

By the Committees on Appropriations; 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, 189.425, and
66 189.427, F.S.; transferring, renumbering, and amending
67 s. 189.428, F.S.; revising the oversight review
68 process for special districts; transferring,
69 renumbering, and amending s. 189.429, F.S.; conforming
70 a cross-reference; repealing ss. 189.430, 189.431,
71 189.432, 189.433, 189.434, 189.435, 189.436, 189.437,
72 189.438, 189.439, 189.440, 189.441, 189.442, 189.443,
73 and 189.444, F.S., relating to the Community
74 Improvement Authority Act; creating ss. 189.034 and
75 189.035, F.S.; providing applicability; requiring the
76 Legislative Auditing Committee to provide notice of
77 the failure of special districts to file certain
78 required reports and requested information to certain
79 persons and bodies; authorizing the Legislative
80 Auditing Committee and the chair or equivalent of a
81 local general-purpose government to convene a public
82 hearing on the issue of a special district's
83 noncompliance and general oversight of the special
84 district; requiring a special district to provide
85 certain information to the Legislative Auditing
86 Committee before a public hearing upon request;
87 authorizing a local general-purpose government to

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88 request certain information from a special district
89 created by local ordinance before a public hearing;
90 requiring a local general-purpose government to report
91 the findings of a public hearing to the department and
92 the Legislative Auditing Committee; creating s.
93 189.055, F.S.; requiring special districts to be
94 treated as municipalities for certain purposes;
95 creating s. 189.069, F.S.; requiring special districts
96 to establish and maintain an official website for
97 certain information; requiring special districts to
98 submit the web address of their respective websites to
99 the department; requiring that the department's online
100 list of special districts include a link to the
101 website of certain special districts; amending s.
102 200.065, F.S.; providing that certain downtown
103 development authorities are independent special taxing
104 districts authorized to levy an additional ad valorem
105 tax on real and personal property in the district;
106 limiting the amount of the levy; amending ss. 11.45,
107 100.011, 101.657, 112.061, 112.63, 112.665, 121.021,
108 121.051, 153.94, 163.08, 165.031, 165.0615, 171.202,
109 175.032, 190.011, 190.046, 190.049, 191.003, 191.005,
110 191.013, 191.014, 191.015, 200.001, 218.31, 218.32,
111 218.37, 255.20, 298.225, 343.922, 348.0004, 373.711,
112 403.0891, 582.32, and 1013.355, F.S.; conforming
113 provisions to changes made by the act; providing an
114 effective date.

115
116 Be It Enacted by the Legislature of the State of Florida:

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

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

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

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

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

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

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

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

(8) Part VIII, consisting of sections 189.08, 189.081, and

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146 189.082, Florida Statutes, as created by this act, and entitled
147 "Comprehensive Planning."

148 Section 2. Paragraph (b) of subsection (2) of section
149 11.40, Florida Statutes, is amended to read:

150 11.40 Legislative Auditing Committee.—

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

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

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

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175 Legislative Auditing Committee may request the department to
176 proceed pursuant to s. 189.067(3) ~~189.4044~~ or s. ~~189.421~~.

177 2. A local ordinance, notify the chair or equivalent of the
178 local general-purpose government pursuant to s. 189.035(1) and
179 the Department of Economic Opportunity that the special district
180 has failed to comply with the law. Upon receipt of notification,
181 the department shall proceed pursuant to s. 189.062 or s.
182 189.067. If the special district remains in noncompliance after
183 the process set forth in s. 189.035(2), or if a public hearing
184 has not been held within 6 months, the Legislative Auditing
185 Committee may request the department to proceed pursuant to s.
186 189.067(3).

187 3. Any manner other than a special act or local ordinance,
188 notify the Department of Economic Opportunity that the special
189 district has failed to comply with the law. Upon receipt of
190 notification, the department shall proceed pursuant to s.
191 189.062 or s. 189.067(3).

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

194 112.312 Definitions.—As used in this part and for purposes
195 of the provisions of s. 8, Art. II of the State Constitution,
196 unless the context otherwise requires:

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

203 Section 4. Section 112.511, Florida Statutes, is created to

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204 read:

205 112.511 Members of special district governing bodies;
206 suspension; removal from office.-

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

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

216 Section 5. Subsections (1), (4), and (6) of section
217 125.901, Florida Statutes, are amended to read:

218 125.901 Children's services; independent special district;
219 council; powers, duties, and functions; public records
220 exemption.-

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

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233 electorate, the district shall not be required to seek approval
234 of the electorate in future years to levy the previously
235 approved millage.

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

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262 the county for the previous 24-month period. Such members shall
263 be appointed for 4-year terms, except that the length of the
264 terms of the initial appointees shall be adjusted to stagger the
265 terms. The Governor may remove a member for cause or upon the
266 written petition of the county governing body. If any of the
267 members of the council required to be appointed by the Governor
268 under the provisions of this subsection shall resign, die, or be
269 removed from office, the vacancy thereby created shall, as soon
270 as practicable, be filled by appointment by the Governor, using
271 the same method as the original appointment, and such
272 appointment to fill a vacancy shall be for the unexpired term of
273 the person who resigns, dies, or is removed from office.

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

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

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320 this section. The remaining appointed members of the governing
 321 body ~~board~~ shall be appointed to serve 2-year terms, except that
 322 those members appointed by the Governor shall be appointed to
 323 serve 4-year terms, and the youth representative and the
 324 legislative delegate shall be appointed to serve 1-year terms. A
 325 member may be reappointed; however, a member may not serve for
 326 more than three consecutive terms. A member is eligible to be
 327 appointed again after a 2-year hiatus from the council.

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

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

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

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

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

348 (III) For a district in existence on July 1, 2010, and

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349 serving a county with a population of 2 million or more persons
 350 as of that date.....2020.

351 b. A referendum by the electorate on or after July 1, 2010,
 352 creating a new district with taxing authority may specify that
 353 the district is not subject to reauthorization or may specify
 354 the number of years for which the initial authorization shall
 355 remain effective. If the referendum does not prescribe terms of
 356 reauthorization, the governing body of the county shall submit
 357 the question of retention or dissolution of the district to the
 358 electorate in the general election 12 years after the initial
 359 authorization.

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

375 3. This paragraph does not limit ~~Nothing in this paragraph~~
 376 ~~limits~~ the authority to dissolve a district as provided under
 377 paragraph (a).

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378 4. This paragraph does not preclude ~~Nothing in this~~
379 ~~paragraph precludes~~ the governing body ~~board~~ of a district from
380 requesting that the governing body of the county submit the
381 question of retention or dissolution of a district with voter-
382 approved taxing authority to the electorate at a date earlier
383 than the year prescribed in subparagraph 1. If the governing
384 body of the county accepts the request and submits the question
385 to the electorate, the governing body satisfies the requirement
386 of that subparagraph.

387
388 If any district is dissolved pursuant to this subsection, each
389 county must first obligate itself to assume the debts,
390 liabilities, contracts, and outstanding obligations of the
391 district within the total millage available to the county
392 governing body for all county and municipal purposes as provided
393 for under s. 9, Art. VII of the State Constitution. Any district
394 may also be dissolved pursuant to part VII of chapter 189 ~~s.~~
395 ~~189.4042~~.

396 (6) Any district created pursuant to the provisions of this
397 section shall comply with all other statutory requirements of
398 general application which relate to the filing of any financial
399 reports or compliance reports required under part III of chapter
400 218, or any other report or documentation required by law,
401 including the requirements of ss. 189.08, 189.015, and 189.016
402 ~~189.415, 189.417, and 189.418~~.

403 Section 6. Section 189.401, Florida Statutes, is
404 transferred, renumbered as section 189.01, Florida Statutes, and
405 amended to read:

406 189.01 ~~189.401~~ Short title.—This chapter may be cited as

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407 the "Uniform Special District Accountability Act ~~of 1989.~~"

408 Section 7. Subsections (1), (6), and (7) of section
409 189.402, Florida Statutes, are transferred and renumbered as
410 subsections (1), (2), and (3), respectively, of section 189.011,
411 Florida Statutes, and present subsection (6) of that section is
412 amended, to read:

413 189.011 ~~189.402~~ Statement of legislative purpose and
414 intent.—

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

430 Section 8. Subsection (2) of section 189.402, Florida
431 Statutes, is transferred, renumbered as section 189.06, Florida
432 Statutes, and amended to read:

433 189.06 ~~189.402~~ Legislative intent; centralized location
434 ~~Statement of legislative purpose and intent.—~~

435 ~~(2)~~ It is the intent of the Legislature through the

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436 adoption of this chapter to have one centralized location for
437 all legislation governing special districts and to:

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

441 (2)~~(b)~~ Improve communication and coordination between state
442 agencies with respect to required special district reporting and
443 state monitoring.

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

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

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

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

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

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

463 Section 9. Subsections (3), (4), (5), and (8) of section
464 189.402, Florida Statutes, are transferred, renumbered as

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465 subsections (1), (2), (3), and (4), respectively, of section
466 189.03, Florida Statutes, and amended to read:

467 189.03 ~~189.402~~ Statement of legislative purpose and intent;
468 independent special districts.—

469 (1) ~~(3)~~ The Legislature finds that:

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

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

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

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494 ~~uniform.~~

495 (2)~~(4)~~ It is the policy of this state:

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

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

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

514 (4)~~(8)~~ The Legislature finds and declares that:

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

520 (b) The provision of capital infrastructure, facilities,
521 and services for the preservation and enhancement of the quality
522 of life of the people of this state may require the creation of

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523 multicounty and multijurisdictional districts.

524 Section 10. Section 189.403, Florida Statutes, is
525 transferred, renumbered as section 189.012, Florida Statutes,
526 reordered, and amended, to read:

527 189.012 ~~189.403~~ Definitions.—As used in this chapter, the
528 term:

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

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

546 (a) The membership of its governing body is identical to
547 that of the governing body of a single county or a single
548 municipality.

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

551 (c) During their unexpired terms, members of the special

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552 district's governing body are subject to removal at will by the
553 governing body of a single county or a single municipality.

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

557

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

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

568 (1)~~(4)~~ "Department" means the Department of Economic
569 Opportunity.

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

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

580 (5)~~(7)~~ "Public facilities" means major capital

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581 improvements, including, but not limited to, transportation
582 facilities, sanitary sewer facilities, solid waste facilities,
583 water management and control facilities, potable water
584 facilities, alternative water systems, educational facilities,
585 parks and recreational facilities, health systems and
586 facilities, and, except for spoil disposal by those ports listed
587 in s. 311.09(1), spoil disposal sites for maintenance dredging
588 in waters of the state.

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

594 Section 12. Subsection (2) of section 189.4031, Florida
595 Statutes, is transferred, renumbered as section 189.0311,
596 Florida Statutes, and amended to read:

597 189.0311 ~~189.4031~~ Independent special districts ~~Special~~
598 ~~districts; creation, dissolution, and reporting requirements;~~
599 charter requirements.-

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

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610 Section 13. Section 189.4035, Florida Statutes, is
611 transferred and renumbered as section 189.061, Florida Statutes,
612 and subsections (1), (5), and (6) of that section are amended,
613 to read:

614 189.061 ~~189.4035~~ ~~Preparation of~~ Official list of special
615 districts.—

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

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

631 (6) ~~Preparation of~~ The official list of special districts
632 or the determination of status does not constitute final agency
633 action pursuant to chapter 120. If the status of a special
634 district on the official list is inconsistent with the status
635 submitted by the district, the district may request the
636 department to issue a declaratory statement setting forth the
637 requirements necessary to resolve the inconsistency. If
638 necessary, upon issuance of a declaratory statement by the

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639 department which is not appealed pursuant to chapter 120, the
640 governing body ~~board~~ of any special district receiving such a
641 declaratory statement shall apply to the entity which originally
642 established the district for an amendment to its charter
643 correcting the specified defects in its original charter. This
644 amendment shall be for the sole purpose of resolving
645 inconsistencies between a district charter and the status of a
646 district as it appears on the official list. ~~Such application~~
647 ~~shall occur as follows:~~

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

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

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

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668 189.031 ~~189.404~~ Legislative intent for the creation of
669 independent special districts; special act prohibitions; model
670 elements and other requirements; general-purpose local
671 government/Governor and Cabinet creation authorizations.—
672 (2) SPECIAL ACTS PROHIBITED.—Pursuant to s. 11(a)(21), Art.
673 III of the State Constitution, the Legislature hereby prohibits
674 special laws or general laws of local application which:
675 (a) Create independent special districts that do not, at a
676 minimum, conform to the minimum requirements in subsection (3);
677 (b) Exempt independent special district elections from the
678 appropriate requirements in s. 189.04 ~~189.405~~;
679 (c) Exempt an independent special district from the
680 requirements for bond referenda in s. 189.042 ~~189.408~~;
681 (d) Exempt an independent special district from the
682 reporting, notice, or public meetings requirements of s.
683 189.051, s. 189.08, s. 189.015, or s. 189.016 ~~189.4085, s.~~
684 ~~189.415, s. 189.417, or s. 189.418~~;
685 (e) Create an independent special district for which a
686 statement has not been submitted to the Legislature that
687 documents the following:
688 1. The purpose of the proposed district;
689 2. The authority of the proposed district;
690 3. An explanation of why the district is the best
691 alternative; and
692 4. A resolution or official statement of the governing body
693 or an appropriate administrator of the local jurisdiction within
694 which the proposed district is located stating that the creation
695 of the proposed district is consistent with the approved local
696 government plans of the local governing body and that the local

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697 government has no objection to the creation of the proposed
698 district.

