

By the Committees on Community Affairs; and 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 chapter 189, F.S., relating to special
4 districts; amending s. 11.40, F.S.; revising duties of
5 the Legislative Auditing Committee; amending s.
6 112.312, F.S.; redefining the term "agency" as it
7 applies to the code of ethics for public officers and
8 employees to include special districts; creating s.
9 112.511, F.S.; specifying applicability of procedures
10 regarding suspension and removal of a member of the
11 governing body of a special district; amending s.
12 125.901, F.S.; revising governing body membership for
13 independent special districts created to provide
14 funding for children's services; conforming provisions
15 to changes made by the act; transferring, renumbering,
16 and amending s. 189.401, F.S.; revising a short title;
17 transferring, renumbering, and amending s. 189.402,
18 F.S.; revising a statement of legislative purpose and
19 intent; making technical changes; conforming
20 provisions to changes made by the act; transferring,
21 renumbering, and amending s. 189.403, F.S.; redefining
22 the term "special district"; transferring,
23 renumbering, and amending ss. 189.4031, 189.4035,
24 189.404, 189.40401, 189.4041, and 189.4042, F.S.;
25 deleting provisions relating to the application of a
26 special district to amend its charter; conforming
27 provisions to changes made by the act; transferring,
28 renumbering, and amending s. 189.4044, F.S.; revising
29 the circumstances under which the Department of

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

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59 renumbering s. 189.420, F.S.; transferring,
60 renumbering, and amending s. 189.421, F.S.; revising
61 notification requirements for special districts that
62 fail to file certain reports; revising available
63 remedies for the failure of a special district to
64 disclose required financial reports; transferring and
65 renumbering ss. 189.4221, 189.423, and 189.425, F.S.;
66 transferring, renumbering, and amending s. 189.427,
67 F.S.; providing for the deposit of administration fees
68 into the Operating Trust Fund rather than the Grants
69 and Donations Trust Fund; transferring, renumbering,
70 and amending s. 189.428, F.S.; revising the oversight
71 review process for special districts; transferring and
72 renumbering s. 189.429, F.S.; repealing ss. 189.430,
73 189.431, 189.432, 189.433, 189.434, 189.435, 189.436,
74 189.437, 189.438, 189.439, 189.440, 189.441, 189.442,
75 189.443, and 189.444, F.S., relating to the Community
76 Improvement Authority Act; creating ss. 189.034 and
77 189.035, F.S.; providing applicability; requiring the
78 Legislative Auditing Committee to provide notice of
79 the failure of special districts to file certain
80 required reports and requested information to certain
81 persons and bodies; authorizing the Legislative
82 Auditing Committee and the chair or equivalent of a
83 local general-purpose government to convene a public
84 hearing on the issue of a special district's
85 noncompliance and general oversight of the special
86 district; requiring a special district to provide
87 certain information to the Legislative Auditing

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88 Committee before a public hearing upon request;
89 authorizing a local general-purpose government to
90 request certain information from a special district
91 created by local ordinance before a public hearing;
92 requiring a local general-purpose government to report
93 the findings of a public hearing to the department and
94 the Legislative Auditing Committee; creating s.
95 189.055, F.S.; requiring special districts to be
96 treated as municipalities for certain purposes;
97 creating s. 189.069, F.S.; requiring special districts
98 to establish and maintain an official website for
99 certain information; requiring special districts to
100 submit the web address of their respective websites to
101 the department; requiring that the department's online
102 list of special districts include a link to the
103 website of certain special districts; amending ss.
104 11.45, 100.011, 101.657, 112.061, 112.63, 112.665,
105 121.021, 121.051, 153.94, 163.08, 165.031, 165.0615,
106 171.202, 175.032, 190.011, 190.046, 190.049, 191.003,
107 191.005, 191.013, 191.014, 191.015, 200.001, 218.31,
108 218.32, 218.37, 255.20, 298.225, 343.922, 348.0004,
109 373.711, 403.0891, 582.32, and 1013.355, F.S.;

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

112
113 Be It Enacted by the Legislature of the State of Florida:
114

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

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117 (1) Part I, consisting of sections 189.01, 189.011,
118 189.012, 189.013, 189.014, 189.015, 189.016, 189.017, 189.018,
119 and 189.019, Florida Statutes, as created by this act, and
120 entitled "General Provisions."

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

124 (3) Part III, consisting of sections 189.03, 189.031,
125 189.0311, 189.033, 189.034, and 189.035, Florida Statutes, as
126 created by this act, and entitled "Independent Special
127 Districts."

128 (4) Part IV, consisting of sections 189.04, 189.041, and
129 189.042, Florida Statutes, as created by this act, and entitled
130 "Elections."

131 (5) Part V, consisting of sections 189.05, 189.051,
132 189.052, 189.053, 189.054, and 189.055, Florida Statutes, as
133 created by this act, and entitled "Finance."

134 (6) Part VI, consisting of sections 189.06, 189.061,
135 189.062, 189.063, 189.064, 189.065, 189.066, 189.067, 189.068,
136 and 189.069, Florida Statutes, as created by this act, and
137 entitled "Oversight and Accountability."

138 (7) Part VII, consisting of sections 189.07, 189.071,
139 189.072, 189.073, 189.074, 189.075, 189.076, and 189.0761,
140 Florida Statutes, as created by this act, and entitled "Merger
141 and Dissolution."

142 (8) Part VIII, consisting of sections 189.08, 189.081, and
143 189.082, Florida Statutes, as created by this act, and entitled
144 "Comprehensive Planning."

145 Section 2. Paragraph (b) of subsection (2) of section

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146 11.40, Florida Statutes, is amended to read:

147 11.40 Legislative Auditing Committee.—

148 (2) Following notification by the Auditor General, the
149 Department of Financial Services, or the Division of Bond
150 Finance of the State Board of Administration of the failure of a
151 local governmental entity, district school board, charter
152 school, or charter technical career center to comply with the
153 applicable provisions within s. 11.45(5)-(7), s. 218.32(1), ~~or~~
154 s. 218.38, or s. 218.503(3), the Legislative Auditing Committee
155 may schedule a hearing to determine if the entity should be
156 subject to further state action. If the committee determines
157 that the entity should be subject to further state action, the
158 committee shall:

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

160 1. A special act, notify the President of the Senate, the
161 Speaker of the House of Representatives, the standing committees
162 of the Senate and the House of Representatives charged with
163 special district oversight as determined by the presiding
164 officers of each respective chamber, the legislators who
165 represent a portion of the geographical jurisdiction of the
166 special district, pursuant to s. 189.034(2) and the Department
167 of Economic Opportunity that the special district has failed to
168 comply with the law. Upon receipt of notification, the
169 Department of Economic Opportunity shall proceed pursuant to s.
170 189.062 or s. 189.067. If the special district remains in
171 noncompliance after the process set forth in s. 189.034(3), the
172 Legislative Auditing Committee may request the department to
173 proceed pursuant to s. 189.067(3) ~~189.4044 or s. 189.421.~~

174 2. A local ordinance, notify the chair or equivalent of the

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175 local general-purpose government pursuant to s. 189.035(1) and
176 the Department of Economic Opportunity that the special district
177 has failed to comply with the law. Upon receipt of notification,
178 the department shall proceed pursuant to s. 189.062 or s.
179 189.067. If the special district remains in noncompliance after
180 the process set forth in s. 189.035(2), or if a public hearing
181 has not been held within 6 months, the Legislative Auditing
182 Committee may request the department to proceed pursuant to s.
183 189.067(3).

184 3. Any manner other than a special act or local ordinance,
185 notify the Department of Economic Opportunity that the special
186 district has failed to comply with the law. Upon receipt of
187 notification, the department shall proceed pursuant to s.
188 189.062 or s. 189.067(3).

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

191 112.312 Definitions.—As used in this part and for purposes
192 of the provisions of s. 8, Art. II of the State Constitution,
193 unless the context otherwise requires:

194 (2) "Agency" means any state, regional, county, local, or
195 municipal government entity of this state, whether executive,
196 judicial, or legislative; any department, division, bureau,
197 commission, authority, or political subdivision of this state
198 therein; ~~or~~ any public school, community college, or state
199 university; or any special district as defined in s. 189.012.

200 Section 4. Section 112.511, Florida Statutes, is created to
201 read:

202 112.511 Members of special district governing bodies;
203 suspension; removal from office.—

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

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

213 Section 5. Subsections (1), (4), and (6) of section
214 125.901, Florida Statutes, are amended to read:

215 125.901 Children's services; independent special district;
216 council; powers, duties, and functions; public records
217 exemption.—

218 (1) Each county may by ordinance create an independent
219 special district, as defined in ss. 189.012 ~~189.403(3)~~ and
220 200.001(8)(e), to provide funding for children's services
221 throughout the county in accordance with this section. The
222 boundaries of such district shall be coterminous with the
223 boundaries of the county. The county governing body shall obtain
224 approval, by a majority vote of those electors voting on the
225 question, to annually levy ad valorem taxes which shall not
226 exceed the maximum millage rate authorized by this section. Any
227 district created pursuant to the provisions of this subsection
228 shall be required to levy and fix millage subject to the
229 provisions of s. 200.065. Once such millage is approved by the
230 electorate, the district shall not be required to seek approval
231 of the electorate in future years to levy the previously
232 approved millage.

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233 (a) The governing body ~~board~~ of the district shall be a
234 council on children's services, which may also be known as a
235 juvenile welfare board or similar name as established in the
236 ordinance by the county governing body. Such council shall
237 consist of 10 members, including: the superintendent of schools;
238 a local school board member; the district administrator from the
239 appropriate district of the Department of Children and Family
240 Services, or his or her designee who is a member of the Senior
241 Management Service or of the Selected Exempt Service; one member
242 of the county governing body; and the judge assigned to juvenile
243 cases who shall sit as a voting member of the board, except that
244 said judge shall not vote or participate in the setting of ad
245 valorem taxes under this section. If there is more than one
246 judge assigned to juvenile cases in a county, the chief judge
247 shall designate one of said juvenile judges to serve on the
248 board. The remaining five members shall be appointed by the
249 Governor, and shall, to the extent possible, represent the
250 demographic diversity of the population of the county. After
251 soliciting recommendations from the public, the county governing
252 body shall submit to the Governor the names of at least three
253 persons for each vacancy occurring among the five members
254 appointed by the Governor, and the Governor shall appoint
255 members to the council from the candidates nominated by the
256 county governing body. The Governor shall make a selection
257 within a 45-day period or request a new list of candidates. All
258 members appointed by the Governor shall have been residents of
259 the county for the previous 24-month period. Such members shall
260 be appointed for 4-year terms, except that the length of the
261 terms of the initial appointees shall be adjusted to stagger the

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262 terms. The Governor may remove a member for cause or upon the
263 written petition of the county governing body. If any of the
264 members of the council required to be appointed by the Governor
265 under the provisions of this subsection shall resign, die, or be
266 removed from office, the vacancy thereby created shall, as soon
267 as practicable, be filled by appointment by the Governor, using
268 the same method as the original appointment, and such
269 appointment to fill a vacancy shall be for the unexpired term of
270 the person who resigns, dies, or is removed from office.

271 (b) However, any county as defined in s. 125.011(1) may
272 instead have a governing body ~~board~~ consisting of 33 members,
273 including: the superintendent of schools; two representatives of
274 public postsecondary education institutions located in the
275 county; the county manager or the equivalent county officer; the
276 district administrator from the appropriate district of the
277 Department of Children and Family Services, or the
278 administrator's designee who is a member of the Senior
279 Management Service or the Selected Exempt Service; the director
280 of the county health department or the director's designee; the
281 state attorney for the county or the state attorney's designee;
282 the chief judge assigned to juvenile cases, or another juvenile
283 judge who is the chief judge's designee and who shall sit as a
284 voting member of the board, except that the judge may not vote
285 or participate in setting ad valorem taxes under this section;
286 an individual who is selected by the board of the local United
287 Way or its equivalent; a member of a locally recognized faith-
288 based coalition, selected by that coalition; a member of the
289 local chamber of commerce, selected by that chamber or, if more
290 than one chamber exists within the county, a person selected by

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291 a coalition of the local chambers; a member of the early
292 learning coalition, selected by that coalition; a representative
293 of a labor organization or union active in the county; a member
294 of a local alliance or coalition engaged in cross-system
295 planning for health and social service delivery in the county,
296 selected by that alliance or coalition; a member of the local
297 Parent-Teachers Association/Parent-Teacher-Student Association,
298 selected by that association; a youth representative selected by
299 the local school system's student government; a local school
300 board member appointed by the chair of the school board; the
301 mayor of the county or the mayor's designee; one member of the
302 county governing body, appointed by the chair of that body; a
303 member of the state Legislature who represents residents of the
304 county, ~~selected by the chair of the local legislative~~
305 ~~delegation~~; an elected official representing the residents of a
306 municipality in the county, selected by the county municipal
307 league; and 4 members-at-large, appointed to the council by the
308 majority of sitting council members. The remaining 7 members
309 shall be appointed by the Governor in accordance with procedures
310 set forth in paragraph (a), except that the Governor may remove
311 a member for cause or upon the written petition of the council.
312 Appointments by the Governor must, to the extent reasonably
313 possible, represent the geographic and demographic diversity of
314 the population of the county. Members who are appointed to the
315 council by reason of their position are not subject to the
316 length of terms and limits on consecutive terms as provided in
317 this section. The remaining appointed members of the governing
318 body ~~board~~ shall be appointed to serve 2-year terms, except that
319 those members appointed by the Governor shall be appointed to

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320 serve 4-year terms, and the youth representative and the
 321 legislative delegate shall be appointed to serve 1-year terms. A
 322 member may be reappointed; however, a member may not serve for
 323 more than three consecutive terms. A member is eligible to be
 324 appointed again after a 2-year hiatus from the council.

325 (c) This subsection does not prohibit a county from
 326 exercising such power as is provided by general or special law
 327 to provide children's services or to create a special district
 328 to provide such services.

329 (4) (a) Any district created pursuant to this section may be
 330 dissolved by a special act of the Legislature, or the county
 331 governing body may by ordinance dissolve the district subject to
 332 the approval of the electorate.

333 (b)1.a. Notwithstanding paragraph (a), the governing body
 334 of the county shall submit the question of retention or
 335 dissolution of a district with voter-approved taxing authority
 336 to the electorate in the general election according to the
 337 following schedule:

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

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

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

348 b. A referendum by the electorate on or after July 1, 2010,

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349 creating a new district with taxing authority may specify that
350 the district is not subject to reauthorization or may specify
351 the number of years for which the initial authorization shall
352 remain effective. If the referendum does not prescribe terms of
353 reauthorization, the governing body of the county shall submit
354 the question of retention or dissolution of the district to the
355 electorate in the general election 12 years after the initial
356 authorization.

357 2. The governing body ~~board~~ of the district may specify,
358 and submit to the governing body of the county no later than 9
359 months before the scheduled election, that the district is not
360 subsequently subject to reauthorization or may specify the
361 number of years for which a reauthorization under this paragraph
362 shall remain effective. If the governing body ~~board~~ of the
363 district makes such specification and submission, the governing
364 body of the county shall include that information in the
365 question submitted to the electorate. If the governing body
366 ~~board~~ of the district does not specify and submit such
367 information, the governing body of the county shall resubmit the
368 question of reauthorization to the electorate every 12 years
369 after the year prescribed in subparagraph 1. The governing body
370 ~~board~~ of the district may recommend to the governing body of the
371 county language for the question submitted to the electorate.

372 3. This paragraph does not limit ~~Nothing in this paragraph~~
373 ~~limits~~ the authority to dissolve a district as provided under
374 paragraph (a).

375 4. This paragraph does not preclude ~~Nothing in this~~
376 ~~paragraph precludes~~ the governing body ~~board~~ of a district from
377 requesting that the governing body of the county submit the

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378 question of retention or dissolution of a district with voter-
379 approved taxing authority to the electorate at a date earlier
380 than the year prescribed in subparagraph 1. If the governing
381 body of the county accepts the request and submits the question
382 to the electorate, the governing body satisfies the requirement
383 of that subparagraph.

384

385 If any district is dissolved pursuant to this subsection, each
386 county must first obligate itself to assume the debts,
387 liabilities, contracts, and outstanding obligations of the
388 district within the total millage available to the county
389 governing body for all county and municipal purposes as provided
390 for under s. 9, Art. VII of the State Constitution. Any district
391 may also be dissolved pursuant to part VII of chapter 189 ~~s.~~
392 ~~189.4042.~~

393 (6) Any district created pursuant to the provisions of this
394 section shall comply with all other statutory requirements of
395 general application which relate to the filing of any financial
396 reports or compliance reports required under part III of chapter
397 218, or any other report or documentation required by law,
398 including the requirements of ss. 189.08, 189.015, and 189.016
399 ~~189.415, 189.417, and 189.418.~~

400 Section 6. Section 189.401, Florida Statutes, is
401 transferred, renumbered as section 189.01, Florida Statutes, and
402 amended to read:

403 189.01 ~~189.401~~ Short title.—This chapter may be cited as
404 the "Uniform Special District Accountability Act ~~of 1989.~~"

405 Section 7. Subsections (1), (6), and (7) of section
406 189.402, Florida Statutes, are transferred and renumbered as

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407 subsections (1), (2), and (3), respectively, of section 189.011,
 408 Florida Statutes, and present subsection (6) of that section is
 409 amended, to read:

410 189.011 ~~189.402~~ Statement of legislative purpose and
 411 intent.—

412 (2) ~~(6)~~ The Legislature finds that special districts serve a
 413 necessary and useful function by providing services to residents
 414 and property in the state. The Legislature finds further that
 415 special districts operate to serve a public purpose and that
 416 this is best secured by certain minimum standards of
 417 accountability designed to inform the public and appropriate
 418 general-purpose local governments of the status and activities
 419 of special districts. It is the intent of the Legislature that
 420 this public trust be secured by requiring each independent
 421 special district in the state to register and report its
 422 financial and other activities. The Legislature further finds
 423 that failure of an independent special district to comply with
 424 the minimum disclosure requirements set forth in this chapter
 425 may result in action against officers of such district body
 426 board.

427 Section 8. Subsection (2) of section 189.402, Florida
 428 Statutes, is transferred, renumbered as section 189.06, Florida
 429 Statutes, and amended to read:

430 189.06 ~~189.402~~ Legislative intent; centralized location
 431 ~~Statement of legislative purpose and intent.—~~

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

435 (1) ~~(a)~~ Improve the enforcement of statutes currently in

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436 place that help ensure the accountability of special districts
437 to state and local governments.

438 (2)~~(b)~~ Improve communication and coordination between state
439 agencies with respect to required special district reporting and
440 state monitoring.

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

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

449 (5)~~(e)~~ Clarify special district definitions and creation
450 methods in order to ensure consistent application of those
451 definitions and creation methods across all levels of
452 government.

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

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

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

460 Section 9. Subsections (3), (4), (5), and (8) of section
461 189.402, Florida Statutes, are transferred, renumbered as
462 subsections (1), (2), (3), and (4), respectively, of section
463 189.03, Florida Statutes, and amended to read:

464 189.03 ~~189.402~~ Statement of legislative purpose and intent;

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465 independent special districts.-

466 (1)~~(3)~~ The Legislature finds that:

467 (a) There is a need for uniform, focused, and fair
468 procedures in state law to provide a reasonable alternative for
469 the establishment, powers, operation, and duration of
470 independent special districts ~~to manage and finance basic~~
471 ~~capital infrastructure, facilities, and services; and that,~~
472 ~~based upon a proper and fair determination of applicable facts,~~
473 ~~an independent special district can constitute a timely,~~
474 ~~efficient, effective, responsive, and economic way to deliver~~
475 ~~these basic services, thereby providing a means of solving the~~
476 ~~state's planning, management, and financing needs for delivery~~
477 ~~of capital infrastructure, facilities, and services in order to~~
478 ~~provide for projected growth without overburdening other~~
479 ~~governments and their taxpayers.~~

480 (b) It is in the public interest that any independent
481 special district created pursuant to state law not outlive its
482 usefulness and that the operation of such a district and the
483 exercise by the district of its powers be consistent with
484 applicable due process, disclosure, accountability, ethics, and
485 government-in-the-sunshine requirements which apply both to
486 governmental entities and to their elected and appointed
487 officials.

