248 action or proceeding may be prosecuted to judgment as if merger
1249 had not taken place. Suits may be brought and maintained against
1250 a merged independent district in any state court in the same
1251 manner as against any other independent special district.

1252 (11) ~~(k)~~ *Effect on annexation.*—Chapter 171 continues to
1253 apply to all annexations by a city within the component
1254 independent special districts' boundaries after merger occurs.
1255 Any moneys owed to a component independent special district
1256 pursuant to s. 171.093, or any interlocal service boundary
1257 agreement as a result of annexation predating the merger, shall
1258 be paid to the merged independent district after merger.

1259 (12) ~~(l)~~ *Effect on millage calculations.*—The merged
1260 independent special district is authorized to continue or
1261 conclude procedures under chapter 200 on behalf of the component
1262 independent special districts. The merged independent special
1263 district shall make the calculations required by chapter 200 for
1264 each component individual special district separately.

1265 (13) ~~(m)~~ *Determination of rights.*—If any right, title,
1266 interest, or claim arises out of a merger or by reason thereof
1267 which is not determinable by reference to this subsection, the
1268 joint merger plan or elector-initiated merger plan, as
1269 appropriate, or otherwise under the laws of this state, the
1270 governing body of the merged independent district may provide
1271 therefor in a manner conforming to law.

1272 (14) ~~(n)~~ *Exemption.*—This section ~~subsection~~ does not apply
1273 to independent special districts whose governing bodies are
1274 elected by district landowners voting the acreage owned within
1275 the district.

1276 (15) ~~(o)~~ *Preemption.*—This section ~~subsection~~ preempts any

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1277 special act to the contrary.

1278 Section 22. Subsection (6) of section 189.4042, Florida
1279 Statutes, is transferred, renumbered as section 189.075, Florida
1280 Statutes, and amended to read:

1281 189.075 ~~189.4042~~ Involuntary merger of independent special
1282 districts ~~Merger and dissolution procedures.~~

1283 ~~(6) INVOLUNTARY MERGER OF INDEPENDENT SPECIAL DISTRICTS.~~

1284 (1)(a) ~~(1)(a)~~ *Independent special districts created by special*
1285 *act.*—In order for the Legislature to merge an active independent
1286 special district or districts created and operating pursuant to
1287 a special act, the special act merging the active independent
1288 special district or districts must be approved at separate
1289 referenda of the impacted local governments by a majority of the
1290 resident electors or, for districts in which a majority of
1291 governing body ~~board~~ members are elected by landowners, a
1292 majority of the landowners voting in the same manner by which
1293 each independent special district's governing body is elected.
1294 The special act merging the districts must include a plan of
1295 merger that addresses transition issues such as the effective
1296 date of the merger, governance, administration, powers,
1297 pensions, and assumption of all assets and liabilities. If a
1298 local general-purpose government passes an ordinance or
1299 resolution in support of the merger of an active independent
1300 special district, the local general-purpose government must pay
1301 any expenses associated with the referendum required under this
1302 subsection ~~paragraph~~.

1303 (2)(b) ~~(2)(b)~~ *Independent special districts created by a county or*
1304 *municipality.*—A county or municipality may merge an independent
1305 special district created by the county or municipality pursuant

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1306 to a referendum or any other procedure by which the independent
1307 special district was created. However, if the independent
1308 special district has ad valorem taxation powers, the same
1309 procedure required to grant the independent special district ad
1310 valorem taxation powers is required to merge the district. The
1311 political subdivisions proposing the involuntary merger of an
1312 active independent special district must pay any expenses
1313 associated with the referendum required under this subsection
1314 paragraph.

1315 (3)~~(e)~~ *Inactive independent special districts.*—An
1316 independent special district that meets any criteria for being
1317 declared inactive, or that has already been declared inactive,
1318 pursuant to s. 189.062 ~~189.4044~~ may be merged by special act
1319 without a referendum.

1320 Section 23. Subsection (7) of section 189.4042, Florida
1321 Statutes, is transferred and renumbered as section 189.0761,
1322 Florida Statutes, and amended to read:

1323 189.0761 ~~189.4042~~ ~~Merger and dissolution procedures.~~—

1324 ~~(7)~~ Exemptions.—This part section does not apply to
1325 community development districts implemented pursuant to chapter
1326 190 or to water management districts created and operated
1327 pursuant to chapter 373.

1328 Section 24. Section 189.4044, Florida Statutes, is
1329 transferred and renumbered as section 189.062, Florida Statutes,
1330 subsections (1) and (3) of that section are amended, and
1331 subsections (5) and (6) are added to that section, to read:

1332 189.062 ~~189.4044~~ Special procedures for inactive
1333 districts.—

1334 (1) The department shall declare inactive any special

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1335 district in this state by documenting that:

1336 (a) The special district meets one of the following
1337 criteria:

1338 1. The registered agent of the district, the chair of the
1339 governing body of the district, or the governing body of the
1340 appropriate local general-purpose government notifies the
1341 department in writing that the district has taken no action for
1342 2 or more years;

1343 ~~2. Following an inquiry from the department,~~ The registered
1344 agent of the district, the chair of the governing body of the
1345 district, or the governing body of the appropriate local
1346 general-purpose government notifies the department in writing
1347 that the district has not had a governing body ~~board~~ or a
1348 sufficient number of governing body ~~board~~ members to constitute
1349 a quorum for 2 or more years;

1350 3. ~~or~~ The registered agent of the district, the chair of
1351 the governing body of the district, or the governing body of the
1352 appropriate local general-purpose government fails to respond to
1353 an ~~the department's~~ inquiry by the department within 21 days;

1354 ~~4.3.~~ The department determines, pursuant to s. 189.067
1355 ~~189.421~~, that the district has failed to file any of the reports
1356 listed in s. 189.066. ~~189.419~~;

1357 ~~5.4.~~ The district has not had a registered office and agent
1358 on file with the department for 1 or more years; ~~or~~

1359 ~~6.5.~~ The governing body of a special district provides
1360 documentation to the department that it has unanimously adopted
1361 a resolution declaring the special district inactive. The
1362 special district shall be responsible for payment of any
1363 expenses associated with its dissolution. A special district

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1364 declared inactive pursuant to this subparagraph may be dissolved
1365 without a referendum; or

1366 7. The department independently determines that the
1367 district is no longer active.

1368 (b) The department, special district, or local general-
1369 purpose government published a notice of proposed declaration of
1370 inactive status in a newspaper of general circulation in the
1371 county or municipality in which the territory of the special
1372 district is located and sent a copy of such notice by certified
1373 mail to the registered agent or chair of the governing body
1374 ~~board~~, if any. Such notice must include the name of the special
1375 district, the law under which it was organized and operating, a
1376 general description of the territory included in the special
1377 district, and a statement that any objections must be filed
1378 pursuant to chapter 120 within 21 days after the publication
1379 date; and

1380 (c) Twenty-one days have elapsed from the publication date
1381 of the notice of proposed declaration of inactive status and no
1382 administrative appeals were filed.

1383 (3) In the case of a district created by special act of the
1384 Legislature, the department shall send a notice of declaration
1385 of inactive status to the chair of the county legislative
1386 delegation and the Legislative Auditing Committee ~~Speaker of the~~
1387 ~~House of Representatives and the President of the Senate.~~ The
1388 notice of declaration of inactive status shall reference each
1389 known special act creating or amending the charter of any
1390 special district declared to be inactive under this section. The
1391 declaration of inactive status shall be sufficient notice as
1392 required by s. 10, Art. III of the State Constitution to

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1393 authorize the Legislature to repeal any special laws so
1394 reported. In the case of a district created by one or more local
1395 general-purpose governments, the department shall send a notice
1396 of declaration of inactive status to the chair of the governing
1397 body of each local general-purpose government that created the
1398 district. In the case of a district created by interlocal
1399 agreement, the department shall send a notice of declaration of
1400 inactive status to the chair of the governing body of each local
1401 general-purpose government which entered into the interlocal
1402 agreement.

1403 (5) A special district declared inactive under this section
1404 may not collect taxes, fees, or assessments unless the
1405 declaration is:

1406 (a) Withdrawn or revoked by the department; or

1407 (b) Invalidated in proceedings initiated by the special
1408 district within 30 days after the date notice of the declaration
1409 was provided to the special district governing body, either by
1410 an administrative law judge in proceedings under chapter 120 or
1411 by petition for writ of certiorari in the circuit court in the
1412 judicial circuit having jurisdiction over the geographical
1413 boundaries of the special district, or, if such boundaries
1414 extend beyond the boundaries of a single county, in a circuit
1415 court in and for any such county.

1416 (6) If a special district that is declared inactive
1417 pursuant to this section does not initiate a timely challenge to
1418 such declaration, the department may enforce subsection (5) in
1419 the circuit court in and for Leon County, through injunctive or
1420 other relief.

1421 Section 25. Section 189.4045, Florida Statutes, is

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1422 transferred and renumbered as section 189.076, Florida Statutes.

1423 Section 26. Section 189.4047, Florida Statutes, is
1424 transferred and renumbered as section 189.021, Florida Statutes.

1425 Section 27. Subsections (1), (2), (3), (4), (6), and (7) of
1426 section 189.405, Florida Statutes, are transferred and
1427 renumbered as subsections (1) through (6) of section 189.04,
1428 Florida Statutes, respectively, and present subsection (1),
1429 paragraph (c) of present subsection (2), and present subsections
1430 (3), (4), and (7) of that section are amended, to read:

1431 189.04 ~~189.405~~ Elections; general requirements and
1432 procedures; ~~education programs.~~

1433 (1) If a dependent special district has an elected
1434 governing body ~~board~~, elections shall be conducted by the
1435 supervisor of elections of the county wherein the district is
1436 located in accordance with the Florida Election Code, chapters
1437 97-106.

1438 (2)

1439 (c) A candidate for a position on a governing body ~~board~~ of
1440 a single-county special district that has its elections
1441 conducted by the supervisor of elections shall qualify for the
1442 office with the county supervisor of elections in whose
1443 jurisdiction the district is located. Elections for governing
1444 body ~~board~~ members elected by registered electors shall be
1445 nonpartisan, except when partisan elections are specified by a
1446 district's charter. Candidates shall qualify as directed by
1447 chapter 99. The qualifying fee shall be remitted to the general
1448 revenue fund of the qualifying officer to help defray the cost
1449 of the election.

1450 (3) (a) If a multicounty special district has a popularly

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1451 elected governing body ~~board~~, elections for the purpose of
1452 electing members to such governing body ~~board~~ shall conform to
1453 the Florida Election Code, chapters 97-106.

1454 (b) With the exception of those districts conducting
1455 elections on a one-acre/one-vote basis, qualifying for
1456 multicounty special district governing body ~~board~~ positions
1457 shall be coordinated by the Department of State. Elections for
1458 governing body ~~board~~ members elected by registered electors
1459 shall be nonpartisan, except when partisan elections are
1460 specified by a district's charter. Candidates shall qualify as
1461 directed by chapter 99. The qualifying fee shall be remitted to
1462 the Department of State.

1463 (4) With the exception of elections of special district
1464 governing body ~~board~~ members conducted on a one-acre/one-vote
1465 basis, in any election conducted in a special district the
1466 decision made by a majority of those voting shall prevail,
1467 except as otherwise specified by law.

1468 ~~(6)-(7)~~ Nothing in this act requires that a special district
1469 governed by an appointed governing body ~~board~~ convert to an
1470 elected governing body ~~board~~.

1471 Section 28. Subsection (5) of section 189.405, Florida
1472 Statutes, is transferred, renumbered as section 189.063, Florida
1473 Statutes, and amended to read:

1474 189.063 ~~189.405~~ Education programs for new members of
1475 district governing bodies ~~Elections; general requirements and~~
1476 ~~procedures; education programs.-~~

1477 ~~(1)-(5)-(a)~~ The department may provide, contract for, or
1478 assist in conducting education programs, as its budget permits,
1479 for all newly elected or appointed members of district governing

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1480 bodies ~~boards~~. The education programs shall include, but are not
1481 limited to, courses on the code of ethics for public officers
1482 and employees, public meetings and public records requirements,
1483 public finance, and parliamentary procedure. ~~Course content may~~
1484 ~~be offered by means of the following: videotapes, live seminars,~~
1485 ~~workshops, conferences, teleconferences, computer based~~
1486 ~~training, multimedia presentations, or other available~~
1487 ~~instructional methods.~~

1488 (2)(b) An individual district governing body ~~board~~, at its
1489 discretion, may bear the costs associated with educating its
1490 members. Governing body ~~Board~~ members of districts which have
1491 qualified for a zero annual fee for the most recent invoicing
1492 period pursuant to s. 189.018 are ~~189.427~~ shall not be required
1493 to pay a fee for any education program the department provides,
1494 contracts for, or assists in conducting.