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

703 (e) The membership and organization of the governing body
704 ~~board~~ of the district. If a district created after September 30,
705 1989, uses a one-acre/one-vote election principle, it shall
706 provide for a governing body ~~board~~ consisting of five members.
707 Three members shall constitute a quorum.

708 (f) The maximum compensation of a governing body ~~board~~
709 member.

710 (g) The administrative duties of the governing body ~~board~~
711 of the district.

712 Section 15. Section 189.40401, Florida Statutes, is
713 transferred and renumbered as section 189.033, Florida Statutes.

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

718 189.02 ~~189.4041~~ Dependent special districts.—

719 (4) Dependent special districts created by a county or
720 municipality shall be created by adoption of an ordinance that
721 includes:

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

724 Section 17. Subsection (1) of section 189.4042, Florida
725 Statutes, is transferred, renumbered as section 189.07, Florida

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726 Statutes, and amended to read:

727 189.07 ~~189.4042~~ Definitions ~~Merger and dissolution~~
728 ~~procedures.~~—

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

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

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

741 (3) ~~(c)~~ "Governing body" means the governing body of the
742 independent special district in which the general legislative,
743 governmental, or public powers of the district are vested and by
744 authority of which the official business of the district is
745 conducted.

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

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

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755 (6)~~(f)~~ "Merged independent district" means a single
756 independent special district that results from a successful
757 merger of two or more independent special districts pursuant to
758 this part ~~section~~.

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

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

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

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

780 (11)~~(k)~~ "Qualified elector" means an individual at least 18
781 years of age who is a citizen of the United States, a permanent
782 resident of this state, and a resident of the district who
783 registers with the supervisor of elections of a county within

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784 which the district lands are located when the registration books
785 are open.

786 Section 18. Subsection (2) of section 189.4042, Florida
787 Statutes, is transferred, renumbered as section 189.071, Florida
788 Statutes, and amended to read:

789 189.071 ~~189.4042~~ Merger or ~~and~~ dissolution of a dependent
790 special district procedures.-

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

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

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

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

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

812 Section 19. Subsection (3) of section 189.4042, Florida

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813 Statutes, is transferred, renumbered as section 189.072, Florida
814 Statutes, and amended to read:

815 189.072 ~~189.4042~~ Dissolution of an independent special
816 district ~~Merger and dissolution procedures.~~-

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

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

825 (2) ~~(b)~~ OTHER DISSOLUTIONS.-

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

838 (b) ~~2.~~ If an independent special district was created by a
839 county or municipality by referendum or any other procedure, the
840 county or municipality that created the district may dissolve
841 the district pursuant to a referendum or any other procedure by

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842 which the independent special district was created. However, if
843 the independent special district has ad valorem taxation powers,
844 the same procedure required to grant the independent special
845 district ad valorem taxation powers is required to dissolve the
846 district.

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

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

859 Section 20. Subsection (4) of section 189.4042, Florida
860 Statutes, is transferred, renumbered as section 189.073, Florida
861 Statutes, and amended to read:

862 189.073 ~~189.4042~~ Legislative merger of independent special
863 districts ~~Merger and dissolution procedures.—~~

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

867 Section 21. Subsection (5) of section 189.4042, Florida
868 Statutes, is transferred, renumbered as section 189.074, Florida
869 Statutes, and amended to read:

870 189.074 ~~189.4042~~ Voluntary merger of independent special

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871 districts ~~Merger and dissolution procedures.~~-

872 ~~(5) VOLUNTARY MERGER OF INDEPENDENT SPECIAL DISTRICTS.~~ Two
 873 or more contiguous independent special districts created by
 874 special act which have similar functions and elected governing
 875 bodies may elect to merge into a single independent district
 876 through the act of merging the component independent special
 877 districts.

878 (1) ~~(a)~~ INITIATION.-Merger proceedings may commence by:

879 (a)1. A joint resolution of the governing bodies of each
 880 independent special district which endorses a proposed joint
 881 merger plan; or

882 (b)2. A qualified elector initiative.

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

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

889 1.a. The name of each component independent special
 890 district to be merged;

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

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

894 4.d. The territorial boundaries of the proposed merged
 895 independent district;

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

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900 officials;

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

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

906 ~~8.h.~~ Each component independent special district's
907 liabilities and indebtedness, bonded and otherwise, and the
908 current value thereof;

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

913 ~~10.j.~~ Terms for the common administration and uniform
914 enforcement of existing laws within the proposed merged
915 independent district;

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

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

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

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

928 ~~(c)3.~~ Within 5 business days after the governing bodies

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929 approve the resolution endorsing the proposed joint merger plan,
930 the governing bodies must:

931 ~~1.a.~~ Cause a copy of the proposed joint merger plan, along
932 with a descriptive summary of the plan, to be displayed and be
933 readily accessible to the public for inspection in at least
934 three public places within the territorial limits of each
935 component independent special district, unless a component
936 independent special district has fewer than three public places,
937 in which case the plan must be accessible for inspection in all
938 public places within the component independent special district;

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

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

952 ~~(d)4.~~ The governing body of each component independent
953 special district shall set a time and place for one or more
954 public hearings on the proposed joint merger plan. Each public
955 hearing shall be held on a weekday at least 7 business days
956 after the day the first advertisement is published on the
957 proposed joint merger plan. The hearing or hearings may be held

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958 jointly or separately by the governing bodies of the component
959 independent special districts. Any interested person residing in
960 the respective district shall be given a reasonable opportunity
961 to be heard on any aspect of the proposed merger at the public
962 hearing.

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

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

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

986 ~~1.a.~~ Notice of a referendum on the merger of independent

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987 special districts must be provided pursuant to the notice
 988 requirements in s. 100.342. At a minimum, the notice must
 989 include:

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

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

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

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

998 e.~~(V)~~ Such other matters as may be necessary to call,
 999 provide for, and give notice of the referendum and to provide
 1000 for the conduct thereof and the canvass of the returns.

1001 2.b.~~2.b.~~ The referenda must be held in accordance with the
 1002 Florida Election Code and may be held pursuant to ss. 101.6101-
 1003 101.6107. All costs associated with the referenda shall be borne
 1004 by the respective component independent special district.

1005 3.e.~~3.e.~~ The ballot question in such referendum placed before
 1006 the qualified electors of each component independent special
 1007 district to be merged must be in substantially the following
 1008 form:

1009 "Shall ...(name of component independent special
 1010 district)... and ...(name of component independent special
 1011 district or districts)... be merged into ...(name of newly
 1012 merged independent district)...?"

1013

1014YES

1015NO"

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1016

1017 ~~4.d.~~ If the component independent special districts
1018 proposing to merge have disparate millage rates, the ballot
1019 question in the referendum placed before the qualified electors
1020 of each component independent special district must be in
1021 substantially the following form:

1022

1023 "Shall ...(name of component independent special
1024 district)... and ...(name of component independent special
1025 district or districts)... be merged into ...(name of newly
1026 merged independent district)... if the voter-approved maximum
1027 millage rate within each independent special district will not
1028 increase absent a subsequent referendum?

1029

1030 YES

1031 NO"

1032

1033 ~~5.e.~~ In any referendum held pursuant to this section
1034 ~~subsection~~, the ballots shall be counted, returns made and
1035 canvassed, and results certified in the same manner as other
1036 elections or referenda for the component independent special
1037 districts.

1038 ~~6.f.~~ The merger may not take effect unless a majority of
1039 the votes cast in each component independent special district
1040 are in favor of the merger. If one of the component districts
1041 does not obtain a majority vote, the referendum fails, and
1042 merger does not take effect.

1043 ~~7.g.~~ If the merger is approved by a majority of the votes
1044 cast in each component independent special district, the merged

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1045 independent district is created. Upon approval, the merged
1046 independent district shall notify the Special District
1047 Accountability Information Program pursuant to s. 189.016(2)
1048 ~~189.418(2)~~ and the local general-purpose governments in which
1049 any part of the component independent special districts is
1050 situated pursuant to s. 189.016(7) ~~189.418(7)~~.

1051 ~~8.h.~~ If the referendum fails, the merger process under this
1052 subsection ~~paragraph~~ may not be initiated for the same purpose
1053 within 2 years after the date of the referendum.

1054 ~~(f)6.~~ Component independent special districts merged
1055 pursuant to a joint merger plan by resolution shall continue to
1056 be governed as before the merger until the effective date
1057 specified in the adopted joint merger plan.

1058 ~~(3)(e)~~ QUALIFIED ELECTOR-INITIATED MERGER PLAN.—The
1059 qualified electors of two or more contiguous independent special
1060 districts may commence a merger proceeding by each filing a
1061 petition with the governing body of their respective independent
1062 special district proposing to be merged. The petition must
1063 contain the signatures of at least 40 percent of the qualified
1064 electors of each component independent special district and must
1065 be submitted to the appropriate component independent special
1066 district governing body no later than 1 year after the start of
1067 the qualified elector-initiated merger process.

1068 ~~(a)1.~~ The petition must comply with, and be circulated in,
1069 the following form:

1070
1071 PETITION FOR
1072 INDEPENDENT SPECIAL DISTRICT MERGER
1073

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1074 We, the undersigned electors and legal voters of ...(name
 1075 of independent special district)..., qualified to vote at the
 1076 next general or special election, respectfully petition that
 1077 there be submitted to the electors and legal voters of ...(name
 1078 of independent special district or districts proposed to be
 1079 merged)..., for their approval or rejection at a referendum held
 1080 for that purpose, a proposal to merge ...(name of component
 1081 independent special district)... and ...(name of component
 1082 independent special district or districts)....

1084 In witness thereof, we have signed our names on the date
 1085 indicated next to our signatures.

1087 Date Name Home Address
 1088 (print under signature)

1089
 1090
 1091
 1092
 1093

1094 ~~(b)2-~~ The petition must be validated by a signed statement
 1095 by a witness who is a duly qualified elector of one of the
 1096 component independent special districts, a notary public, or
 1097 another person authorized to take acknowledgments.

1098 ~~1.a-~~ A statement that is signed by a witness who is a duly
 1099 qualified elector of the respective district shall be accepted
 1100 for all purposes as the equivalent of an affidavit. Such
 1101 statement must be in substantially the following form:

1102 "I, ...(name of witness)..., state that I am a duly

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1103 qualified voter of ...(name of independent special district)....
1104 Each of the ...(insert number)... persons who have signed this
1105 petition sheet has signed his or her name in my presence on the
1106 dates indicated above and identified himself or herself to be
1107 the same person who signed the sheet. I understand that this
1108 statement will be accepted for all purposes as the equivalent of
1109 an affidavit and, if it contains a materially false statement,
1110 shall subject me to the penalties of perjury."