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

492 (2)~~(4)~~ It is the policy of this state:

493 (a) That independent special districts may be used ~~are a~~

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494 ~~legitimate alternative method available for use~~ by the private
495 and public sectors, as authorized by state law, to manage, own,
496 operate, construct, and finance basic capital infrastructure,
497 facilities, and services.

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

502 (3)~~(5)~~ It is the legislative intent and ~~purpose, based~~
503 ~~upon, and consistent with, its findings of fact and declarations~~
504 ~~of policy,~~ to authorize a uniform procedure by general law to
505 create an independent special district, ~~as an alternative method~~
506 ~~to manage and finance basic capital infrastructure, facilities,~~
507 ~~and services. It is further the legislative intent and purpose~~
508 to provide by general law for the uniform operation, exercise of
509 power, and procedure for termination of any such independent
510 special district.

511 (4)~~(8)~~ The Legislature finds and declares that:

512 (a) Growth and development issues transcend the boundaries
513 and responsibilities of individual units of government, and
514 often no single unit of government can plan or implement
515 policies to deal with these issues without affecting other units
516 of government.

517 (b) The provision of capital infrastructure, facilities,
518 and services for the preservation and enhancement of the quality
519 of life of the people of this state may require the creation of
520 multicounty and multijurisdictional districts.

521 Section 10. Section 189.403, Florida Statutes, is
522 transferred, renumbered as section 189.012, Florida Statutes,

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523 reordered, and amended, to read:

524 189.012 ~~189.403~~ Definitions.—As used in this chapter, the
525 term:

526 (6) ~~(1)~~ "Special district" means a ~~local~~ unit of local
527 government created for a ~~of~~ special purpose, as opposed to a
528 general purpose ~~general purpose, which has jurisdiction to~~
529 operate ~~government~~ within a limited geographic boundary and is,
530 created by general law, special act, local ordinance, or by rule
531 of the Governor and Cabinet. ~~The special purpose or purposes of~~
532 ~~special districts are implemented by specialized functions and~~
533 ~~related prescribed powers. For the purpose of s. 196.199(1),~~
534 ~~special districts shall be treated as municipalities.~~ The term
535 does not include a school district, a community college
536 district, a special improvement district created pursuant to s.
537 285.17, a municipal service taxing or benefit unit as specified
538 in s. 125.01, or a board which provides electrical service and
539 which is a political subdivision of a municipality or is part of
540 a municipality.

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

543 (a) The membership of its governing body is identical to
544 that of the governing body of a single county or a single
545 municipality.

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

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

551 (d) The district has a budget that requires approval

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552 through an affirmative vote or can be vetoed by the governing
553 body of a single county or a single municipality.

554

555 This subsection is for purposes of definition only. Nothing in
556 this subsection confers additional authority upon local
557 governments not otherwise authorized by the provisions of the
558 special acts or general acts of local application creating each
559 special district, as amended.

560 (3) "Independent special district" means a special district
561 that is not a dependent special district as defined in
562 subsection (2). A district that includes more than one county is
563 an independent special district unless the district lies wholly
564 within the boundaries of a single municipality.

565 (1)~~(4)~~ "Department" means the Department of Economic
566 Opportunity.

567 (4)~~(5)~~ "Local governing authority" means the governing body
568 of a unit of local general-purpose government. However, if the
569 special district is a political subdivision of a municipality,
570 "local governing authority" means the municipality.

571 (7)~~(6)~~ "Water management district" for purposes of this
572 chapter means a special taxing district which is a regional
573 water management district created and operated pursuant to
574 chapter 373 or chapter 61-691, Laws of Florida, or a flood
575 control district created and operated pursuant to chapter 25270,
576 Laws of Florida, 1949, as modified by s. 373.149.

577 (5)~~(7)~~ "Public facilities" means major capital
578 improvements, including, but not limited to, transportation
579 facilities, sanitary sewer facilities, solid waste facilities,
580 water management and control facilities, potable water

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581 facilities, alternative water systems, educational facilities,
582 parks and recreational facilities, health systems and
583 facilities, and, except for spoil disposal by those ports listed
584 in s. 311.09(1), spoil disposal sites for maintenance dredging
585 in waters of the state.

586 Section 11. Subsection (1) of section 189.4031, Florida
587 Statutes, is transferred and renumbered as section 189.013,
588 Florida Statutes, and the catchline of that section shall read:
589 "Special districts; creation, dissolution, and reporting
590 requirements."

591 Section 12. Subsection (2) of section 189.4031, Florida
592 Statutes, is transferred, renumbered as section 189.0311,
593 Florida Statutes, and amended to read:

594 189.0311 ~~189.4031~~ Independent special districts ~~Special~~
595 ~~districts; creation, dissolution, and reporting requirements;~~
596 charter requirements.-

597 ~~(2)~~ Notwithstanding any general law, special act, or
598 ordinance of a local government to the contrary, any independent
599 special district charter enacted after September 30, 1989, ~~the~~
600 ~~effective date of this section~~ shall contain the information
601 required by s. 189.031(3) ~~189.404(3)~~. Recognizing that the
602 exclusive charter for a community development district is the
603 statutory charter contained in ss. 190.006-190.041, community
604 development districts established after July 1, 1980, pursuant
605 to the provisions of chapter 190 shall be deemed in compliance
606 with this requirement.

607 Section 13. Section 189.4035, Florida Statutes, is
608 transferred and renumbered as section 189.061, Florida Statutes,
609 and subsections (1), (5), and (6) of that section are amended,

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610 to read:

611 189.061 ~~189.4035~~ Preparation of Official list of special
612 districts.—

613 (1) The department of ~~Economic Opportunity~~ shall maintain
614 ~~compile~~ the official list of special districts. The official
615 list of special districts shall include all special districts in
616 this state and shall indicate the independent or dependent
617 status of each district. All special districts on ~~in~~ the list
618 shall be sorted by county. The definitions in s. 189.012 ~~189.403~~
619 shall be the criteria for determination of the independent or
620 dependent status of each special district on the official list.
621 The status of community development districts shall be
622 independent on the official list of special districts.

623 (5) The official list of special districts shall be
624 available on the department's website and must include a link to
625 the website of each special district that provides web-based
626 access to the public of the information and documentation
627 required under s. 189.069.

628 (6) ~~Preparation of~~ The official list of special districts
629 or the determination of status does not constitute final agency
630 action pursuant to chapter 120. If the status of a special
631 district on the official list is inconsistent with the status
632 submitted by the district, the district may request the
633 department to issue a declaratory statement setting forth the
634 requirements necessary to resolve the inconsistency. If
635 necessary, upon issuance of a declaratory statement by the
636 department which is not appealed pursuant to chapter 120, the
637 governing body ~~board~~ of any special district receiving such a
638 declaratory statement shall apply to the entity which originally

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639 established the district for an amendment to its charter
640 correcting the specified defects in its original charter. This
641 amendment shall be for the sole purpose of resolving
642 inconsistencies between a district charter and the status of a
643 district as it appears on the official list. ~~Such application~~
644 ~~shall occur as follows:~~

645 ~~(a) In the event a special district was created by a local~~
646 ~~general-purpose government or state agency and applies for an~~
647 ~~amendment to its charter to confirm its independence, said~~
648 ~~application shall be granted as a matter of right. If~~
649 ~~application by an independent district is not made within 6~~
650 ~~months of rendition of a declaratory statement, the district~~
651 ~~shall be deemed dependent and become a political subdivision of~~
652 ~~the governing body which originally established it by operation~~
653 ~~of law.~~

654 ~~(b) If the Legislature created a special district, the~~
655 ~~district shall request, by resolution, an amendment to its~~
656 ~~charter by the Legislature. Failure to apply to the Legislature~~
657 ~~for an amendment to its charter during the next regular~~
658 ~~legislative session following rendition of a declaratory~~
659 ~~statement or failure of the Legislature to pass a special act~~
660 ~~shall render the district dependent.~~

661 Section 14. Section 189.404, Florida Statutes, is
662 transferred and renumbered as section 189.031, Florida Statutes,
663 and subsection (2) and paragraphs (e), (f), and (g) of
664 subsection (3) of that section are amended, to read:

665 189.031 ~~189.404~~ Legislative intent for the creation of
666 independent special districts; special act prohibitions; model
667 elements and other requirements; general-purpose local

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668 government/Governor and Cabinet creation authorizations.—

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

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

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

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

678 (d) Exempt an independent special district from the
679 reporting, notice, or public meetings requirements of s.
680 189.051, s. 189.08, s. 189.015, or s. 189.016 ~~189.4085, s.~~
681 ~~189.415, s. 189.417, or s. 189.418~~;

682 (e) Create an independent special district for which a
683 statement has not been submitted to the Legislature that
684 documents the following:

685 1. The purpose of the proposed district;

686 2. The authority of the proposed district;

687 3. An explanation of why the district is the best
688 alternative; and

689 4. A resolution or official statement of the governing body
690 or an appropriate administrator of the local jurisdiction within
691 which the proposed district is located stating that the creation
692 of the proposed district is consistent with the approved local
693 government plans of the local governing body and that the local
694 government has no objection to the creation of the proposed
695 district.

696 (3) MINIMUM REQUIREMENTS.—General laws or special acts that

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697 create or authorize the creation of independent special
698 districts and are enacted after September 30, 1989, must address
699 and require the following in their charters:

700 (e) The membership and organization of the governing body
701 ~~board~~ of the district. If a district created after September 30,
702 1989, uses a one-acre/one-vote election principle, it shall
703 provide for a governing body ~~board~~ consisting of five members.
704 Three members shall constitute a quorum.

705 (f) The maximum compensation of a governing body ~~board~~
706 member.

707 (g) The administrative duties of the governing body ~~board~~
708 of the district.

709 Section 15. Section 189.40401, Florida Statutes, is
710 transferred and renumbered as section 189.033, Florida Statutes.

711 Section 16. Section 189.4041, Florida Statutes, is
712 transferred and renumbered as section 189.02, Florida Statutes,
713 and paragraph (e) of subsection (4) of that section is amended,
714 to read:

715 189.02 ~~189.4041~~ Dependent special districts.—

716 (4) Dependent special districts created by a county or
717 municipality shall be created by adoption of an ordinance that
718 includes:

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

721 Section 17. Subsection (1) of section 189.4042, Florida
722 Statutes, is transferred, renumbered as section 189.07, Florida
723 Statutes, and amended to read:

724 189.07 ~~189.4042~~ Definitions ~~Merger and dissolution~~
725 ~~procedures.~~—

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

727 (1)(a) "Component independent special district" means an
728 independent special district that proposes to be merged into a
729 merged independent district, or an independent special district
730 as it existed before its merger into the merged independent
731 district of which it is now a part.

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

738 (3)(e) "Governing body" means the governing body of the
739 independent special district in which the general legislative,
740 governmental, or public powers of the district are vested and by
741 authority of which the official business of the district is
742 conducted.

743 (4)(d) "Initiative" means the filing of a petition
744 containing a proposal for a referendum to be placed on the
745 ballot for election.

746 (5)(e) "Joint merger plan" means the merger plan that is
747 adopted by resolution of the governing bodies of two or more
748 independent special districts that outlines the terms and
749 agreements for the official merger of the districts and that is
750 finalized and approved by the governing bodies pursuant to this
751 part ~~section~~.

752 (6)(f) "Merged independent district" means a single
753 independent special district that results from a successful
754 merger of two or more independent special districts pursuant to

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755 this part section.

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

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

763 (9)~~(i)~~ "Proposed elector-initiated merger plan" means a
764 written document that contains the terms and information
765 regarding the merger of two or more independent special
766 districts and that accompanies the petition initiated by the
767 qualified electors of the districts but that is not yet
768 finalized and approved by the governing bodies of each component
769 independent special district pursuant to this part section.

770 (10)~~(j)~~ "Proposed joint merger plan" means a written
771 document that contains the terms and information regarding the
772 merger of two or more independent special districts and that has
773 been prepared pursuant to a resolution of the governing bodies
774 of the districts but that is not yet finalized and approved by
775 the governing bodies of each component independent special
776 district pursuant to this part section.

777 (11)~~(k)~~ "Qualified elector" means an individual at least 18
778 years of age who is a citizen of the United States, a permanent
779 resident of this state, and a resident of the district who
780 registers with the supervisor of elections of a county within
781 which the district lands are located when the registration books
782 are open.

783 Section 18. Subsection (2) of section 189.4042, Florida

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784 Statutes, is transferred, renumbered as section 189.071, Florida
785 Statutes, and amended to read:

786 189.071 ~~189.4042~~ Merger or ~~and~~ dissolution of a dependent
787 special district procedures.—

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

789 (1) ~~(a)~~ The merger or dissolution of a dependent special
790 district may be effectuated by an ordinance of the general-
791 purpose local governmental entity wherein the geographical area
792 of the district or districts is located. However, a county may
793 not dissolve a special district that is dependent to a
794 municipality or vice versa, or a dependent district created by
795 special act.

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

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

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

809 Section 19. Subsection (3) of section 189.4042, Florida
810 Statutes, is transferred, renumbered as section 189.072, Florida
811 Statutes, and amended to read:

812 189.072 ~~189.4042~~ Dissolution of an independent special

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813 district ~~Merger and dissolution procedures.~~

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

815 (1)(a) VOLUNTARY DISSOLUTION.—If the governing body ~~board~~
816 of an independent special district created and operating
817 pursuant to a special act elects, by a majority vote plus one,
818 to dissolve the district, the voluntary dissolution of an
819 independent special district created and operating pursuant to a
820 special act may be effectuated only by the Legislature unless
821 otherwise provided by general law.

822 (2)(b) OTHER DISSOLUTIONS.—

823 (a)1. In order for the Legislature to dissolve an active
824 independent special district created and operating pursuant to a
825 special act, the special act dissolving the active independent
826 special district must be approved by a majority of the resident
827 electors of the district or, for districts in which a majority
828 of governing body ~~board~~ members are elected by landowners, a
829 majority of the landowners voting in the same manner by which
830 the independent special district's governing body is elected. If
831 a local general-purpose government passes an ordinance or
832 resolution in support of the dissolution, the local general-
833 purpose government must pay any expenses associated with the
834 referendum required under this paragraph ~~subparagraph~~.

835 (b)2. If an independent special district was created by a
836 county or municipality by referendum or any other procedure, the
837 county or municipality that created the district may dissolve
838 the district pursuant to a referendum or any other procedure by
839 which the independent special district was created. However, if
840 the independent special district has ad valorem taxation powers,
841 the same procedure required to grant the independent special

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842 district ad valorem taxation powers is required to dissolve the
843 district.

844 (3)~~(e)~~ INACTIVE INDEPENDENT SPECIAL DISTRICTS.—An
845 independent special district that meets any criteria for being
846 declared inactive, or that has already been declared inactive,
847 pursuant to s. 189.062 ~~189.4044~~ may be dissolved by special act
848 without a referendum. If an inactive independent special
849 district was created by a county or municipality through a
850 referendum, the county or municipality that created the district
851 may dissolve the district after publishing notice as described
852 in s. 189.062 ~~189.4044~~.

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

856 Section 20. Subsection (4) of section 189.4042, Florida
857 Statutes, is transferred, renumbered as section 189.073, Florida
858 Statutes, and amended to read:

859 189.073 ~~189.4042~~ Legislative merger of independent special
860 districts Merger and dissolution procedures.—

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

864 Section 21. Subsection (5) of section 189.4042, Florida
865 Statutes, is transferred, renumbered as section 189.074, Florida
866 Statutes, and amended to read:

867 189.074 ~~189.4042~~ Voluntary merger of independent special
868 districts Merger and dissolution procedures.—

869 ~~(5) VOLUNTARY MERGER OF INDEPENDENT SPECIAL DISTRICTS.—Two~~
870 or more contiguous independent special districts created by

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871 special act which have similar functions and elected governing
 872 bodies may elect to merge into a single independent district
 873 through the act of merging the component independent special
 874 districts.

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

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

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

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

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

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

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

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

891 4.d.~~d.~~ The territorial boundaries of the proposed merged
 892 independent district;

893 5.e.~~e.~~ The governmental organization of the proposed merged
 894 independent district insofar as it concerns elected and
 895 appointed officials and public employees, along with a
 896 transitional plan and schedule for elections and appointments of
 897 officials;

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

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

903 ~~8.h.~~ Each component independent special district's
904 liabilities and indebtedness, bonded and otherwise, and the
905 current value thereof;

906 ~~9.i.~~ Terms for the assumption and disposition of existing
907 assets, liabilities, and indebtedness of each component
908 independent special district jointly, separately, or in defined
909 proportions;

910 ~~10.j.~~ Terms for the common administration and uniform
911 enforcement of existing laws within the proposed merged
912 independent district;

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

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

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

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

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

928 ~~1.a.~~ Cause a copy of the proposed joint merger plan, along

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929 with a descriptive summary of the plan, to be displayed and be
930 readily accessible to the public for inspection in at least
931 three public places within the territorial limits of each
932 component independent special district, unless a component
933 independent special district has fewer than three public places,
934 in which case the plan must be accessible for inspection in all
935 public places within the component independent special district;

936 2.b. If applicable, cause the proposed joint merger plan,
937 along with a descriptive summary of the plan and a reference to
938 the public places within each component independent special
939 district where a copy of the merger plan may be examined, to be
940 displayed on a website maintained by each district or on a
941 website maintained by the county or municipality in which the
942 districts are located; and

943 3.e. Arrange for a descriptive summary of the proposed
944 joint merger plan, and a reference to the public places within
945 the district where a copy may be examined, to be published in a
946 newspaper of general circulation within the component
947 independent special districts at least once each week for 4
948 successive weeks.

949 (d)4. The governing body of each component independent
950 special district shall set a time and place for one or more
951 public hearings on the proposed joint merger plan. Each public
952 hearing shall be held on a weekday at least 7 business days
953 after the day the first advertisement is published on the
954 proposed joint merger plan. The hearing or hearings may be held
955 jointly or separately by the governing bodies of the component
956 independent special districts. Any interested person residing in
957 the respective district shall be given a reasonable opportunity

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958 to be heard on any aspect of the proposed merger at the public
959 hearing.

960 ~~1.a.~~ Notice of the public hearing addressing the resolution
961 for the proposed joint merger plan must be published pursuant to
962 the notice requirements in s. 189.015 ~~189.417~~ and must provide a
963 descriptive summary of the proposed joint merger plan and a
964 reference to the public places within the component independent
965 special districts where a copy of the plan may be examined.

966 ~~2.b.~~ After the final public hearing, the governing bodies
967 of each component independent special district may amend the
968 proposed joint merger plan if the amended version complies with
969 the notice and public hearing requirements provided in this
970 section ~~subsection~~. Thereafter, the governing bodies may approve
971 a final version of the joint merger plan or decline to proceed
972 further with the merger. Approval by the governing bodies of the
973 final version of the joint merger plan must occur within 60
974 business days after the final hearing.

975 ~~(e)5.~~ After the final public hearing, the governing bodies
976 shall notify the supervisors of elections of the applicable
977 counties in which district lands are located of the adoption of
978 the resolution by each governing body. The supervisors of
979 elections shall schedule a separate referendum for each
980 component independent special district. The referenda may be
981 held in each district on the same day, or on different days, but
982 no more than 20 days apart.