1495 Section 29. Section 189.4051, Florida Statutes, is
1496 transferred, renumbered as section 189.041, Florida Statutes,
1497 and amended to read:

1498 189.041 ~~189.4051~~ Elections; special requirements and
1499 procedures for districts with governing bodies ~~boards~~ elected on
1500 a one-acre/one-vote basis.—

1501 (1) DEFINITIONS.—As used in this section:

1502 (a) "Qualified elector" means any person at least 18 years
1503 of age who is a citizen of the United States, a permanent
1504 resident of Florida, and a freeholder or freeholder's spouse and
1505 resident of the district who registers with the supervisor of
1506 elections of a county within which the district lands are
1507 located when the registration books are open.

1508 (b) "Urban area" means a contiguous developed and inhabited

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1509 urban area within a district with a minimum average resident
1510 population density of at least 1.5 persons per acre as defined
1511 by the latest official census, special census, or population
1512 estimate or a minimum density of one single-family home per 2.5
1513 acres with access to improved roads or a minimum density of one
1514 single-family home per 5 acres within a recorded plat
1515 subdivision. Urban areas shall be designated by the governing
1516 body ~~board~~ of the district with the assistance of all local
1517 general-purpose governments having jurisdiction over the area
1518 within the district.

1519 (c) "Governing body ~~board~~ member" means any duly elected
1520 member of the governing body ~~board~~ of a special district elected
1521 pursuant to this section, provided that a ~~any~~ ~~board~~ member
1522 elected by popular vote shall be a qualified district elector
1523 and a ~~any~~ ~~board~~ member elected on a one-acre/one-vote basis
1524 shall meet the requirements of s. 298.11 for election to the
1525 governing body ~~board~~.

1526 (d) "Contiguous developed urban area" means any reasonably
1527 compact urban area located entirely within a special district.
1528 The separation of urban areas by a publicly owned park, right-
1529 of-way, highway, road, railroad, canal, utility, body of water,
1530 watercourse, or other minor geographical division of a similar
1531 nature shall not prevent such areas from being defined as urban
1532 areas.

1533 (2) POPULAR ELECTIONS; REFERENDUM; DESIGNATION OF URBAN
1534 AREAS.—

1535 (a) *Referendum*.—

1536 1. A referendum shall be called by the governing body ~~board~~
1537 of a special district where the governing body ~~board~~ is elected

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1538 on a one-acre/one-vote basis on the question of whether certain
1539 members of a district governing body ~~board~~ should be elected by
1540 qualified electors, provided each of the following conditions
1541 has been satisfied at least 60 days before ~~prior to~~ the general
1542 or special election at which the referendum is to be held:

1543 a. The district shall have a total population, according to
1544 the latest official state census, a special census, or a
1545 population estimate, of at least 500 qualified electors.

1546 b. A petition signed by 10 percent of the qualified
1547 electors of the district shall have been filed with the
1548 governing body ~~board~~ of the district. The petition shall be
1549 submitted to the supervisor of elections of the county or
1550 counties in which the lands are located. The supervisor shall,
1551 within 30 days after the receipt of the petitions, certify to
1552 the governing body ~~board~~ the number of signatures of qualified
1553 electors contained on the petition.

1554 2. Upon verification by the supervisor or supervisors of
1555 elections of the county or counties within which district lands
1556 are located that 10 percent of the qualified electors of the
1557 district have petitioned the governing body ~~board~~, a referendum
1558 election shall be called by the governing body ~~board~~ at the next
1559 regularly scheduled election of governing body ~~board~~ members
1560 occurring at least 30 days after verification of the petition or
1561 within 6 months of verification, whichever is earlier.

1562 3. If the qualified electors approve the election procedure
1563 described in this subsection, the governing body ~~board~~ of the
1564 district shall be increased to five members and elections shall
1565 be held pursuant to the criteria described in this subsection
1566 beginning with the next regularly scheduled election of

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1567 governing body ~~board~~ members or at a special election called
1568 within 6 months following the referendum and final unappealed
1569 approval of district urban area maps as provided in paragraph
1570 (b), whichever is earlier.

1571 4. If the qualified electors of the district disapprove the
1572 election procedure described in this subsection, elections of
1573 the members of the governing body ~~board~~ shall continue as
1574 described by s. 298.12 or the enabling legislation for the
1575 district. No further referendum on the question shall be held
1576 for a minimum period of 2 years following the referendum.

1577 (b) *Designation of urban areas.*—

1578 1. Within 30 days after approval of the election process
1579 described in this subsection by qualified electors of the
1580 district, the governing body ~~board~~ shall direct the district
1581 staff to prepare and present maps of the district describing the
1582 extent and location of all urban areas within the district. Such
1583 determination shall be based upon the criteria contained within
1584 paragraph (1)(b).

1585 2. Within 60 days after approval of the election process
1586 described in this subsection by qualified electors of the
1587 district, the maps describing urban areas within the district
1588 shall be presented to the governing body ~~board~~.

1589 3. Any district landowner or elector may contest the
1590 accuracy of the urban area maps prepared by the district staff
1591 within 30 days after submission to the governing body ~~board~~.
1592 Upon notice of objection to the maps, the governing body ~~board~~
1593 shall request the county engineer to prepare and present maps of
1594 the district describing the extent and location of all urban
1595 areas within the district. Such determination shall be based

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1596 upon the criteria contained within paragraph (1)(b). Within 30
1597 days after the governing body ~~board~~ request, the county engineer
1598 shall present the maps to the governing body ~~board~~.

1599 4. Upon presentation of the maps by the county engineer,
1600 the governing body ~~board~~ shall compare the maps submitted by
1601 both the district staff and the county engineer and make a
1602 determination as to which set of maps to adopt. Within 60 days
1603 after presentation of all such maps, the governing body ~~board~~
1604 may amend and shall adopt the official maps at a regularly
1605 scheduled meeting of the governing body ~~board meeting~~.

1606 5. Any district landowner or qualified elector may contest
1607 the accuracy of the urban area maps adopted by the governing
1608 body ~~board~~ within 30 days after adoption by petition to the
1609 circuit court with jurisdiction over the district. Accuracy
1610 shall be determined pursuant to paragraph (1)(b). Any petitions
1611 so filed shall be heard expeditiously, and the maps shall either
1612 be approved or approved with necessary amendments to render the
1613 maps accurate and shall be certified to the governing body
1614 ~~board~~.

1615 6. Upon adoption by the governing body ~~board~~ or
1616 certification by the court, the district urban area maps shall
1617 serve as the official maps for determination of the extent of
1618 urban area within the district and the number of governing body
1619 ~~board~~ members to be elected by qualified electors and by the
1620 one-acre/one-vote principle at the next regularly scheduled
1621 election of governing body ~~board~~ members.

1622 7. Upon a determination of the percentage of urban area
1623 within the district as compared with total area within the
1624 district, the governing body ~~board~~ shall order elections in

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1625 accordance with the percentages pursuant to paragraph (3) (a).
1626 The landowners' meeting date shall be designated by the
1627 governing body ~~board~~.

1628 8. The maps shall be updated and readopted every 5 years or
1629 sooner in the discretion of the governing body ~~board~~.

1630 (3) GOVERNING BODY ~~BOARD~~.—

1631 (a) *Composition of* ~~board~~.—

1632 1. Members of the governing body ~~board~~ of the district
1633 shall be elected in accordance with the following determinations
1634 of urban area:

1635 a. If urban areas constitute 25 percent or less of the
1636 district, one governing body ~~board~~ member shall be elected by
1637 the qualified electors and four governing body ~~board~~ members
1638 shall be elected in accordance with the one-acre/one-vote
1639 principle contained within s. 298.11 or the district-enabling
1640 legislation.

1641 b. If urban areas constitute 26 percent to 50 percent of
1642 the district, two governing body ~~board~~ members shall be elected
1643 by the qualified electors and three governing body ~~board~~ members
1644 shall be elected in accordance with the one-acre/one-vote
1645 principle contained within s. 298.11 or the district-enabling
1646 legislation.

1647 c. If urban areas constitute 51 percent to 70 percent of
1648 the district, three governing body ~~board~~ members shall be
1649 elected by the qualified electors and two governing body ~~board~~
1650 members shall be elected in accordance with the one-acre/one-
1651 vote principle contained within s. 298.11 or the district-
1652 enabling legislation.

1653 d. If urban areas constitute 71 percent to 90 percent of

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1654 the district, four governing body ~~board~~ members shall be elected
1655 by the qualified electors and one governing body ~~board~~ member
1656 shall be elected in accordance with the one-acre/one-vote
1657 principle contained within s. 298.11 or the district-enabling
1658 legislation.

1659 e. If urban areas constitute 91 percent or more of the
1660 district, all governing body ~~board~~ members shall be elected by
1661 the qualified electors.

1662 2. All governing body ~~board~~ members elected by qualified
1663 electors shall be elected at large.

1664 (b) *Term of office.*—All governing body ~~board~~ members
1665 elected by qualified electors shall have a term of 4 years
1666 except for governing body ~~board~~ members elected at the first
1667 election and the first landowners' meeting following the
1668 referendum prescribed in paragraph (2) (a). Governing body ~~board~~
1669 members elected at the first election and the first landowners'
1670 meeting following the referendum shall serve as follows:

1671 1. If one governing body ~~board~~ member is elected by the
1672 qualified electors and four are elected on a one-acre/one-vote
1673 basis, the governing body ~~board~~ member elected by the qualified
1674 electors shall be elected for a period of 4 years. Governing
1675 body ~~board~~ members elected on a one-acre/one-vote basis shall be
1676 elected for periods of 1, 2, 3, and 4 years, respectively, as
1677 prescribed by ss. 298.11 and 298.12.

1678 2. If two governing body ~~board~~ members are elected by the
1679 qualified electors and three are elected on a one-acre/one-vote
1680 basis, the governing body ~~board~~ members elected by the electors
1681 shall be elected for a period of 4 years. Governing body ~~board~~
1682 members elected on a one-acre/one-vote basis shall be elected

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1683 for periods of 1, 2, and 3 years, respectively, as prescribed by
1684 ss. 298.11 and 298.12.

1685 3. If three governing body ~~board~~ members are elected by the
1686 qualified electors and two are elected on a one-acre/one-vote
1687 basis, two of the governing body ~~board~~ members elected by the
1688 electors shall be elected for a term of 4 years and the other
1689 governing body ~~board~~ member elected by the electors shall be
1690 elected for a term of 2 years. Governing body ~~board~~ members
1691 elected on a one-acre/one-vote basis shall be elected for terms
1692 of 1 and 2 years, respectively, as prescribed by ss. 298.11 and
1693 298.12.

1694 4. If four governing body ~~board~~ members are elected by the
1695 qualified electors and one is elected on a one-acre/one-vote
1696 basis, two of the governing body ~~board~~ members elected by the
1697 electors shall be elected for a term of 2 years and the other
1698 two for a term of 4 years. The governing body ~~board~~ member
1699 elected on a one-acre/one-vote basis shall be elected for a term
1700 of 1 year as prescribed by ss. 298.11 and 298.12.

1701 5. If five governing body ~~board~~ members are elected by the
1702 qualified electors, three shall be elected for a term of 4 years
1703 and two for a term of 2 years.

1704 6. If any vacancy occurs in a seat occupied by a governing
1705 body ~~board~~ member elected by the qualified electors, the
1706 remaining members of the governing body ~~board~~ shall, within 45
1707 days after the vacancy occurs, appoint a person who would be
1708 eligible to hold the office to the unexpired term.

1709 (c) *Landowners' meetings.*—

1710 1. An annual landowners' meeting shall be held pursuant to
1711 s. 298.11 and at least one governing body ~~board~~ member shall be

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1712 elected on a one-acre/one-vote basis pursuant to s. 298.12 for
1713 so long as 10 percent or more of the district is not contained
1714 in an urban area. In the event all district governing body ~~board~~
1715 members are elected by qualified electors, there shall be no
1716 further landowners' meetings.

1717 2. At any landowners' meeting called pursuant to this
1718 section, 50 percent of the district acreage shall not be
1719 required to constitute a quorum and each governing body ~~board~~
1720 member shall be elected by a majority of the acreage represented
1721 either by owner or proxy present and voting at said meeting.

1722 3. All landowners' meetings of districts operating pursuant
1723 to this section shall be set by the governing body ~~board~~ within
1724 the month preceding the month of the election of the governing
1725 body ~~board~~ members by the electors.

1726 4. Vacancies on the governing body ~~board~~ shall be filled
1727 pursuant to s. 298.12 except as otherwise provided in
1728 subparagraph (b)6.