1111 Date Signature of Witness

1112 ~~2.d.~~ A statement that is signed by a notary public or
1113 another person authorized to take acknowledgments must be in
1114 substantially the following form:

1115 "On the date indicated above before me personally came each
1116 of the ...(insert number)... electors and legal voters whose
1117 signatures appear on this petition sheet, who signed the
1118 petition in my presence and who, being by me duly sworn, each
1119 for himself or herself, identified himself or herself as the
1120 same person who signed the petition, and I declare that the
1121 foregoing information they provided was true."

1122 Date Signature of Witness

1123 ~~3.e.~~ An alteration or correction of information appearing
1124 on a petition's signature line, other than an uninitialed
1125 signature and date, does not invalidate such signature. In
1126 matters of form, this subsection ~~paragraph~~ shall be liberally
1127 construed, not inconsistent with substantial compliance thereto
1128 and the prevention of fraud.

1129 ~~4.d.~~ The appropriately signed petition must be filed with
1130 the governing body of each component independent special
1131 district. The petition must be submitted to the supervisors of

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1132 elections of the counties in which the district lands are
1133 located. The supervisors shall, within 30 business days after
1134 receipt of the petitions, certify to the governing bodies the
1135 number of signatures of qualified electors contained on the
1136 petitions.

1137 (c)~~3.~~ Upon verification by the supervisors of elections of
1138 the counties within which component independent special district
1139 lands are located that 40 percent of the qualified electors have
1140 petitioned for merger and that all such petitions have been
1141 executed within 1 year after the date of the initiation of the
1142 qualified-electoral merger process, the governing bodies of each
1143 component independent special district shall meet within 30
1144 business days to prepare and approve by resolution a proposed
1145 elector-initiated merger plan. The proposed plan must include:

1146 1.a. The name of each component independent special
1147 district to be merged;

1148 2.b. The name of the proposed merged independent district;

1149 3.c. The rights, duties, and obligations of the merged
1150 independent district;

1151 4.d. The territorial boundaries of the proposed merged
1152 independent district;

1153 5.e. The governmental organization of the proposed merged
1154 independent district insofar as it concerns elected and
1155 appointed officials and public employees, along with a
1156 transitional plan and schedule for elections and appointments of
1157 officials;

1158 6.f. A fiscal estimate of the potential cost or savings as
1159 a result of the merger;

1160 7.g. Each component independent special district's assets,

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1161 including, but not limited to, real and personal property, and
1162 the current value thereof;

1163 ~~8.h.~~ Each component independent special district's
1164 liabilities and indebtedness, bonded and otherwise, and the
1165 current value thereof;

1166 ~~9.i.~~ Terms for the assumption and disposition of existing
1167 assets, liabilities, and indebtedness of each component
1168 independent special district, jointly, separately, or in defined
1169 proportions;

1170 ~~10.j.~~ Terms for the common administration and uniform
1171 enforcement of existing laws within the proposed merged
1172 independent district;

1173 ~~11.k.~~ The times and places for public hearings on the
1174 proposed joint merger plan; and

1175 ~~12.l.~~ The effective date of the proposed merger.

1176 ~~(d)4.~~ The resolution endorsing the proposed elector-
1177 initiated merger plan must be approved by a majority vote of the
1178 governing bodies of each component independent special district
1179 and must be adopted at least 60 business days before any general
1180 or special election on the proposed elector-initiated plan.

1181 ~~(e)5.~~ Within 5 business days after the governing bodies of
1182 each component independent special district approve the proposed
1183 elector-initiated merger plan, the governing bodies shall:

1184 ~~1.a.~~ Cause a copy of the proposed elector-initiated merger
1185 plan, along with a descriptive summary of the plan, to be
1186 displayed and be readily accessible to the public for inspection
1187 in at least three public places within the territorial limits of
1188 each component independent special district, unless a component
1189 independent special district has fewer than three public places,

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1190 in which case the plan must be accessible for inspection in all
1191 public places within the component independent special district;

1192 ~~2.b.~~ If applicable, cause the proposed elector-initiated
1193 merger plan, along with a descriptive summary of the plan and a
1194 reference to the public places within each component independent
1195 special district where a copy of the merger plan may be
1196 examined, to be displayed on a website maintained by each
1197 district or otherwise on a website maintained by the county or
1198 municipality in which the districts are located; and

1199 ~~3.e.~~ Arrange for a descriptive summary of the proposed
1200 elector-initiated merger plan, and a reference to the public
1201 places within the district where a copy may be examined, to be
1202 published in a newspaper of general circulation within the
1203 component independent special districts at least once each week
1204 for 4 successive weeks.

1205 ~~(f)6.~~ The governing body of each component independent
1206 special district shall set a time and place for one or more
1207 public hearings on the proposed elector-initiated merger plan.
1208 Each public hearing shall be held on a weekday at least 7
1209 business days after the day the first advertisement is published
1210 on the proposed elector-initiated merger plan. The hearing or
1211 hearings may be held jointly or separately by the governing
1212 bodies of the component independent special districts. Any
1213 interested person residing in the respective district shall be
1214 given a reasonable opportunity to be heard on any aspect of the
1215 proposed merger at the public hearing.

1216 ~~1.a.~~ Notice of the public hearing on the proposed elector-
1217 initiated merger plan must be published pursuant to the notice
1218 requirements in s. 189.015 ~~189.417~~ and must provide a

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1219 descriptive summary of the elector-initiated merger plan and a
1220 reference to the public places within the component independent
1221 special districts where a copy of the plan may be examined.

1222 2.b. After the final public hearing, the governing bodies
1223 of each component independent special district may amend the
1224 proposed elector-initiated merger plan if the amended version
1225 complies with the notice and public hearing requirements
1226 provided in this section ~~subsection~~. The governing bodies must
1227 approve a final version of the merger plan within 60 business
1228 days after the final hearing.

1229 (g)7. After the final public hearing, the governing bodies
1230 shall notify the supervisors of elections of the applicable
1231 counties in which district lands are located of the adoption of
1232 the resolution by each governing body. The supervisors of
1233 elections shall schedule a date for the separate referenda for
1234 each district. The referenda may be held in each district on the
1235 same day, or on different days, but no more than 20 days apart.

1236 1.a. Notice of a referendum on the merger of the component
1237 independent special districts must be provided pursuant to the
1238 notice requirements in s. 100.342. At a minimum, the notice must
1239 include:

1240 a.(I) A brief summary of the resolution and elector-
1241 initiated merger plan;

1242 b.(II) A statement as to where a copy of the resolution and
1243 petition for merger may be examined;

1244 c.(III) The names of the component independent special
1245 districts to be merged and a description of their territory;

1246 d.(IV) The times and places at which the referendum will be
1247 held; and

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1248 e.~~(v)~~ Such other matters as may be necessary to call,
1249 provide for, and give notice of the referendum and to provide
1250 for the conduct thereof and the canvass of the returns.

1251 2.b.~~2.~~ The referenda must be held in accordance with the
1252 Florida Election Code and may be held pursuant to ss. 101.6101-
1253 101.6107. All costs associated with the referenda shall be borne
1254 by the respective component independent special district.

1255 3.e.~~3.~~ The ballot question in such referendum placed before
1256 the qualified electors of each component independent special
1257 district to be merged must be in substantially the following
1258 form:

1259 "Shall ...(name of component independent special
1260 district)... and ...(name of component independent special
1261 district or districts)... be merged into ...(name of newly
1262 merged independent district)...?"

1263YES

1264NO"

1265 4.d.~~4.~~ If the component independent special districts
1266 proposing to merge have disparate millage rates, the ballot
1267 question in the referendum placed before the qualified electors
1268 of each component independent special district must be in
1269 substantially the following form:

1270 "Shall ...(name of component independent special
1271 district)... and ...(name of component independent special
1272 district or districts)... be merged into ...(name of newly
1273 merged independent district)... if the voter-approved maximum
1274 millage rate within each independent special district will not
1275 increase absent a subsequent referendum?"

1276YES

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1277 NO"

1278 5.e. In any referendum held pursuant to this section
1279 ~~subsection~~, the ballots shall be counted, returns made and
1280 canvassed, and results certified in the same manner as other
1281 elections or referenda for the component independent special
1282 districts.

1283 6.f. The merger may not take effect unless a majority of
1284 the votes cast in each component independent special district
1285 are in favor of the merger. If one of the component independent
1286 special districts does not obtain a majority vote, the
1287 referendum fails, and merger does not take effect.

1288 7.g. If the merger is approved by a majority of the votes
1289 cast in each component independent special district, the merged
1290 district shall notify the Special District Accountability
1291 ~~Information~~ Program pursuant to s. 189.016(2) ~~189.418(2)~~ and the
1292 local general-purpose governments in which any part of the
1293 component independent special districts is situated pursuant to
1294 s. 189.016(7) ~~189.418(7)~~.

1295 8.h. If the referendum fails, the merger process under this
1296 subsection ~~paragraph~~ may not be initiated for the same purpose
1297 within 2 years after the date of the referendum.

1298 (h)g. Component independent special districts merged
1299 pursuant to an elector-initiated merger plan shall continue to
1300 be governed as before the merger until the effective date
1301 specified in the adopted elector-initiated merger plan.

1302 (4)(d) ~~EFFECTIVE DATE.~~—The effective date of the merger
1303 shall be as provided in the joint merger plan or elector-
1304 initiated merger plan, as appropriate, and is not contingent
1305 upon the future act of the Legislature.

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1306 (a)1- However, as soon as practicable, the merged
1307 independent district shall, at its own expense, submit a unified
1308 charter for the merged district to the Legislature for approval.
1309 The unified charter must make the powers of the district
1310 consistent within the merged independent district and repeal the
1311 special acts of the districts which existed before the merger.

1312 (b)2- Within 30 business days after the effective date of
1313 the merger, the merged independent district's governing body, as
1314 indicated in this section ~~subsection~~, shall hold an
1315 organizational meeting to implement the provisions of the joint
1316 merger plan or elector-initiated merger plan, as appropriate.

1317 (5) ~~(e)~~ RESTRICTIONS DURING TRANSITION PERIOD.—Until the
1318 Legislature formally approves the unified charter pursuant to a
1319 special act, each component independent special district is
1320 considered a subunit of the merged independent district subject
1321 to the following restrictions:

1322 (a)1- During the transition period, the merged independent
1323 district is limited in its powers and financing capabilities
1324 within each subunit to those powers that existed within the
1325 boundaries of each subunit which were previously granted to the
1326 component independent special district in its existing charter
1327 before the merger. The merged independent district may not,
1328 solely by reason of the merger, increase its powers or financing
1329 capability.

1330 (b)2- During the transition period, the merged independent
1331 district shall exercise only the legislative authority to levy
1332 and collect revenues within the boundaries of each subunit which
1333 was previously granted to the component independent special
1334 district by its existing charter before the merger, including

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1335 the authority to levy ad valorem taxes, non-ad valorem
1336 assessments, impact fees, and charges.

1337 1.a. The merged independent district may not, solely by
1338 reason of the merger or the legislatively approved unified
1339 charter, increase ad valorem taxes on property within the
1340 original limits of a subunit beyond the maximum millage rate
1341 approved by the electors of the component independent special
1342 district unless the electors of such subunit approve an increase
1343 at a subsequent referendum of the subunit's electors. Each
1344 subunit may be considered a separate taxing unit.

1345 2.b. The merged independent district may not, solely by
1346 reason of the merger, charge non-ad valorem assessments, impact
1347 fees, or other new fees within a subunit which were not
1348 otherwise previously authorized to be charged.

1349 (c)3. During the transition period, each component
1350 independent special district of the merged independent district
1351 must continue to file all information and reports required under
1352 this chapter as subunits until the Legislature formally approves
1353 the unified charter pursuant to a special act.

1354 (d)4. The intent of this part ~~section~~ is to preserve and
1355 transfer to the merged independent district all authority that
1356 exists within each subunit and was previously granted by the
1357 Legislature and, if applicable, by referendum.

1358 (6) ~~(f)~~ EFFECT OF MERGER, GENERALLY.—On and after the
1359 effective date of the merger, the merged independent district
1360 shall be treated and considered for all purposes as one entity
1361 under the name and on the terms and conditions set forth in the
1362 joint merger plan or elector-initiated merger plan, as
1363 appropriate.