983 ~~1.a.~~ Notice of a referendum on the merger of independent
984 special districts must be provided pursuant to the notice
985 requirements in s. 100.342. At a minimum, the notice must
986 include:

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

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

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

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

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

998 2.~~b.~~ The referenda must be held in accordance with the
999 Florida Election Code and may be held pursuant to ss. 101.6101-
1000 101.6107. All costs associated with the referenda shall be borne
1001 by the respective component independent special district.

1002 3.~~e.~~ The ballot question in such referendum placed before
1003 the qualified electors of each component independent special
1004 district to be merged must be in substantially the following
1005 form:

1006 "Shall ...(name of component independent special
1007 district)... and ...(name of component independent special
1008 district or districts)... be merged into ...(name of newly
1009 merged independent district)...?"

1010
1011 YES

1012 NO"

1013
1014 4.~~d.~~ If the component independent special districts
1015 proposing to merge have disparate millage rates, the ballot

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1016 question in the referendum placed before the qualified electors
 1017 of each component independent special district must be in
 1018 substantially the following form:

1019
 1020 "Shall ...(name of component independent special
 1021 district)... and ...(name of component independent special
 1022 district or districts)... be merged into ...(name of newly
 1023 merged independent district)... if the voter-approved maximum
 1024 millage rate within each independent special district will not
 1025 increase absent a subsequent referendum?

1026
 1027YES

1028NO"

1029
 1030 5.e. In any referendum held pursuant to this section
 1031 ~~subsection~~, the ballots shall be counted, returns made and
 1032 canvassed, and results certified in the same manner as other
 1033 elections or referenda for the component independent special
 1034 districts.

1035 6.f. The merger may not take effect unless a majority of
 1036 the votes cast in each component independent special district
 1037 are in favor of the merger. If one of the component districts
 1038 does not obtain a majority vote, the referendum fails, and
 1039 merger does not take effect.

1040 7.g. If the merger is approved by a majority of the votes
 1041 cast in each component independent special district, the merged
 1042 independent district is created. Upon approval, the merged
 1043 independent district shall notify the Special District
 1044 Accountability Information ~~Information~~ Program pursuant to s. 189.016(2)

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1045 ~~189.418(2)~~ and the local general-purpose governments in which
 1046 any part of the component independent special districts is
 1047 situated pursuant to s. 189.016(7) ~~189.418(7)~~.

1048 ~~8.h.~~ If the referendum fails, the merger process under this
 1049 subsection ~~paragraph~~ may not be initiated for the same purpose
 1050 within 2 years after the date of the referendum.

1051 ~~(f)6.~~ Component independent special districts merged
 1052 pursuant to a joint merger plan by resolution shall continue to
 1053 be governed as before the merger until the effective date
 1054 specified in the adopted joint merger plan.

1055 (3) ~~(e)~~ QUALIFIED ELECTOR-INITIATED MERGER PLAN.—The
 1056 qualified electors of two or more contiguous independent special
 1057 districts may commence a merger proceeding by each filing a
 1058 petition with the governing body of their respective independent
 1059 special district proposing to be merged. The petition must
 1060 contain the signatures of at least 40 percent of the qualified
 1061 electors of each component independent special district and must
 1062 be submitted to the appropriate component independent special
 1063 district governing body no later than 1 year after the start of
 1064 the qualified elector-initiated merger process.

1065 (a)1. The petition must comply with, and be circulated in,
 1066 the following form:

1067
 1068 PETITION FOR
 1069 INDEPENDENT SPECIAL DISTRICT MERGER
 1070

1071 We, the undersigned electors and legal voters of ...(name
 1072 of independent special district)..., qualified to vote at the
 1073 next general or special election, respectfully petition that

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1074 there be submitted to the electors and legal voters of ...(name
 1075 of independent special district or districts proposed to be
 1076 merged)..., for their approval or rejection at a referendum held
 1077 for that purpose, a proposal to merge ...(name of component
 1078 independent special district)... and ...(name of component
 1079 independent special district or districts)....

1080
 1081 In witness thereof, we have signed our names on the date
 1082 indicated next to our signatures.

1083
 1084 Date Name Home Address
 1085 (print under signature)
 1086
 1087
 1088
 1089
 1090

1091 ~~(b)2.~~ The petition must be validated by a signed statement
 1092 by a witness who is a duly qualified elector of one of the
 1093 component independent special districts, a notary public, or
 1094 another person authorized to take acknowledgments.

1095 ~~1.a.~~ A statement that is signed by a witness who is a duly
 1096 qualified elector of the respective district shall be accepted
 1097 for all purposes as the equivalent of an affidavit. Such
 1098 statement must be in substantially the following form:

1099 "I, ...(name of witness)..., state that I am a duly
 1100 qualified voter of ...(name of independent special district)....
 1101 Each of the ...(insert number)... persons who have signed this
 1102 petition sheet has signed his or her name in my presence on the

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1132 number of signatures of qualified electors contained on the
1133 petitions.

1134 ~~(c)3.~~ Upon verification by the supervisors of elections of
1135 the counties within which component independent special district
1136 lands are located that 40 percent of the qualified electors have
1137 petitioned for merger and that all such petitions have been
1138 executed within 1 year after the date of the initiation of the
1139 qualified-elector merger process, the governing bodies of each
1140 component independent special district shall meet within 30
1141 business days to prepare and approve by resolution a proposed
1142 elector-initiated merger plan. The proposed plan must include:

1143 ~~1.a.~~ The name of each component independent special
1144 district to be merged;

1145 ~~2.b.~~ The name of the proposed merged independent district;

1146 ~~3.e.~~ The rights, duties, and obligations of the merged
1147 independent district;

1148 ~~4.d.~~ The territorial boundaries of the proposed merged
1149 independent district;

1150 ~~5.e.~~ The governmental organization of the proposed merged
1151 independent district insofar as it concerns elected and
1152 appointed officials and public employees, along with a
1153 transitional plan and schedule for elections and appointments of
1154 officials;

1155 ~~6.f.~~ A fiscal estimate of the potential cost or savings as
1156 a result of the merger;

1157 ~~7.g.~~ Each component independent special district's assets,
1158 including, but not limited to, real and personal property, and
1159 the current value thereof;

1160 ~~8.h.~~ Each component independent special district's

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1161 liabilities and indebtedness, bonded and otherwise, and the
1162 current value thereof;

1163 9.i. Terms for the assumption and disposition of existing
1164 assets, liabilities, and indebtedness of each component
1165 independent special district, jointly, separately, or in defined
1166 proportions;

1167 10.j. Terms for the common administration and uniform
1168 enforcement of existing laws within the proposed merged
1169 independent district;

1170 11.k. The times and places for public hearings on the
1171 proposed joint merger plan; and

1172 12.l. The effective date of the proposed merger.

1173 (d)4. The resolution endorsing the proposed elector-
1174 initiated merger plan must be approved by a majority vote of the
1175 governing bodies of each component independent special district
1176 and must be adopted at least 60 business days before any general
1177 or special election on the proposed elector-initiated plan.

1178 (e)5. Within 5 business days after the governing bodies of
1179 each component independent special district approve the proposed
1180 elector-initiated merger plan, the governing bodies shall:

1181 1.a. Cause a copy of the proposed elector-initiated merger
1182 plan, along with a descriptive summary of the plan, to be
1183 displayed and be readily accessible to the public for inspection
1184 in at least three public places within the territorial limits of
1185 each component independent special district, unless a component
1186 independent special district has fewer than three public places,
1187 in which case the plan must be accessible for inspection in all
1188 public places within the component independent special district;

1189 2.b. If applicable, cause the proposed elector-initiated

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1190 merger plan, along with a descriptive summary of the plan and a
1191 reference to the public places within each component independent
1192 special district where a copy of the merger plan may be
1193 examined, to be displayed on a website maintained by each
1194 district or otherwise on a website maintained by the county or
1195 municipality in which the districts are located; and

1196 ~~3.e.~~ Arrange for a descriptive summary of the proposed
1197 elector-initiated merger plan, and a reference to the public
1198 places within the district where a copy may be examined, to be
1199 published in a newspaper of general circulation within the
1200 component independent special districts at least once each week
1201 for 4 successive weeks.

1202 ~~(f)6.~~ The governing body of each component independent
1203 special district shall set a time and place for one or more
1204 public hearings on the proposed elector-initiated merger plan.
1205 Each public hearing shall be held on a weekday at least 7
1206 business days after the day the first advertisement is published
1207 on the proposed elector-initiated merger plan. The hearing or
1208 hearings may be held jointly or separately by the governing
1209 bodies of the component independent special districts. Any
1210 interested person residing in the respective district shall be
1211 given a reasonable opportunity to be heard on any aspect of the
1212 proposed merger at the public hearing.

1213 ~~1.a.~~ Notice of the public hearing on the proposed elector-
1214 initiated merger plan must be published pursuant to the notice
1215 requirements in s. 189.015 ~~189.417~~ and must provide a
1216 descriptive summary of the elector-initiated merger plan and a
1217 reference to the public places within the component independent
1218 special districts where a copy of the plan may be examined.

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1219 ~~2.b.~~ After the final public hearing, the governing bodies
1220 of each component independent special district may amend the
1221 proposed elector-initiated merger plan if the amended version
1222 complies with the notice and public hearing requirements
1223 provided in this section ~~subsection~~. The governing bodies must
1224 approve a final version of the merger plan within 60 business
1225 days after the final hearing.

1226 (g)7. After the final public hearing, the governing bodies
1227 shall notify the supervisors of elections of the applicable
1228 counties in which district lands are located of the adoption of
1229 the resolution by each governing body. The supervisors of
1230 elections shall schedule a date for the separate referenda for
1231 each district. The referenda may be held in each district on the
1232 same day, or on different days, but no more than 20 days apart.

1233 1.a. Notice of a referendum on the merger of the component
1234 independent special districts must be provided pursuant to the
1235 notice requirements in s. 100.342. At a minimum, the notice must
1236 include:

1237 a.(I) A brief summary of the resolution and elector-
1238 initiated merger plan;

1239 b.(II) A statement as to where a copy of the resolution and
1240 petition for merger may be examined;

1241 c.(III) The names of the component independent special
1242 districts to be merged and a description of their territory;

1243 d.(IV) The times and places at which the referendum will be
1244 held; and

1245 e.(V) Such other matters as may be necessary to call,
1246 provide for, and give notice of the referendum and to provide
1247 for the conduct thereof and the canvass of the returns.

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1248 ~~2.b.~~ The referenda must be held in accordance with the
1249 Florida Election Code and may be held pursuant to ss. 101.6101-
1250 101.6107. All costs associated with the referenda shall be borne
1251 by the respective component independent special district.

1252 ~~3.e.~~ The ballot question in such referendum placed before
1253 the qualified electors of each component independent special
1254 district to be merged must be in substantially the following
1255 form:

1256 "Shall ...(name of component independent special
1257 district)... and ...(name of component independent special
1258 district or districts)... be merged into ...(name of newly
1259 merged independent district)...?"

1260 YES

1261 NO"

1262 ~~4.d.~~ If the component independent special districts
1263 proposing to merge have disparate millage rates, the ballot
1264 question in the referendum placed before the qualified electors
1265 of each component independent special district must be in
1266 substantially the following form:

1267 "Shall ...(name of component independent special
1268 district)... and ...(name of component independent special
1269 district or districts)... be merged into ...(name of newly
1270 merged independent district)... if the voter-approved maximum
1271 millage rate within each independent special district will not
1272 increase absent a subsequent referendum?"

1273 YES

1274 NO"

1275 ~~5.e.~~ In any referendum held pursuant to this section
1276 ~~subsection~~, the ballots shall be counted, returns made and

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1277 canvassed, and results certified in the same manner as other
1278 elections or referenda for the component independent special
1279 districts.

1280 ~~6.f.~~ The merger may not take effect unless a majority of
1281 the votes cast in each component independent special district
1282 are in favor of the merger. If one of the component independent
1283 special districts does not obtain a majority vote, the
1284 referendum fails, and merger does not take effect.

1285 ~~7.g.~~ If the merger is approved by a majority of the votes
1286 cast in each component independent special district, the merged
1287 district shall notify the Special District Accountability
1288 ~~Information~~ Program pursuant to s. 189.016(2) ~~189.418(2)~~ and the
1289 local general-purpose governments in which any part of the
1290 component independent special districts is situated pursuant to
1291 s. 189.016(7) ~~189.418(7)~~.

1292 ~~8.h.~~ If the referendum fails, the merger process under this
1293 subsection ~~paragraph~~ may not be initiated for the same purpose
1294 within 2 years after the date of the referendum.

1295 ~~(h)8.~~ Component independent special districts merged
1296 pursuant to an elector-initiated merger plan shall continue to
1297 be governed as before the merger until the effective date
1298 specified in the adopted elector-initiated merger plan.

1299 ~~(4)(d)~~ EFFECTIVE DATE.—The effective date of the merger
1300 shall be as provided in the joint merger plan or elector-
1301 initiated merger plan, as appropriate, and is not contingent
1302 upon the future act of the Legislature.

1303 ~~(a)1.~~ However, as soon as practicable, the merged
1304 independent district shall, at its own expense, submit a unified
1305 charter for the merged district to the Legislature for approval.

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1306 The unified charter must make the powers of the district
1307 consistent within the merged independent district and repeal the
1308 special acts of the districts which existed before the merger.

1309 (b)2. Within 30 business days after the effective date of
1310 the merger, the merged independent district's governing body, as
1311 indicated in this section ~~subsection~~, shall hold an
1312 organizational meeting to implement the provisions of the joint
1313 merger plan or elector-initiated merger plan, as appropriate.

1314 (5)(e) RESTRICTIONS DURING TRANSITION PERIOD.—Until the
1315 Legislature formally approves the unified charter pursuant to a
1316 special act, each component independent special district is
1317 considered a subunit of the merged independent district subject
1318 to the following restrictions:

1319 (a)1. During the transition period, the merged independent
1320 district is limited in its powers and financing capabilities
1321 within each subunit to those powers that existed within the
1322 boundaries of each subunit which were previously granted to the
1323 component independent special district in its existing charter
1324 before the merger. The merged independent district may not,
1325 solely by reason of the merger, increase its powers or financing
1326 capability.

1327 (b)2. During the transition period, the merged independent
1328 district shall exercise only the legislative authority to levy
1329 and collect revenues within the boundaries of each subunit which
1330 was previously granted to the component independent special
1331 district by its existing charter before the merger, including
1332 the authority to levy ad valorem taxes, non-ad valorem
1333 assessments, impact fees, and charges.

1334 1.a. The merged independent district may not, solely by

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1335 reason of the merger or the legislatively approved unified
1336 charter, increase ad valorem taxes on property within the
1337 original limits of a subunit beyond the maximum millage rate
1338 approved by the electors of the component independent special
1339 district unless the electors of such subunit approve an increase
1340 at a subsequent referendum of the subunit's electors. Each
1341 subunit may be considered a separate taxing unit.

1342 2.b. The merged independent district may not, solely by
1343 reason of the merger, charge non-ad valorem assessments, impact
1344 fees, or other new fees within a subunit which were not
1345 otherwise previously authorized to be charged.

1346 (c)3. During the transition period, each component
1347 independent special district of the merged independent district
1348 must continue to file all information and reports required under
1349 this chapter as subunits until the Legislature formally approves
1350 the unified charter pursuant to a special act.

1351 (d)4. The intent of this part section is to preserve and
1352 transfer to the merged independent district all authority that
1353 exists within each subunit and was previously granted by the
1354 Legislature and, if applicable, by referendum.

1355 (6)(f) EFFECT OF MERGER, GENERALLY.—On and after the
1356 effective date of the merger, the merged independent district
1357 shall be treated and considered for all purposes as one entity
1358 under the name and on the terms and conditions set forth in the
1359 joint merger plan or elector-initiated merger plan, as
1360 appropriate.

1361 (a)1. All rights, privileges, and franchises of each
1362 component independent special district and all assets, real and
1363 personal property, books, records, papers, seals, and equipment,

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1364 as well as other things in action, belonging to each component
1365 independent special district before the merger shall be deemed
1366 as transferred to and vested in the merged independent district
1367 without further act or deed.

1368 (b)2. All property, rights-of-way, and other interests are
1369 as effectually the property of the merged independent district
1370 as they were of the component independent special district
1371 before the merger. The title to real estate, by deed or
1372 otherwise, under the laws of this state vested in any component
1373 independent special district before the merger may not be deemed
1374 to revert or be in any way impaired by reason of the merger.

1375 (c)3. The merged independent district is in all respects
1376 subject to all obligations and liabilities imposed and possesses
1377 all the rights, powers, and privileges vested by law in other
1378 similar entities.

1379 (d)4. Upon the effective date of the merger, the joint
1380 merger plan or elector-initiated merger plan, as appropriate, is
1381 subordinate in all respects to the contract rights of all
1382 holders of any securities or obligations of the component
1383 independent special districts outstanding at the effective date
1384 of the merger.

1385 (e)5. The new registration of electors is not necessary as
1386 a result of the merger, but all elector registrations of the
1387 component independent special districts shall be transferred to
1388 the proper registration books of the merged independent
1389 district, and new registrations shall be made as provided by law
1390 as if no merger had taken place.

1391 (7)4. ~~(g)~~ GOVERNING BODY OF MERGED INDEPENDENT DISTRICT.—

1392 (a)1. From the effective date of the merger until the next

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1393 general election, the governing body of the merged independent
1394 district shall be comprised of the governing body members of
1395 each component independent special district, with such members
1396 serving until the governing body members elected at the next
1397 general election take office.

1398 (b)2. Beginning with the next general election following
1399 the effective date of merger, the governing body of the merged
1400 independent district shall be comprised of five members. The
1401 office of each governing body member shall be designated by
1402 seat, which shall be distinguished from other body member seats
1403 by an assigned numeral: 1, 2, 3, 4, or 5. The governing body
1404 members that are elected in this initial election following the
1405 merger shall serve unequal terms of 2 and 4 years in order to
1406 create staggered membership of the governing body, with:

1407 1.a. Member seats 1, 3, and 5 being designated for 4-year
1408 terms; and

1409 2.b. Member seats 2 and 4 being designated for 2-year
1410 terms.

1411 (c)3. In general elections thereafter, all governing body
1412 members shall serve 4-year terms.

1413 (8)(h) EFFECT ON EMPLOYEES.—Except as otherwise provided by
1414 law and except for those officials and employees protected by
1415 tenure of office, civil service provisions, or a collective
1416 bargaining agreement, upon the effective date of merger, all
1417 appointive offices and positions existing in all component
1418 independent special districts involved in the merger are subject
1419 to the terms of the joint merger plan or elector-initiated
1420 merger plan, as appropriate. Such plan may provide for instances
1421 in which there are duplications of positions and for other

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1422 matters such as varying lengths of employee contracts, varying
1423 pay levels or benefits, different civil service regulations in
1424 the constituent entities, and differing ranks and position
1425 classifications for similar positions. For those employees who
1426 are members of a bargaining unit certified by the Public
1427 Employees Relations Commission, the requirements of chapter 447
1428 apply.

1429 (9)~~(i)~~ EFFECT ON DEBTS, LIABILITIES, AND OBLIGATIONS.—

1430 (a)~~1.~~ All valid and lawful debts and liabilities existing
1431 against a merged independent district, or which may arise or
1432 accrue against the merged independent district, which but for
1433 merger would be valid and lawful debts or liabilities against
1434 one or more of the component independent special districts, are
1435 debts against or liabilities of the merged independent district
1436 and accordingly shall be defrayed and answered to by the merged
1437 independent district to the same extent, and no further than,
1438 the component independent special districts would have been
1439 bound if a merger had not taken place.

1440 (b)~~2.~~ The rights of creditors and all liens upon the
1441 property of any of the component independent special districts
1442 shall be preserved unimpaired. The respective component
1443 districts shall be deemed to continue in existence to preserve
1444 such rights and liens, and all debts, liabilities, and duties of
1445 any of the component districts attach to the merged independent
1446 district.