1729 (4) QUALIFICATIONS.—Elections for governing body ~~board~~
1730 members elected by qualified electors shall be nonpartisan.
1731 Qualifications shall be pursuant to the Florida Election Code
1732 and shall occur during the qualifying period established by s.
1733 99.061. Qualification requirements shall only apply to those
1734 governing body ~~board~~ member candidates elected by qualified
1735 electors. Following the first election pursuant to this section,
1736 elections to the governing body ~~board~~ by qualified electors
1737 shall occur at the next regularly scheduled election closest in
1738 time to the expiration date of the term of the elected governing
1739 body ~~board~~ member. If the next regularly scheduled election is
1740 beyond the normal expiration time for the term of an elected

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1741 governing body ~~board~~ member, the governing body ~~board~~ member
 1742 shall hold office until the election of a successor.

1743 (5) Those districts established as single-purpose water
 1744 control districts, and which continue to act as single-purpose
 1745 water control districts, pursuant to chapter 298, pursuant to a
 1746 special act, pursuant to a local government ordinance, or
 1747 pursuant to a judicial decree, shall be exempt from the
 1748 provisions of this section. All other independent special
 1749 districts with governing bodies ~~boards~~ elected on a one-
 1750 acre/one-vote basis shall be subject to the provisions of this
 1751 section.

1752 (6) The provisions of this section shall not apply to
 1753 community development districts established pursuant to chapter
 1754 190.

1755 Section 30. Section 189.4065, Florida Statutes, is
 1756 transferred and renumbered as section 189.05, Florida Statutes.

1757 Section 31. Section 189.408, Florida Statutes, is
 1758 transferred and renumbered as section 189.042, Florida Statutes.

1759 Section 32. Section 189.4085, Florida Statutes, is
 1760 transferred and renumbered as section 189.051, Florida Statutes.

1761 Section 33. Section 189.412, Florida Statutes, is
 1762 transferred and renumbered as section 189.064, Florida Statutes,
 1763 and amended to read:

1764 189.064 ~~189.412~~ Special District Accountability Information
 1765 Program; duties and responsibilities.—The Special District
 1766 Accountability Information Program of the department of ~~Economic~~
 1767 ~~Opportunity~~ ~~is created~~ and has the following ~~special~~ duties:

1768 (1) Electronically publishing ~~The collection and~~
 1769 ~~maintenance of~~ special district noncompliance status reports

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1770 from the department of ~~Management Services~~, the Department of
 1771 Financial Services, the Division of Bond Finance of the State
 1772 Board of Administration, the Auditor General, and the
 1773 Legislative Auditing Committee, for the reporting required in
 1774 ss. 112.63, 218.32, 218.38, and 218.39. The noncompliance
 1775 reports must list those special districts that did not comply
 1776 with the statutory reporting requirements and be made available
 1777 to the public electronically.

1778 (2) Maintaining the official list of special districts ~~The~~
 1779 ~~maintenance of a master list of independent and dependent~~
 1780 ~~special districts which shall be available on the department's~~
 1781 ~~website.~~

1782 (3) ~~The~~ Publishing and updating of a "Florida Special
 1783 District Handbook" that contains, at a minimum:

1784 (a) A section that specifies definitions of special
 1785 districts and status distinctions in the statutes.

1786 (b) A section or sections that specify current statutory
 1787 provisions for special district creation, implementation,
 1788 modification, dissolution, and operating procedures.

1789 (c) A section that summarizes the reporting requirements
 1790 applicable to all types of special districts as provided in ss.
 1791 189.015 and 189.016 ~~189.417 and 189.418~~.

1792 ~~(4) When feasible, securing and maintaining access to~~
 1793 ~~special district information collected by all state agencies in~~
 1794 ~~existing or newly created state computer systems.~~

1795 ~~(4)-(5) Coordinating and communicating~~ The facilitation of
 1796 ~~coordination and communication among state agencies regarding~~
 1797 ~~special districts~~ district information.

1798 ~~(6) The conduct of studies relevant to special districts.~~

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1799 (5)~~(7)~~ Providing technical advisory ~~The provision of~~
 1800 assistance ~~related to~~ special districts regarding the ~~and~~
 1801 ~~appropriate in the performance of~~ requirements specified in this
 1802 chapter, ~~including assisting with an annual conference sponsored~~
 1803 ~~by the Florida Association of Special Districts or its~~
 1804 ~~successor.~~

1805 (6)~~(8)~~ Providing assistance to local general-purpose
 1806 governments and ~~certain~~ state agencies in collecting delinquent
 1807 reports or information.7

1808 (7) Helping special districts comply with reporting
 1809 requirements.7

1810 (8) Declaring special districts inactive when ~~appropriate,~~
 1811 ~~and, when~~ directed by the Legislative Auditing Committee or
 1812 required by this chapter.7

1813 (9) Initiating enforcement proceedings ~~provisions~~ as
 1814 provided in ss. 189.062, 189.066, and 189.067 ~~189.4044, 189.419,~~
 1815 ~~and 189.421.~~

1816 Section 34. Section 189.413, Florida Statutes, is
 1817 transferred and renumbered as section 189.065, Florida Statutes,
 1818 and amended to read:

1819 189.065 ~~189.413~~ Special districts; oversight of state funds
 1820 use.—Any state agency administering funding programs for which
 1821 special districts are eligible shall be responsible for
 1822 oversight of the use of such funds by special districts. The
 1823 oversight responsibilities shall include, but not be limited to:

1824 (1) Reporting the existence of the program to the Special
 1825 District Accountability Information ~~Information~~ Program of the department.

1826 (2) Submitting annually a list of special districts
 1827 participating in a state funding program to the Special District

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1828 Accountability ~~Information~~ Program of the department. This list
1829 must indicate the special districts, if any, that are not in
1830 compliance with state funding program requirements.

1831 Section 35. Section 189.415, Florida Statutes, is
1832 transferred and renumbered as section 189.08, Florida Statutes.

1833 Section 36. Section 189.4155, Florida Statutes, is
1834 transferred and renumbered as section 189.081, Florida Statutes.

1835 Section 37. Section 189.4156, Florida Statutes, is
1836 transferred and renumbered as section 189.082, Florida Statutes.

1837 Section 38. Section 189.416, Florida Statutes, is
1838 transferred and renumbered as section 189.014, Florida Statutes,
1839 and subsection (1) of that section is amended, to read:

1840 189.014 ~~189.416~~ Designation of registered office and
1841 agent.—

1842 (1) Within 30 days after the first meeting of its governing
1843 body ~~board~~, each special district in the state shall designate a
1844 registered office and a registered agent and file such
1845 information with the local governing authority or authorities
1846 and with the department. The registered agent shall be an agent
1847 of the district upon whom any process, notice, or demand
1848 required or permitted by law to be served upon the district may
1849 be served. A registered agent shall be an individual resident of
1850 this state whose business address is identical with the
1851 registered office of the district. The registered office may be,
1852 but need not be, the same as the place of business of the
1853 special district.

1854 Section 39. Section 189.417, Florida Statutes, is
1855 transferred and renumbered as section 189.015, Florida Statutes,
1856 and subsection (1) of that section is amended, to read:

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1857 189.015 ~~189.417~~ Meetings; notice; required reports.—

1858 (1) The governing body of each special district shall file

1859 quarterly, semiannually, or annually a schedule of its regular

1860 meetings with the local governing authority or authorities. The

1861 schedule shall include the date, time, and location of each

1862 scheduled meeting. The schedule shall be published quarterly,

1863 semiannually, or annually in a newspaper of general paid

1864 circulation in the manner required in this subsection. The

1865 governing body of an independent special district shall

1866 advertise the day, time, place, and purpose of any meeting other

1867 than a regular meeting or any recessed and reconvened meeting of

1868 the governing body, at least 7 days before ~~prior to~~ such

1869 meeting, in a newspaper of general paid circulation in the

1870 county or counties in which the special district is located,

1871 unless a bona fide emergency situation exists, in which case a

1872 meeting to deal with the emergency may be held as necessary,

1873 with reasonable notice, so long as it is subsequently ratified

1874 by the governing body ~~board~~. No approval of the annual budget

1875 shall be granted at an emergency meeting. The advertisement

1876 shall be placed in that portion of the newspaper where legal

1877 notices and classified advertisements appear. The advertisement

1878 shall appear in a newspaper that is published at least 5 days a

1879 week, unless the only newspaper in the county is published fewer

1880 than 5 days a week. The newspaper selected must be one of

1881 general interest and readership in the community and not one of

1882 limited subject matter, pursuant to chapter 50. Any other

1883 provision of law to the contrary notwithstanding, and except in

1884 the case of emergency meetings, water management districts may

1885 provide reasonable notice of public meetings held to evaluate

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1886 responses to solicitations issued by the water management
 1887 district, by publication in a newspaper of general paid
 1888 circulation in the county where the principal office of the
 1889 water management district is located, or in the county or
 1890 counties where the public work will be performed, no less than 7
 1891 days before such meeting.

1892 Section 40. Section 189.418, Florida Statutes, is
 1893 transferred and renumbered as section 189.016, Florida Statutes,
 1894 and subsections (2) and (10) of that section are amended, to
 1895 read:

1896 189.016 ~~189.418~~ Reports; budgets; audits.—

1897 (2) Any amendment, modification, or update of the document
 1898 by which the district was created, including changes in
 1899 boundaries, must be filed with the department within 30 days
 1900 after adoption. The department may initiate proceedings against
 1901 special districts as provided in s. 189.067 ~~189.421~~ for failure
 1902 to file the information required by this subsection. However,
 1903 for the purposes of this section and s. 175.101(1), the
 1904 boundaries of a district shall be deemed to include an area that
 1905 has been annexed until the completion of the 4-year period
 1906 specified in s. 171.093(4) or other mutually agreed upon
 1907 extension, or when a district is providing services pursuant to
 1908 an interlocal agreement entered into pursuant to s. 171.093(3).

1909 (10) All reports or information required to be filed with a
 1910 local general-purpose government or governing authority under
 1911 ss. 189.08, 189.014, and 189.015 ~~189.415, 189.416, and 189.417~~
 1912 and subsection (8) must:

1913 (a) If the local general-purpose government or governing
 1914 authority is a county, be filed with the clerk of the board of

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1915 county commissioners.

1916 (b) If the district is a multicounty district, be filed
1917 with the clerk of the county commission in each county.

1918 (c) If the local general-purpose government or governing
1919 authority is a municipality, be filed at the place designated by
1920 the municipal governing body.

1921 Section 41. Section 189.419, Florida Statutes, is
1922 transferred, renumbered as section 189.066, Florida Statutes,
1923 and amended to read:

1924 189.066 ~~189.419~~ Effect of failure to file certain reports
1925 or information.—

1926 (1) If an independent special district fails to file the
1927 reports or information required under s. 189.08, s. 189.014, s.
1928 189.015, or s. 189.016(9) ~~189.415, s. 189.416, s. 189.417, or s.~~
1929 ~~189.418(9)~~ with the local general-purpose government or
1930 governments in which it is located, the person authorized to
1931 receive and read the reports or information or the local
1932 general-purpose government shall notify the district's
1933 registered agent. If requested by the district, the local
1934 general-purpose government shall grant an extension of up to 30
1935 days for filing the required reports or information. If the
1936 governing body of the local general-purpose government or
1937 governments determines that there has been an unjustified
1938 failure to file these reports or information, it may notify the
1939 department, and the department may proceed pursuant to s.
1940 189.067(1) ~~189.421(1)~~.

1941 (2) If a dependent special district fails to file the
1942 reports or information required under s. 189.014, s. 189.015, or
1943 s. 189.016(9) ~~189.416, s. 189.417, or s. 189.418(9)~~ with the

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1944 local governing authority to which it is dependent, the local
1945 governing authority shall take whatever steps it deems necessary
1946 to enforce the special district's accountability. Such steps may
1947 include, as authorized, withholding funds, removing governing
1948 body ~~board~~ members at will, vetoing the special district's
1949 budget, conducting the oversight review process set forth in s.
1950 189.068 ~~189.428~~, or amending, merging, or dissolving the special
1951 district in accordance with the provisions contained in the
1952 ordinance that created the dependent special district.

1953 (3) If a special district fails to file the reports or
1954 information required under s. 218.38 with the appropriate state
1955 agency, the agency shall notify the department, and the
1956 department shall send a certified technical assistance letter to
1957 the special district which summarizes the requirements and
1958 compels ~~encourages~~ the special district to take steps to prevent
1959 the noncompliance from reoccurring.

1960 (4) If a special district fails to file the reports or
1961 information required under s. 112.63 with the appropriate state
1962 agency, the agency shall notify the department and the
1963 department shall proceed pursuant to s. 189.067(1) ~~189.421(1)~~.

1964 (5) If a special district fails to file the reports or
1965 information required under s. 218.32 or s. 218.39 with the
1966 appropriate state agency or office, the state agency or office
1967 shall notify, ~~and~~ the Legislative Auditing Committee ~~may, notify~~
1968 ~~the department and the department shall proceed pursuant to s.~~
1969 ~~189.421.~~

1970 (6) If a special district created by special act of the
1971 Legislature fails to file the reports or information required
1972 under s. 218.32 or s. 218.39 with the appropriate state agency

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1973 or office, the Legislative Auditing Committee shall notify the
1974 department and the chair of the county legislative delegation in
1975 writing, pursuant to s. 189.034.