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1364 (a)1- All rights, privileges, and franchises of each
1365 component independent special district and all assets, real and
1366 personal property, books, records, papers, seals, and equipment,
1367 as well as other things in action, belonging to each component
1368 independent special district before the merger shall be deemed
1369 as transferred to and vested in the merged independent district
1370 without further act or deed.

1371 (b)2- All property, rights-of-way, and other interests are
1372 as effectually the property of the merged independent district
1373 as they were of the component independent special district
1374 before the merger. The title to real estate, by deed or
1375 otherwise, under the laws of this state vested in any component
1376 independent special district before the merger may not be deemed
1377 to revert or be in any way impaired by reason of the merger.

1378 (c)3- The merged independent district is in all respects
1379 subject to all obligations and liabilities imposed and possesses
1380 all the rights, powers, and privileges vested by law in other
1381 similar entities.

1382 (d)4- Upon the effective date of the merger, the joint
1383 merger plan or elector-initiated merger plan, as appropriate, is
1384 subordinate in all respects to the contract rights of all
1385 holders of any securities or obligations of the component
1386 independent special districts outstanding at the effective date
1387 of the merger.

1388 (e)5- The new registration of electors is not necessary as
1389 a result of the merger, but all elector registrations of the
1390 component independent special districts shall be transferred to
1391 the proper registration books of the merged independent
1392 district, and new registrations shall be made as provided by law

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1393 as if no merger had taken place.

1394 (7)~~(g)~~ GOVERNING BODY OF MERGED INDEPENDENT DISTRICT.—

1395 (a)~~1.~~ From the effective date of the merger until the next
1396 general election, the governing body of the merged independent
1397 district shall be comprised of the governing body members of
1398 each component independent special district, with such members
1399 serving until the governing body members elected at the next
1400 general election take office.

1401 (b)~~2.~~ Beginning with the next general election following
1402 the effective date of merger, the governing body of the merged
1403 independent district shall be comprised of five members. The
1404 office of each governing body member shall be designated by
1405 seat, which shall be distinguished from other body member seats
1406 by an assigned numeral: 1, 2, 3, 4, or 5. The governing body
1407 members that are elected in this initial election following the
1408 merger shall serve unequal terms of 2 and 4 years in order to
1409 create staggered membership of the governing body, with:

1410 1.a.~~Member seats 1, 3, and 5 being designated for 4-year~~
1411 terms; and

1412 2.b.~~Member seats 2 and 4 being designated for 2-year~~
1413 terms.

1414 (c)~~3.~~ In general elections thereafter, all governing body
1415 members shall serve 4-year terms.

1416 (8)~~(h)~~ EFFECT ON EMPLOYEES.—Except as otherwise provided by
1417 law and except for those officials and employees protected by
1418 tenure of office, civil service provisions, or a collective
1419 bargaining agreement, upon the effective date of merger, all
1420 appointive offices and positions existing in all component
1421 independent special districts involved in the merger are subject

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1422 to the terms of the joint merger plan or elector-initiated
1423 merger plan, as appropriate. Such plan may provide for instances
1424 in which there are duplications of positions and for other
1425 matters such as varying lengths of employee contracts, varying
1426 pay levels or benefits, different civil service regulations in
1427 the constituent entities, and differing ranks and position
1428 classifications for similar positions. For those employees who
1429 are members of a bargaining unit certified by the Public
1430 Employees Relations Commission, the requirements of chapter 447
1431 apply.

1432 (9)~~(i)~~ EFFECT ON DEBTS, LIABILITIES, AND OBLIGATIONS.—

1433 (a)~~1.~~ All valid and lawful debts and liabilities existing
1434 against a merged independent district, or which may arise or
1435 accrue against the merged independent district, which but for
1436 merger would be valid and lawful debts or liabilities against
1437 one or more of the component independent special districts, are
1438 debts against or liabilities of the merged independent district
1439 and accordingly shall be defrayed and answered to by the merged
1440 independent district to the same extent, and no further than,
1441 the component independent special districts would have been
1442 bound if a merger had not taken place.

1443 (b)~~2.~~ The rights of creditors and all liens upon the
1444 property of any of the component independent special districts
1445 shall be preserved unimpaired. The respective component
1446 districts shall be deemed to continue in existence to preserve
1447 such rights and liens, and all debts, liabilities, and duties of
1448 any of the component districts attach to the merged independent
1449 district.

1450 (c)~~3.~~ All bonds, contracts, and obligations of the

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1451 component independent special districts which exist as legal
1452 obligations are obligations of the merged independent district,
1453 and all such obligations shall be issued or entered into by and
1454 in the name of the merged independent district.

1455 (10) ~~(j)~~ EFFECT ON ACTIONS AND PROCEEDINGS.—In any action or
1456 proceeding pending on the effective date of merger to which a
1457 component independent special district is a party, the merged
1458 independent district may be substituted in its place, and the
1459 action or proceeding may be prosecuted to judgment as if merger
1460 had not taken place. Suits may be brought and maintained against
1461 a merged independent district in any state court in the same
1462 manner as against any other independent special district.

1463 (11) ~~(k)~~ EFFECT ON ANNEXATION.—Chapter 171 continues to
1464 apply to all annexations by a city within the component
1465 independent special districts' boundaries after merger occurs.
1466 Any moneys owed to a component independent special district
1467 pursuant to s. 171.093, or any interlocal service boundary
1468 agreement as a result of annexation predating the merger, shall
1469 be paid to the merged independent district after merger.

1470 (12) ~~(l)~~ EFFECT ON MILLAGE CALCULATIONS.—The merged
1471 independent special district is authorized to continue or
1472 conclude procedures under chapter 200 on behalf of the component
1473 independent special districts. The merged independent special
1474 district shall make the calculations required by chapter 200 for
1475 each component individual special district separately.

1476 (13) ~~(m)~~ DETERMINATION OF RIGHTS.—If any right, title,
1477 interest, or claim arises out of a merger or by reason thereof
1478 which is not determinable by reference to this subsection, the
1479 joint merger plan or elector-initiated merger plan, as

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1480 appropriate, or otherwise under the laws of this state, the
 1481 governing body of the merged independent district may provide
 1482 therefor in a manner conforming to law.

1483 ~~(14)(n)~~ EXEMPTION.—This section ~~subsection~~ does not apply
 1484 to independent special districts whose governing bodies are
 1485 elected by district landowners voting the acreage owned within
 1486 the district.

1487 ~~(15)(o)~~ PREEMPTION.—This section ~~subsection~~ preempts any
 1488 special act to the contrary.

1489 Section 22. Subsection (6) of section 189.4042, Florida
 1490 Statutes, is transferred, renumbered as section 189.075, Florida
 1491 Statutes, and amended to read:

1492 189.075 ~~189.4042~~ Involuntary merger of independent special
 1493 districts Merger and dissolution procedures.—

1494 ~~(6) INVOLUNTARY MERGER OF INDEPENDENT SPECIAL DISTRICTS.~~—

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

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1509 local general-purpose government passes an ordinance or
 1510 resolution in support of the merger of an active independent
 1511 special district, the local general-purpose government must pay
 1512 any expenses associated with the referendum required under this
 1513 subsection ~~paragraph~~.

1514 (2) ~~(b)~~ INDEPENDENT SPECIAL DISTRICTS CREATED BY A COUNTY OR
 1515 MUNICIPALITY.—A county or municipality may merge an independent
 1516 special district created by the county or municipality pursuant
 1517 to a referendum or any other procedure by which the independent
 1518 special district was created. However, if the independent
 1519 special district has ad valorem taxation powers, the same
 1520 procedure required to grant the independent special district ad
 1521 valorem taxation powers is required to merge the district. The
 1522 political subdivisions proposing the involuntary merger of an
 1523 active independent special district must pay any expenses
 1524 associated with the referendum required under this subsection
 1525 ~~paragraph~~.

1526 (3) ~~(c)~~ INACTIVE INDEPENDENT SPECIAL DISTRICTS.—An
 1527 independent special district that meets any criteria for being
 1528 declared inactive, or that has already been declared inactive,
 1529 pursuant to s. 189.062 ~~189.4044~~ may be merged by special act
 1530 without a referendum.

1531 Section 23. Subsection (7) of section 189.4042, Florida
 1532 Statutes, is transferred, renumbered as section 189.0761,
 1533 Florida Statutes, and amended to read:

1534 189.0761 ~~189.4042~~ ~~Merger and dissolution procedures.~~

1535 ~~(7)~~ Exemptions.—This part ~~section~~ does not apply to
 1536 community development districts implemented pursuant to chapter
 1537 190 or to water management districts created and operated

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1538 pursuant to chapter 373.

1539 Section 24. Section 189.4044, Florida Statutes, is
1540 transferred and renumbered as section 189.062, Florida Statutes,
1541 subsections (1) and (3) of that section are amended, and
1542 subsections (5) and (6) are added to that section, to read:

1543 189.062 ~~189.4044~~ Special procedures for inactive
1544 districts.—

1545 (1) The department shall declare inactive any special
1546 district in this state by documenting that:

1547 (a) The special district meets one of the following
1548 criteria:

1549 1. The registered agent of the district, the chair of the
1550 governing body of the district, or the governing body of the
1551 appropriate local general-purpose government notifies the
1552 department in writing that the district has taken no action for
1553 2 or more years.†

1554 2. ~~Following an inquiry from the department,~~ The registered
1555 agent of the district, the chair of the governing body of the
1556 district, or the governing body of the appropriate local
1557 general-purpose government notifies the department in writing
1558 that the district has not had a governing body ~~board~~ or a
1559 sufficient number of governing body ~~board~~ members to constitute
1560 a quorum for 2 or more years.

1561 3. ~~or~~ The registered agent of the district, the chair of
1562 the governing body of the district, or the governing body of the
1563 appropriate local general-purpose government fails to respond to
1564 an the department's inquiry from the department within 21 days.†

1565 4.3. The department determines, pursuant to s. 189.067
1566 ~~189.421~~, that the district has failed to file any of the reports

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1567 listed in s. 189.066. ~~189.419;~~

1568 5.4. The district has not had a registered office and agent
1569 on file with the department for 1 or more years. ~~;~~ ~~or~~

1570 6.5. The governing body of a special district provides
1571 documentation to the department that it has unanimously adopted
1572 a resolution declaring the special district inactive. The
1573 special district shall be responsible for payment of any
1574 expenses associated with its dissolution. A special district
1575 declared inactive pursuant to this subparagraph may be dissolved
1576 without a referendum.

1577 (b) The department, special district, or local general-
1578 purpose government published a notice of proposed declaration of
1579 inactive status in a newspaper of general circulation in the
1580 county or municipality in which the territory of the special
1581 district is located and sent a copy of such notice by certified
1582 mail to the registered agent or chair of the governing body
1583 ~~board~~, if any. Such notice must include the name of the special
1584 district, the law under which it was organized and operating, a
1585 general description of the territory included in the special
1586 district, and a statement that any objections must be filed
1587 pursuant to chapter 120 within 21 days after the publication
1588 date; and

1589 (c) Twenty-one days have elapsed from the publication date
1590 of the notice of proposed declaration of inactive status and no
1591 administrative appeals were filed.

1592 (3) In the case of a district created by special act of the
1593 Legislature, the department shall send a notice of declaration
1594 of inactive status to the Speaker of the House of
1595 Representatives, ~~and~~ the President of the Senate, the standing

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1596 committees of the Senate and the House of Representatives
1597 charged with special district oversight as determined by the
1598 presiding officers of each respective chamber, and the
1599 Legislative Auditing Committee. The notice of declaration of
1600 inactive status shall reference each known special act creating
1601 or amending the charter of any special district declared to be
1602 inactive under this section. The declaration of inactive status
1603 shall be sufficient notice as required by s. 10, Art. III of the
1604 State Constitution to authorize the Legislature to repeal any
1605 special laws so reported. In the case of a district created by
1606 one or more local general-purpose governments, the department
1607 shall send a notice of declaration of inactive status to the
1608 chair of the governing body of each local general-purpose
1609 government that created the district. In the case of a district
1610 created by interlocal agreement, the department shall send a
1611 notice of declaration of inactive status to the chair of the
1612 governing body of each local general-purpose government which
1613 entered into the interlocal agreement.