1447 (c)~~3.~~ All bonds, contracts, and obligations of the
1448 component independent special districts which exist as legal
1449 obligations are obligations of the merged independent district,
1450 and all such obligations shall be issued or entered into by and

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1451 in the name of the merged independent district.

1452 (10)~~(j)~~ EFFECT ON ACTIONS AND PROCEEDINGS.—In any action or
1453 proceeding pending on the effective date of merger to which a
1454 component independent special district is a party, the merged
1455 independent district may be substituted in its place, and the
1456 action or proceeding may be prosecuted to judgment as if merger
1457 had not taken place. Suits may be brought and maintained against
1458 a merged independent district in any state court in the same
1459 manner as against any other independent special district.

1460 (11)~~(k)~~ EFFECT ON ANNEXATION.—Chapter 171 continues to
1461 apply to all annexations by a city within the component
1462 independent special districts' boundaries after merger occurs.
1463 Any moneys owed to a component independent special district
1464 pursuant to s. 171.093, or any interlocal service boundary
1465 agreement as a result of annexation predating the merger, shall
1466 be paid to the merged independent district after merger.

1467 (12)~~(l)~~ EFFECT ON MILLAGE CALCULATIONS.—The merged
1468 independent special district is authorized to continue or
1469 conclude procedures under chapter 200 on behalf of the component
1470 independent special districts. The merged independent special
1471 district shall make the calculations required by chapter 200 for
1472 each component individual special district separately.

1473 (13)~~(m)~~ DETERMINATION OF RIGHTS.—If any right, title,
1474 interest, or claim arises out of a merger or by reason thereof
1475 which is not determinable by reference to this subsection, the
1476 joint merger plan or elector-initiated merger plan, as
1477 appropriate, or otherwise under the laws of this state, the
1478 governing body of the merged independent district may provide
1479 therefor in a manner conforming to law.

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1480 ~~(14)(n)~~ EXEMPTION.—This section ~~subsection~~ does not apply
 1481 to independent special districts whose governing bodies are
 1482 elected by district landowners voting the acreage owned within
 1483 the district.

1484 ~~(15)(e)~~ PREEMPTION.—This section ~~subsection~~ preempts any
 1485 special act to the contrary.

1486 Section 22. Subsection (6) of section 189.4042, Florida
 1487 Statutes, is transferred, renumbered as section 189.075, Florida
 1488 Statutes, and amended to read:

1489 189.075 ~~189.4042~~ Involuntary merger of independent special
 1490 districts ~~Merger and dissolution procedures.~~—

1491 ~~(6) INVOLUNTARY MERGER OF INDEPENDENT SPECIAL DISTRICTS.~~—

1492 ~~(1)(a)~~ INDEPENDENT SPECIAL DISTRICTS CREATED BY SPECIAL
 1493 ACT.—In order for the Legislature to merge an active independent
 1494 special district or districts created and operating pursuant to
 1495 a special act, the special act merging the active independent
 1496 special district or districts must be approved at separate
 1497 referenda of the impacted local governments by a majority of the
 1498 resident electors or, for districts in which a majority of
 1499 governing body ~~board~~ members are elected by landowners, a
 1500 majority of the landowners voting in the same manner by which
 1501 each independent special district's governing body is elected.
 1502 The special act merging the districts must include a plan of
 1503 merger that addresses transition issues such as the effective
 1504 date of the merger, governance, administration, powers,
 1505 pensions, and assumption of all assets and liabilities. If a
 1506 local general-purpose government passes an ordinance or
 1507 resolution in support of the merger of an active independent
 1508 special district, the local general-purpose government must pay

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1509 any expenses associated with the referendum required under this
1510 subsection ~~paragraph~~.

1511 (2) ~~(b)~~ INDEPENDENT SPECIAL DISTRICTS CREATED BY A COUNTY OR
1512 MUNICIPALITY.—A county or municipality may merge an independent
1513 special district created by the county or municipality pursuant
1514 to a referendum or any other procedure by which the independent
1515 special district was created. However, if the independent
1516 special district has ad valorem taxation powers, the same
1517 procedure required to grant the independent special district ad
1518 valorem taxation powers is required to merge the district. The
1519 political subdivisions proposing the involuntary merger of an
1520 active independent special district must pay any expenses
1521 associated with the referendum required under this subsection
1522 ~~paragraph~~.

1523 (3) ~~(e)~~ INACTIVE INDEPENDENT SPECIAL DISTRICTS.—An
1524 independent special district that meets any criteria for being
1525 declared inactive, or that has already been declared inactive,
1526 pursuant to s. 189.062 ~~189.4044~~ may be merged by special act
1527 without a referendum.

1528 Section 23. Subsection (7) of section 189.4042, Florida
1529 Statutes, is transferred, renumbered as section 189.0761,
1530 Florida Statutes, and amended to read:

1531 189.0761 ~~189.4042~~ ~~Merger and dissolution procedures.~~

1532 ~~(7)~~ Exemptions.—This part section does not apply to
1533 community development districts implemented pursuant to chapter
1534 190 or to water management districts created and operated
1535 pursuant to chapter 373.

1536 Section 24. Section 189.4044, Florida Statutes, is
1537 transferred and renumbered as section 189.062, Florida Statutes,

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1538 subsections (1) and (3) of that section are amended, and
1539 subsections (5) and (6) are added to that section, to read:

1540 189.062 ~~189.4044~~ Special procedures for inactive
1541 districts.—

1542 (1) The department shall declare inactive any special
1543 district in this state by documenting that:

1544 (a) The special district meets one of the following
1545 criteria:

1546 1. The registered agent of the district, the chair of the
1547 governing body of the district, or the governing body of the
1548 appropriate local general-purpose government notifies the
1549 department in writing that the district has taken no action for
1550 2 or more years.†

1551 2. ~~Following an inquiry from the department,~~ The registered
1552 agent of the district, the chair of the governing body of the
1553 district, or the governing body of the appropriate local
1554 general-purpose government notifies the department in writing
1555 that the district has not had a governing body board or a
1556 sufficient number of governing body board members to constitute
1557 a quorum for 2 or more years.

1558 3. ~~or~~ The registered agent of the district, the chair of
1559 the governing body of the district, or the governing body of the
1560 appropriate local general-purpose government fails to respond to
1561 an the department's inquiry from the department within 21 days.†

1562 4.3. ~~The department determines, pursuant to s. 189.067~~
1563 ~~189.421,~~ that the district has failed to file any of the reports
1564 listed in s. 189.066. ~~189.419;~~

1565 5.4. ~~The district has not had a registered office and agent~~
1566 ~~on file with the department for 1 or more years.~~† or

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1567 ~~6.5.~~ The governing body of a special district provides
1568 documentation to the department that it has unanimously adopted
1569 a resolution declaring the special district inactive. The
1570 special district shall be responsible for payment of any
1571 expenses associated with its dissolution. A special district
1572 declared inactive pursuant to this subparagraph may be dissolved
1573 without a referendum.

1574 (b) The department, special district, or local general-
1575 purpose government published a notice of proposed declaration of
1576 inactive status in a newspaper of general circulation in the
1577 county or municipality in which the territory of the special
1578 district is located and sent a copy of such notice by certified
1579 mail to the registered agent or chair of the governing body
1580 ~~board~~, if any. Such notice must include the name of the special
1581 district, the law under which it was organized and operating, a
1582 general description of the territory included in the special
1583 district, and a statement that any objections must be filed
1584 pursuant to chapter 120 within 21 days after the publication
1585 date; and

1586 (c) Twenty-one days have elapsed from the publication date
1587 of the notice of proposed declaration of inactive status and no
1588 administrative appeals were filed.

1589 (3) In the case of a district created by special act of the
1590 Legislature, the department shall send a notice of declaration
1591 of inactive status to the Speaker of the House of
1592 Representatives, ~~and~~ the President of the Senate, the standing
1593 committees of the Senate and the House of Representatives
1594 charged with special district oversight as determined by the
1595 presiding officers of each respective chamber, and the

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1596 Legislative Auditing Committee. The notice of declaration of
1597 inactive status shall reference each known special act creating
1598 or amending the charter of any special district declared to be
1599 inactive under this section. The declaration of inactive status
1600 shall be sufficient notice as required by s. 10, Art. III of the
1601 State Constitution to authorize the Legislature to repeal any
1602 special laws so reported. In the case of a district created by
1603 one or more local general-purpose governments, the department
1604 shall send a notice of declaration of inactive status to the
1605 chair of the governing body of each local general-purpose
1606 government that created the district. In the case of a district
1607 created by interlocal agreement, the department shall send a
1608 notice of declaration of inactive status to the chair of the
1609 governing body of each local general-purpose government which
1610 entered into the interlocal agreement.

1611 (5) A special district declared inactive under this section
1612 may not collect taxes, fees, or assessments unless the
1613 declaration is:

1614 (a) Withdrawn or revoked by the department; or

1615 (b) Invalidated in proceedings initiated by the special
1616 district within 30 days after the date written notice of the
1617 declaration was provided to the special district governing body
1618 by physical or electronic delivery, receipt confirmed. The
1619 special district governing body may initiate invalidation
1620 proceedings within the period authorized in this paragraph by:

1621 1. Filing with the department a petition for an
1622 administrative hearing pursuant to s. 120.569; or

1623 2. Filing an action for declaratory and injunctive relief
1624 under chapter 86 in the circuit court of the judicial circuit in

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1625 which the majority of the geographic area of the district is
1626 located.

1627 (6) If the governing body of a special district that is
1628 declared inactive pursuant to this section does not initiate a
1629 timely challenge to such declaration or if the department
1630 prevails in a proceeding initiated under subsection (5), the
1631 department may enforce the prohibitions in subsection (5) by
1632 filing a petition for enforcement with the circuit court in and
1633 for Leon County. The petition may request declaratory,
1634 injunctive, or other equitable relief, including the appointment
1635 of a receiver, and any forfeiture or other remedy provided by
1636 law. The prevailing party shall be awarded costs of litigation
1637 and reasonable attorney fees in any proceeding brought under
1638 this subsection and subsection (5).

1639 Section 25. Section 189.4045, Florida Statutes, is
1640 transferred and renumbered as section 189.076, Florida Statutes.

1641 Section 26. Section 189.4047, Florida Statutes, is
1642 transferred and renumbered as section 189.021, Florida Statutes.

1643 Section 27. Subsections (1), (2), (3), (4), (6), and (7) of
1644 section 189.405, Florida Statutes, are transferred and
1645 renumbered as subsections (1) through (6) of section 189.04,
1646 Florida Statutes, respectively, and present subsection (1),
1647 paragraph (c) of present subsection (2), and present subsections
1648 (3), (4), and (7) of that section are amended, to read:

1649 189.04 ~~189.405~~ Elections; general requirements and
1650 procedures; ~~education programs.~~

1651 (1) If a dependent special district has an elected
1652 governing body ~~board~~, elections shall be conducted by the
1653 supervisor of elections of the county wherein the district is

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1654 located in accordance with the Florida Election Code, chapters
1655 97-106.

1656 (2)

1657 (c) A candidate for a position on a governing body ~~board~~ of
1658 a single-county special district that has its elections
1659 conducted by the supervisor of elections shall qualify for the
1660 office with the county supervisor of elections in whose
1661 jurisdiction the district is located. Elections for governing
1662 body ~~board~~ members elected by registered electors shall be
1663 nonpartisan, except when partisan elections are specified by a
1664 district's charter. Candidates shall qualify as directed by
1665 chapter 99. The qualifying fee shall be remitted to the general
1666 revenue fund of the qualifying officer to help defray the cost
1667 of the election.

1668 (3) (a) If a multicounty special district has a popularly
1669 elected governing body ~~board~~, elections for the purpose of
1670 electing members to such governing body ~~board~~ shall conform to
1671 the Florida Election Code, chapters 97-106.

1672 (b) With the exception of those districts conducting
1673 elections on a one-acre/one-vote basis, qualifying for
1674 multicounty special district governing body ~~board~~ positions
1675 shall be coordinated by the Department of State. Elections for
1676 governing body ~~board~~ members elected by registered electors
1677 shall be nonpartisan, except when partisan elections are
1678 specified by a district's charter. Candidates shall qualify as
1679 directed by chapter 99. The qualifying fee shall be remitted to
1680 the Department of State.

1681 (4) With the exception of elections of special district
1682 governing body ~~board~~ members conducted on a one-acre/one-vote

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1683 basis, in any election conducted in a special district the
1684 decision made by a majority of those voting shall prevail,
1685 except as otherwise specified by law.

1686 ~~(6)-(7)~~ Nothing in this act requires that a special district
1687 governed by an appointed governing body ~~board~~ convert to an
1688 elected governing body ~~board~~.

1689 Section 28. Subsection (5) of section 189.405, Florida
1690 Statutes, is transferred, renumbered as section 189.063, Florida
1691 Statutes, and amended to read:

1692 189.063 ~~189.405~~ Education programs for new members of
1693 district governing bodies ~~Elections; general requirements and~~
1694 ~~procedures; education programs.-~~

1695 ~~(1)-(5)(a)~~ The department may provide, contract for, or
1696 assist in conducting education programs, as its budget permits,
1697 for all newly elected or appointed members of district governing
1698 bodies ~~boards~~. The education programs shall include, but are not
1699 limited to, courses on the code of ethics for public officers
1700 and employees, public meetings and public records requirements,
1701 public finance, and parliamentary procedure. ~~Course content may~~
1702 ~~be offered by means of the following: videotapes, live seminars,~~
1703 ~~workshops, conferences, teleconferences, computer-based~~
1704 ~~training, multimedia presentations, or other available~~
1705 ~~instructional methods.~~

1706 ~~(2)-(b)~~ An individual district governing body ~~board~~, at its
1707 discretion, may bear the costs associated with educating its
1708 members. Governing body ~~Board~~ members of districts which have
1709 qualified for a zero annual fee for the most recent invoicing
1710 period pursuant to s. 189.018 ~~are 189.427~~ shall not be required
1711 to pay a fee for any education program the department provides,

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1712 contracts for, or assists in conducting.

1713 Section 29. Section 189.4051, Florida Statutes, is
1714 transferred, renumbered as section 189.041, Florida Statutes,
1715 and amended to read:

1716 189.041 ~~189.4051~~ Elections; special requirements and
1717 procedures for districts with governing bodies ~~boards~~ elected on
1718 a one-acre/one-vote basis.—

1719 (1) DEFINITIONS.—As used in this section:

1720 (a) "Qualified elector" means any person at least 18 years
1721 of age who is a citizen of the United States, a permanent
1722 resident of Florida, and a freeholder or freeholder's spouse and
1723 resident of the district who registers with the supervisor of
1724 elections of a county within which the district lands are
1725 located when the registration books are open.

1726 (b) "Urban area" means a contiguous developed and inhabited
1727 urban area within a district with a minimum average resident
1728 population density of at least 1.5 persons per acre as defined
1729 by the latest official census, special census, or population
1730 estimate or a minimum density of one single-family home per 2.5
1731 acres with access to improved roads or a minimum density of one
1732 single-family home per 5 acres within a recorded plat
1733 subdivision. Urban areas shall be designated by the governing
1734 body ~~board~~ of the district with the assistance of all local
1735 general-purpose governments having jurisdiction over the area
1736 within the district.

1737 (c) "Governing body ~~board~~ member" means any duly elected
1738 member of the governing body ~~board~~ of a special district elected
1739 pursuant to this section, provided that a ~~any~~ ~~board~~ member
1740 elected by popular vote shall be a qualified district elector

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1741 and a ~~any board~~ member elected on a one-acre/one-vote basis
1742 shall meet the requirements of s. 298.11 for election to the
1743 governing body ~~board~~.

1744 (d) "Contiguous developed urban area" means any reasonably
1745 compact urban area located entirely within a special district.
1746 The separation of urban areas by a publicly owned park, right-
1747 of-way, highway, road, railroad, canal, utility, body of water,
1748 watercourse, or other minor geographical division of a similar
1749 nature shall not prevent such areas from being defined as urban
1750 areas.

1751 (2) POPULAR ELECTIONS; REFERENDUM; DESIGNATION OF URBAN
1752 AREAS.—

1753 (a) *Referendum*.—

1754 1. A referendum shall be called by the governing body ~~board~~
1755 of a special district where the governing body ~~board~~ is elected
1756 on a one-acre/one-vote basis on the question of whether certain
1757 members of a district governing body ~~board~~ should be elected by
1758 qualified electors, provided each of the following conditions
1759 has been satisfied at least 60 days before ~~prior to~~ the general
1760 or special election at which the referendum is to be held:

1761 a. The district shall have a total population, according to
1762 the latest official state census, a special census, or a
1763 population estimate, of at least 500 qualified electors.

1764 b. A petition signed by 10 percent of the qualified
1765 electors of the district shall have been filed with the
1766 governing body ~~board~~ of the district. The petition shall be
1767 submitted to the supervisor of elections of the county or
1768 counties in which the lands are located. The supervisor shall,
1769 within 30 days after the receipt of the petitions, certify to

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1770 the governing body ~~board~~ the number of signatures of qualified
1771 electors contained on the petition.

1772 2. Upon verification by the supervisor or supervisors of
1773 elections of the county or counties within which district lands
1774 are located that 10 percent of the qualified electors of the
1775 district have petitioned the governing body ~~board~~, a referendum
1776 election shall be called by the governing body ~~board~~ at the next
1777 regularly scheduled election of governing body ~~board~~ members
1778 occurring at least 30 days after verification of the petition or
1779 within 6 months of verification, whichever is earlier.

1780 3. If the qualified electors approve the election procedure
1781 described in this subsection, the governing body ~~board~~ of the
1782 district shall be increased to five members and elections shall
1783 be held pursuant to the criteria described in this subsection
1784 beginning with the next regularly scheduled election of
1785 governing body ~~board~~ members or at a special election called
1786 within 6 months following the referendum and final unappealed
1787 approval of district urban area maps as provided in paragraph
1788 (b), whichever is earlier.

1789 4. If the qualified electors of the district disapprove the
1790 election procedure described in this subsection, elections of
1791 the members of the governing body ~~board~~ shall continue as
1792 described by s. 298.12 or the enabling legislation for the
1793 district. No further referendum on the question shall be held
1794 for a minimum period of 2 years following the referendum.

1795 (b) *Designation of urban areas.*—

1796 1. Within 30 days after approval of the election process
1797 described in this subsection by qualified electors of the
1798 district, the governing body ~~board~~ shall direct the district

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1799 staff to prepare and present maps of the district describing the
1800 extent and location of all urban areas within the district. Such
1801 determination shall be based upon the criteria contained within
1802 paragraph (1) (b).

1803 2. Within 60 days after approval of the election process
1804 described in this subsection by qualified electors of the
1805 district, the maps describing urban areas within the district
1806 shall be presented to the governing body ~~board~~.

1807 3. Any district landowner or elector may contest the
1808 accuracy of the urban area maps prepared by the district staff
1809 within 30 days after submission to the governing body ~~board~~.
1810 Upon notice of objection to the maps, the governing body ~~board~~
1811 shall request the county engineer to prepare and present maps of
1812 the district describing the extent and location of all urban
1813 areas within the district. Such determination shall be based
1814 upon the criteria contained within paragraph (1) (b). Within 30
1815 days after the governing body ~~board~~ request, the county engineer
1816 shall present the maps to the governing body ~~board~~.

1817 4. Upon presentation of the maps by the county engineer,
1818 the governing body ~~board~~ shall compare the maps submitted by
1819 both the district staff and the county engineer and make a
1820 determination as to which set of maps to adopt. Within 60 days
1821 after presentation of all such maps, the governing body ~~board~~
1822 may amend and shall adopt the official maps at a regularly
1823 scheduled meeting of the governing body ~~board meeting~~.