1976 (7) If a special district created by ordinance fails to
1977 file the reports or information required under s. 218.32 or
1978 218.39 with the appropriate state agency or office, the
1979 Legislative Auditing Committee shall notify the department and
1980 the chair or equivalent of the local general-purpose government
1981 that created the district, in writing, pursuant to s. 189.035.

1982 Section 42. Section 189.420, Florida Statutes, is
1983 transferred and renumbered as section 189.052, Florida Statutes.

1984 Section 43. Section 189.421, Florida Statutes, is
1985 transferred, renumbered as section 189.067, Florida Statutes,
1986 and amended to read:

1987 189.067 ~~189.421~~ Failure of district to disclose financial
1988 reports.—

1989 (1) (a) If notified pursuant to s. 189.066(1) ~~189.419(1)~~,
1990 (4), or (5), the department shall attempt to assist a special
1991 district in complying with its financial reporting requirements
1992 by sending a certified letter to the special district, and, if
1993 the special district is dependent, sending a copy of that letter
1994 to the chair of the local governing authority. The letter must
1995 include a description of the required report, including
1996 statutory submission deadlines, a contact telephone number for
1997 technical assistance to help the special district comply, a 60-
1998 day deadline for filing the required report with the appropriate
1999 entity, the address where the report must be filed, and an
2000 explanation of the penalties for noncompliance.

2001 (b) A special district that is unable to meet the 60-day

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2002 reporting deadline must provide written notice to the department
2003 before the expiration of the deadline stating the reason the
2004 special district is unable to comply with the deadline, the
2005 steps the special district is taking to prevent the
2006 noncompliance from reoccurring, and the estimated date that the
2007 special district will file the report with the appropriate
2008 agency. The district's written response does not constitute an
2009 extension by the department; however, the department shall
2010 forward the written response as follows ~~to~~:

2011 1. If the written response refers to the reports required
2012 under s. 218.32 or s. 218.39, to the Legislative Auditing
2013 Committee for its consideration in determining whether the
2014 special district should be subject to further state action in
2015 accordance with s. 11.40(2)(b).

2016 2. If the written response refers to the reports or
2017 information requirements listed in s. 189.066(1) ~~189.419(1)~~, to
2018 the local general-purpose government or governments for their
2019 consideration in determining whether the oversight review
2020 process set forth in s. 189.068 ~~189.428~~ should be undertaken.

2021 3. If the written response refers to the reports or
2022 information required under s. 112.63, to the Department of
2023 Management Services for its consideration in determining whether
2024 the special district should be subject to further state action
2025 in accordance with s. 112.63(4)(d)2.

2026 (2) Failure of a special district to comply with the
2027 actuarial and financial reporting requirements under s. 112.63,
2028 s. 218.32, or s. 218.39 after the procedures of subsection (1)
2029 are exhausted shall be deemed final action of the special
2030 district. The actuarial and financial reporting requirements are

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2031 declared to be essential requirements of law. Remedy for
2032 noncompliance shall be as provided in s. 189.034 or s. 189.035
2033 ~~by writ of certiorari as set forth in subsection (4).~~

2034 ~~(3) Pursuant to s. 11.40(2)(b), the Legislative Auditing~~
2035 ~~Committee shall notify the department of those districts that~~
2036 ~~fail to file the required reports. If the procedures described~~
2037 ~~in subsection (1) have not yet been initiated, the department~~
2038 ~~shall initiate such procedures upon receiving the notice from~~
2039 ~~the Legislative Auditing Committee. Otherwise, within 60 days~~
2040 ~~after receiving such notice, or within 60 days after the~~
2041 ~~expiration of the 60-day deadline provided in subsection (1),~~
2042 ~~whichever occurs later, the department, notwithstanding the~~
2043 ~~provisions of chapter 120, shall file a petition for writ of~~
2044 ~~certiorari with the circuit court. Venue for all actions~~
2045 ~~pursuant to this subsection is in Leon County. The court shall~~
2046 ~~award the prevailing party attorney's fees and costs unless~~
2047 ~~affirmatively waived by all parties. A writ of certiorari shall~~
2048 ~~be issued unless a respondent establishes that the notification~~
2049 ~~of the Legislative Auditing Committee was issued as a result of~~
2050 ~~material error. Proceedings under this subsection are otherwise~~
2051 ~~governed by the Rules of Appellate Procedure.~~

2052 ~~(4) Pursuant to s. 112.63(4)(d)2., the Department of~~
2053 ~~Management Services may notify the department of those special~~
2054 ~~districts that have failed to file the required adjustments,~~
2055 ~~additional information, or report or statement after the~~
2056 ~~procedures of subsection (1) have been exhausted. Within 60 days~~
2057 ~~after receiving such notice or within 60 days after the 60-day~~
2058 ~~deadline provided in subsection (1), whichever occurs later, the~~
2059 ~~department, notwithstanding chapter 120, shall file a petition~~

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2060 ~~for writ of certiorari with the circuit court. Venue for all~~
2061 ~~actions pursuant to this subsection is in Leon County. The court~~
2062 ~~shall award the prevailing party attorney's fees and costs~~
2063 ~~unless affirmatively waived by all parties. A writ of certiorari~~
2064 ~~shall be issued unless a respondent establishes that the~~
2065 ~~notification of the Department of Management Services was issued~~
2066 ~~as a result of material error. Proceedings under this subsection~~
2067 ~~are otherwise governed by the Rules of Appellate Procedure.~~

2068 Section 44. Section 189.4221, Florida Statutes, is
2069 transferred and renumbered as section 189.053, Florida Statutes.

2070 Section 45. Section 189.423, Florida Statutes, is
2071 transferred and renumbered as section 189.054, Florida Statutes.

2072 Section 46. Section 189.425, Florida Statutes, is
2073 transferred and renumbered as section 189.017, Florida Statutes.

2074 Section 47. Section 189.427, Florida Statutes, is
2075 transferred and renumbered as section 189.018, Florida Statutes,
2076 and amended to read:

2077 189.018 ~~189.427~~ Fee schedule; Operating Grants and
2078 ~~Donations~~ Trust Fund.—The department ~~of Economic Opportunity~~, by
2079 rule, shall establish a schedule of fees to pay one-half of the
2080 costs incurred by the department in administering this act,
2081 except that the fee may not exceed \$175 per district per year.
2082 The fees collected under this section shall be deposited in the
2083 Operating Grants and Donations Trust Fund, ~~which shall be~~
2084 administered by the department ~~of Economic Opportunity~~. Any fee
2085 rule must consider factors such as the dependent and independent
2086 status of the district and district revenues for the most recent
2087 fiscal year as reported to the Department of Financial Services.
2088 The department may assess fines of not more than \$25, with an

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2089 aggregate total not to exceed \$50, as penalties against special
2090 districts that fail to remit required fees to the department. It
2091 is the intent of the Legislature that general revenue funds will
2092 be made available to the department to pay one-half of the cost
2093 of administering this act.

2094 Section 48. Section 189.428, Florida Statutes, is
2095 transferred and renumbered as section 189.068, Florida Statutes,
2096 and amended, to read:

2097 189.068 ~~189.428~~ Special districts; oversight review
2098 process.—

2099 (1) The Legislature finds it to be in the public interest
2100 to establish an oversight review process for special districts
2101 wherein each special district in the state may be reviewed by
2102 the local general-purpose government in which the district
2103 exists. The Legislature further finds and determines that such
2104 law fulfills an important state interest. It is the intent of
2105 the Legislature that the oversight review process shall
2106 contribute to informed decisionmaking. These decisions may
2107 involve the continuing existence or dissolution of a district,
2108 the appropriate future role and focus of a district,
2109 improvements in the functioning or delivery of services by a
2110 district, and the need for any transition, adjustment, or
2111 special implementation periods or provisions. Any final
2112 recommendations from the oversight review process that are
2113 adopted and implemented by the appropriate level of government
2114 shall not be implemented in a manner that would impair the
2115 obligation of contracts.

2116 ~~(2) It is the intent of the Legislature that any oversight~~
2117 ~~review process be conducted in conjunction with special district~~

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2118 ~~public facilities reporting and the local government evaluation~~
2119 ~~and appraisal report process described in s. 189.415(2).~~

2120 ~~(2)(3) The order in which Special districts are may be~~
2121 ~~subject to oversight review shall be determined by the reviewer~~
2122 ~~and shall occur as follows:~~

2123 ~~(a) All independent special districts created by special~~
2124 ~~act of the Legislature may be reviewed by any legislative~~
2125 ~~delegation of a county in which the geographical jurisdiction of~~
2126 ~~the special district exists.~~

2127 ~~(b)(a) All dependent special districts may be reviewed by~~
2128 ~~the general-purpose local government to which they are~~
2129 ~~dependent.~~

2130 ~~(b) All single-county independent special districts may be~~
2131 ~~reviewed by a county or municipality in which they are located~~
2132 ~~or the government that created the district. Any single-county~~
2133 ~~independent district that serves an area greater than the~~
2134 ~~boundaries of one general-purpose local government may only be~~
2135 ~~reviewed by the county on the county's own initiative or upon~~
2136 ~~receipt of a request from any municipality served by the special~~
2137 ~~district.~~

2138 ~~(c) All multicounty independent special districts may be~~
2139 ~~reviewed by the government that created the district. Any~~
2140 ~~general-purpose local governments within the boundaries of a~~
2141 ~~multicounty district may prepare a preliminary review of a~~
2142 ~~multicounty special district for possible reference or inclusion~~
2143 ~~in the full review report.~~

2144 ~~(d) Upon request by the reviewer, any special district~~
2145 ~~within all or a portion of the same county as the special~~
2146 ~~district being reviewed may prepare a preliminary review of the~~

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2147 ~~district for possible reference or inclusion in the full~~
2148 ~~oversight review report.~~

2149 (3)~~(4)~~ All special districts, governmental entities, and
2150 state agencies shall cooperate with the Legislature and with any
2151 general-purpose local government seeking information or
2152 assistance with the oversight review process and with the
2153 preparation of an oversight review report.

2154 (4)~~(5)~~ Those conducting the oversight review process shall,
2155 at a minimum, consider the listed criteria for evaluating the
2156 special district, but may also consider any additional factors
2157 relating to the district and its performance. If any of the
2158 listed criteria does not apply to the special district being
2159 reviewed, it need not be considered. The criteria to be
2160 considered by the reviewer include:

2161 (a) The degree to which the service or services offered by
2162 the special district are essential or contribute to the well-
2163 being of the community.

2164 (b) The extent of continuing need for the service or
2165 services currently provided by the special district.

2166 (c) The extent of municipal annexation or incorporation
2167 activity occurring or likely to occur within the boundaries of
2168 the special district and its impact on the delivery of services
2169 by the special district.

2170 (d) Whether there is a less costly alternative method of
2171 delivering the service or services that would adequately provide
2172 the district residents with the services provided by the
2173 district.

2174 (e) Whether transfer of the responsibility for delivery of
2175 the service or services to an entity other than the special

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2176 district being reviewed could be accomplished without
2177 jeopardizing the district's existing contracts, bonds, or
2178 outstanding indebtedness.

2179 (f) Whether the Auditor General has notified the
2180 Legislative Auditing Committee that the special district's audit
2181 report, reviewed pursuant to s. 11.45(7), indicates that the
2182 district has met any of the conditions specified in s.
2183 218.503(1) or that a deteriorating financial condition exists
2184 that may cause a condition described in s. 218.503(1) to occur
2185 if actions are not taken to address such condition.

2186 (g) Whether the district is inactive according to the
2187 official list of special districts, and whether the district is
2188 meeting and discharging its responsibilities as required by its
2189 charter, as well as projected increases or decreases in district
2190 activity.

2191 (h) Whether the special district has failed to comply with
2192 any of the reporting requirements in this chapter, including
2193 preparation of the public facilities report.

2194 (i) Whether the special district has designated a
2195 registered office and agent as required by s. 189.014 ~~189.416~~,
2196 and has complied with all open public records and meeting
2197 requirements.