1614 (5) A special district declared inactive under this section
1615 may not collect taxes, fees, or assessments unless the
1616 declaration is:

1617 (a) Withdrawn or revoked by the department; or
1618 (b) Invalidated in proceedings initiated by the special
1619 district within 30 days after the date written notice of the
1620 declaration was provided to the special district governing body
1621 by physical or electronic delivery, receipt confirmed. The
1622 special district governing body may initiate invalidation
1623 proceedings within the period authorized in this paragraph by:

1624 1. Filing with the department a petition for an

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1625 administrative hearing pursuant to s. 120.569; or

1626 2. Filing an action for declaratory and injunctive relief
1627 under chapter 86 in the circuit court of the judicial circuit in
1628 which the majority of the geographic area of the district is
1629 located.

1630 (6) If the governing body of a special district that is
1631 declared inactive pursuant to this section does not initiate a
1632 timely challenge to such declaration or if the department
1633 prevails in a proceeding initiated under subsection (5), the
1634 department may enforce the prohibitions in subsection (5) by
1635 filing a petition for enforcement with the circuit court in and
1636 for Leon County. The petition may request declaratory,
1637 injunctive, or other equitable relief, including the appointment
1638 of a receiver, and any forfeiture or other remedy provided by
1639 law. The prevailing party shall be awarded costs of litigation
1640 and reasonable attorney fees in any proceeding brought under
1641 this subsection and subsection (5).

1642 Section 25. Section 189.4045, Florida Statutes, is
1643 transferred and renumbered as section 189.076, Florida Statutes.

1644 Section 26. Section 189.4047, Florida Statutes, is
1645 transferred and renumbered as section 189.021, Florida Statutes.

1646 Section 27. Subsections (1), (2), (3), (4), (6), and (7) of
1647 section 189.405, Florida Statutes, are transferred and
1648 renumbered as subsections (1) through (6) of section 189.04,
1649 Florida Statutes, respectively, and present subsection (1),
1650 paragraph (c) of present subsection (2), and present subsections
1651 (3), (4), and (7) of that section are amended, to read:

1652 189.04 ~~189.405~~ Elections; general requirements and
1653 procedures; ~~education programs.~~

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1654 (1) If a dependent special district has an elected
1655 governing body ~~board~~, elections shall be conducted by the
1656 supervisor of elections of the county wherein the district is
1657 located in accordance with the Florida Election Code, chapters
1658 97-106.

1659 (2)

1660 (c) A candidate for a position on a governing body ~~board~~ of
1661 a single-county special district that has its elections
1662 conducted by the supervisor of elections shall qualify for the
1663 office with the county supervisor of elections in whose
1664 jurisdiction the district is located. Elections for governing
1665 body ~~board~~ members elected by registered electors shall be
1666 nonpartisan, except when partisan elections are specified by a
1667 district's charter. Candidates shall qualify as directed by
1668 chapter 99. The qualifying fee shall be remitted to the general
1669 revenue fund of the qualifying officer to help defray the cost
1670 of the election.

1671 (3) (a) If a multicounty special district has a popularly
1672 elected governing body ~~board~~, elections for the purpose of
1673 electing members to such governing body ~~board~~ shall conform to
1674 the Florida Election Code, chapters 97-106.

1675 (b) With the exception of those districts conducting
1676 elections on a one-acre/one-vote basis, qualifying for
1677 multicounty special district governing body ~~board~~ positions
1678 shall be coordinated by the Department of State. Elections for
1679 governing body ~~board~~ members elected by registered electors
1680 shall be nonpartisan, except when partisan elections are
1681 specified by a district's charter. Candidates shall qualify as
1682 directed by chapter 99. The qualifying fee shall be remitted to

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1683 the Department of State.

1684 (4) With the exception of elections of special district
1685 governing body ~~board~~ members conducted on a one-acre/one-vote
1686 basis, in any election conducted in a special district the
1687 decision made by a majority of those voting shall prevail,
1688 except as otherwise specified by law.

1689 ~~(6)~~ ~~(7)~~ Nothing in this act requires that a special district
1690 governed by an appointed governing body ~~board~~ convert to an
1691 elected governing body ~~board~~.

1692 Section 28. Subsection (5) of section 189.405, Florida
1693 Statutes, is transferred, renumbered as section 189.063, Florida
1694 Statutes, and amended to read:

1695 189.063 ~~189.405~~ Education programs for new members of
1696 district governing bodies ~~Elections; general requirements and~~
1697 ~~procedures; education programs.-~~

1698 ~~(1)~~ ~~(5)~~ ~~(a)~~ The department may provide, contract for, or
1699 assist in conducting education programs, as its budget permits,
1700 for all newly elected or appointed members of district governing
1701 bodies ~~boards~~. The education programs shall include, but are not
1702 limited to, courses on the code of ethics for public officers
1703 and employees, public meetings and public records requirements,
1704 public finance, and parliamentary procedure. ~~Course content may~~
1705 ~~be offered by means of the following: videotapes, live seminars,~~
1706 ~~workshops, conferences, teleconferences, computer based~~
1707 ~~training, multimedia presentations, or other available~~
1708 ~~instructional methods.~~

1709 ~~(2)~~ ~~(b)~~ An individual district governing body ~~board~~, at its
1710 discretion, may bear the costs associated with educating its
1711 members. Governing body ~~Board~~ members of districts which have

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1712 qualified for a zero annual fee for the most recent invoicing
 1713 period pursuant to s. 189.018 ~~are 189.427~~ shall not be required
 1714 to pay a fee for any education program the department provides,
 1715 contracts for, or assists in conducting.

1716 Section 29. Section 189.4051, Florida Statutes, is
 1717 transferred, renumbered as section 189.041, Florida Statutes,
 1718 and amended to read:

1719 189.041 ~~189.4051~~ Elections; special requirements and
 1720 procedures for districts with governing bodies ~~boards~~ elected on
 1721 a one-acre/one-vote basis.-

1722 (1) DEFINITIONS.-As used in this section:

1723 (a) "Qualified elector" means any person at least 18 years
 1724 of age who is a citizen of the United States, a permanent
 1725 resident of Florida, and a freeholder or freeholder's spouse and
 1726 resident of the district who registers with the supervisor of
 1727 elections of a county within which the district lands are
 1728 located when the registration books are open.

1729 (b) "Urban area" means a contiguous developed and inhabited
 1730 urban area within a district with a minimum average resident
 1731 population density of at least 1.5 persons per acre as defined
 1732 by the latest official census, special census, or population
 1733 estimate or a minimum density of one single-family home per 2.5
 1734 acres with access to improved roads or a minimum density of one
 1735 single-family home per 5 acres within a recorded plat
 1736 subdivision. Urban areas shall be designated by the governing
 1737 body ~~board~~ of the district with the assistance of all local
 1738 general-purpose governments having jurisdiction over the area
 1739 within the district.

1740 (c) "Governing body ~~board~~ member" means any duly elected

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1741 member of the governing body ~~board~~ of a special district elected
1742 pursuant to this section, provided that a ~~any~~ ~~board~~ member
1743 elected by popular vote shall be a qualified district elector
1744 and a ~~any~~ ~~board~~ member elected on a one-acre/one-vote basis
1745 shall meet the requirements of s. 298.11 for election to the
1746 governing body ~~board~~.

1747 (d) "Contiguous developed urban area" means any reasonably
1748 compact urban area located entirely within a special district.
1749 The separation of urban areas by a publicly owned park, right-
1750 of-way, highway, road, railroad, canal, utility, body of water,
1751 watercourse, or other minor geographical division of a similar
1752 nature shall not prevent such areas from being defined as urban
1753 areas.

1754 (2) POPULAR ELECTIONS; REFERENDUM; DESIGNATION OF URBAN
1755 AREAS.—

1756 (a) *Referendum*.—

1757 1. A referendum shall be called by the governing body ~~board~~
1758 of a special district where the governing body ~~board~~ is elected
1759 on a one-acre/one-vote basis on the question of whether certain
1760 members of a district governing body ~~board~~ should be elected by
1761 qualified electors, provided each of the following conditions
1762 has been satisfied at least 60 days before ~~prior to~~ the general
1763 or special election at which the referendum is to be held:

1764 a. The district shall have a total population, according to
1765 the latest official state census, a special census, or a
1766 population estimate, of at least 500 qualified electors.

1767 b. A petition signed by 10 percent of the qualified
1768 electors of the district shall have been filed with the
1769 governing body ~~board~~ of the district. The petition shall be

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1770 submitted to the supervisor of elections of the county or
1771 counties in which the lands are located. The supervisor shall,
1772 within 30 days after the receipt of the petitions, certify to
1773 the governing body ~~board~~ the number of signatures of qualified
1774 electors contained on the petition.

1775 2. Upon verification by the supervisor or supervisors of
1776 elections of the county or counties within which district lands
1777 are located that 10 percent of the qualified electors of the
1778 district have petitioned the governing body ~~board~~, a referendum
1779 election shall be called by the governing body ~~board~~ at the next
1780 regularly scheduled election of governing body ~~board~~ members
1781 occurring at least 30 days after verification of the petition or
1782 within 6 months of verification, whichever is earlier.

1783 3. If the qualified electors approve the election procedure
1784 described in this subsection, the governing body ~~board~~ of the
1785 district shall be increased to five members and elections shall
1786 be held pursuant to the criteria described in this subsection
1787 beginning with the next regularly scheduled election of
1788 governing body ~~board~~ members or at a special election called
1789 within 6 months following the referendum and final unappealed
1790 approval of district urban area maps as provided in paragraph
1791 (b), whichever is earlier.

1792 4. If the qualified electors of the district disapprove the
1793 election procedure described in this subsection, elections of
1794 the members of the governing body ~~board~~ shall continue as
1795 described by s. 298.12 or the enabling legislation for the
1796 district. No further referendum on the question shall be held
1797 for a minimum period of 2 years following the referendum.

1798 (b) *Designation of urban areas.*—

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1799 1. Within 30 days after approval of the election process
1800 described in this subsection by qualified electors of the
1801 district, the governing body ~~board~~ shall direct the district
1802 staff to prepare and present maps of the district describing the
1803 extent and location of all urban areas within the district. Such
1804 determination shall be based upon the criteria contained within
1805 paragraph (1)(b).

1806 2. Within 60 days after approval of the election process
1807 described in this subsection by qualified electors of the
1808 district, the maps describing urban areas within the district
1809 shall be presented to the governing body ~~board~~.

1810 3. Any district landowner or elector may contest the
1811 accuracy of the urban area maps prepared by the district staff
1812 within 30 days after submission to the governing body ~~board~~.
1813 Upon notice of objection to the maps, the governing body ~~board~~
1814 shall request the county engineer to prepare and present maps of
1815 the district describing the extent and location of all urban
1816 areas within the district. Such determination shall be based
1817 upon the criteria contained within paragraph (1)(b). Within 30
1818 days after the governing body ~~board~~ request, the county engineer
1819 shall present the maps to the governing body ~~board~~.

1820 4. Upon presentation of the maps by the county engineer,
1821 the governing body ~~board~~ shall compare the maps submitted by
1822 both the district staff and the county engineer and make a
1823 determination as to which set of maps to adopt. Within 60 days
1824 after presentation of all such maps, the governing body ~~board~~
1825 may amend and shall adopt the official maps at a regularly
1826 scheduled meeting of the governing body ~~board meeting~~.

1827 5. Any district landowner or qualified elector may contest

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1828 the accuracy of the urban area maps adopted by the governing
1829 body ~~board~~ within 30 days after adoption by petition to the
1830 circuit court with jurisdiction over the district. Accuracy
1831 shall be determined pursuant to paragraph (1) (b). Any petitions
1832 so filed shall be heard expeditiously, and the maps shall either
1833 be approved or approved with necessary amendments to render the
1834 maps accurate and shall be certified to the governing body
1835 ~~board~~.