1824 5. Any district landowner or qualified elector may contest
1825 the accuracy of the urban area maps adopted by the governing
1826 body ~~board~~ within 30 days after adoption by petition to the
1827 circuit court with jurisdiction over the district. Accuracy

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1828 shall be determined pursuant to paragraph (1) (b). Any petitions
1829 so filed shall be heard expeditiously, and the maps shall either
1830 be approved or approved with necessary amendments to render the
1831 maps accurate and shall be certified to the governing body
1832 ~~board~~.

1833 6. Upon adoption by the governing body ~~board~~ or
1834 certification by the court, the district urban area maps shall
1835 serve as the official maps for determination of the extent of
1836 urban area within the district and the number of governing body
1837 ~~board~~ members to be elected by qualified electors and by the
1838 one-acre/one-vote principle at the next regularly scheduled
1839 election of governing body ~~board~~ members.

1840 7. Upon a determination of the percentage of urban area
1841 within the district as compared with total area within the
1842 district, the governing body ~~board~~ shall order elections in
1843 accordance with the percentages pursuant to paragraph (3) (a).
1844 The landowners' meeting date shall be designated by the
1845 governing body ~~board~~.

1846 8. The maps shall be updated and readopted every 5 years or
1847 sooner in the discretion of the governing body ~~board~~.

1848 (3) GOVERNING BODY ~~BOARD~~.—

1849 (a) *Composition of ~~board~~*.—

1850 1. Members of the governing body ~~board~~ of the district
1851 shall be elected in accordance with the following determinations
1852 of urban area:

1853 a. If urban areas constitute 25 percent or less of the
1854 district, one governing body ~~board~~ member shall be elected by
1855 the qualified electors and four governing body ~~board~~ members
1856 shall be elected in accordance with the one-acre/one-vote

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1857 principle contained within s. 298.11 or the district-enabling
1858 legislation.

1859 b. If urban areas constitute 26 percent to 50 percent of
1860 the district, two governing body ~~board~~ members shall be elected
1861 by the qualified electors and three governing body ~~board~~ members
1862 shall be elected in accordance with the one-acre/one-vote
1863 principle contained within s. 298.11 or the district-enabling
1864 legislation.

1865 c. If urban areas constitute 51 percent to 70 percent of
1866 the district, three governing body ~~board~~ members shall be
1867 elected by the qualified electors and two governing body ~~board~~
1868 members shall be elected in accordance with the one-acre/one-
1869 vote principle contained within s. 298.11 or the district-
1870 enabling legislation.

1871 d. If urban areas constitute 71 percent to 90 percent of
1872 the district, four governing body ~~board~~ members shall be elected
1873 by the qualified electors and one governing body ~~board~~ member
1874 shall be elected in accordance with the one-acre/one-vote
1875 principle contained within s. 298.11 or the district-enabling
1876 legislation.

1877 e. If urban areas constitute 91 percent or more of the
1878 district, all governing body ~~board~~ members shall be elected by
1879 the qualified electors.

1880 2. All governing body ~~board~~ members elected by qualified
1881 electors shall be elected at large.

1882 (b) *Term of office.*—All governing body ~~board~~ members
1883 elected by qualified electors shall have a term of 4 years
1884 except for governing body ~~board~~ members elected at the first
1885 election and the first landowners' meeting following the

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1886 referendum prescribed in paragraph (2) (a). Governing body ~~board~~
1887 members elected at the first election and the first landowners'
1888 meeting following the referendum shall serve as follows:

1889 1. If one governing body ~~board~~ member is elected by the
1890 qualified electors and four are elected on a one-acre/one-vote
1891 basis, the governing body ~~board~~ member elected by the qualified
1892 electors shall be elected for a period of 4 years. Governing
1893 body ~~board~~ members elected on a one-acre/one-vote basis shall be
1894 elected for periods of 1, 2, 3, and 4 years, respectively, as
1895 prescribed by ss. 298.11 and 298.12.

1896 2. If two governing body ~~board~~ members are elected by the
1897 qualified electors and three are elected on a one-acre/one-vote
1898 basis, the governing body ~~board~~ members elected by the electors
1899 shall be elected for a period of 4 years. Governing body ~~board~~
1900 members elected on a one-acre/one-vote basis shall be elected
1901 for periods of 1, 2, and 3 years, respectively, as prescribed by
1902 ss. 298.11 and 298.12.

1903 3. If three governing body ~~board~~ members are elected by the
1904 qualified electors and two are elected on a one-acre/one-vote
1905 basis, two of the governing body ~~board~~ members elected by the
1906 electors shall be elected for a term of 4 years and the other
1907 governing body ~~board~~ member elected by the electors shall be
1908 elected for a term of 2 years. Governing body ~~board~~ members
1909 elected on a one-acre/one-vote basis shall be elected for terms
1910 of 1 and 2 years, respectively, as prescribed by ss. 298.11 and
1911 298.12.

1912 4. If four governing body ~~board~~ members are elected by the
1913 qualified electors and one is elected on a one-acre/one-vote
1914 basis, two of the governing body ~~board~~ members elected by the

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1915 electors shall be elected for a term of 2 years and the other
1916 two for a term of 4 years. The governing body ~~board~~ member
1917 elected on a one-acre/one-vote basis shall be elected for a term
1918 of 1 year as prescribed by ss. 298.11 and 298.12.

1919 5. If five governing body ~~board~~ members are elected by the
1920 qualified electors, three shall be elected for a term of 4 years
1921 and two for a term of 2 years.

1922 6. If any vacancy occurs in a seat occupied by a governing
1923 body ~~board~~ member elected by the qualified electors, the
1924 remaining members of the governing body ~~board~~ shall, within 45
1925 days after the vacancy occurs, appoint a person who would be
1926 eligible to hold the office to the unexpired term.

1927 (c) *Landowners' meetings.*—

1928 1. An annual landowners' meeting shall be held pursuant to
1929 s. 298.11 and at least one governing body ~~board~~ member shall be
1930 elected on a one-acre/one-vote basis pursuant to s. 298.12 for
1931 so long as 10 percent or more of the district is not contained
1932 in an urban area. In the event all district governing body ~~board~~
1933 members are elected by qualified electors, there shall be no
1934 further landowners' meetings.

1935 2. At any landowners' meeting called pursuant to this
1936 section, 50 percent of the district acreage shall not be
1937 required to constitute a quorum and each governing body ~~board~~
1938 member shall be elected by a majority of the acreage represented
1939 either by owner or proxy present and voting at said meeting.

1940 3. All landowners' meetings of districts operating pursuant
1941 to this section shall be set by the governing body ~~board~~ within
1942 the month preceding the month of the election of the governing
1943 body ~~board~~ members by the electors.

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1944 4. Vacancies on the governing body ~~board~~ shall be filled
1945 pursuant to s. 298.12 except as otherwise provided in
1946 subparagraph (b)6.

1947 (4) QUALIFICATIONS.—Elections for governing body ~~board~~
1948 members elected by qualified electors shall be nonpartisan.
1949 Qualifications shall be pursuant to the Florida Election Code
1950 and shall occur during the qualifying period established by s.
1951 99.061. Qualification requirements shall only apply to those
1952 governing body ~~board~~ member candidates elected by qualified
1953 electors. Following the first election pursuant to this section,
1954 elections to the governing body ~~board~~ by qualified electors
1955 shall occur at the next regularly scheduled election closest in
1956 time to the expiration date of the term of the elected governing
1957 body ~~board~~ member. If the next regularly scheduled election is
1958 beyond the normal expiration time for the term of an elected
1959 governing body ~~board~~ member, the governing body ~~board~~ member
1960 shall hold office until the election of a successor.

1961 (5) Those districts established as single-purpose water
1962 control districts, and which continue to act as single-purpose
1963 water control districts, pursuant to chapter 298, pursuant to a
1964 special act, pursuant to a local government ordinance, or
1965 pursuant to a judicial decree, shall be exempt from the
1966 provisions of this section. All other independent special
1967 districts with governing bodies ~~boards~~ elected on a one-
1968 acre/one-vote basis shall be subject to the provisions of this
1969 section.

1970 (6) The provisions of this section shall not apply to
1971 community development districts established pursuant to chapter
1972 190.

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1973 Section 30. Section 189.4065, Florida Statutes, is
 1974 transferred and renumbered as section 189.05, Florida Statutes.

1975 Section 31. Section 189.408, Florida Statutes, is
 1976 transferred and renumbered as section 189.042, Florida Statutes.

1977 Section 32. Section 189.4085, Florida Statutes, is
 1978 transferred and renumbered as section 189.051, Florida Statutes.

1979 Section 33. Section 189.412, Florida Statutes, is
 1980 transferred and renumbered as section 189.064, Florida Statutes,
 1981 and amended to read:

1982 189.064 ~~189.412~~ Special District Accountability Information
 1983 Program; duties and responsibilities.—The Special District
 1984 Accountability Information Program of the department of ~~Economic~~
 1985 ~~Opportunity is created~~ and has the following ~~special~~ duties:

1986 (1) Electronically publishing ~~The collection and~~
 1987 ~~maintenance of~~ special district noncompliance status reports
 1988 from the department of ~~Management Services~~, the Department of
 1989 Financial Services, the Division of Bond Finance of the State
 1990 Board of Administration, the Auditor General, and the
 1991 Legislative Auditing Committee, for the reporting required in
 1992 ss. 112.63, 218.32, 218.38, and 218.39. The noncompliance
 1993 reports must list those special districts that did not comply
 1994 with the statutory reporting requirements and be made available
 1995 to the public electronically.

1996 (2) Maintaining the official list of special districts ~~The~~
 1997 ~~maintenance of a master list of independent and dependent~~
 1998 ~~special districts which shall be available on the department's~~
 1999 ~~website.~~

2000 (3) ~~The~~ Publishing and updating of a "Florida Special
 2001 District Handbook" that contains, at a minimum:

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2002 (a) A section that specifies definitions of special
2003 districts and status distinctions in the statutes.

2004 (b) A section or sections that specify current statutory
2005 provisions for special district creation, implementation,
2006 modification, dissolution, and operating procedures.

2007 (c) A section that summarizes the reporting requirements
2008 applicable to all types of special districts as provided in ss.
2009 189.015 and 189.016 ~~189.417 and 189.418~~.

2010 ~~(4) When feasible, securing and maintaining access to~~
2011 ~~special district information collected by all state agencies in~~
2012 ~~existing or newly created state computer systems.~~

2013 ~~(4)(5) Coordinating and communicating~~ The facilitation of
2014 ~~coordination and communication among state agencies regarding~~
2015 ~~special districts~~ district information.

2016 ~~(6) The conduct of studies relevant to special districts.~~

2017 ~~(5)(7) Providing technical advisory~~ The provision of
2018 ~~assistance related to~~ special districts regarding the ~~and~~
2019 ~~appropriate in the performance of~~ requirements specified in this
2020 chapter which duty may be performed by the department or by a
2021 qualified third-party vendor pursuant to a contract entered into
2022 in accordance with applicable bidding requirements, ~~including~~
2023 ~~assisting with an annual conference sponsored by the Florida~~
2024 ~~Association of Special Districts or its successor.~~

2025 ~~(6)(8) Providing assistance to local general-purpose~~
2026 ~~governments and certain state agencies in collecting delinquent~~
2027 ~~reports or information.~~

2028 (7) Helping special districts comply with reporting
2029 requirements.

2030 (8) Declaring special districts inactive when appropriate,

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2031 and, ~~when~~ directed by the Legislative Auditing Committee or
2032 required by this chapter.

2033 (9) Initiating enforcement proceedings ~~provisions~~ as
2034 provided in ss. 189.062, 189.066, and 189.067 ~~189.4044, 189.419,~~
2035 ~~and 189.421.~~

2036 Section 34. Section 189.413, Florida Statutes, is
2037 transferred and renumbered as section 189.065, Florida Statutes,
2038 and amended to read:

2039 189.065 ~~189.413~~ Special districts; oversight of state funds
2040 use.—Any state agency administering funding programs for which
2041 special districts are eligible shall be responsible for
2042 oversight of the use of such funds by special districts. The
2043 oversight responsibilities shall include, but not be limited to:

2044 (1) Reporting the existence of the program to the Special
2045 District Accountability Information ~~Information~~ Program of the department.

2046 (2) Submitting annually a list of special districts
2047 participating in a state funding program to the Special District
2048 Accountability Information ~~Information~~ Program of the department. This list
2049 must indicate the special districts, if any, that are not in
2050 compliance with state funding program requirements.

2051 Section 35. Section 189.415, Florida Statutes, is
2052 transferred and renumbered as section 189.08, Florida Statutes.

2053 Section 36. Section 189.4155, Florida Statutes, is
2054 transferred and renumbered as section 189.081, Florida Statutes.

2055 Section 37. Section 189.4156, Florida Statutes, is
2056 transferred and renumbered as section 189.082, Florida Statutes.

2057 Section 38. Section 189.416, Florida Statutes, is
2058 transferred and renumbered as section 189.014, Florida Statutes,
2059 and subsection (1) of that section is amended, to read:

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2060 189.014 ~~189.416~~ Designation of registered office and
2061 agent.—

2062 (1) Within 30 days after the first meeting of its governing
2063 body ~~board~~, each special district in the state shall designate a
2064 registered office and a registered agent and file such
2065 information with the local governing authority or authorities
2066 and with the department. The registered agent shall be an agent
2067 of the district upon whom any process, notice, or demand
2068 required or permitted by law to be served upon the district may
2069 be served. A registered agent shall be an individual resident of
2070 this state whose business address is identical with the
2071 registered office of the district. The registered office may be,
2072 but need not be, the same as the place of business of the
2073 special district.

2074 Section 39. Section 189.417, Florida Statutes, is
2075 transferred and renumbered as section 189.015, Florida Statutes,
2076 and subsection (1) of that section is amended, to read:

2077 189.015 ~~189.417~~ Meetings; notice; required reports.—

2078 (1) The governing body of each special district shall file
2079 quarterly, semiannually, or annually a schedule of its regular
2080 meetings with the local governing authority or authorities. The
2081 schedule shall include the date, time, and location of each
2082 scheduled meeting. The schedule shall be published quarterly,
2083 semiannually, or annually in a newspaper of general paid
2084 circulation in the manner required in this subsection. The
2085 governing body of an independent special district shall
2086 advertise the day, time, place, and purpose of any meeting other
2087 than a regular meeting or any recessed and reconvened meeting of
2088 the governing body, at least 7 days before ~~prior to~~ such

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2089 meeting, in a newspaper of general paid circulation in the
2090 county or counties in which the special district is located,
2091 unless a bona fide emergency situation exists, in which case a
2092 meeting to deal with the emergency may be held as necessary,
2093 with reasonable notice, so long as it is subsequently ratified
2094 by the governing body ~~board~~. No approval of the annual budget
2095 shall be granted at an emergency meeting. The advertisement
2096 shall be placed in that portion of the newspaper where legal
2097 notices and classified advertisements appear. The advertisement
2098 shall appear in a newspaper that is published at least 5 days a
2099 week, unless the only newspaper in the county is published fewer
2100 than 5 days a week. The newspaper selected must be one of
2101 general interest and readership in the community and not one of
2102 limited subject matter, pursuant to chapter 50. Any other
2103 provision of law to the contrary notwithstanding, and except in
2104 the case of emergency meetings, water management districts may
2105 provide reasonable notice of public meetings held to evaluate
2106 responses to solicitations issued by the water management
2107 district, by publication in a newspaper of general paid
2108 circulation in the county where the principal office of the
2109 water management district is located, or in the county or
2110 counties where the public work will be performed, no less than 7
2111 days before such meeting.

2112 Section 40. Section 189.418, Florida Statutes, is
2113 transferred and renumbered as section 189.016, Florida Statutes,
2114 and subsections (2) and (10) of that section are amended, to
2115 read:

2116 189.016 ~~189.418~~ Reports; budgets; audits.—

2117 (2) Any amendment, modification, or update of the document

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2118 by which the district was created, including changes in
2119 boundaries, must be filed with the department within 30 days
2120 after adoption. The department may initiate proceedings against
2121 special districts as provided in s. 189.067 ~~189.421~~ for failure
2122 to file the information required by this subsection. However,
2123 for the purposes of this section and s. 175.101(1), the
2124 boundaries of a district shall be deemed to include an area that
2125 has been annexed until the completion of the 4-year period
2126 specified in s. 171.093(4) or other mutually agreed upon
2127 extension, or when a district is providing services pursuant to
2128 an interlocal agreement entered into pursuant to s. 171.093(3).

2129 (10) All reports or information required to be filed with a
2130 local general-purpose government or governing authority under
2131 ss. 189.08, 189.014, and 189.015 ~~189.415, 189.416, and 189.417~~
2132 and subsection (8) must:

2133 (a) If the local general-purpose government or governing
2134 authority is a county, be filed with the clerk of the board of
2135 county commissioners.

2136 (b) If the district is a multicounty district, be filed
2137 with the clerk of the county commission in each county.

2138 (c) If the local general-purpose government or governing
2139 authority is a municipality, be filed at the place designated by
2140 the municipal governing body.

2141 Section 41. Section 189.419, Florida Statutes, is
2142 transferred, renumbered as section 189.066, Florida Statutes,
2143 and amended to read:

2144 189.066 ~~189.419~~ Effect of failure to file certain reports
2145 or information.—

2146 (1) If an independent special district fails to file the

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2147 reports or information required under s. 189.08, s. 189.014, s.
2148 189.015, or s. 189.016(9) ~~189.415, s. 189.416, s. 189.417, or s.~~
2149 ~~189.418(9)~~ with the local general-purpose government or
2150 governments in which it is located, the person authorized to
2151 receive and read the reports or information or the local
2152 general-purpose government shall notify the district's
2153 registered agent. If requested by the district, the local
2154 general-purpose government shall grant an extension of up to 30
2155 days for filing the required reports or information. If the
2156 governing body of the local general-purpose government or
2157 governments determines that there has been an unjustified
2158 failure to file these reports or information, it shall ~~may~~
2159 notify the department, and the department may proceed pursuant
2160 to s. 189.067(1) ~~189.421(1)~~.

2161 (2) If a dependent special district fails to file the
2162 reports or information required under s. 189.014, s. 189.015, or
2163 s. 189.016(9) ~~189.416, s. 189.417, or s. 189.418(9)~~ with the
2164 local governing authority to which it is dependent, the local
2165 governing authority shall take whatever steps it deems necessary
2166 to enforce the special district's accountability. Such steps may
2167 include, as authorized, withholding funds, removing governing
2168 body ~~board~~ members at will, vetoing the special district's
2169 budget, conducting the oversight review process set forth in s.
2170 189.068 ~~189.428~~, or amending, merging, or dissolving the special
2171 district in accordance with the provisions contained in the
2172 ordinance that created the dependent special district.

2173 (3) If a special district fails to file the reports or
2174 information required under s. 218.38 with the appropriate state
2175 agency, the agency shall notify the department, and the

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2176 department shall send a certified technical assistance letter to
2177 the special district which summarizes the requirements and
2178 compels ~~encourages~~ the special district to take steps to prevent
2179 the noncompliance from reoccurring.

2180 (4) If a special district fails to file the reports or
2181 information required under s. 112.63 with the appropriate state
2182 agency, the agency shall notify the department and the
2183 department shall proceed pursuant to s. 189.067(1) ~~189.421(1)~~.

2184 (5) If a special district fails to file the reports or
2185 information required under s. 218.32 or s. 218.39 with the
2186 appropriate state agency or office, the state agency or office
2187 shall, and the Legislative Auditing Committee may, notify the
2188 department and the department shall proceed pursuant to s.
2189 189.067 ~~189.421~~.

2190 (6) If a special district created by special act of the
2191 Legislature fails to file the reports or information required
2192 under ss. 11.45(7), 218.32, s. 218.39, or 218.503 with the
2193 appropriate state agency or office, the Legislative Auditing
2194 Committee shall notify, in writing, the Speaker of the House of
2195 Representatives, the President of the Senate, and the standing
2196 committees of the Senate and the House of Representatives
2197 charged with special district oversight as determined by the
2198 presiding officers of each respective chamber, pursuant to s.
2199 189.034.