2198 ~~(6) Any special district may at any time provide the~~
2199 ~~Legislature and the general purpose local government conducting~~
2200 ~~the review or making decisions based upon the final oversight~~
2201 ~~review report with written responses to any questions, concerns,~~
2202 ~~preliminary reports, draft reports, or final reports relating to~~
2203 ~~the district.~~

2204 ~~(7) The final report of a reviewing government shall be~~

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2205 ~~filed with the government that created the district and shall~~
2206 ~~serve as the basis for any modification to the district charter~~
2207 ~~or dissolution or merger of the district.~~

2208 ~~(8) If legislative dissolution or merger of a district is~~
2209 ~~proposed in the final report, the reviewing government shall~~
2210 ~~also propose a plan for the merger or dissolution, and the plan~~
2211 ~~shall address the following factors in evaluating the proposed~~
2212 ~~merger or dissolution:~~

2213 ~~(a) Whether, in light of independent fiscal analysis,~~
2214 ~~level-of-service implications, and other public policy~~
2215 ~~considerations, the proposed merger or dissolution is the best~~
2216 ~~alternative for delivering services and facilities to the~~
2217 ~~affected area.~~

2218 ~~(b) Whether the services and facilities to be provided~~
2219 ~~pursuant to the merger or dissolution will be compatible with~~
2220 ~~the capacity and uses of existing local services and facilities.~~

2221 ~~(c) Whether the merger or dissolution is consistent with~~
2222 ~~applicable provisions of the state comprehensive plan, the~~
2223 ~~strategic regional policy plan, and the local government~~
2224 ~~comprehensive plans of the affected area.~~

2225 ~~(d) Whether the proposed merger adequately provides for the~~
2226 ~~assumption of all indebtedness.~~

2227
2228 ~~The reviewing government shall consider the report in a public~~
2229 ~~hearing held within the jurisdiction of the district. If adopted~~
2230 ~~by the governing board of the reviewing government, the request~~
2231 ~~for legislative merger or dissolution of the district may~~
2232 ~~proceed. The adopted plan shall be filed as an attachment to the~~
2233 ~~economic impact statement regarding the proposed special act or~~

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2234 ~~general act of local application dissolving a district.~~

2235 ~~(9) This section does not apply to a deepwater port listed~~
2236 ~~in s. 311.09(1) which is in compliance with a port master plan~~
2237 ~~adopted pursuant to s. 163.3178(2)(k), or to an airport~~
2238 ~~authority operating in compliance with an airport master plan~~
2239 ~~approved by the Federal Aviation Administration, or to any~~
2240 ~~special district organized to operate health systems and~~
2241 ~~facilities licensed under chapter 395, chapter 400, or chapter~~
2242 ~~429.~~

2243 Section 49. Section 189.429, Florida Statutes, is
2244 transferred and renumbered as section 189.019, Florida Statutes,
2245 and subsection (1) of that section is amended, to read:

2246 189.019 ~~189.429~~ Codification.—

2247 (1) Each district, by December 1, 2004, shall submit to the
2248 Legislature a draft codified charter, at its expense, so that
2249 its special acts may be codified into a single act for
2250 reenactment by the Legislature, if there is more than one
2251 special act for the district. The Legislature may adopt a
2252 schedule for individual district codification. Any codified act
2253 relating to a district, which act is submitted to the
2254 Legislature for reenactment, shall provide for the repeal of all
2255 prior special acts of the Legislature relating to the district.
2256 The codified act shall be filed with the department pursuant to
2257 s. 189.016(2) ~~189.418(2)~~.

2258 Section 50. Sections 189.430, 189.431, 189.432, 189.433,
2259 189.434, 189.435, 189.436, 189.437, 189.438, 189.439, 189.440,
2260 189.441, 189.442, 189.443, and 189.444, Florida Statutes, are
2261 repealed.

2262 Section 51. Section 189.034, Florida Statutes, is created

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2263 to read:

2264 189.034 Oversight of special districts created by special
2265 act of the Legislature.-

2266 (1) If a special district created by special act of the
2267 Legislature fails to file reports required under ss. 218.32 and
2268 218.39 with the appropriate state agency, the Legislative
2269 Auditing Committee or its designee shall provide written notice
2270 of the district's noncompliance to the chair of the county
2271 legislative delegation in which the geographical boundaries of
2272 the jurisdiction of the special district are located or, if the
2273 jurisdiction of the special district extends beyond the
2274 boundaries of a single county, to the chairs of the county
2275 legislative delegation for each county in which the district has
2276 jurisdiction.

2277 (2) The chair of the county legislative delegation shall
2278 convene a public hearing on the issue of noncompliance within 6
2279 months after receipt of notice of noncompliance from the
2280 Legislative Auditing Committee.

2281 (3) Before the public hearing regarding the special
2282 district's noncompliance, the county legislative delegation may
2283 request the following information from the special district:

2284 (a) The district's annual financial report for the previous
2285 fiscal year.

2286 (b) The district's audit report for the previous fiscal
2287 year.

2288 (c) An annual report for the previous fiscal year providing
2289 a detailed review of the performance of the special district,
2290 which must include the following information:

2291 1. The mission of the special district.

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2292 2. The sources of funding for the special district.

2293 3. A description of the major activities, programs, and
2294 initiatives the special district undertook in the most recently
2295 completed fiscal year and the benchmarks or criteria under which
2296 the success or failure of the district was determined by its
2297 governing body.

2298 4. Any challenges or obstacles faced by the special
2299 district in fulfilling its mission and related responsibilities.

2300 5. Ways the special district believes it could better
2301 fulfill its mission and related responsibilities and a
2302 description of the actions that it intends to take during the
2303 ensuing fiscal year.

2304 6. Proposed changes to the special act that established the
2305 special district and justification for such changes.

2306 7. Any other information reasonably required to provide the
2307 legislative delegation with an accurate understanding of the
2308 purpose for which the special district exists and how it is
2309 fulfilling its responsibilities to accomplish that purpose.

2310 8. Any reasons for the district's noncompliance.

2311 9. Whether the district is currently in compliance.

2312 10. Plans to correct any recurring issues of noncompliance.

2313 11. Efforts to promote transparency, including maintenance
2314 of the district's website in accordance with s. 189.069.

2315 Section 52. Section 189.035, Florida Statutes, is created
2316 to read:

2317 189.035 Oversight of special districts created by local
2318 ordinance.—

2319 (1) If a special district created by local ordinance fails
2320 to file reports required under ss. 218.32 and 218.39 with the

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2321 appropriate state agency, the Legislative Auditing Committee or
2322 its designee shall provide written notice of the district's
2323 noncompliance to the chair or equivalent of the local general-
2324 purpose government.

2325 (2) The chair or equivalent of the local general-purpose
2326 government shall convene a public hearing on the issue of
2327 noncompliance within 6 months after receipt of notice of
2328 noncompliance from the Legislative Auditing Committee.

2329 (3) Before the public hearing regarding the special
2330 district's noncompliance, the local general-purpose government
2331 may request the following information from the special district:

2332 (a) The district's annual financial report for the previous
2333 fiscal year.

2334 (b) The district's audit report for the previous fiscal
2335 year.

2336 (c) An annual report for the previous fiscal year, which
2337 must provide a detailed review of the performance of the special
2338 district and include the following information:

2339 1. The mission of the special district.

2340 2. The sources of funding for the special district.

2341 3. A description of the major activities, programs, and
2342 initiatives the special district undertook in the most recently
2343 completed fiscal year and the benchmarks or criteria under which
2344 the success or failure of the district was determined by its
2345 governing body.

2346 4. Any challenges or obstacles faced by the special
2347 district in fulfilling its mission and related responsibilities.

2348 5. Ways the special district believes it could better
2349 fulfill its mission and related responsibilities and a

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2350 description of the actions that it intends to take during the
2351 ensuing fiscal year.

2352 6. Proposed changes to the special act that established the
2353 special district and justification for such changes.

2354 7. Any other information reasonably required to provide the
2355 legislative delegations with an accurate understanding of the
2356 purpose for which the special district exists and how it is
2357 fulfilling its responsibilities to accomplish that purpose.

2358 8. Any reasons for the district's noncompliance.

2359 9. Whether the district is currently in compliance.

2360 10. Plans to correct any recurring issues of noncompliance.

2361 11. Efforts to promote transparency, including maintenance
2362 of the district's website in accordance with s. 189.069.

2363 Section 53. Section 189.055, Florida Statutes, is created
2364 to read:

2365 189.055 Treatment of special districts.—For the purpose of
2366 s. 196.199(1), special districts shall be treated as
2367 municipalities.

2368 Section 54. Section 189.069, Florida Statutes, is created
2369 to read:

2370 189.069 Special districts; required reporting of
2371 information; web-based public access.—

2372 (1) Beginning on July 1, 2015, for each fiscal year, all
2373 special districts shall annually update and maintain on their
2374 respective official Internet websites the information required
2375 by this section in accordance with s. 189.016. All special
2376 districts shall submit their official Internet website addresses
2377 to the department.

2378 (a) A special district shall post the following

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2379 information, at a minimum, on the district's official website:

2380 1. The full legal name of the special district.

2381 2. The public purpose of the special district.

2382 3. The name, address, e-mail address, and, if applicable,
2383 the term and appointing authority for each member of the
2384 governing body of the special district.

2385 4. The fiscal year of the special district.

2386 5. The full text of the special district's charter, the
2387 date the special district was established, the entity that
2388 established the special district, and the statute or statutes
2389 under which the special district operates, if different from the
2390 statute or statutes under which the special district was
2391 established.

2392 6. The mailing address, e-mail address, telephone number,
2393 and Internet website uniform resource locator of the special
2394 district.

2395 7. A description of the boundaries or service area of, and
2396 the services provided by, the special district.

2397 8. A listing of all taxes, fees, or charges imposed and
2398 collected by the special district, including the rates or
2399 amounts charged for the fiscal year and the statutory authority
2400 for the levy of the tax, fee, or charge.

2401 9. The primary contact information for the special district
2402 for purposes of communication from the department.

2403 10. The code of ethics that applies to the special
2404 district, and whether the special district has adopted
2405 additional ethics provisions.

2406 11. A listing of all federal, state, and local entities
2407 that have oversight authority over the special district or to

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2408 which the special district submits reports, data, or
2409 information.

2410 12. The most recent adopted budget of the special district.

2411 13. After the end of each fiscal year, a comparison of the
2412 budget to actual revenues and expenditures for each fiscal year.

2413 14. Any completed audit reports for the most recent
2414 completed fiscal year, and audit reports required by law or
2415 authorized by the governing body of the special district.

2416 15. Any other financial and administrative information
2417 required by the department.

2418 (b) The department's Internet website list of special
2419 districts in the state required under s. 189.061 must include a
2420 link to the website of each special district that provides web-
2421 based access to the public to the information and documents
2422 required under paragraph (a).

2423 Section 55. Section 189.0691, Florida Statutes, is created
2424 to read:

2425 189.0691 Suspension of special district governing body
2426 members.—If a special district violates the requirements of this
2427 chapter, the department shall report such violations, and
2428 provide all appropriate proof of the violations, to the
2429 Governor, who may take action against the governing body members
2430 of the special district as authorized in s. 112.511; however,
2431 the Governor and appointing authority shall ensure that the
2432 governing body maintains a sufficient number of members to
2433 constitute a quorum.

2434 Section 56. Paragraph (e) of subsection (1) and paragraph
2435 (c) of subsection (7) of section 11.45, Florida Statutes, are
2436 amended to read:

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2437 11.45 Definitions; duties; authorities; reports; rules.—

2438 (1) DEFINITIONS.—As used in ss. 11.40-11.51, the term:

2439 (e) "Local governmental entity" means a county agency,
 2440 municipality, or special district as defined in s. 189.012
 2441 ~~189.403~~, but does not include any housing authority established
 2442 under chapter 421.

2443 (7) AUDITOR GENERAL REPORTING REQUIREMENTS.—

2444 (c) The Auditor General shall provide annually a list of
 2445 those special districts which are not in compliance with s.
 2446 218.39 to the Special District Accountability Information
 2447 Program of the Department of Economic Opportunity.

2448 Section 57. Paragraph (c) of subsection (4) of section
 2449 100.011, Florida Statutes, is amended to read:

2450 100.011 Opening and closing of polls, all elections;
 2451 expenses.—

2452 (4)

2453 (c) The provisions of any special law to the contrary
 2454 notwithstanding, all independent and dependent special district
 2455 elections, with the exception of community development district
 2456 elections, shall be conducted in accordance with the
 2457 requirements of ss. 189.04 and 189.041 ~~189.405 and 189.4051~~.

2458 Section 58. Paragraph (f) of subsection (1) of section
 2459 101.657, Florida Statutes, is amended to read:

2460 101.657 Early voting.—

2461 (1)

2462 (f) Notwithstanding the requirements of s. 189.04 ~~189.405~~,
 2463 special districts may provide early voting in any district
 2464 election not held in conjunction with county or state elections.
 2465 If a special district provides early voting, it may designate as

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2466 many sites as necessary and shall conduct its activities in
2467 accordance with the provisions of paragraphs (a)-(c). The
2468 supervisor is not required to conduct early voting if it is
2469 provided pursuant to this subsection.