1836 6. Upon adoption by the governing body ~~board~~ or
1837 certification by the court, the district urban area maps shall
1838 serve as the official maps for determination of the extent of
1839 urban area within the district and the number of governing body
1840 ~~board~~ members to be elected by qualified electors and by the
1841 one-acre/one-vote principle at the next regularly scheduled
1842 election of governing body ~~board~~ members.

1843 7. Upon a determination of the percentage of urban area
1844 within the district as compared with total area within the
1845 district, the governing body ~~board~~ shall order elections in
1846 accordance with the percentages pursuant to paragraph (3) (a).
1847 The landowners' meeting date shall be designated by the
1848 governing body ~~board~~.

1849 8. The maps shall be updated and readopted every 5 years or
1850 sooner in the discretion of the governing body ~~board~~.

1851 (3) GOVERNING BODY ~~BOARD~~.—

1852 (a) *Composition* ~~of board~~.—

1853 1. Members of the governing body ~~board~~ of the district
1854 shall be elected in accordance with the following determinations
1855 of urban area:

1856 a. If urban areas constitute 25 percent or less of the

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1857 district, one governing body ~~board~~ member shall be elected by
1858 the qualified electors and four governing body ~~board~~ members
1859 shall be elected in accordance with the one-acre/one-vote
1860 principle contained within s. 298.11 or the district-enabling
1861 legislation.

1862 b. If urban areas constitute 26 percent to 50 percent of
1863 the district, two governing body ~~board~~ members shall be elected
1864 by the qualified electors and three governing body ~~board~~ members
1865 shall be elected in accordance with the one-acre/one-vote
1866 principle contained within s. 298.11 or the district-enabling
1867 legislation.

1868 c. If urban areas constitute 51 percent to 70 percent of
1869 the district, three governing body ~~board~~ members shall be
1870 elected by the qualified electors and two governing body ~~board~~
1871 members shall be elected in accordance with the one-acre/one-
1872 vote principle contained within s. 298.11 or the district-
1873 enabling legislation.

1874 d. If urban areas constitute 71 percent to 90 percent of
1875 the district, four governing body ~~board~~ members shall be elected
1876 by the qualified electors and one governing body ~~board~~ member
1877 shall be elected in accordance with the one-acre/one-vote
1878 principle contained within s. 298.11 or the district-enabling
1879 legislation.

1880 e. If urban areas constitute 91 percent or more of the
1881 district, all governing body ~~board~~ members shall be elected by
1882 the qualified electors.

1883 2. All governing body ~~board~~ members elected by qualified
1884 electors shall be elected at large.

1885 (b) *Term of office.*—All governing body ~~board~~ members

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1886 elected by qualified electors shall have a term of 4 years
1887 except for governing body ~~board~~ members elected at the first
1888 election and the first landowners' meeting following the
1889 referendum prescribed in paragraph (2) (a). Governing body ~~board~~
1890 members elected at the first election and the first landowners'
1891 meeting following the referendum shall serve as follows:

1892 1. If one governing body ~~board~~ member is elected by the
1893 qualified electors and four are elected on a one-acre/one-vote
1894 basis, the governing body ~~board~~ member elected by the qualified
1895 electors shall be elected for a period of 4 years. Governing
1896 body ~~board~~ members elected on a one-acre/one-vote basis shall be
1897 elected for periods of 1, 2, 3, and 4 years, respectively, as
1898 prescribed by ss. 298.11 and 298.12.

1899 2. If two governing body ~~board~~ members are elected by the
1900 qualified electors and three are elected on a one-acre/one-vote
1901 basis, the governing body ~~board~~ members elected by the electors
1902 shall be elected for a period of 4 years. Governing body ~~board~~
1903 members elected on a one-acre/one-vote basis shall be elected
1904 for periods of 1, 2, and 3 years, respectively, as prescribed by
1905 ss. 298.11 and 298.12.

1906 3. If three governing body ~~board~~ members are elected by the
1907 qualified electors and two are elected on a one-acre/one-vote
1908 basis, two of the governing body ~~board~~ members elected by the
1909 electors shall be elected for a term of 4 years and the other
1910 governing body ~~board~~ member elected by the electors shall be
1911 elected for a term of 2 years. Governing body ~~board~~ members
1912 elected on a one-acre/one-vote basis shall be elected for terms
1913 of 1 and 2 years, respectively, as prescribed by ss. 298.11 and
1914 298.12.

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1915 4. If four governing body ~~board~~ members are elected by the
1916 qualified electors and one is elected on a one-acre/one-vote
1917 basis, two of the governing body ~~board~~ members elected by the
1918 electors shall be elected for a term of 2 years and the other
1919 two for a term of 4 years. The governing body ~~board~~ member
1920 elected on a one-acre/one-vote basis shall be elected for a term
1921 of 1 year as prescribed by ss. 298.11 and 298.12.

1922 5. If five governing body ~~board~~ members are elected by the
1923 qualified electors, three shall be elected for a term of 4 years
1924 and two for a term of 2 years.

1925 6. If any vacancy occurs in a seat occupied by a governing
1926 body ~~board~~ member elected by the qualified electors, the
1927 remaining members of the governing body ~~board~~ shall, within 45
1928 days after the vacancy occurs, appoint a person who would be
1929 eligible to hold the office to the unexpired term.

1930 (c) *Landowners' meetings.*—

1931 1. An annual landowners' meeting shall be held pursuant to
1932 s. 298.11 and at least one governing body ~~board~~ member shall be
1933 elected on a one-acre/one-vote basis pursuant to s. 298.12 for
1934 so long as 10 percent or more of the district is not contained
1935 in an urban area. In the event all district governing body ~~board~~
1936 members are elected by qualified electors, there shall be no
1937 further landowners' meetings.

1938 2. At any landowners' meeting called pursuant to this
1939 section, 50 percent of the district acreage shall not be
1940 required to constitute a quorum and each governing body ~~board~~
1941 member shall be elected by a majority of the acreage represented
1942 either by owner or proxy present and voting at said meeting.

1943 3. All landowners' meetings of districts operating pursuant

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1944 to this section shall be set by the governing body ~~board~~ within
1945 the month preceding the month of the election of the governing
1946 body ~~board~~ members by the electors.

1947 4. Vacancies on the governing body ~~board~~ shall be filled
1948 pursuant to s. 298.12 except as otherwise provided in
1949 subparagraph (b)6.

1950 (4) QUALIFICATIONS.—Elections for governing body ~~board~~
1951 members elected by qualified electors shall be nonpartisan.
1952 Qualifications shall be pursuant to the Florida Election Code
1953 and shall occur during the qualifying period established by s.
1954 99.061. Qualification requirements shall only apply to those
1955 governing body ~~board~~ member candidates elected by qualified
1956 electors. Following the first election pursuant to this section,
1957 elections to the governing body ~~board~~ by qualified electors
1958 shall occur at the next regularly scheduled election closest in
1959 time to the expiration date of the term of the elected governing
1960 body ~~board~~ member. If the next regularly scheduled election is
1961 beyond the normal expiration time for the term of an elected
1962 governing body ~~board~~ member, the governing body ~~board~~ member
1963 shall hold office until the election of a successor.

1964 (5) Those districts established as single-purpose water
1965 control districts, and which continue to act as single-purpose
1966 water control districts, pursuant to chapter 298, pursuant to a
1967 special act, pursuant to a local government ordinance, or
1968 pursuant to a judicial decree, shall be exempt from the
1969 provisions of this section. All other independent special
1970 districts with governing bodies ~~boards~~ elected on a one-
1971 acre/one-vote basis shall be subject to the provisions of this
1972 section.

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1973 (6) The provisions of this section shall not apply to
 1974 community development districts established pursuant to chapter
 1975 190.

1976 Section 30. Section 189.4065, Florida Statutes, is
 1977 transferred and renumbered as section 189.05, Florida Statutes.

1978 Section 31. Section 189.408, Florida Statutes, is
 1979 transferred and renumbered as section 189.042, Florida Statutes.

1980 Section 32. Section 189.4085, Florida Statutes, is
 1981 transferred and renumbered as section 189.051, Florida Statutes.

1982 Section 33. Section 189.412, Florida Statutes, is
 1983 transferred and renumbered as section 189.064, Florida Statutes,
 1984 and amended to read:

1985 189.064 ~~189.412~~ Special District Accountability Information
 1986 Program; duties and responsibilities.—The Special District
 1987 Accountability Information Program of the department of ~~Economic~~
 1988 ~~Opportunity is created and~~ has the following ~~special~~ duties:

1989 (1) Electronically publishing ~~The collection and~~
 1990 ~~maintenance of~~ special district noncompliance status reports
 1991 from the department of ~~Management Services~~, the Department of
 1992 Financial Services, the Division of Bond Finance of the State
 1993 Board of Administration, the Auditor General, and the
 1994 Legislative Auditing Committee, for the reporting required in
 1995 ss. 112.63, 218.32, 218.38, and 218.39. The noncompliance
 1996 reports must list those special districts that did not comply
 1997 with the statutory reporting requirements and be made available
 1998 to the public electronically.

1999 (2) Maintaining the official list of special districts ~~The~~
 2000 ~~maintenance of a master list of independent and dependent~~
 2001 ~~special districts which shall be available on the department's~~

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website.

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

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

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

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

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

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

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

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

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

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2031 (7) Helping special districts comply with reporting
2032 requirements.~~7~~

2033 (8) Declaring special districts inactive when ~~appropriate,~~
2034 ~~and, when~~ directed by the Legislative Auditing Committee or
2035 required by this chapter.~~7~~

2036 (9) Initiating enforcement proceedings ~~provisions~~ as
2037 provided in ss. 189.062, 189.066, and 189.067 ~~189.4044, 189.419,~~
2038 ~~and 189.421.~~

2039 Section 34. Section 189.413, Florida Statutes, is
2040 transferred and renumbered as section 189.065, Florida Statutes,
2041 and amended to read:

2042 189.065 ~~189.413~~ Special districts; oversight of state funds
2043 use.—Any state agency administering funding programs for which
2044 special districts are eligible shall be responsible for
2045 oversight of the use of such funds by special districts. The
2046 oversight responsibilities shall include, but not be limited to:

2047 (1) Reporting the existence of the program to the Special
2048 District Accountability Information ~~Information~~ Program of the department.

2049 (2) Submitting annually a list of special districts
2050 participating in a state funding program to the Special District
2051 Accountability Information ~~Information~~ Program of the department. This list
2052 must indicate the special districts, if any, that are not in
2053 compliance with state funding program requirements.

2054 Section 35. Section 189.415, Florida Statutes, is
2055 transferred and renumbered as section 189.08, Florida Statutes.

2056 Section 36. Section 189.4155, Florida Statutes, is
2057 transferred and renumbered as section 189.081, Florida Statutes.

2058 Section 37. Section 189.4156, Florida Statutes, is
2059 transferred and renumbered as section 189.082, Florida Statutes.

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2060 Section 38. Section 189.416, Florida Statutes, is
2061 transferred and renumbered as section 189.014, Florida Statutes,
2062 and subsection (1) of that section is amended, to read:

2063 189.014 ~~189.416~~ Designation of registered office and
2064 agent.—

2065 (1) Within 30 days after the first meeting of its governing
2066 body ~~board~~, each special district in the state shall designate a
2067 registered office and a registered agent and file such
2068 information with the local governing authority or authorities
2069 and with the department. The registered agent shall be an agent
2070 of the district upon whom any process, notice, or demand
2071 required or permitted by law to be served upon the district may
2072 be served. A registered agent shall be an individual resident of
2073 this state whose business address is identical with the
2074 registered office of the district. The registered office may be,
2075 but need not be, the same as the place of business of the
2076 special district.