2200 (7) If a special district created by ordinance fails to
2201 file the reports or information required under ss. 11.45(7),
2202 218.32, 218.39, and 218.503 with the appropriate state agency or
2203 office, the Legislative Auditing Committee shall notify, in
2204 writing, the department and the chair or equivalent of the local

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2205 general-purpose government that created the district, pursuant
2206 to s. 189.035.

2207 Section 42. Section 189.420, Florida Statutes, is
2208 transferred and renumbered as section 189.052, Florida Statutes.

2209 Section 43. Section 189.421, Florida Statutes, is
2210 transferred, renumbered as section 189.067, Florida Statutes,
2211 and amended to read:

2212 189.067 ~~189.421~~ Failure of district to disclose financial
2213 reports.-

2214 (1) (a) If notified pursuant to s. 189.066(1) ~~189.419(1)~~,
2215 (4), or (5), the department shall attempt to assist a special
2216 district in complying with its financial reporting requirements
2217 by sending a certified letter to the special district, and, if
2218 the special district is dependent, sending a copy of that letter
2219 to the chair of the local governing authority. The letter must
2220 include a description of the required report, including
2221 statutory submission deadlines, a contact telephone number for
2222 technical assistance to help the special district comply, a 60-
2223 day deadline for filing the required report with the appropriate
2224 entity, the address where the report must be filed, and an
2225 explanation of the penalties for noncompliance.

2226 (b) A special district that is unable to meet the 60-day
2227 reporting deadline must provide written notice to the department
2228 before the expiration of the deadline stating the reason the
2229 special district is unable to comply with the deadline, the
2230 steps the special district is taking to prevent the
2231 noncompliance from reoccurring, and the estimated date that the
2232 special district will file the report with the appropriate
2233 agency. The district's written response does not constitute an

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2234 extension by the department; however, the department shall
 2235 forward the written response as follows ~~to~~:

2236 1. If the written response refers to the reports required
 2237 under s. 218.32 or s. 218.39, to the Legislative Auditing
 2238 Committee for its consideration in determining whether the
 2239 special district should be subject to further state action in
 2240 accordance with s. 11.40(2)(b).

2241 2. If the written response refers to the reports or
 2242 information requirements listed in s. 189.066(1) ~~189.419(1)~~, to
 2243 the local general-purpose government or governments for their
 2244 consideration in determining whether the oversight review
 2245 process set forth in s. 189.068 ~~189.428~~ should be undertaken.

2246 3. If the written response refers to the reports or
 2247 information required under s. 112.63, to the Department of
 2248 Management Services for its consideration in determining whether
 2249 the special district should be subject to further state action
 2250 in accordance with s. 112.63(4)(d)2.

2251 (2) Failure of a special district to comply with the
 2252 actuarial and financial reporting requirements under s. 112.63,
 2253 s. 218.32, or s. 218.39 after the procedures of subsection (1)
 2254 are exhausted shall be deemed final action of the special
 2255 district. The actuarial and financial reporting requirements are
 2256 declared to be essential requirements of law. Remedies ~~Remedy~~
 2257 for noncompliance with ss. 218.32 and 218.39 shall be as
 2258 provided in ss. 189.034 and 189.035. Remedies for noncompliance
 2259 with s. 112.63 shall be as set forth in subsection (4) ~~by writ~~
 2260 ~~of certiorari as set forth in subsection (4).~~

2261 (3) Pursuant to s. 11.40(2)(b), the Legislative Auditing
 2262 Committee may ~~shall~~ notify the department of those districts

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2263 that fail to file the required reports. If the procedures
2264 described in subsection (1) have not yet been initiated, the
2265 department shall initiate such procedures upon receiving the
2266 notice from the Legislative Auditing Committee. Otherwise,
2267 within 60 days after receiving such notice, or within 60 days
2268 after the expiration of the 60-day deadline provided in
2269 subsection (1), whichever occurs later, the department,
2270 notwithstanding the provisions of chapter 120, shall file a
2271 petition for enforcement writ of certiorari with the circuit
2272 court. The petition may request declaratory, injunctive, any
2273 other equitable relief, or any remedy provided by law. Venue for
2274 all actions pursuant to this subsection is in Leon County. The
2275 court shall award the prevailing party reasonable attorney's
2276 fees and costs unless affirmatively waived by all parties. ~~A~~
2277 ~~writ of certiorari shall be issued unless a respondent~~
2278 ~~establishes that the notification of the Legislative Auditing~~
2279 ~~Committee was issued as a result of material error. Proceedings~~
2280 ~~under this subsection are otherwise governed by the Rules of~~
2281 ~~Appellate Procedure.~~

2282 (4) The department may enforce compliance with s. 112.63 by
2283 filing a petition for enforcement with the circuit court in and
2284 for Leon County. The petition may request declaratory,
2285 injunctive, or other equitable relief, including the appointment
2286 of a receiver, and any forfeiture or other remedy provided by
2287 law. Pursuant to s. 112.63(4)(d)2., ~~the Department of Management~~
2288 ~~Services may notify the department of those special districts~~
2289 ~~that have failed to file the required adjustments, additional~~
2290 ~~information, or report or statement after the procedures of~~
2291 ~~subsection (1) have been exhausted. Within 60 days after~~

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2292 ~~receiving such notice or within 60 days after the 60-day~~
2293 ~~deadline provided in subsection (1), whichever occurs later, the~~
2294 ~~department, notwithstanding chapter 120, shall file a petition~~
2295 ~~for writ of certiorari with the circuit court. Venue for all~~
2296 ~~actions pursuant to this subsection is in Leon County. The court~~
2297 ~~shall award the prevailing party attorney's fees and costs~~
2298 ~~unless affirmatively waived by all parties. A writ of certiorari~~
2299 ~~shall be issued unless a respondent establishes that the~~
2300 ~~notification of the Department of Management Services was issued~~
2301 ~~as a result of material error. Proceedings under this subsection~~
2302 ~~are otherwise governed by the Rules of Appellate Procedure.~~

2303 Section 44. Section 189.4221, Florida Statutes, is
2304 transferred and renumbered as section 189.053, Florida Statutes.

2305 Section 45. Section 189.423, Florida Statutes, is
2306 transferred and renumbered as section 189.054, Florida Statutes.

2307 Section 46. Section 189.425, Florida Statutes, is
2308 transferred and renumbered as section 189.017, Florida Statutes.

2309 Section 47. Section 189.427, Florida Statutes, is
2310 transferred and renumbered as section 189.018, Florida Statutes,
2311 and amended to read:

2312 189.018 ~~189.427~~ Fee schedule; Operating Grants and
2313 ~~Donations Trust Fund.~~—The department ~~of Economic Opportunity~~, by
2314 rule, shall establish a schedule of fees to pay one-half of the
2315 costs incurred by the department in administering this act,
2316 except that the fee may not exceed \$175 per district per year.
2317 The fees collected under this section shall be deposited in the
2318 Operating Grants and Donations Trust Fund, ~~which shall be~~
2319 administered by the department ~~of Economic Opportunity~~. Any fee
2320 rule must consider factors such as the dependent and independent

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2321 status of the district and district revenues for the most recent
2322 fiscal year as reported to the Department of Financial Services.
2323 The department may assess fines of not more than \$25, with an
2324 aggregate total not to exceed \$50, as penalties against special
2325 districts that fail to remit required fees to the department. It
2326 is the intent of the Legislature that general revenue funds will
2327 be made available to the department to pay one-half of the cost
2328 of administering this act.

2329 Section 48. Section 189.428, Florida Statutes, is
2330 transferred and renumbered as section 189.068, Florida Statutes,
2331 and amended to read:

2332 189.068 ~~189.428~~ Special districts; oversight review
2333 process.—

2334 (1) The Legislature finds it to be in the public interest
2335 to establish an oversight review process for special districts
2336 wherein each special district in the state may be reviewed by
2337 the local general-purpose government in which the district
2338 exists. The Legislature further finds and determines that such
2339 law fulfills an important state interest. It is the intent of
2340 the Legislature that the oversight review process shall
2341 contribute to informed decisionmaking. These decisions may
2342 involve the continuing existence or dissolution of a district,
2343 the appropriate future role and focus of a district,
2344 improvements in the functioning or delivery of services by a
2345 district, and the need for any transition, adjustment, or
2346 special implementation periods or provisions. Any final
2347 recommendations from the oversight review process that are
2348 adopted and implemented by the appropriate level of government
2349 shall not be implemented in a manner that would impair the

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2350 obligation of contracts.

2351 ~~(2) It is the intent of the Legislature that any oversight~~
2352 ~~review process be conducted in conjunction with special district~~
2353 ~~public facilities reporting and the local government evaluation~~
2354 ~~and appraisal report process described in s. 189.415(2).~~

2355 ~~(3) The order in which Special districts may be subject to~~
2356 ~~oversight review shall be determined by the reviewer and shall~~
2357 ~~occur as follows:~~

2358 (2)(a) All dependent special districts may be reviewed by
2359 the general-purpose local government to which they are
2360 dependent.

2361 ~~(b) All single county independent special districts may be~~
2362 ~~reviewed by a county or municipality in which they are located~~
2363 ~~or the government that created the district. Any single county~~
2364 ~~independent district that serves an area greater than the~~
2365 ~~boundaries of one general-purpose local government may only be~~
2366 ~~reviewed by the county on the county's own initiative or upon~~
2367 ~~receipt of a request from any municipality served by the special~~
2368 ~~district.~~

2369 ~~(c) All multicounty independent special districts may be~~
2370 ~~reviewed by the government that created the district. Any~~
2371 ~~general-purpose local governments within the boundaries of a~~
2372 ~~multicounty district may prepare a preliminary review of a~~
2373 ~~multicounty special district for possible reference or inclusion~~
2374 ~~in the full review report.~~

2375 ~~(d) Upon request by the reviewer, any special district~~
2376 ~~within all or a portion of the same county as the special~~
2377 ~~district being reviewed may prepare a preliminary review of the~~
2378 ~~district for possible reference or inclusion in the full~~

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2379 ~~oversight review report.~~

2380 (3)~~(4)~~ All special districts, governmental entities, and
2381 state agencies shall cooperate with the Legislature and with any
2382 general-purpose local government seeking information or
2383 assistance with the oversight review process and with the
2384 preparation of an oversight review report.

2385 (4)~~(5)~~ Those conducting the oversight review process shall,
2386 at a minimum, consider the listed criteria for evaluating the
2387 special district, but may also consider any additional factors
2388 relating to the district and its performance. If any of the
2389 listed criteria does not apply to the special district being
2390 reviewed, it need not be considered. The criteria to be
2391 considered by the reviewer include:

2392 (a) The degree to which the service or services offered by
2393 the special district are essential or contribute to the well-
2394 being of the community.

2395 (b) The extent of continuing need for the service or
2396 services currently provided by the special district.

2397 (c) The extent of municipal annexation or incorporation
2398 activity occurring or likely to occur within the boundaries of
2399 the special district and its impact on the delivery of services
2400 by the special district.

2401 (d) Whether there is a less costly alternative method of
2402 delivering the service or services that would adequately provide
2403 the district residents with the services provided by the
2404 district.

2405 (e) Whether transfer of the responsibility for delivery of
2406 the service or services to an entity other than the special
2407 district being reviewed could be accomplished without

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2408 jeopardizing the district's existing contracts, bonds, or
2409 outstanding indebtedness.

2410 (f) Whether the Auditor General has notified the
2411 Legislative Auditing Committee that the special district's audit
2412 report, reviewed pursuant to s. 11.45(7), indicates that the
2413 district has met any of the conditions specified in s.
2414 218.503(1) or that a deteriorating financial condition exists
2415 that may cause a condition described in s. 218.503(1) to occur
2416 if actions are not taken to address such condition.

2417 (g) Whether the district is inactive according to the
2418 official list of special districts, and whether the district is
2419 meeting and discharging its responsibilities as required by its
2420 charter, as well as projected increases or decreases in district
2421 activity.

2422 (h) Whether the special district has failed to comply with
2423 any of the reporting requirements in this chapter, including
2424 preparation of the public facilities report.

2425 (i) Whether the special district has designated a
2426 registered office and agent as required by s. 189.014 ~~189.416~~,
2427 and has complied with all open public records and meeting
2428 requirements.

2429 ~~(5)-(6)~~ (5) Any special district may at any time provide the
2430 Legislature and the general-purpose local government conducting
2431 the review or making decisions based upon the final oversight
2432 review report with written responses to any questions, concerns,
2433 preliminary reports, draft reports, or final reports relating to
2434 the district.

2435 ~~(7) The final report of a reviewing government shall be~~
2436 ~~filed with the government that created the district and shall~~

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2437 ~~serve as the basis for any modification to the district charter~~
2438 ~~or dissolution or merger of the district.~~

2439 ~~(8) If legislative dissolution or merger of a district is~~
2440 ~~proposed in the final report, the reviewing government shall~~
2441 ~~also propose a plan for the merger or dissolution, and the plan~~
2442 ~~shall address the following factors in evaluating the proposed~~
2443 ~~merger or dissolution:~~

2444 ~~(a) Whether, in light of independent fiscal analysis,~~
2445 ~~level of service implications, and other public policy~~
2446 ~~considerations, the proposed merger or dissolution is the best~~
2447 ~~alternative for delivering services and facilities to the~~
2448 ~~affected area.~~

2449 ~~(b) Whether the services and facilities to be provided~~
2450 ~~pursuant to the merger or dissolution will be compatible with~~
2451 ~~the capacity and uses of existing local services and facilities.~~

2452 ~~(c) Whether the merger or dissolution is consistent with~~
2453 ~~applicable provisions of the state comprehensive plan, the~~
2454 ~~strategic regional policy plan, and the local government~~
2455 ~~comprehensive plans of the affected area.~~

2456 ~~(d) Whether the proposed merger adequately provides for the~~
2457 ~~assumption of all indebtedness.~~

2458
2459 ~~The reviewing government shall consider the report in a public~~
2460 ~~hearing held within the jurisdiction of the district. If adopted~~
2461 ~~by the governing board of the reviewing government, the request~~
2462 ~~for legislative merger or dissolution of the district may~~
2463 ~~proceed. The adopted plan shall be filed as an attachment to the~~
2464 ~~economic impact statement regarding the proposed special act or~~
2465 ~~general act of local application dissolving a district.~~

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2466 ~~(6)~~~~(9)~~ This section does not apply to a deepwater port
2467 listed in s. 311.09(1) which is in compliance with a port master
2468 plan adopted pursuant to s. 163.3178(2)(k), or to an airport
2469 authority operating in compliance with an airport master plan
2470 approved by the Federal Aviation Administration, or to any
2471 special district organized to operate health systems and
2472 facilities licensed under chapter 395, chapter 400, or chapter
2473 429.

2474 Section 49. Section 189.429, Florida Statutes, is
2475 transferred and renumbered as section 189.019, Florida Statutes,
2476 and subsection (1) of that section is amended, to read:

2477 189.019 ~~189.429~~ Codification.—

2478 (1) Each district, by December 1, 2004, shall submit to the
2479 Legislature a draft codified charter, at its expense, so that
2480 its special acts may be codified into a single act for
2481 reenactment by the Legislature, if there is more than one
2482 special act for the district. The Legislature may adopt a
2483 schedule for individual district codification. Any codified act
2484 relating to a district, which act is submitted to the
2485 Legislature for reenactment, shall provide for the repeal of all
2486 prior special acts of the Legislature relating to the district.
2487 The codified act shall be filed with the department pursuant to
2488 s. 189.016(2) ~~189.418(2)~~.

2489 Section 50. Sections 189.430, 189.431, 189.432, 189.433,
2490 189.434, 189.435, 189.436, 189.437, 189.438, 189.439, 189.440,
2491 189.441, 189.442, 189.443, and 189.444, Florida Statutes, are
2492 repealed.

2493 Section 51. Section 189.034, Florida Statutes, is created
2494 to read:

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2495 189.034 Oversight of special districts created by special
2496 act of the Legislature.-

2497 (1) This section applies to any special district created by
2498 special act of the Legislature.

2499 (2) If a special district fails to file required reports or
2500 requested information with the appropriate state agency or
2501 office pursuant to ss. 11.45(7), 218.32, 218.39, and 218.503(3),
2502 the Legislative Auditing Committee or its designee shall provide
2503 written notice of the district's noncompliance to the Speaker of
2504 the House of Representatives, the President of the Senate, the
2505 standing committees of the Senate and the House of
2506 Representatives charged with special district oversight as
2507 determined by the presiding officers of each respective chamber,
2508 and the legislators who represent a portion of the geographical
2509 jurisdiction of the special district.

2510 (3) The Legislative Auditing Committee may convene a public
2511 hearing on the issue of noncompliance, as well as general
2512 oversight of the district as provided in s. 189.068, at the
2513 direction of the Speaker of the House of Representatives and the
2514 President of the Senate.

2515 (4) Before a public hearing as provided in subsection (3),
2516 the special district shall provide the following information at
2517 the request of the Legislative Auditing Committee:

2518 (a) The district's annual financial report for the previous
2519 fiscal year.

2520 (b) The district's audit report for the previous fiscal
2521 year.

2522 (c) An annual report for the previous fiscal year providing
2523 a detailed review of the performance of the special district,

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2524 including the following information:

2525 1. The purpose of the special district.

2526 2. The sources of funding for the special district.

2527 3. A description of the major activities, programs, and
2528 initiatives the special district undertook in the most recently
2529 completed fiscal year and the benchmarks or criteria under which
2530 the success or failure of the district was determined by its
2531 governing body.

2532 4. Any challenges or obstacles faced by the special
2533 district in fulfilling its purpose and related responsibilities.

2534 5. Ways the special district believes it could better
2535 fulfill its purpose and related responsibilities and a
2536 description of the actions that it intends to take during the
2537 ensuing fiscal year.

2538 6. Proposed changes to the special act that established the
2539 special district and justification for such changes.

2540 7. Any other information reasonably required to provide the
2541 Legislative Auditing Committee with an accurate understanding of
2542 the purpose for which the special district exists and how it is
2543 fulfilling its responsibilities to accomplish that purpose.

2544 8. Any reasons for the district's noncompliance.

2545 9. If the district is currently in compliance and plans to
2546 correct any recurring issues of noncompliance.

2547 10. Efforts to promote transparency, including maintenance
2548 of the district's website in accordance with s. 189.069.

2549 Section 52. Section 189.035, Florida Statutes, is created
2550 to read:

2551 189.035 Oversight of special districts created by local
2552 ordinance.-

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2553 (1) If a special district created by local ordinance fails
2554 to file required reports or requested information under ss.
2555 11.45(7), 218.32, 218.39, and 218.503(3), with the appropriate
2556 state agency, the Legislative Auditing Committee or its designee
2557 shall provide written notice of the district's noncompliance to
2558 the chair or equivalent of the local general-purpose government.

2559 (2) The chair or equivalent of the local general-purpose
2560 government may convene a public hearing on the issue of
2561 noncompliance, as well as general oversight of the special
2562 district as provided in s. 189.068, within 6 months after
2563 receipt of notice of noncompliance from the Legislative Auditing
2564 Committee.

2565 (3) Before the public hearing regarding the special
2566 district's noncompliance, the local general-purpose government
2567 may request the following information from the special district:

2568 (a) The special district's annual financial report for the
2569 previous fiscal year.

2570 (b) The special district's audit report for the previous
2571 fiscal year.

2572 (c) An annual report for the previous fiscal year, which
2573 must provide a detailed review of the performance of the special
2574 district and include the following information:

2575 1. The purpose of the special district.

2576 2. The sources of funding for the special district.

2577 3. A description of the major activities, programs, and
2578 initiatives the special district undertook in the most recently
2579 completed fiscal year and the benchmarks or criteria under which
2580 the success or failure of the special district was determined by
2581 its governing body.