2470 Section 59. Paragraph (a) of subsection (14) of section
2471 112.061, Florida Statutes, is amended to read:

2472 112.061 Per diem and travel expenses of public officers,
2473 employees, and authorized persons.—

2474 (14) APPLICABILITY TO COUNTIES, COUNTY OFFICERS, DISTRICT
2475 SCHOOL BOARDS, SPECIAL DISTRICTS, AND METROPOLITAN PLANNING
2476 ORGANIZATIONS.—

2477 (a) The following entities may establish rates that vary
2478 from the per diem rate provided in paragraph (6)(a), the
2479 subsistence rates provided in paragraph (6)(b), or the mileage
2480 rate provided in paragraph (7)(d) if those rates are not less
2481 than the statutorily established rates that are in effect for
2482 the 2005-2006 fiscal year:

2483 1. The governing body of a county by the enactment of an
2484 ordinance or resolution;

2485 2. A county constitutional officer, pursuant to s. 1(d),
2486 Art. VIII of the State Constitution, by the establishment of
2487 written policy;

2488 3. The governing body of a district school board by the
2489 adoption of rules;

2490 4. The governing body of a special district, as defined in
2491 s. 189.012 ~~189.403(1)~~, except those special districts that are
2492 subject to s. 166.021(9), by the enactment of a resolution; or

2493 5. Any metropolitan planning organization created pursuant
2494 to s. 339.175 or any other separate legal or administrative

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2495 entity created pursuant to s. 339.175 of which a metropolitan
2496 planning organization is a member, by the enactment of a
2497 resolution.

2498 Section 60. Paragraph (d) of subsection (4) of section
2499 112.63, Florida Statutes, is amended to read:

2500 112.63 Actuarial reports and statements of actuarial
2501 impact; review.—

2502 (4) Upon receipt, pursuant to subsection (2), of an
2503 actuarial report, or, pursuant to subsection (3), of a statement
2504 of actuarial impact, the Department of Management Services shall
2505 acknowledge such receipt, but shall only review and comment on
2506 each retirement system's or plan's actuarial valuations at least
2507 on a triennial basis.

2508 (d) In the case of an affected special district, the
2509 Department of Management Services shall also notify the
2510 Department of Economic Opportunity. Upon receipt of
2511 notification, the Department of Economic Opportunity shall
2512 proceed pursuant to s. 189.067 ~~189.421~~.

2513 1. Failure of a special district to provide a required
2514 report or statement, to make appropriate adjustments, or to
2515 provide additional material information after the procedures
2516 specified in s. 189.067(1) ~~189.421(1)~~ are exhausted shall be
2517 deemed final action by the special district.

2518 2. The Department of Management Services may notify the
2519 Department of Economic Opportunity of those special districts
2520 that failed to come into compliance. Upon receipt of
2521 notification, the Department of Economic Opportunity shall
2522 proceed pursuant to s. 189.067(4) ~~189.421(4)~~.

2523 Section 61. Subsection (1) of section 112.665, Florida

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2524 Statutes, is amended to read:

2525 112.665 Duties of Department of Management Services.—

2526 (1) The Department of Management Services shall:

2527 (a) Gather, catalog, and maintain complete, computerized
2528 data information on all public employee retirement systems or
2529 plans in the state based upon a review of audits, reports, and
2530 other data pertaining to the systems or plans;

2531 (b) Receive and comment upon all actuarial reviews of
2532 retirement systems or plans maintained by units of local
2533 government;

2534 (c) Cooperate with local retirement systems or plans on
2535 matters of mutual concern and provide technical assistance to
2536 units of local government in the assessment and revision of
2537 retirement systems or plans;

2538 (d) Annually issue, by January 1, a report to the President
2539 of the Senate and the Speaker of the House of Representatives,
2540 which details division activities, findings, and recommendations
2541 concerning all governmental retirement systems. The report may
2542 include legislation proposed to carry out such recommendations;

2543 (e) Provide a fact sheet for each participating local
2544 government defined benefit pension plan which summarizes the
2545 plan's actuarial status. The fact sheet should provide a summary
2546 of the plan's most current actuarial data, minimum funding
2547 requirements as a percentage of pay, and a 5-year history of
2548 funded ratios. The fact sheet must include a brief explanation
2549 of each element in order to maximize the transparency of the
2550 local government plans. The fact sheet must also contain the
2551 information specified in s. 112.664(1). These documents shall be
2552 posted on the department's website. Plan sponsors that have

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2553 websites must provide a link to the department's website;

2554 (f) Annually issue, by January 1, a report to the Special
2555 District Accountability Information ~~Information~~ Program of the Department of
2556 Economic Opportunity which includes the participation in and
2557 compliance of special districts with the local government
2558 retirement system provisions in s. 112.63 and the state-
2559 administered retirement system provisions specified in part I of
2560 chapter 121; and

2561 (g) Adopt reasonable rules to administer this part.

2562 Section 62. Subsection (9) of section 121.021, Florida
2563 Statutes, is amended to read:

2564 121.021 Definitions.—The following words and phrases as
2565 used in this chapter have the respective meanings set forth
2566 unless a different meaning is plainly required by the context:

2567 (9) "Special district" means an independent special
2568 district as defined in s. 189.012 ~~189.403(3)~~.

2569 Section 63. Paragraph (b) of subsection (2) of section
2570 121.051, Florida Statutes, is amended to read:

2571 121.051 Participation in the system.—

2572 (2) OPTIONAL PARTICIPATION.—

2573 (b)1. The governing body of any municipality, metropolitan
2574 planning organization, or special district in the state may
2575 elect to participate in the Florida Retirement System upon
2576 proper application to the administrator and may cover all of its
2577 units as approved by the Secretary of Health and Human Services
2578 and the administrator. The department shall adopt rules
2579 establishing procedures for the submission of documents
2580 necessary for such application. Before being approved for
2581 participation in the system, the governing body of a

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2582 municipality, metropolitan planning organization, or special
2583 district that has a local retirement system must submit to the
2584 administrator a certified financial statement showing the
2585 condition of the local retirement system within 3 months before
2586 the proposed effective date of membership in the Florida
2587 Retirement System. The statement must be certified by a
2588 recognized accounting firm that is independent of the local
2589 retirement system. All required documents necessary for
2590 extending Florida Retirement System coverage must be received by
2591 the department for consideration at least 15 days before the
2592 proposed effective date of coverage. If the municipality,
2593 metropolitan planning organization, or special district does not
2594 comply with this requirement, the department may require that
2595 the effective date of coverage be changed.

2596 2. A municipality, metropolitan planning organization, or
2597 special district that has an existing retirement system covering
2598 the employees in the units that are to be brought under the
2599 Florida Retirement System may participate only after holding a
2600 referendum in which all employees in the affected units have the
2601 right to participate. Only those employees electing coverage
2602 under the Florida Retirement System by affirmative vote in the
2603 referendum are eligible for coverage under this chapter, and
2604 those not participating or electing not to be covered by the
2605 Florida Retirement System shall remain in their present systems
2606 and are not eligible for coverage under this chapter. After the
2607 referendum is held, all future employees are compulsory members
2608 of the Florida Retirement System.

2609 3. At the time of joining the Florida Retirement System,
2610 the governing body of a municipality, metropolitan planning

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2611 organization, or special district complying with subparagraph 1.
2612 may elect to provide, or not provide, benefits based on past
2613 service of officers and employees as described in s. 121.081(1).
2614 However, if such employer elects to provide past service
2615 benefits, such benefits must be provided for all officers and
2616 employees of its covered group.

2617 4. Once this election is made and approved it may not be
2618 revoked, except pursuant to subparagraphs 5. and 6., and all
2619 present officers and employees electing coverage and all future
2620 officers and employees are compulsory members of the Florida
2621 Retirement System.

2622 5. Subject to subparagraph 6., the governing body of a
2623 hospital licensed under chapter 395 which is governed by the
2624 governing body ~~board~~ of a special district as defined in s.
2625 189.012 ~~189.403~~ or by the board of trustees of a public health
2626 trust created under s. 154.07, hereinafter referred to as
2627 "hospital district," and which participates in the Florida
2628 Retirement System, may elect to cease participation in the
2629 system with regard to future employees in accordance with the
2630 following:

2631 a. No more than 30 days and at least 7 days before adopting
2632 a resolution to partially withdraw from the system and establish
2633 an alternative retirement plan for future employees, a public
2634 hearing must be held on the proposed withdrawal and proposed
2635 alternative plan.

2636 b. From 7 to 15 days before such hearing, notice of intent
2637 to withdraw, specifying the time and place of the hearing, must
2638 be provided in writing to employees of the hospital district
2639 proposing partial withdrawal and must be published in a

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2640 newspaper of general circulation in the area affected, as
2641 provided by ss. 50.011-50.031. Proof of publication must be
2642 submitted to the Department of Management Services.

2643 c. The governing body of a hospital district seeking to
2644 partially withdraw from the system must, before such hearing,
2645 have an actuarial report prepared and certified by an enrolled
2646 actuary, as defined in s. 112.625, illustrating the cost to the
2647 hospital district of providing, through the retirement plan that
2648 the hospital district is to adopt, benefits for new employees
2649 comparable to those provided under the system.

2650 d. Upon meeting all applicable requirements of this
2651 subparagraph, and subject to subparagraph 6., partial withdrawal
2652 from the system and adoption of the alternative retirement plan
2653 may be accomplished by resolution duly adopted by the hospital
2654 district board. The hospital district board must provide written
2655 notice of such withdrawal to the division by mailing a copy of
2656 the resolution to the division, postmarked by December 15, 1995.
2657 The withdrawal shall take effect January 1, 1996.

2658 6. Following the adoption of a resolution under sub-
2659 subparagraph 5.d., all employees of the withdrawing hospital
2660 district who were members of the system before January 1, 1996,
2661 shall remain as members of the system for as long as they are
2662 employees of the hospital district, and all rights, duties, and
2663 obligations between the hospital district, the system, and the
2664 employees remain in full force and effect. Any employee who is
2665 hired or appointed on or after January 1, 1996, may not
2666 participate in the system, and the withdrawing hospital district
2667 has no obligation to the system with respect to such employees.

2668 Section 64. Subsections (1), (4), and (6) of section

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2669 125.901, Florida Statutes, are amended to read:

2670 125.901 Children's services; independent special district;
2671 council; powers, duties, and functions; public records
2672 exemption.—

2673 (1) Each county may by ordinance create an independent
2674 special district, as defined in ss. 189.012 ~~189.403(3)~~ and
2675 200.001(8)(e), to provide funding for children's services
2676 throughout the county in accordance with this section. The
2677 boundaries of such district shall be coterminous with the
2678 boundaries of the county. The county governing body shall obtain
2679 approval, by a majority vote of those electors voting on the
2680 question, to annually levy ad valorem taxes which shall not
2681 exceed the maximum millage rate authorized by this section. Any
2682 district created pursuant to the provisions of this subsection
2683 shall be required to levy and fix millage subject to the
2684 provisions of s. 200.065. Once such millage is approved by the
2685 electorate, the district shall not be required to seek approval
2686 of the electorate in future years to levy the previously
2687 approved millage.

2688 (a) The governing body ~~board~~ of the district shall be a
2689 council on children's services, which may also be known as a
2690 juvenile welfare board or similar name as established in the
2691 ordinance by the county governing body. Such council shall
2692 consist of 10 members, including: the superintendent of schools;
2693 a local school board member; the district administrator from the
2694 appropriate district of the Department of Children and Family
2695 Services, or his or her designee who is a member of the Senior
2696 Management Service or of the Selected Exempt Service; one member
2697 of the county governing body; and the judge assigned to juvenile

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2698 cases who shall sit as a voting member of the board, except that
2699 said judge shall not vote or participate in the setting of ad
2700 valorem taxes under this section. If there is more than one
2701 judge assigned to juvenile cases in a county, the chief judge
2702 shall designate one of said juvenile judges to serve on the
2703 board. The remaining five members shall be appointed by the
2704 Governor, and shall, to the extent possible, represent the
2705 demographic diversity of the population of the county. After
2706 soliciting recommendations from the public, the county governing
2707 body shall submit to the Governor the names of at least three
2708 persons for each vacancy occurring among the five members
2709 appointed by the Governor, and the Governor shall appoint
2710 members to the council from the candidates nominated by the
2711 county governing body. The Governor shall make a selection
2712 within a 45-day period or request a new list of candidates. All
2713 members appointed by the Governor shall have been residents of
2714 the county for the previous 24-month period. Such members shall
2715 be appointed for 4-year terms, except that the length of the
2716 terms of the initial appointees shall be adjusted to stagger the
2717 terms. The Governor may remove a member for cause or upon the
2718 written petition of the county governing body. If any of the
2719 members of the council required to be appointed by the Governor
2720 under the provisions of this subsection shall resign, die, or be
2721 removed from office, the vacancy thereby created shall, as soon
2722 as practicable, be filled by appointment by the Governor, using
2723 the same method as the original appointment, and such
2724 appointment to fill a vacancy shall be for the unexpired term of
2725 the person who resigns, dies, or is removed from office.