2077 Section 39. Section 189.417, Florida Statutes, is
2078 transferred and renumbered as section 189.015, Florida Statutes,
2079 and subsection (1) of that section is amended, to read:

2080 189.015 ~~189.417~~ Meetings; notice; required reports.—

2081 (1) The governing body of each special district shall file
2082 quarterly, semiannually, or annually a schedule of its regular
2083 meetings with the local governing authority or authorities. The
2084 schedule shall include the date, time, and location of each
2085 scheduled meeting. The schedule shall be published quarterly,
2086 semiannually, or annually in a newspaper of general paid
2087 circulation in the manner required in this subsection. The
2088 governing body of an independent special district shall

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2089 advertise the day, time, place, and purpose of any meeting other
2090 than a regular meeting or any recessed and reconvened meeting of
2091 the governing body, at least 7 days before ~~prior to~~ such
2092 meeting, in a newspaper of general paid circulation in the
2093 county or counties in which the special district is located,
2094 unless a bona fide emergency situation exists, in which case a
2095 meeting to deal with the emergency may be held as necessary,
2096 with reasonable notice, so long as it is subsequently ratified
2097 by the governing body ~~board~~. No approval of the annual budget
2098 shall be granted at an emergency meeting. The advertisement
2099 shall be placed in that portion of the newspaper where legal
2100 notices and classified advertisements appear. The advertisement
2101 shall appear in a newspaper that is published at least 5 days a
2102 week, unless the only newspaper in the county is published fewer
2103 than 5 days a week. The newspaper selected must be one of
2104 general interest and readership in the community and not one of
2105 limited subject matter, pursuant to chapter 50. Any other
2106 provision of law to the contrary notwithstanding, and except in
2107 the case of emergency meetings, water management districts may
2108 provide reasonable notice of public meetings held to evaluate
2109 responses to solicitations issued by the water management
2110 district, by publication in a newspaper of general paid
2111 circulation in the county where the principal office of the
2112 water management district is located, or in the county or
2113 counties where the public work will be performed, no less than 7
2114 days before such meeting.

2115 Section 40. Section 189.418, Florida Statutes, is
2116 transferred and renumbered as section 189.016, Florida Statutes,
2117 and subsections (2) and (10) of that section are amended, to

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2118 read:

2119 189.016 ~~189.418~~ Reports; budgets; audits.—

2120 (2) Any amendment, modification, or update of the document
2121 by which the district was created, including changes in
2122 boundaries, must be filed with the department within 30 days
2123 after adoption. The department may initiate proceedings against
2124 special districts as provided in s. 189.067 ~~189.421~~ for failure
2125 to file the information required by this subsection. However,
2126 for the purposes of this section and s. 175.101(1), the
2127 boundaries of a district shall be deemed to include an area that
2128 has been annexed until the completion of the 4-year period
2129 specified in s. 171.093(4) or other mutually agreed upon
2130 extension, or when a district is providing services pursuant to
2131 an interlocal agreement entered into pursuant to s. 171.093(3).

2132 (10) All reports or information required to be filed with a
2133 local general-purpose government or governing authority under
2134 ss. 189.08, 189.014, and 189.015 ~~189.415, 189.416, and 189.417~~
2135 and subsection (8) must:

2136 (a) If the local general-purpose government or governing
2137 authority is a county, be filed with the clerk of the board of
2138 county commissioners.

2139 (b) If the district is a multicounty district, be filed
2140 with the clerk of the county commission in each county.

2141 (c) If the local general-purpose government or governing
2142 authority is a municipality, be filed at the place designated by
2143 the municipal governing body.

2144 Section 41. Section 189.419, Florida Statutes, is
2145 transferred, renumbered as section 189.066, Florida Statutes,
2146 and amended to read:

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2147 189.066 ~~189.419~~ Effect of failure to file certain reports
2148 or information.—

2149 (1) If an independent special district fails to file the
2150 reports or information required under s. 189.08, s. 189.014, s.
2151 189.015, or s. 189.016(9) ~~189.415, s. 189.416, s. 189.417, or s.~~
2152 ~~189.418(9)~~ with the local general-purpose government or
2153 governments in which it is located, the person authorized to
2154 receive and read the reports or information or the local
2155 general-purpose government shall notify the district's
2156 registered agent. If requested by the district, the local
2157 general-purpose government shall grant an extension of up to 30
2158 days for filing the required reports or information. If the
2159 governing body of the local general-purpose government or
2160 governments determines that there has been an unjustified
2161 failure to file these reports or information, it shall ~~may~~
2162 notify the department, and the department may proceed pursuant
2163 to s. 189.067(1) ~~189.421(1)~~.

2164 (2) If a dependent special district fails to file the
2165 reports or information required under s. 189.014, s. 189.015, or
2166 s. 189.016(9) ~~189.416, s. 189.417, or s. 189.418(9)~~ with the
2167 local governing authority to which it is dependent, the local
2168 governing authority shall take whatever steps it deems necessary
2169 to enforce the special district's accountability. Such steps may
2170 include, as authorized, withholding funds, removing governing
2171 body ~~board~~ members at will, vetoing the special district's
2172 budget, conducting the oversight review process set forth in s.
2173 189.068 ~~189.428~~, or amending, merging, or dissolving the special
2174 district in accordance with the provisions contained in the
2175 ordinance that created the dependent special district.

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2176 (3) If a special district fails to file the reports or
2177 information required under s. 218.38 with the appropriate state
2178 agency, the agency shall notify the department, and the
2179 department shall send a certified technical assistance letter to
2180 the special district which summarizes the requirements and
2181 compels ~~encourages~~ the special district to take steps to prevent
2182 the noncompliance from reoccurring.

2183 (4) If a special district fails to file the reports or
2184 information required under s. 112.63 with the appropriate state
2185 agency, the agency shall notify the department and the
2186 department shall proceed pursuant to s. 189.067(1) ~~189.421(1)~~.

2187 (5) If a special district fails to file the reports or
2188 information required under s. 218.32 or s. 218.39 with the
2189 appropriate state agency or office, the state agency or office
2190 shall, and the Legislative Auditing Committee may, notify the
2191 department and the department shall proceed pursuant to s.
2192 189.067 ~~189.421~~.

2193 (6) If a special district created by special act of the
2194 Legislature fails to file the reports or information required
2195 under ss. 11.45(7), 218.32, s. 218.39, or 218.503 with the
2196 appropriate state agency or office, the Legislative Auditing
2197 Committee shall notify, in writing, the Speaker of the House of
2198 Representatives, the President of the Senate, and the standing
2199 committees of the Senate and the House of Representatives
2200 charged with special district oversight as determined by the
2201 presiding officers of each respective chamber, pursuant to s.
2202 189.034.

2203 (7) If a special district created by ordinance fails to
2204 file the reports or information required under ss. 11.45(7),

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2205 218.32, 218.39, and 218.503 with the appropriate state agency or
2206 office, the Legislative Auditing Committee shall notify, in
2207 writing, the department and the chair or equivalent of the local
2208 general-purpose government that created the district, pursuant
2209 to s. 189.035.

2210 Section 42. Section 189.420, Florida Statutes, is
2211 transferred and renumbered as section 189.052, Florida Statutes.

2212 Section 43. Section 189.421, Florida Statutes, is
2213 transferred, renumbered as section 189.067, Florida Statutes,
2214 and amended to read:

2215 189.067 ~~189.421~~ Failure of district to disclose financial
2216 reports.—

2217 (1) (a) If notified pursuant to s. 189.066(1) ~~189.419(1)~~,
2218 (4), or (5), the department shall attempt to assist a special
2219 district in complying with its financial reporting requirements
2220 by sending a certified letter to the special district, and, if
2221 the special district is dependent, sending a copy of that letter
2222 to the chair of the local governing authority. The letter must
2223 include a description of the required report, including
2224 statutory submission deadlines, a contact telephone number for
2225 technical assistance to help the special district comply, a 60-
2226 day deadline for filing the required report with the appropriate
2227 entity, the address where the report must be filed, and an
2228 explanation of the penalties for noncompliance.

2229 (b) A special district that is unable to meet the 60-day
2230 reporting deadline must provide written notice to the department
2231 before the expiration of the deadline stating the reason the
2232 special district is unable to comply with the deadline, the
2233 steps the special district is taking to prevent the

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2234 noncompliance from reoccurring, and the estimated date that the
2235 special district will file the report with the appropriate
2236 agency. The district's written response does not constitute an
2237 extension by the department; however, the department shall
2238 forward the written response as follows ~~to~~:

2239 1. If the written response refers to the reports required
2240 under s. 218.32 or s. 218.39, to the Legislative Auditing
2241 Committee for its consideration in determining whether the
2242 special district should be subject to further state action in
2243 accordance with s. 11.40(2)(b).

2244 2. If the written response refers to the reports or
2245 information requirements listed in s. 189.066(1) ~~189.419(1)~~, to
2246 the local general-purpose government or governments for their
2247 consideration in determining whether the oversight review
2248 process set forth in s. 189.068 ~~189.428~~ should be undertaken.

2249 3. If the written response refers to the reports or
2250 information required under s. 112.63, to the Department of
2251 Management Services for its consideration in determining whether
2252 the special district should be subject to further state action
2253 in accordance with s. 112.63(4)(d)2.

2254 (2) Failure of a special district to comply with the
2255 actuarial and financial reporting requirements under s. 112.63,
2256 s. 218.32, or s. 218.39 after the procedures of subsection (1)
2257 are exhausted shall be deemed final action of the special
2258 district. The actuarial and financial reporting requirements are
2259 declared to be essential requirements of law. Remedies ~~Remedy~~
2260 for noncompliance with ss. 218.32 and 218.39 shall be as
2261 provided in ss. 189.034 and 189.035. Remedies for noncompliance
2262 with s. 112.63 shall be as set forth in subsection (4) ~~by writ~~

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2263 ~~of certiorari as set forth in subsection (4).~~

2264 (3) Pursuant to s. 11.40(2)(b), the Legislative Auditing
2265 Committee may ~~shall~~ notify the department of those districts
2266 that fail to file the required reports. If the procedures
2267 described in subsection (1) have not yet been initiated, the
2268 department shall initiate such procedures upon receiving the
2269 notice from the Legislative Auditing Committee. Otherwise,
2270 within 60 days after receiving such notice, or within 60 days
2271 after the expiration of the 60-day deadline provided in
2272 subsection (1), whichever occurs later, the department,
2273 notwithstanding the provisions of chapter 120, shall file a
2274 petition for enforcement writ ~~of certiorari~~ with the circuit
2275 court. The petition may request declaratory, injunctive, any
2276 other equitable relief, or any remedy provided by law. Venue for
2277 all actions pursuant to this subsection is in Leon County. The
2278 court shall award the prevailing party reasonable attorney
2279 attorney's fees and costs unless affirmatively waived by all
2280 parties. ~~A writ of certiorari shall be issued unless a~~
2281 ~~respondent establishes that the notification of the Legislative~~
2282 ~~Auditing Committee was issued as a result of material error.~~
2283 ~~Proceedings under this subsection are otherwise governed by the~~
2284 ~~Rules of Appellate Procedure.~~

2285 (4) The department may enforce compliance with s. 112.63 by
2286 filing a petition for enforcement with the circuit court in and
2287 for Leon County. The petition may request declaratory,
2288 injunctive, or other equitable relief, including the appointment
2289 of a receiver, and any forfeiture or other remedy provided by
2290 law. ~~Pursuant to s. 112.63(4)(d)2., the Department of Management~~
2291 ~~Services may notify the department of those special districts~~

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2292 ~~that have failed to file the required adjustments, additional~~
2293 ~~information, or report or statement after the procedures of~~
2294 ~~subsection (1) have been exhausted. Within 60 days after~~
2295 ~~receiving such notice or within 60 days after the 60-day~~
2296 ~~deadline provided in subsection (1), whichever occurs later, the~~
2297 ~~department, notwithstanding chapter 120, shall file a petition~~
2298 ~~for writ of certiorari with the circuit court. Venue for all~~
2299 ~~actions pursuant to this subsection is in Leon County. The court~~
2300 ~~shall award the prevailing party attorney's fees and costs~~
2301 ~~unless affirmatively waived by all parties. A writ of certiorari~~
2302 ~~shall be issued unless a respondent establishes that the~~
2303 ~~notification of the Department of Management Services was issued~~
2304 ~~as a result of material error. Proceedings under this subsection~~
2305 ~~are otherwise governed by the Rules of Appellate Procedure.~~

2306 Section 44. Section 189.4221, Florida Statutes, is
2307 transferred and renumbered as section 189.053, Florida Statutes.