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2582 4. Any challenges or obstacles faced by the special
2583 district in fulfilling its purpose and related responsibilities.

2584 5. Ways the special district believes it could better
2585 fulfill its purpose and related responsibilities and a
2586 description of the actions that it intends to take during the
2587 ensuing fiscal year.

2588 6. Proposed changes to the ordinance that established the
2589 special district and justification for such changes.

2590 7. Any other information reasonably required to provide the
2591 reviewing entity with an accurate understanding of the purpose
2592 for which the special district exists and how it is fulfilling
2593 its responsibilities to accomplish that purpose.

2594 8. Any reasons for the special district's noncompliance.

2595 9. Whether the special district is currently in compliance.

2596 10. Plans to correct any recurring issues of noncompliance.

2597 11. Efforts to promote transparency, including maintenance
2598 of the special district's website in accordance with s. 189.069.

2599 (4) The local general-purpose government shall report the
2600 findings of any public hearing conducted under this section to
2601 the department and the Legislative Auditing Committee within 6
2602 months after the completion of such hearing.

2603 Section 53. Section 189.055, Florida Statutes, is created
2604 to read:

2605 189.055 Treatment of special districts.—For the purpose of
2606 s. 196.199(1), special districts shall be treated as
2607 municipalities.

2608 Section 54. Section 189.069, Florida Statutes, is created
2609 to read:

2610 189.069 Special districts; required reporting of

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2611 information; web-based public access.-

2612 (1) By October 1, 2015, or by the end of the first full
2613 fiscal year after its creation, each special district shall
2614 establish and maintain an official Internet website containing
2615 the information required by this section in accordance with s.
2616 189.016. Special districts shall submit their official Internet
2617 website addresses to the department.

2618 (a) Independent special districts shall maintain a separate
2619 Internet website.

2620 (b) Dependent special districts shall be prominently
2621 displayed on the homepage of the Internet website of the
2622 general-purpose government that created the special district
2623 with a hyperlink to such webpages as are necessary to provide
2624 the information required by this section. Dependent special
2625 districts may maintain a separate Internet website providing the
2626 information required by this section.

2627 (2) A special district shall post the following
2628 information, at a minimum, on the district's official website:

2629 (a) The full legal name of the special district.

2630 (b) The public purpose of the special district.

2631 (c) The name, address, e-mail address, and, if applicable,
2632 the term and appointing authority for each member of the
2633 governing body of the special district.

2634 (d) The fiscal year of the special district.

2635 (e) The full text of the special district's charter, the
2636 date the special district was established, the entity that
2637 established the special district, and the statute or statutes
2638 under which the special district operates, if different from the
2639 statute or statutes under which the special district was

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2640 established. Community development districts may reference
2641 chapter 190, as the uniform charter, but must include
2642 information relating to any grant of special powers.

2643 (f) The mailing address, e-mail address, telephone number,
2644 and Internet website uniform resource locator of the special
2645 district.

2646 (g) A description of the boundaries or service area of, and
2647 the services provided by, the special district.

2648 (h) A listing of all taxes, fees, assessments, or charges
2649 imposed and collected by the special district, including the
2650 rates or amounts charged for the fiscal year and the statutory
2651 authority for the levy of the tax, fee, or charge.

2652 (i) The primary contact information for the special
2653 district for purposes of communication from the department.

2654 (j) Any code of ethics that specifically applies to the
2655 special district.

2656 (k) The budget of each special district, in addition to
2657 amendments in accordance with s. 189.418.

2658 (l) The final, complete audit report for the most recent
2659 completed fiscal year, and audit reports required by law or
2660 authorized by the governing body of the special district.

2661 (3) The department's Internet website list of special
2662 districts in the state required under s. 189.061 must include a
2663 link to the website of each special district that provides web-
2664 based access to the public for all information and documentation
2665 required for submission to the department under subsection (1).

2666 Section 55. Paragraph (e) of subsection (1) and paragraph
2667 (c) of subsection (7) of section 11.45, Florida Statutes, are
2668 amended to read:

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2669 11.45 Definitions; duties; authorities; reports; rules.—

2670 (1) DEFINITIONS.—As used in ss. 11.40-11.51, the term:

2671 (e) "Local governmental entity" means a county agency,
 2672 municipality, or special district as defined in s. 189.012
 2673 ~~189.403~~, but does not include any housing authority established
 2674 under chapter 421.

2675 (7) AUDITOR GENERAL REPORTING REQUIREMENTS.—

2676 (c) The Auditor General shall provide annually a list of
 2677 those special districts which are not in compliance with s.
 2678 218.39 to the Special District Accountability Information
 2679 Program of the Department of Economic Opportunity.

2680 Section 56. Paragraph (c) of subsection (4) of section
 2681 100.011, Florida Statutes, is amended to read:

2682 100.011 Opening and closing of polls, all elections;
 2683 expenses.—

2684 (4)

2685 (c) The provisions of any special law to the contrary
 2686 notwithstanding, all independent and dependent special district
 2687 elections, with the exception of community development district
 2688 elections, shall be conducted in accordance with the
 2689 requirements of ss. 189.04 and 189.041 ~~189.405 and 189.4051~~.

2690 Section 57. Paragraph (f) of subsection (1) of section
 2691 101.657, Florida Statutes, is amended to read:

2692 101.657 Early voting.—

2693 (1)

2694 (f) Notwithstanding the requirements of s. 189.04 ~~189.405~~,
 2695 special districts may provide early voting in any district
 2696 election not held in conjunction with county or state elections.
 2697 If a special district provides early voting, it may designate as

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2698 many sites as necessary and shall conduct its activities in
 2699 accordance with the provisions of paragraphs (a)-(c). The
 2700 supervisor is not required to conduct early voting if it is
 2701 provided pursuant to this subsection.

2702 Section 58. Paragraph (a) of subsection (14) of section
 2703 112.061, Florida Statutes, is amended to read:

2704 112.061 Per diem and travel expenses of public officers,
 2705 employees, and authorized persons.—

2706 (14) APPLICABILITY TO COUNTIES, COUNTY OFFICERS, DISTRICT
 2707 SCHOOL BOARDS, SPECIAL DISTRICTS, AND METROPOLITAN PLANNING
 2708 ORGANIZATIONS.—

2709 (a) The following entities may establish rates that vary
 2710 from the per diem rate provided in paragraph (6) (a), the
 2711 subsistence rates provided in paragraph (6) (b), or the mileage
 2712 rate provided in paragraph (7) (d) if those rates are not less
 2713 than the statutorily established rates that are in effect for
 2714 the 2005-2006 fiscal year:

2715 1. The governing body of a county by the enactment of an
 2716 ordinance or resolution;

2717 2. A county constitutional officer, pursuant to s. 1(d),
 2718 Art. VIII of the State Constitution, by the establishment of
 2719 written policy;

2720 3. The governing body of a district school board by the
 2721 adoption of rules;

2722 4. The governing body of a special district, as defined in
 2723 s. 189.012 ~~189.403(1)~~, except those special districts that are
 2724 subject to s. 166.021(9), by the enactment of a resolution; or

2725 5. Any metropolitan planning organization created pursuant
 2726 to s. 339.175 or any other separate legal or administrative

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2727 entity created pursuant to s. 339.175 of which a metropolitan
2728 planning organization is a member, by the enactment of a
2729 resolution.

2730 Section 59. Paragraph (d) of subsection (4) of section
2731 112.63, Florida Statutes, is amended to read:

2732 112.63 Actuarial reports and statements of actuarial
2733 impact; review.—

2734 (4) Upon receipt, pursuant to subsection (2), of an
2735 actuarial report, or, pursuant to subsection (3), of a statement
2736 of actuarial impact, the Department of Management Services shall
2737 acknowledge such receipt, but shall only review and comment on
2738 each retirement system's or plan's actuarial valuations at least
2739 on a triennial basis.

2740 (d) In the case of an affected special district, the
2741 Department of Management Services shall also notify the
2742 Department of Economic Opportunity. Upon receipt of
2743 notification, the Department of Economic Opportunity shall
2744 proceed pursuant to s. 189.067 ~~189.421~~.

2745 1. Failure of a special district to provide a required
2746 report or statement, to make appropriate adjustments, or to
2747 provide additional material information after the procedures
2748 specified in s. 189.067(1) ~~189.421(1)~~ are exhausted shall be
2749 deemed final action by the special district.

2750 2. The Department of Management Services may notify the
2751 Department of Economic Opportunity of those special districts
2752 that failed to come into compliance. Upon receipt of
2753 notification, the Department of Economic Opportunity shall
2754 proceed pursuant to s. 189.067 ~~189.421(4)~~.

2755 Section 60. Subsection (1) of section 112.665, Florida

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2756 Statutes, is amended to read:

2757 112.665 Duties of Department of Management Services.—

2758 (1) The Department of Management Services shall:

2759 (a) Gather, catalog, and maintain complete, computerized
2760 data information on all public employee retirement systems or
2761 plans in the state based upon a review of audits, reports, and
2762 other data pertaining to the systems or plans;

2763 (b) Receive and comment upon all actuarial reviews of
2764 retirement systems or plans maintained by units of local
2765 government;

2766 (c) Cooperate with local retirement systems or plans on
2767 matters of mutual concern and provide technical assistance to
2768 units of local government in the assessment and revision of
2769 retirement systems or plans;

2770 (d) Annually issue, by January 1, a report to the President
2771 of the Senate and the Speaker of the House of Representatives,
2772 which details division activities, findings, and recommendations
2773 concerning all governmental retirement systems. The report may
2774 include legislation proposed to carry out such recommendations;

2775 (e) Provide a fact sheet for each participating local
2776 government defined benefit pension plan which summarizes the
2777 plan's actuarial status. The fact sheet should provide a summary
2778 of the plan's most current actuarial data, minimum funding
2779 requirements as a percentage of pay, and a 5-year history of
2780 funded ratios. The fact sheet must include a brief explanation
2781 of each element in order to maximize the transparency of the
2782 local government plans. The fact sheet must also contain the
2783 information specified in s. 112.664(1). These documents shall be
2784 posted on the department's website. Plan sponsors that have

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2785 websites must provide a link to the department's website;

2786 (f) Annually issue, by January 1, a report to the Special
2787 District Accountability Information ~~Information~~ Program of the Department of
2788 Economic Opportunity which includes the participation in and
2789 compliance of special districts with the local government
2790 retirement system provisions in s. 112.63 and the state-
2791 administered retirement system provisions specified in part I of
2792 chapter 121; and

2793 (g) Adopt reasonable rules to administer this part.

2794 Section 61. Subsection (9) of section 121.021, Florida
2795 Statutes, is amended to read:

2796 121.021 Definitions.—The following words and phrases as
2797 used in this chapter have the respective meanings set forth
2798 unless a different meaning is plainly required by the context:

2799 (9) "Special district" means an independent special
2800 district as defined in s. 189.012 ~~189.403(3)~~.

2801 Section 62. Paragraph (b) of subsection (2) of section
2802 121.051, Florida Statutes, is amended to read:

2803 121.051 Participation in the system.—

2804 (2) OPTIONAL PARTICIPATION.—

2805 (b)1. The governing body of any municipality, metropolitan
2806 planning organization, or special district in the state may
2807 elect to participate in the Florida Retirement System upon
2808 proper application to the administrator and may cover all of its
2809 units as approved by the Secretary of Health and Human Services
2810 and the administrator. The department shall adopt rules
2811 establishing procedures for the submission of documents
2812 necessary for such application. Before being approved for
2813 participation in the system, the governing body of a

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2814 municipality, metropolitan planning organization, or special
2815 district that has a local retirement system must submit to the
2816 administrator a certified financial statement showing the
2817 condition of the local retirement system within 3 months before
2818 the proposed effective date of membership in the Florida
2819 Retirement System. The statement must be certified by a
2820 recognized accounting firm that is independent of the local
2821 retirement system. All required documents necessary for
2822 extending Florida Retirement System coverage must be received by
2823 the department for consideration at least 15 days before the
2824 proposed effective date of coverage. If the municipality,
2825 metropolitan planning organization, or special district does not
2826 comply with this requirement, the department may require that
2827 the effective date of coverage be changed.

2828 2. A municipality, metropolitan planning organization, or
2829 special district that has an existing retirement system covering
2830 the employees in the units that are to be brought under the
2831 Florida Retirement System may participate only after holding a
2832 referendum in which all employees in the affected units have the
2833 right to participate. Only those employees electing coverage
2834 under the Florida Retirement System by affirmative vote in the
2835 referendum are eligible for coverage under this chapter, and
2836 those not participating or electing not to be covered by the
2837 Florida Retirement System shall remain in their present systems
2838 and are not eligible for coverage under this chapter. After the
2839 referendum is held, all future employees are compulsory members
2840 of the Florida Retirement System.

2841 3. At the time of joining the Florida Retirement System,
2842 the governing body of a municipality, metropolitan planning

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2843 organization, or special district complying with subparagraph 1.
2844 may elect to provide, or not provide, benefits based on past
2845 service of officers and employees as described in s. 121.081(1).
2846 However, if such employer elects to provide past service
2847 benefits, such benefits must be provided for all officers and
2848 employees of its covered group.

2849 4. Once this election is made and approved it may not be
2850 revoked, except pursuant to subparagraphs 5. and 6., and all
2851 present officers and employees electing coverage and all future
2852 officers and employees are compulsory members of the Florida
2853 Retirement System.

2854 5. Subject to subparagraph 6., the governing body of a
2855 hospital licensed under chapter 395 which is governed by the
2856 governing body ~~board~~ of a special district as defined in s.
2857 189.012 ~~189.403~~ or by the board of trustees of a public health
2858 trust created under s. 154.07, hereinafter referred to as
2859 "hospital district," and which participates in the Florida
2860 Retirement System, may elect to cease participation in the
2861 system with regard to future employees in accordance with the
2862 following:

2863 a. No more than 30 days and at least 7 days before adopting
2864 a resolution to partially withdraw from the system and establish
2865 an alternative retirement plan for future employees, a public
2866 hearing must be held on the proposed withdrawal and proposed
2867 alternative plan.

2868 b. From 7 to 15 days before such hearing, notice of intent
2869 to withdraw, specifying the time and place of the hearing, must
2870 be provided in writing to employees of the hospital district
2871 proposing partial withdrawal and must be published in a

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2872 newspaper of general circulation in the area affected, as
2873 provided by ss. 50.011-50.031. Proof of publication must be
2874 submitted to the Department of Management Services.

2875 c. The governing body of a hospital district seeking to
2876 partially withdraw from the system must, before such hearing,
2877 have an actuarial report prepared and certified by an enrolled
2878 actuary, as defined in s. 112.625, illustrating the cost to the
2879 hospital district of providing, through the retirement plan that
2880 the hospital district is to adopt, benefits for new employees
2881 comparable to those provided under the system.

2882 d. Upon meeting all applicable requirements of this
2883 subparagraph, and subject to subparagraph 6., partial withdrawal
2884 from the system and adoption of the alternative retirement plan
2885 may be accomplished by resolution duly adopted by the hospital
2886 district board. The hospital district board must provide written
2887 notice of such withdrawal to the division by mailing a copy of
2888 the resolution to the division, postmarked by December 15, 1995.
2889 The withdrawal shall take effect January 1, 1996.

2890 6. Following the adoption of a resolution under sub-
2891 subparagraph 5.d., all employees of the withdrawing hospital
2892 district who were members of the system before January 1, 1996,
2893 shall remain as members of the system for as long as they are
2894 employees of the hospital district, and all rights, duties, and
2895 obligations between the hospital district, the system, and the
2896 employees remain in full force and effect. Any employee who is
2897 hired or appointed on or after January 1, 1996, may not
2898 participate in the system, and the withdrawing hospital district
2899 has no obligation to the system with respect to such employees.

2900 Section 63. Subsection (1) of section 153.94, Florida

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2901 Statutes, is amended to read:

2902 153.94 Applicability of other laws.—Except as expressly
2903 provided in this act:

2904 (1) With respect to any wastewater facility privatization
2905 contract entered into under this act, a public entity is subject
2906 to s. 125.3401, s. 180.301, s. 189.054 ~~189.423~~, or s. 190.0125
2907 but is not subject to the requirements of chapter 287.

2908 Section 64. Paragraph (a) of subsection (2) of section
2909 163.08, Florida Statutes, is amended to read:

2910 163.08 Supplemental authority for improvements to real
2911 property.—

2912 (2) As used in this section, the term:

2913 (a) "Local government" means a county, a municipality, a
2914 dependent special district as defined in s. 189.012 ~~189.403~~, or
2915 a separate legal entity created pursuant to s. 163.01(7).

2916 Section 65. Subsection (7) of section 165.031, Florida
2917 Statutes, is amended to read:

2918 165.031 Definitions.—The following terms and phrases, when
2919 used in this chapter, shall have the meanings ascribed to them
2920 in this section, except where the context clearly indicates a
2921 different meaning:

2922 (7) "Special district" means a local unit of special
2923 government, as defined in s. 189.012 ~~189.403(1)~~. This term
2924 includes dependent special districts, as defined in s. 189.012
2925 ~~189.403(2)~~, and independent special districts, as defined in s.
2926 189.012 ~~189.403(3)~~. All provisions of s. 200.001(8)(d) and (e)
2927 shall be considered provisions of this chapter.

2928 Section 66. Paragraph (b) of subsection (1) and subsections
2929 (8) and (16) of section 165.0615, Florida Statutes, are amended

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2930 to read:

2931 165.0615 Municipal conversion of independent special
2932 districts upon elector-initiated and approved referendum.—

2933 (1) The qualified electors of an independent special
2934 district may commence a municipal conversion proceeding by
2935 filing a petition with the governing body of the independent
2936 special district proposed to be converted if the district meets
2937 all of the following criteria:

2938 (b) It is designated as an improvement district and created
2939 pursuant to chapter 298 or is designated as a stewardship
2940 district and created pursuant to s. 189.031 ~~189.404~~.

2941 (8) Notice of the final public hearing on the proposed
2942 elector-initiated combined municipal incorporation plan must be
2943 published pursuant to the notice requirements in s. 189.015
2944 ~~189.417~~ and must provide a descriptive summary of the elector-
2945 initiated municipal incorporation plan and a reference to the
2946 public places within the independent special district where a
2947 copy of the plan may be examined.

2948 (16) If the incorporation plan is approved by a majority of
2949 the votes cast in the independent special district, the district
2950 shall notify the special district accountability information
2951 program pursuant to s. 189.016(2) ~~189.418(2)~~ and the local
2952 general-purpose governments in which any part of the independent
2953 special district is situated pursuant to s. 189.016(7)
2954 ~~189.418(7)~~.

2955 Section 67. Subsection (3) of section 171.202, Florida
2956 Statutes, is amended to read:

2957 171.202 Definitions.—As used in this part, the term:

2958 (3) "Independent special district" means an independent

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2959 special district, as defined in s. 189.012 ~~189.403~~, which
2960 provides fire, emergency medical, water, wastewater, or
2961 stormwater services.

2962 Section 68. Subsection (16) of section 175.032, Florida
2963 Statutes, is amended to read:

2964 175.032 Definitions.—For any municipality, special fire
2965 control district, chapter plan, local law municipality, local
2966 law special fire control district, or local law plan under this
2967 chapter, the following words and phrases have the following
2968 meanings:

2969 (16) "Special fire control district" means a special
2970 district, as defined in s. 189.012 ~~189.403(1)~~, established for
2971 the purposes of extinguishing fires, protecting life, and
2972 protecting property within the incorporated or unincorporated
2973 portions of any county or combination of counties, or within any
2974 combination of incorporated and unincorporated portions of any
2975 county or combination of counties. The term does not include any
2976 dependent or independent special district, as defined in s.
2977 189.012 ~~189.403(2) and (3)~~, respectively, the employees of which
2978 are members of the Florida Retirement System pursuant to s.
2979 121.051(1) or (2).