2726 (b) However, any county as defined in s. 125.011(1) may

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2727 instead have a governing body ~~board~~ consisting of 33 members,
2728 including: the superintendent of schools; two representatives of
2729 public postsecondary education institutions located in the
2730 county; the county manager or the equivalent county officer; the
2731 district administrator from the appropriate district of the
2732 Department of Children and Family Services, or the
2733 administrator's designee who is a member of the Senior
2734 Management Service or the Selected Exempt Service; the director
2735 of the county health department or the director's designee; the
2736 state attorney for the county or the state attorney's designee;
2737 the chief judge assigned to juvenile cases, or another juvenile
2738 judge who is the chief judge's designee and who shall sit as a
2739 voting member of the board, except that the judge may not vote
2740 or participate in setting ad valorem taxes under this section;
2741 an individual who is selected by the board of the local United
2742 Way or its equivalent; a member of a locally recognized faith-
2743 based coalition, selected by that coalition; a member of the
2744 local chamber of commerce, selected by that chamber or, if more
2745 than one chamber exists within the county, a person selected by
2746 a coalition of the local chambers; a member of the early
2747 learning coalition, selected by that coalition; a representative
2748 of a labor organization or union active in the county; a member
2749 of a local alliance or coalition engaged in cross-system
2750 planning for health and social service delivery in the county,
2751 selected by that alliance or coalition; a member of the local
2752 Parent-Teachers Association/Parent-Teacher-Student Association,
2753 selected by that association; a youth representative selected by
2754 the local school system's student government; a local school
2755 board member appointed by the chair of the school board; the

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2756 mayor of the county or the mayor's designee; one member of the
2757 county governing body, appointed by the chair of that body; a
2758 member of the state Legislature who represents residents of the
2759 county, selected by the chair of the local legislative
2760 delegation; an elected official representing the residents of a
2761 municipality in the county, selected by the county municipal
2762 league; and 4 members-at-large, appointed to the council by the
2763 majority of sitting council members. The remaining 7 members
2764 shall be appointed by the Governor in accordance with procedures
2765 set forth in paragraph (a), except that the Governor may remove
2766 a member for cause or upon the written petition of the council.
2767 Appointments by the Governor must, to the extent reasonably
2768 possible, represent the geographic and demographic diversity of
2769 the population of the county. Members who are appointed to the
2770 council by reason of their position are not subject to the
2771 length of terms and limits on consecutive terms as provided in
2772 this section. The remaining appointed members of the governing
2773 board shall be appointed to serve 2-year terms, except that
2774 those members appointed by the Governor shall be appointed to
2775 serve 4-year terms, and the youth representative and the
2776 legislative delegate shall be appointed to serve 1-year terms. A
2777 member may be reappointed; however, a member may not serve for
2778 more than three consecutive terms. A member is eligible to be
2779 appointed again after a 2-year hiatus from the council.

2780 (c) This subsection does not prohibit a county from
2781 exercising such power as is provided by general or special law
2782 to provide children's services or to create a special district
2783 to provide such services.

2784 (4) (a) Any district created pursuant to this section may be

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2785 dissolved by a special act of the Legislature, or the county
 2786 governing body may by ordinance dissolve the district subject to
 2787 the approval of the electorate.

2788 (b)1.a. Notwithstanding paragraph (a), the governing body
 2789 of the county shall submit the question of retention or
 2790 dissolution of a district with voter-approved taxing authority
 2791 to the electorate in the general election according to the
 2792 following schedule:

2793 (I) For a district in existence on July 1, 2010, and serving a
 2794 county with a population of 400,000 or fewer persons as of that
 2795 date.....2014.

2796 (II) For a district in existence on July 1, 2010, and serving a
 2797 county with a population of more than 400,000 but fewer than 2
 2798 million persons as of
 2799 that date.....2016.

2800 (III) For a district in existence on July 1, 2010, and serving a
 2801 county with a population of 2 million or more persons as of that
 2802 date.....2020.

2803 b. A referendum by the electorate on or after July 1, 2010,
 2804 creating a new district with taxing authority may specify that
 2805 the district is not subject to reauthorization or may specify
 2806 the number of years for which the initial authorization shall
 2807 remain effective. If the referendum does not prescribe terms of
 2808 reauthorization, the governing body of the county shall submit
 2809 the question of retention or dissolution of the district to the
 2810 electorate in the general election 12 years after the initial
 2811 authorization.

2812 2. The governing body ~~board~~ of the district may specify,
 2813 and submit to the governing body of the county no later than 9

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2814 months before the scheduled election, that the district is not
2815 subsequently subject to reauthorization or may specify the
2816 number of years for which a reauthorization under this paragraph
2817 shall remain effective. If the governing board of the district
2818 makes such specification and submission, the governing body of
2819 the county shall include that information in the question
2820 submitted to the electorate. If the governing board of the
2821 district does not specify and submit such information, the
2822 governing body of the county shall resubmit the question of
2823 reauthorization to the electorate every 12 years after the year
2824 prescribed in subparagraph 1. The governing board of the
2825 district may recommend to the governing body of the county
2826 language for the question submitted to the electorate.

2827 3. Nothing in this paragraph limits the authority to
2828 dissolve a district as provided under paragraph (a).

2829 4. Nothing in this paragraph precludes the governing board
2830 of a district from requesting that the governing body of the
2831 county submit the question of retention or dissolution of a
2832 district with voter-approved taxing authority to the electorate
2833 at a date earlier than the year prescribed in subparagraph 1. If
2834 the governing body of the county accepts the request and submits
2835 the question to the electorate, the governing body satisfies the
2836 requirement of that subparagraph.

2837
2838 If any district is dissolved pursuant to this subsection, each
2839 county must first obligate itself to assume the debts,
2840 liabilities, contracts, and outstanding obligations of the
2841 district within the total millage available to the county
2842 governing body for all county and municipal purposes as provided

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2843 for under s. 9, Art. VII of the State Constitution. Any district
2844 may also be dissolved pursuant to s. part VII of chapter 189
2845 ~~189.4042~~.

2846 (6) Any district created pursuant to the provisions of this
2847 section shall comply with all other statutory requirements of
2848 general application which relate to the filing of any financial
2849 reports or compliance reports required under part III of chapter
2850 218, or any other report or documentation required by law,
2851 including the requirements of ss. 189.08, 189.015, and 189.016
2852 ~~189.415, 189.417, and 189.418~~.

2853 Section 65. Subsection (1) of section 153.94, Florida
2854 Statutes, is amended to read:

2855 153.94 Applicability of other laws.—Except as expressly
2856 provided in this act:

2857 (1) With respect to any wastewater facility privatization
2858 contract entered into under this act, a public entity is subject
2859 to s. 125.3401, s. 180.301, s. 189.054 ~~189.423~~, or s. 190.0125
2860 but is not subject to the requirements of chapter 287.

2861 Section 66. Paragraph (a) of subsection (2) of section
2862 163.08, Florida Statutes, is amended to read:

2863 163.08 Supplemental authority for improvements to real
2864 property.—

2865 (2) As used in this section, the term:

2866 (a) "Local government" means a county, a municipality, a
2867 dependent special district as defined in s. 189.012 ~~189.403~~, or
2868 a separate legal entity created pursuant to s. 163.01(7).

2869 Section 67. Subsection (7) of section 165.031, Florida
2870 Statutes, is amended to read:

2871 165.031 Definitions.—The following terms and phrases, when

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2872 used in this chapter, shall have the meanings ascribed to them
2873 in this section, except where the context clearly indicates a
2874 different meaning:

2875 (7) "Special district" means a local unit of special
2876 government, as defined in s. 189.012 ~~189.403(1)~~. This term
2877 includes dependent special districts, as defined in s. 189.012
2878 ~~189.403(2)~~, and independent special districts, as defined in s.
2879 189.012 ~~189.403(3)~~. All provisions of s. 200.001(8)(d) and (e)
2880 shall be considered provisions of this chapter.

2881 Section 68. Paragraph (b) of subsection (1) and subsections
2882 (8) and (16) of section 165.0615, Florida Statutes, are amended
2883 to read:

2884 165.0615 Municipal conversion of independent special
2885 districts upon elector-initiated and approved referendum.—

2886 (1) The qualified electors of an independent special
2887 district may commence a municipal conversion proceeding by
2888 filing a petition with the governing body of the independent
2889 special district proposed to be converted if the district meets
2890 all of the following criteria:

2891 (b) It is designated as an improvement district and created
2892 pursuant to chapter 298 or is designated as a stewardship
2893 district and created pursuant to s. 189.031 ~~189.404~~.

2894 (8) Notice of the final public hearing on the proposed
2895 elector-initiated combined municipal incorporation plan must be
2896 published pursuant to the notice requirements in s. 189.015
2897 ~~189.417~~ and must provide a descriptive summary of the elector-
2898 initiated municipal incorporation plan and a reference to the
2899 public places within the independent special district where a
2900 copy of the plan may be examined.

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2901 (16) If the incorporation plan is approved by a majority of
2902 the votes cast in the independent special district, the district
2903 shall notify the special district accountability information
2904 program pursuant to s. 189.016(2) ~~189.418(2)~~ and the local
2905 general-purpose governments in which any part of the independent
2906 special district is situated pursuant to s. 189.016(7)
2907 ~~189.418(7)~~.

2908 Section 69. Subsection (3) of section 171.202, Florida
2909 Statutes, is amended to read:

2910 171.202 Definitions.—As used in this part, the term:

2911 (3) "Independent special district" means an independent
2912 special district, as defined in s. 189.012 ~~189.403~~, which
2913 provides fire, emergency medical, water, wastewater, or
2914 stormwater services.

2915 Section 70. Subsection (16) of section 175.032, Florida
2916 Statutes, is amended to read:

2917 175.032 Definitions.—For any municipality, special fire
2918 control district, chapter plan, local law municipality, local
2919 law special fire control district, or local law plan under this
2920 chapter, the following words and phrases have the following
2921 meanings:

2922 (16) "Special fire control district" means a special
2923 district, as defined in s. 189.012 ~~189.403(1)~~, established for
2924 the purposes of extinguishing fires, protecting life, and
2925 protecting property within the incorporated or unincorporated
2926 portions of any county or combination of counties, or within any
2927 combination of incorporated and unincorporated portions of any
2928 county or combination of counties. The term does not include any
2929 dependent or independent special district, as defined in s.

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2930 189.012 ~~189.403(2) and (3)~~, respectively, the employees of which
2931 are members of the Florida Retirement System pursuant to s.
2932 121.051(1) or (2).

2933 Section 71. Subsection (6) of section 190.011, Florida
2934 Statutes, is amended to read:

2935 190.011 General powers.—The district shall have, and the
2936 board may exercise, the following powers:

2937 (6) To maintain an office at such place or places as it may
2938 designate within a county in which the district is located or
2939 within the boundaries of a development of regional impact or a
2940 Florida Quality Development, or a combination of a development
2941 of regional impact and a Florida Quality Development, which
2942 includes the district, which office must be reasonably
2943 accessible to the landowners. Meetings pursuant to s. 189.015(3)
2944 ~~189.417(3)~~ of a district within the boundaries of a development
2945 of regional impact or Florida Quality Development, or a
2946 combination of a development of regional impact and a Florida
2947 Quality Development, may be held at such office.

2948 Section 72. Subsection (8) of section 190.046, Florida
2949 Statutes, is amended to read:

2950 190.046 Termination, contraction, or expansion of
2951 district.—

2952 (8) In the event the district has become inactive pursuant
2953 to s. 189.062 ~~189.4044~~, the respective board of county
2954 commissioners or city commission shall be informed and it shall
2955 take appropriate action.

2956 Section 73. Section 190.049, Florida Statutes, is amended
2957 to read:

2958 190.049 Special acts prohibited.—Pursuant to s. 11(a)(21),

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2959 Art. III of the State Constitution, there shall be no special
2960 law or general law of local application creating an independent
2961 special district which has the powers enumerated in two or more
2962 of the paragraphs contained in s. 190.012, unless such district
2963 is created pursuant to the provisions of s. 189.031 ~~189.404~~.

2964 Section 74. Subsection (5) of section 191.003, Florida
2965 Statutes, is amended to read:

2966 191.003 Definitions.—As used in this act:

2967 (5) "Independent special fire control district" means an
2968 independent special district as defined in s. 189.012 ~~189.403~~,
2969 created by special law or general law of local application,
2970 providing fire suppression and related activities within the
2971 jurisdictional boundaries of the district. The term does not
2972 include a municipality, a county, a dependent special district
2973 as defined in s. 189.012 ~~189.403~~, a district providing primarily
2974 emergency medical services, a community development district
2975 established under chapter 190, or any other multiple-power
2976 district performing fire suppression and related services in
2977 addition to other services.

2978 Section 75. Paragraph (a) of subsection (1) and subsection
2979 (8) of section 191.005, Florida Statutes, are amended to read:

2980 191.005 District boards of commissioners; membership,
2981 officers, meetings.—

2982 (1) (a) With the exception of districts whose governing
2983 boards are appointed collectively by the Governor, the county
2984 commission, and any cooperating city within the county, the
2985 business affairs of each district shall be conducted and
2986 administered by a five-member board. All three-member boards
2987 existing on the effective date of this act shall be converted to

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2988 five-member boards, except those permitted to continue as a
2989 three-member board by special act adopted in 1997 or thereafter.
2990 The board shall be elected in nonpartisan elections by the
2991 electors of the district. Except as provided in this act, such
2992 elections shall be held at the time and in the manner prescribed
2993 by law for holding general elections in accordance with s.
2994 189.04(2)(a) ~~189.405(2)(a)~~ and (3), and each member shall be
2995 elected for a term of 4 years and serve until the member's
2996 successor assumes office. Candidates for the board of a district
2997 shall qualify as directed by chapter 99.

2998 (8) All meetings of the board shall be open to the public
2999 consistent with chapter 286, s. 189.015 ~~189.417~~, and other
3000 applicable general laws.

3001 Section 76. Subsection (2) of section 191.013, Florida
3002 Statutes, is amended to read:

3003 191.013 Intergovernmental coordination.—

3004 (2) Each independent special fire control district shall
3005 adopt a 5-year plan to identify the facilities, equipment,
3006 personnel, and revenue needed by the district during that 5-year
3007 period. The plan shall be updated in accordance with s. 189.08
3008 ~~189.415~~ and shall satisfy the requirement for a public
3009 facilities report required by s. 189.08(2) ~~189.415(2)~~.

3010 Section 77. Subsection (1) of section 191.014, Florida
3011 Statutes, is amended to read:

3012 191.014 District creation and expansion.—

3013 (1) New districts may be created only by the Legislature
3014 under s. 189.031 ~~189.404~~.

3015 Section 78. Section 191.015, Florida Statutes, is amended
3016 to read:

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3017 191.015 Codification.—Each fire control district existing
3018 on the effective date of this section, by December 1, 2004,
3019 shall submit to the Legislature a draft codified charter, at its
3020 expense, so that its special acts may be codified into a single
3021 act for reenactment by the Legislature, if there is more than
3022 one special act for the district. The Legislature may adopt a
3023 schedule for individual district codification. Any codified act
3024 relating to a district, which act is submitted to the
3025 Legislature for reenactment, shall provide for the repeal of all
3026 prior special acts of the Legislature relating to the district.
3027 The codified act shall be filed with the Department of Economic
3028 Opportunity pursuant to s. 189.016(2) ~~189.418(2)~~.

3029 Section 79. Paragraphs (c), (d), and (e) of subsection (8)
3030 of section 200.001, Florida Statutes, are amended to read:

3031 200.001 Millages; definitions and general provisions.—

3032 (8)

3033 (c) "Special district" means a special district as defined
3034 in s. 189.012 ~~189.403(1)~~.

3035 (d) "Dependent special district" means a dependent special
3036 district as defined in s. 189.012 ~~189.403(2)~~. Dependent special
3037 district millage, when added to the millage of the governing
3038 body to which it is dependent, shall not exceed the maximum
3039 millage applicable to such governing body.

3040 (e) "Independent special district" means an independent
3041 special district as defined in s. 189.012 ~~189.403(3)~~, with the
3042 exception of a downtown development authority established prior
3043 to the effective date of the 1968 State Constitution as an
3044 independent body, either appointed or elected, regardless of
3045 whether or not the budget is approved by the local governing

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3046 body, if the district levies a millage authorized as of the
3047 effective date of the 1968 State Constitution. Independent
3048 special district millage shall not be levied in excess of a
3049 millage amount authorized by general law and approved by vote of
3050 the electors pursuant to s. 9(b), Art. VII of the State
3051 Constitution, except for those independent special districts
3052 levying millage for water management purposes as provided in
3053 that section and municipal service taxing units as specified in
3054 s. 125.01(1)(q) and (r). However, independent special district
3055 millage authorized as of the date the 1968 State Constitution
3056 became effective need not be so approved, pursuant to s. 2, Art.
3057 XII of the State Constitution.

3058 Section 80. Subsections (1), (5), (6), and (7) of section
3059 218.31, Florida Statutes, are amended to read:

3060 218.31 Definitions.—As used in this part, except where the
3061 context clearly indicates a different meaning:

3062 (1) "Local governmental entity" means a county agency, a
3063 municipality, or a special district as defined in s. 189.012
3064 ~~189.403~~. For purposes of s. 218.32, the term also includes a
3065 housing authority created under chapter 421.

3066 (5) "Special district" means a special district as defined
3067 in s. 189.012 ~~189.403(1)~~.

3068 (6) "Dependent special district" means a dependent special
3069 district as defined in s. 189.012 ~~189.403(2)~~.

3070 (7) "Independent special district" means an independent
3071 special district as defined in s. 189.012 ~~189.403(3)~~.

3072 Section 81. Paragraph (a) and (f) of subsection (1) and
3073 subsection (2) of section 218.32, Florida Statutes, are amended
3074 to read:

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3075 218.32 Annual financial reports; local governmental
3076 entities.—

3077 (1) (a) Each local governmental entity that is determined to
3078 be a reporting entity, as defined by generally accepted
3079 accounting principles, and each independent special district as
3080 defined in s. 189.012 ~~189.403~~, shall submit to the department a
3081 copy of its annual financial report for the previous fiscal year
3082 in a format prescribed by the department. The annual financial
3083 report must include a list of each local governmental entity
3084 included in the report and each local governmental entity that
3085 failed to provide financial information as required by paragraph
3086 (b). The chair of the governing body and the chief financial
3087 officer of each local governmental entity shall sign the annual
3088 financial report submitted pursuant to this subsection attesting
3089 to the accuracy of the information included in the report. The
3090 county annual financial report must be a single document that
3091 covers each county agency.

3092 (f) If the department does not receive a completed annual
3093 financial report from a local governmental entity within the
3094 required period, it shall notify the Legislative Auditing
3095 Committee and the Special District Accountability ~~Information~~
3096 Program of the Department of Economic Opportunity of the
3097 entity's failure to comply with the reporting requirements.

3098 (2) The department shall annually by December 1 file a
3099 verified report with the Governor, the Legislature, the Auditor
3100 General, and the Special District Accountability ~~Information~~
3101 Program of the Department of Economic Opportunity showing the
3102 revenues, both locally derived and derived from
3103 intergovernmental transfers, and the expenditures of each local

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3104 governmental entity, regional planning council, local government
3105 finance commission, and municipal power corporation that is
3106 required to submit an annual financial report. The report must
3107 include, but is not limited to:

3108 (a) The total revenues and expenditures of each local
3109 governmental entity that is a component unit included in the
3110 annual financial report of the reporting entity.

3111 (b) The amount of outstanding long-term debt by each local
3112 governmental entity. For purposes of this paragraph, the term
3113 "long-term debt" means any agreement or series of agreements to
3114 pay money, which, at inception, contemplate terms of payment
3115 exceeding 1 year in duration.

3116 Section 82. Paragraph (g) of subsection (1) of section
3117 218.37, Florida Statutes, is amended to read:

3118 218.37 Powers and duties of Division of Bond Finance;
3119 advisory council.—

3120 (1) The Division of Bond Finance of the State Board of
3121 Administration, with respect to both general obligation bonds
3122 and revenue bonds, shall:

3123 (g) By January 1 each year, provide the Special District
3124 Accountability Information ~~Information~~ Program of the Department of Economic
3125 Opportunity with a list of special districts that are not in
3126 compliance with the requirements in s. 218.38.

3127 Section 83. Paragraph (j) of subsection (1) of section
3128 255.20, Florida Statutes, is amended to read:

3129 255.20 Local bids and contracts for public construction
3130 works; specification of state-produced lumber.—

3131 (1) A county, municipality, special district as defined in
3132 chapter 189, or other political subdivision of the state seeking

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3133 to construct or improve a public building, structure, or other
3134 public construction works must competitively award to an
3135 appropriately licensed contractor each project that is estimated
3136 in accordance with generally accepted cost-accounting principles
3137 to cost more than \$300,000. For electrical work, the local
3138 government must competitively award to an appropriately licensed
3139 contractor each project that is estimated in accordance with
3140 generally accepted cost-accounting principles to cost more than
3141 \$75,000. As used in this section, the term "competitively award"
3142 means to award contracts based on the submission of sealed bids,
3143 proposals submitted in response to a request for proposal,
3144 proposals submitted in response to a request for qualifications,
3145 or proposals submitted for competitive negotiation. This
3146 subsection expressly allows contracts for construction
3147 management services, design/build contracts, continuation
3148 contracts based on unit prices, and any other contract
3149 arrangement with a private sector contractor permitted by any
3150 applicable municipal or county ordinance, by district
3151 resolution, or by state law. For purposes of this section, cost
3152 includes the cost of all labor, except inmate labor, and the
3153 cost of equipment and materials to be used in the construction
3154 of the project. Subject to the provisions of subsection (3), the
3155 county, municipality, special district, or other political
3156 subdivision may establish, by municipal or county ordinance or
3157 special district resolution, procedures for conducting the
3158 bidding process.

3159 (j) A county, municipality, special district as defined in
3160 s. 189.012 ~~189.403~~, or any other political subdivision of the
3161 state that owns or operates a public-use airport as defined in

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3162 s. 332.004 is exempt from this section when performing repairs
3163 or maintenance on the airport's buildings, structures, or public
3164 construction works using the local government's own services,
3165 employees, and equipment.

3166 Section 84. Subsection (4) of section 298.225, Florida
3167 Statutes, is amended to read:

3168 298.225 Water control plan; plan development and
3169 amendment.—

3170 (4) Information contained within a district's facilities
3171 plan prepared pursuant to s. 189.08 ~~189.415~~ which satisfies any
3172 of the provisions of subsection (3) may be used as part of the
3173 district water control plan.

3174 Section 85. Subsection (7) of section 343.922, Florida
3175 Statutes, is amended to read:

3176 343.922 Powers and duties.—

3177 (7) The authority shall comply with all statutory
3178 requirements of general application which relate to the filing
3179 of any report or documentation required by law, including the
3180 requirements of ss. 189.015, 189.016, 189.051, and 189.08
3181 ~~189.4085, 189.415, 189.417, and 189.418.~~

3182 Section 86. Subsection (5) of section 348.0004, Florida
3183 Statutes, is amended to read:

3184 348.0004 Purposes and powers.—

3185 (5) Any authority formed pursuant to this act shall comply
3186 with all statutory requirements of general application which
3187 relate to the filing of any report or documentation required by
3188 law, including the requirements of ss. 189.015, 189.016,
3189 189.051, and 189.08 ~~189.4085, 189.415, 189.417, and 189.418.~~

3190 Section 87. Section 373.711, Florida Statutes, is amended

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3191 to read:

3192 373.711 Technical assistance to local governments.—The
3193 water management districts shall assist local governments in the
3194 development and future revision of local government
3195 comprehensive plan elements or public facilities report as
3196 required by s. 189.08 ~~189.415~~, related to water resource issues.

3197 Section 88. Paragraph (b) of subsection (3) of section
3198 403.0891, Florida Statutes, is amended to read:

3199 403.0891 State, regional, and local stormwater management
3200 plans and programs.—The department, the water management
3201 districts, and local governments shall have the responsibility
3202 for the development of mutually compatible stormwater management
3203 programs.

3204 (3)

3205 (b) Local governments are encouraged to consult with the
3206 water management districts, the Department of Transportation,
3207 and the department before adopting or updating their local
3208 government comprehensive plan or public facilities report as
3209 required by s. 189.08 ~~189.415~~, whichever is applicable.

3210 Section 89. Subsection (1) of section 582.32, Florida
3211 Statutes, is amended to read:

3212 582.32 Effect of dissolution.—

3213 (1) Upon issuance of a certificate of dissolution, s.
3214 189.076(2) ~~189.4045(2)~~ applies and all land use regulations in
3215 effect within such districts are void.

3216 Section 90. Paragraph (a) of subsection (3) of section
3217 1013.355, Florida Statutes, is amended to read:

3218 1013.355 Educational facilities benefit districts.—

3219 (3) (a) An educational facilities benefit district may be

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3220 created pursuant to this act and chapters 125, 163, 166, and
3221 189. An educational facilities benefit district charter may be
3222 created by a county or municipality by entering into an
3223 interlocal agreement, as authorized by s. 163.01, with the
3224 district school board and any local general purpose government
3225 within whose jurisdiction a portion of the district is located
3226 and adoption of an ordinance that includes all provisions
3227 contained within s. 189.02 ~~189.4041~~. The creating entity shall
3228 be the local general purpose government within whose boundaries
3229 a majority of the educational facilities benefit district's
3230 lands are located.

3231 Section 91. This act shall take effect July 1, 2014.