2980 Section 69. Section 190.011, Florida Statutes, is amended
2981 to read:

2982 190.011 General powers.—The district shall have, and the
2983 governing body ~~board~~ may exercise, the following powers:

2984 (1) To sue and be sued in the name of the district; to
2985 adopt and use a seal and authorize the use of a facsimile
2986 thereof; to acquire, by purchase, gift, devise, or otherwise,
2987 and to dispose of, real and personal property, or any estate

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2988 therein; and to make and execute contracts and other instruments
2989 necessary or convenient to the exercise of its powers.

2990 (2) To apply for coverage of its employees under the state
2991 retirement system in the same manner as if such employees were
2992 state employees, subject to necessary action by the district to
2993 pay employer contributions into the state retirement fund.

2994 (3) To contract for the services of consultants to perform
2995 planning, engineering, legal, or other appropriate services of a
2996 professional nature. Such contracts shall be subject to public
2997 bidding or competitive negotiation requirements as set forth in
2998 s. 190.033.

2999 (4) To borrow money and accept gifts; to apply for and use
3000 grants or loans of money or other property from the United
3001 States, the state, a unit of local government, or any person for
3002 any district purposes and enter into agreements required in
3003 connection therewith; and to hold, use, and dispose of such
3004 moneys or property for any district purposes in accordance with
3005 the terms of the gift, grant, loan, or agreement relating
3006 thereto.

3007 (5) To adopt rules and orders pursuant to the provisions of
3008 chapter 120 prescribing the powers, duties, and functions of the
3009 officers of the district; the conduct of the business of the
3010 district; the maintenance of records; and the form of
3011 certificates evidencing tax liens and all other documents and
3012 records of the district. The board may also adopt administrative
3013 rules with respect to any of the projects of the district and
3014 define the area to be included therein. The board may also adopt
3015 resolutions which may be necessary for the conduct of district
3016 business.

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3017 (6) To maintain an office at such place or places as it may
3018 designate within a county in which the district is located or
3019 within the boundaries of a development of regional impact or a
3020 Florida Quality Development, or a combination of a development
3021 of regional impact and a Florida Quality Development, which
3022 includes the district, which office must be reasonably
3023 accessible to the landowners. Meetings pursuant to s. 189.015(3)
3024 ~~189.417(3)~~ of a district within the boundaries of a development
3025 of regional impact or Florida Quality Development, or a
3026 combination of a development of regional impact and a Florida
3027 Quality Development, may be held at such office.

3028 (7) (a) To hold, control, and acquire by donation, purchase,
3029 or condemnation, or dispose of, any public easements,
3030 dedications to public use, platted reservations for public
3031 purposes, or any reservations for those purposes authorized by
3032 this act and to make use of such easements, dedications, or
3033 reservations for any of the purposes authorized by this act.

3034 (b) When real property in the district is owned by a
3035 governmental entity and subject to a ground lease as described
3036 in s. 190.003(14), to collect ground rent from landowners
3037 pursuant to a contract with such governmental entity and to
3038 contract with the county tax collector for collection of such
3039 ground rent using the procedures authorized in s. 197.3631,
3040 other than the procedures contained in s. 197.3632.

3041 (8) To lease as lessor or lessee to or from any person,
3042 firm, corporation, association, or body, public or private, any
3043 projects of the type that the district is authorized to
3044 undertake and facilities or property of any nature for the use
3045 of the district to carry out any of the purposes authorized by

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3046 this act.

3047 (9) To borrow money and issue bonds, certificates,
3048 warrants, notes, or other evidence of indebtedness as
3049 hereinafter provided; to levy such tax and special assessments
3050 as may be authorized; and to charge, collect, and enforce fees
3051 and other user charges.

3052 (10) To raise, by user charges or fees authorized by
3053 resolution of the board, amounts of money which are necessary
3054 for the conduct of the district activities and services and to
3055 enforce their receipt and collection in the manner prescribed by
3056 resolution not inconsistent with law.

3057 (11) To exercise within the district, or beyond the
3058 district with prior approval by resolution of the governing body
3059 of the county if the taking will occur in an unincorporated area
3060 or with prior approval by resolution of the governing body of
3061 the municipality if the taking will occur within a municipality,
3062 the right and power of eminent domain, pursuant to the
3063 provisions of chapters 73 and 74, over any property within the
3064 state, except municipal, county, state, and federal property,
3065 for the uses and purposes of the district relating solely to
3066 water, sewer, district roads, and water management, specifically
3067 including, without limitation, the power for the taking of
3068 easements for the drainage of the land of one person over and
3069 through the land of another.

3070 (12) To cooperate with, or contract with, other
3071 governmental agencies as may be necessary, convenient,
3072 incidental, or proper in connection with any of the powers,
3073 duties, or purposes authorized by this act.

3074 (13) To assess and impose upon lands in the district ad

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3075 valorem taxes as provided by this act.

3076 (14) To determine, order, levy, impose, collect, and
3077 enforce special assessments pursuant to this act and chapter
3078 170. Such special assessments may, in the discretion of the
3079 district, be collected and enforced pursuant to the provisions
3080 of ss. 197.3631, 197.3632, and 197.3635, chapter 170, or chapter
3081 173.

3082 (15) To exercise all of the powers necessary, convenient,
3083 incidental, or proper in connection with any of the powers,
3084 duties, or purposes authorized by this act.

3085 (16) To exercise such special powers as may be authorized
3086 by this act.

3087 Section 70. Subsection (8) of section 190.046, Florida
3088 Statutes, is amended to read:

3089 190.046 Termination, contraction, or expansion of
3090 district.—

3091 (8) In the event the district has become inactive pursuant
3092 to s. 189.062 ~~189.4044~~, the respective board of county
3093 commissioners or city commission shall be informed and it shall
3094 take appropriate action.

3095 Section 71. Section 190.049, Florida Statutes, is amended
3096 to read:

3097 190.049 Special acts prohibited.—Pursuant to s. 11(a)(21),
3098 Art. III of the State Constitution, there shall be no special
3099 law or general law of local application creating an independent
3100 special district which has the powers enumerated in two or more
3101 of the paragraphs contained in s. 190.012, unless such district
3102 is created pursuant to the provisions of s. 189.031 ~~189.404~~.

3103 Section 72. Subsection (5) of section 191.003, Florida

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3104 Statutes, is amended to read:

3105 191.003 Definitions.—As used in this act:

3106 (5) "Independent special fire control district" means an
3107 independent special district as defined in s. 189.012 ~~189.403~~,
3108 created by special law or general law of local application,
3109 providing fire suppression and related activities within the
3110 jurisdictional boundaries of the district. The term does not
3111 include a municipality, a county, a dependent special district
3112 as defined in s. 189.012 ~~189.403~~, a district providing primarily
3113 emergency medical services, a community development district
3114 established under chapter 190, or any other multiple-power
3115 district performing fire suppression and related services in
3116 addition to other services.

3117 Section 73. Paragraph (a) of subsection (1) and subsection
3118 (8) of section 191.005, Florida Statutes, are amended to read:

3119 191.005 District boards of commissioners; membership,
3120 officers, meetings.—

3121 (1)(a) With the exception of districts whose governing
3122 boards are appointed collectively by the Governor, the county
3123 commission, and any cooperating city within the county, the
3124 business affairs of each district shall be conducted and
3125 administered by a five-member board. All three-member boards
3126 existing on the effective date of this act shall be converted to
3127 five-member boards, except those permitted to continue as a
3128 three-member board by special act adopted in 1997 or thereafter.
3129 The board shall be elected in nonpartisan elections by the
3130 electors of the district. Except as provided in this act, such
3131 elections shall be held at the time and in the manner prescribed
3132 by law for holding general elections in accordance with s.

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3133 189.04(2)(a) ~~189.405(2)(a)~~ and (3), and each member shall be
3134 elected for a term of 4 years and serve until the member's
3135 successor assumes office. Candidates for the board of a district
3136 shall qualify as directed by chapter 99.

3137 (8) All meetings of the board shall be open to the public
3138 consistent with chapter 286, s. 189.015 ~~189.417~~, and other
3139 applicable general laws.

3140 Section 74. Subsection (2) of section 191.013, Florida
3141 Statutes, is amended to read:

3142 191.013 Intergovernmental coordination.—

3143 (2) Each independent special fire control district shall
3144 adopt a 5-year plan to identify the facilities, equipment,
3145 personnel, and revenue needed by the district during that 5-year
3146 period. The plan shall be updated in accordance with s. 189.08
3147 ~~189.415~~ and shall satisfy the requirement for a public
3148 facilities report required by s. 189.08(2) ~~189.415(2)~~.

3149 Section 75. Subsection (1) of section 191.014, Florida
3150 Statutes, is amended to read:

3151 191.014 District creation and expansion.—

3152 (1) New districts may be created only by the Legislature
3153 under s. 189.031 ~~189.404~~.

3154 Section 76. Section 191.015, Florida Statutes, is amended
3155 to read:

3156 191.015 Codification.—Each fire control district existing
3157 on the effective date of this section, by December 1, 2004,
3158 shall submit to the Legislature a draft codified charter, at its
3159 expense, so that its special acts may be codified into a single
3160 act for reenactment by the Legislature, if there is more than
3161 one special act for the district. The Legislature may adopt a

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3162 schedule for individual district codification. Any codified act
3163 relating to a district, which act is submitted to the
3164 Legislature for reenactment, shall provide for the repeal of all
3165 prior special acts of the Legislature relating to the district.
3166 The codified act shall be filed with the Department of Economic
3167 Opportunity pursuant to s. 189.016(2) ~~189.418(2)~~.

3168 Section 77. Paragraphs (c), (d), and (e) of subsection (8)
3169 of section 200.001, Florida Statutes, are amended to read:

3170 200.001 Millages; definitions and general provisions.-

3171 (8)

3172 (c) "Special district" means a special district as defined
3173 in s. 189.012 ~~189.403(1)~~.

3174 (d) "Dependent special district" means a dependent special
3175 district as defined in s. 189.012 ~~189.403(2)~~. Dependent special
3176 district millage, when added to the millage of the governing
3177 body to which it is dependent, shall not exceed the maximum
3178 millage applicable to such governing body.

3179 (e) "Independent special district" means an independent
3180 special district as defined in s. 189.012 ~~189.403(3)~~, with the
3181 exception of a downtown development authority established prior
3182 to the effective date of the 1968 State Constitution as an
3183 independent body, either appointed or elected, regardless of
3184 whether or not the budget is approved by the local governing
3185 body, if the district levies a millage authorized as of the
3186 effective date of the 1968 State Constitution. Independent
3187 special district millage shall not be levied in excess of a
3188 millage amount authorized by general law and approved by vote of
3189 the electors pursuant to s. 9(b), Art. VII of the State
3190 Constitution, except for those independent special districts

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3191 levying millage for water management purposes as provided in
3192 that section and municipal service taxing units as specified in
3193 s. 125.01(1)(q) and (r). However, independent special district
3194 millage authorized as of the date the 1968 State Constitution
3195 became effective need not be so approved, pursuant to s. 2, Art.
3196 XII of the State Constitution.

3197 Section 78. Subsections (1), (5), (6), and (7) of section
3198 218.31, Florida Statutes, are amended to read:

3199 218.31 Definitions.—As used in this part, except where the
3200 context clearly indicates a different meaning:

3201 (1) "Local governmental entity" means a county agency, a
3202 municipality, or a special district as defined in s. 189.012
3203 ~~189.403~~. For purposes of s. 218.32, the term also includes a
3204 housing authority created under chapter 421.

3205 (5) "Special district" means a special district as defined
3206 in s. 189.012 ~~189.403(1)~~.

3207 (6) "Dependent special district" means a dependent special
3208 district as defined in s. 189.012 ~~189.403(2)~~.

3209 (7) "Independent special district" means an independent
3210 special district as defined in s. 189.012 ~~189.403(3)~~.

3211 Section 79. Paragraph (a) and (f) of subsection (1) and
3212 subsection (2) of section 218.32, Florida Statutes, are amended
3213 to read:

3214 218.32 Annual financial reports; local governmental
3215 entities.—

3216 (1)(a) Each local governmental entity that is determined to
3217 be a reporting entity, as defined by generally accepted
3218 accounting principles, and each independent special district as
3219 defined in s. 189.012 ~~189.403~~, shall submit to the department a

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3220 copy of its annual financial report for the previous fiscal year
3221 in a format prescribed by the department. The annual financial
3222 report must include a list of each local governmental entity
3223 included in the report and each local governmental entity that
3224 failed to provide financial information as required by paragraph
3225 (b). The chair of the governing body and the chief financial
3226 officer of each local governmental entity shall sign the annual
3227 financial report submitted pursuant to this subsection attesting
3228 to the accuracy of the information included in the report. The
3229 county annual financial report must be a single document that
3230 covers each county agency.

3231 (f) If the department does not receive a completed annual
3232 financial report from a local governmental entity within the
3233 required period, it shall notify the Legislative Auditing
3234 Committee and the Special District Accountability ~~Information~~
3235 Program of the Department of Economic Opportunity of the
3236 entity's failure to comply with the reporting requirements.

3237 (2) The department shall annually by December 1 file a
3238 verified report with the Governor, the Legislature, the Auditor
3239 General, and the Special District Accountability ~~Information~~
3240 Program of the Department of Economic Opportunity showing the
3241 revenues, both locally derived and derived from
3242 intergovernmental transfers, and the expenditures of each local
3243 governmental entity, regional planning council, local government
3244 finance commission, and municipal power corporation that is
3245 required to submit an annual financial report. The report must
3246 include, but is not limited to:

3247 (a) The total revenues and expenditures of each local
3248 governmental entity that is a component unit included in the

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3249 annual financial report of the reporting entity.

3250 (b) The amount of outstanding long-term debt by each local
3251 governmental entity. For purposes of this paragraph, the term
3252 "long-term debt" means any agreement or series of agreements to
3253 pay money, which, at inception, contemplate terms of payment
3254 exceeding 1 year in duration.

3255 Section 80. Paragraph (g) of subsection (1) of section
3256 218.37, Florida Statutes, is amended to read:

3257 218.37 Powers and duties of Division of Bond Finance;
3258 advisory council.—

3259 (1) The Division of Bond Finance of the State Board of
3260 Administration, with respect to both general obligation bonds
3261 and revenue bonds, shall:

3262 (g) By January 1 each year, provide the Special District
3263 Accountability Information ~~Information~~ Program of the Department of Economic
3264 Opportunity with a list of special districts that are not in
3265 compliance with the requirements in s. 218.38.

3266 Section 81. Paragraph (j) of subsection (1) of section
3267 255.20, Florida Statutes, is amended to read:

3268 255.20 Local bids and contracts for public construction
3269 works; specification of state-produced lumber.—

3270 (1) A county, municipality, special district as defined in
3271 chapter 189, or other political subdivision of the state seeking
3272 to construct or improve a public building, structure, or other
3273 public construction works must competitively award to an
3274 appropriately licensed contractor each project that is estimated
3275 in accordance with generally accepted cost-accounting principles
3276 to cost more than \$300,000. For electrical work, the local
3277 government must competitively award to an appropriately licensed

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3278 contractor each project that is estimated in accordance with
3279 generally accepted cost-accounting principles to cost more than
3280 \$75,000. As used in this section, the term "competitively award"
3281 means to award contracts based on the submission of sealed bids,
3282 proposals submitted in response to a request for proposal,
3283 proposals submitted in response to a request for qualifications,
3284 or proposals submitted for competitive negotiation. This
3285 subsection expressly allows contracts for construction
3286 management services, design/build contracts, continuation
3287 contracts based on unit prices, and any other contract
3288 arrangement with a private sector contractor permitted by any
3289 applicable municipal or county ordinance, by district
3290 resolution, or by state law. For purposes of this section, cost
3291 includes the cost of all labor, except inmate labor, and the
3292 cost of equipment and materials to be used in the construction
3293 of the project. Subject to the provisions of subsection (3), the
3294 county, municipality, special district, or other political
3295 subdivision may establish, by municipal or county ordinance or
3296 special district resolution, procedures for conducting the
3297 bidding process.

3298 (j) A county, municipality, special district as defined in
3299 s. 189.012 ~~189.403~~, or any other political subdivision of the
3300 state that owns or operates a public-use airport as defined in
3301 s. 332.004 is exempt from this section when performing repairs
3302 or maintenance on the airport's buildings, structures, or public
3303 construction works using the local government's own services,
3304 employees, and equipment.

3305 Section 82. Subsection (4) of section 298.225, Florida
3306 Statutes, is amended to read:

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3307 298.225 Water control plan; plan development and
3308 amendment.—

3309 (4) Information contained within a district's facilities
3310 plan prepared pursuant to s. 189.08 ~~189.415~~ which satisfies any
3311 of the provisions of subsection (3) may be used as part of the
3312 district water control plan.

3313 Section 83. Subsection (7) of section 343.922, Florida
3314 Statutes, is amended to read:

3315 343.922 Powers and duties.—

3316 (7) The authority shall comply with all statutory
3317 requirements of general application which relate to the filing
3318 of any report or documentation required by law, including the
3319 requirements of ss. 189.015, 189.016, 189.051, and 189.08
3320 ~~189.4085, 189.415, 189.417, and 189.418~~.

3321 Section 84. Subsection (5) of section 348.0004, Florida
3322 Statutes, is amended to read:

3323 348.0004 Purposes and powers.—

3324 (5) Any authority formed pursuant to this act shall comply
3325 with all statutory requirements of general application which
3326 relate to the filing of any report or documentation required by
3327 law, including the requirements of ss. 189.015, 189.016,
3328 189.051, and 189.08 ~~189.4085, 189.415, 189.417, and 189.418~~.

3329 Section 85. Section 373.711, Florida Statutes, is amended
3330 to read:

3331 373.711 Technical assistance to local governments.—The
3332 water management districts shall assist local governments in the
3333 development and future revision of local government
3334 comprehensive plan elements or public facilities report as
3335 required by s. 189.08 ~~189.415~~, related to water resource issues.

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3336 Section 86. Paragraph (b) of subsection (3) of section
 3337 403.0891, Florida Statutes, is amended to read:
 3338 403.0891 State, regional, and local stormwater management
 3339 plans and programs.—The department, the water management
 3340 districts, and local governments shall have the responsibility
 3341 for the development of mutually compatible stormwater management
 3342 programs.

3343 (3)

3344 (b) Local governments are encouraged to consult with the
 3345 water management districts, the Department of Transportation,
 3346 and the department before adopting or updating their local
 3347 government comprehensive plan or public facilities report as
 3348 required by s. 189.08 ~~189.415~~, whichever is applicable.

3349 Section 87. Subsection (1) of section 582.32, Florida
 3350 Statutes, is amended to read:

3351 582.32 Effect of dissolution.—

3352 (1) Upon issuance of a certificate of dissolution, s.
 3353 189.076(2) ~~189.4045(2)~~ applies and all land use regulations in
 3354 effect within such districts are void.

3355 Section 88. Paragraph (a) of subsection (3) of section
 3356 1013.355, Florida Statutes, is amended to read:

3357 1013.355 Educational facilities benefit districts.—

3358 (3) (a) An educational facilities benefit district may be
 3359 created pursuant to this act and chapters 125, 163, 166, and
 3360 189. An educational facilities benefit district charter may be
 3361 created by a county or municipality by entering into an
 3362 interlocal agreement, as authorized by s. 163.01, with the
 3363 district school board and any local general purpose government
 3364 within whose jurisdiction a portion of the district is located

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3365 and adoption of an ordinance that includes all provisions
3366 contained within s. 189.02 ~~189.4041~~. The creating entity shall
3367 be the local general purpose government within whose boundaries
3368 a majority of the educational facilities benefit district's
3369 lands are located.

3370 Section 89. This act shall take effect July 1, 2014.