2308 Section 45. Section 189.423, Florida Statutes, is
2309 transferred and renumbered as section 189.054, Florida Statutes.

2310 Section 46. Section 189.425, Florida Statutes, is
2311 transferred and renumbered as section 189.017, Florida Statutes.

2312 Section 47. Section 189.427, Florida Statutes, is
2313 transferred and renumbered as section 189.018, Florida Statutes.

2314 Section 48. Section 189.428, Florida Statutes, is
2315 transferred and renumbered as section 189.068, Florida Statutes,
2316 and amended to read:

2317 189.068 ~~189.428~~ Special districts; oversight review
2318 process.-

2319 (1) The Legislature finds it to be in the public interest
2320 to establish an oversight review process for special districts

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2321 wherein each special district in the state may be reviewed by
2322 the local general-purpose government in which the district
2323 exists. The Legislature further finds and determines that such
2324 law fulfills an important state interest. It is the intent of
2325 the Legislature that the oversight review process shall
2326 contribute to informed decisionmaking. These decisions may
2327 involve the continuing existence or dissolution of a district,
2328 the appropriate future role and focus of a district,
2329 improvements in the functioning or delivery of services by a
2330 district, and the need for any transition, adjustment, or
2331 special implementation periods or provisions. Any final
2332 recommendations from the oversight review process that are
2333 adopted and implemented by the appropriate level of government
2334 shall not be implemented in a manner that would impair the
2335 obligation of contracts.

2336 ~~(2) It is the intent of the Legislature that any oversight~~
2337 ~~review process be conducted in conjunction with special district~~
2338 ~~public facilities reporting and the local government evaluation~~
2339 ~~and appraisal report process described in s. 189.415(2).~~

2340 ~~(3) The order in which Special districts may be subject to~~
2341 ~~oversight review shall be determined by the reviewer and shall~~
2342 ~~occur as follows:~~

2343 (2)(a) All dependent special districts may be reviewed by
2344 the general-purpose local government to which they are
2345 dependent.

2346 ~~(b) All single county independent special districts may be~~
2347 ~~reviewed by a county or municipality in which they are located~~
2348 ~~or the government that created the district. Any single county~~
2349 ~~independent district that serves an area greater than the~~

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2350 ~~boundaries of one general purpose local government may only be~~
2351 ~~reviewed by the county on the county's own initiative or upon~~
2352 ~~receipt of a request from any municipality served by the special~~
2353 ~~district.~~

2354 ~~(c) All multicounty independent special districts may be~~
2355 ~~reviewed by the government that created the district. Any~~
2356 ~~general-purpose local governments within the boundaries of a~~
2357 ~~multicounty district may prepare a preliminary review of a~~
2358 ~~multicounty special district for possible reference or inclusion~~
2359 ~~in the full review report.~~

2360 ~~(d) Upon request by the reviewer, any special district~~
2361 ~~within all or a portion of the same county as the special~~
2362 ~~district being reviewed may prepare a preliminary review of the~~
2363 ~~district for possible reference or inclusion in the full~~
2364 ~~oversight review report.~~

2365 ~~(3)~~(4) All special districts, governmental entities, and
2366 state agencies shall cooperate with the Legislature and with any
2367 general-purpose local government seeking information or
2368 assistance with the oversight review process and with the
2369 preparation of an oversight review report.

2370 ~~(4)~~(5) Those conducting the oversight review process shall,
2371 at a minimum, consider the listed criteria for evaluating the
2372 special district, but may also consider any additional factors
2373 relating to the district and its performance. If any of the
2374 listed criteria does not apply to the special district being
2375 reviewed, it need not be considered. The criteria to be
2376 considered by the reviewer include:

2377 (a) The degree to which the service or services offered by
2378 the special district are essential or contribute to the well-

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2379 being of the community.

2380 (b) The extent of continuing need for the service or
2381 services currently provided by the special district.

2382 (c) The extent of municipal annexation or incorporation
2383 activity occurring or likely to occur within the boundaries of
2384 the special district and its impact on the delivery of services
2385 by the special district.

2386 (d) Whether there is a less costly alternative method of
2387 delivering the service or services that would adequately provide
2388 the district residents with the services provided by the
2389 district.

2390 (e) Whether transfer of the responsibility for delivery of
2391 the service or services to an entity other than the special
2392 district being reviewed could be accomplished without
2393 jeopardizing the district's existing contracts, bonds, or
2394 outstanding indebtedness.

2395 (f) Whether the Auditor General has notified the
2396 Legislative Auditing Committee that the special district's audit
2397 report, reviewed pursuant to s. 11.45(7), indicates that the
2398 district has met any of the conditions specified in s.
2399 218.503(1) or that a deteriorating financial condition exists
2400 that may cause a condition described in s. 218.503(1) to occur
2401 if actions are not taken to address such condition.

2402 (g) Whether the district is inactive according to the
2403 official list of special districts, and whether the district is
2404 meeting and discharging its responsibilities as required by its
2405 charter, as well as projected increases or decreases in district
2406 activity.

2407 (h) Whether the special district has failed to comply with

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2408 any of the reporting requirements in this chapter, including
2409 preparation of the public facilities report.

2410 (i) Whether the special district has designated a
2411 registered office and agent as required by s. 189.014 ~~189.416~~,
2412 and has complied with all open public records and meeting
2413 requirements.

2414 (5) ~~(6)~~ Any special district may at any time provide the
2415 Legislature and the general-purpose local government conducting
2416 the review or making decisions based upon the final oversight
2417 review report with written responses to any questions, concerns,
2418 preliminary reports, draft reports, or final reports relating to
2419 the district.

2420 ~~(7) The final report of a reviewing government shall be
2421 filed with the government that created the district and shall
2422 serve as the basis for any modification to the district charter
2423 or dissolution or merger of the district.~~

2424 ~~(8) If legislative dissolution or merger of a district is
2425 proposed in the final report, the reviewing government shall
2426 also propose a plan for the merger or dissolution, and the plan
2427 shall address the following factors in evaluating the proposed
2428 merger or dissolution:~~

2429 ~~(a) Whether, in light of independent fiscal analysis,
2430 level of service implications, and other public policy
2431 considerations, the proposed merger or dissolution is the best
2432 alternative for delivering services and facilities to the
2433 affected area.~~

2434 ~~(b) Whether the services and facilities to be provided
2435 pursuant to the merger or dissolution will be compatible with
2436 the capacity and uses of existing local services and facilities.~~

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2437 ~~(c) Whether the merger or dissolution is consistent with~~
2438 ~~applicable provisions of the state comprehensive plan, the~~
2439 ~~strategic regional policy plan, and the local government~~
2440 ~~comprehensive plans of the affected area.~~

2441 ~~(d) Whether the proposed merger adequately provides for the~~
2442 ~~assumption of all indebtedness.~~

2443
2444 ~~The reviewing government shall consider the report in a public~~
2445 ~~hearing held within the jurisdiction of the district. If adopted~~
2446 ~~by the governing board of the reviewing government, the request~~
2447 ~~for legislative merger or dissolution of the district may~~
2448 ~~proceed. The adopted plan shall be filed as an attachment to the~~
2449 ~~economic impact statement regarding the proposed special act or~~
2450 ~~general act of local application dissolving a district.~~

2451 ~~(6)(9)~~ This section does not apply to a deepwater port
2452 listed in s. 311.09(1) which is in compliance with a port master
2453 plan adopted pursuant to s. 163.3178(2)(k), or to an airport
2454 authority operating in compliance with an airport master plan
2455 approved by the Federal Aviation Administration, or to any
2456 special district organized to operate health systems and
2457 facilities licensed under chapter 395, chapter 400, or chapter
2458 429.

2459 Section 49. Section 189.429, Florida Statutes, is
2460 transferred and renumbered as section 189.019, Florida Statutes,
2461 and subsection (1) of that section is amended, to read:

2462 189.019 ~~189.429~~ Codification.—

2463 (1) Each district, by December 1, 2004, shall submit to the
2464 Legislature a draft codified charter, at its expense, so that
2465 its special acts may be codified into a single act for

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2466 reenactment by the Legislature, if there is more than one
2467 special act for the district. The Legislature may adopt a
2468 schedule for individual district codification. Any codified act
2469 relating to a district, which act is submitted to the
2470 Legislature for reenactment, shall provide for the repeal of all
2471 prior special acts of the Legislature relating to the district.
2472 The codified act shall be filed with the department pursuant to
2473 s. 189.016(2) ~~189.418(2)~~.

2474 Section 50. Sections 189.430, 189.431, 189.432, 189.433,
2475 189.434, 189.435, 189.436, 189.437, 189.438, 189.439, 189.440,
2476 189.441, 189.442, 189.443, and 189.444, Florida Statutes, are
2477 repealed.

2478 Section 51. Section 189.034, Florida Statutes, is created
2479 to read:

2480 189.034 Oversight of special districts created by special
2481 act of the Legislature.—

2482 (1) This section applies to any special district created by
2483 special act of the Legislature.

2484 (2) If a special district fails to file required reports or
2485 requested information with the appropriate state agency or
2486 office pursuant to ss. 11.45(7), 218.32, 218.39, and 218.503(3),
2487 the Legislative Auditing Committee or its designee shall provide
2488 written notice of the district's noncompliance to the Speaker of
2489 the House of Representatives, the President of the Senate, the
2490 standing committees of the Senate and the House of
2491 Representatives charged with special district oversight as
2492 determined by the presiding officers of each respective chamber,
2493 and the legislators who represent a portion of the geographical
2494 jurisdiction of the special district.

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2495 (3) The Legislative Auditing Committee may convene a public
2496 hearing on the issue of noncompliance, as well as general
2497 oversight of the district as provided in s. 189.068, at the
2498 direction of the Speaker of the House of Representatives and the
2499 President of the Senate.

2500 (4) Before a public hearing as provided in subsection (3),
2501 the special district shall provide the following information at
2502 the request of the Legislative Auditing Committee:

2503 (a) The district's annual financial report for the previous
2504 fiscal year.

2505 (b) The district's audit report for the previous fiscal
2506 year.

2507 (c) An annual report for the previous fiscal year providing
2508 a detailed review of the performance of the special district,
2509 including the following information:

2510 1. The purpose of the special district.

2511 2. The sources of funding for the special district.

2512 3. A description of the major activities, programs, and
2513 initiatives the special district undertook in the most recently
2514 completed fiscal year and the benchmarks or criteria under which
2515 the success or failure of the district was determined by its
2516 governing body.

2517 4. Any challenges or obstacles faced by the special
2518 district in fulfilling its purpose and related responsibilities.

2519 5. Ways the special district believes it could better
2520 fulfill its purpose and related responsibilities and a
2521 description of the actions that it intends to take during the
2522 ensuing fiscal year.

2523 6. Proposed changes to the special act that established the

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2524 special district and justification for such changes.

2525 7. Any other information reasonably required to provide the
2526 Legislative Auditing Committee with an accurate understanding of
2527 the purpose for which the special district exists and how it is
2528 fulfilling its responsibilities to accomplish that purpose.

2529 8. Any reasons for the district's noncompliance.

2530 9. If the district is currently in compliance and plans to
2531 correct any recurring issues of noncompliance.

2532 10. Efforts to promote transparency, including maintenance
2533 of the district's website in accordance with s. 189.069.

2534 Section 52. Section 189.035, Florida Statutes, is created
2535 to read:

2536 189.035 Oversight of special districts created by local
2537 ordinance.—

2538 (1) If a special district created by local ordinance fails
2539 to file required reports or requested information under ss.
2540 11.45(7), 218.32, 218.39, and 218.503(3), with the appropriate
2541 state agency, the Legislative Auditing Committee or its designee
2542 shall provide written notice of the district's noncompliance to
2543 the chair or equivalent of the local general-purpose government.

2544 (2) The chair or equivalent of the local general-purpose
2545 government may convene a public hearing on the issue of
2546 noncompliance, as well as general oversight of the special
2547 district as provided in s. 189.068, within 6 months after
2548 receipt of notice of noncompliance from the Legislative Auditing
2549 Committee.

2550 (3) Before the public hearing regarding the special
2551 district's noncompliance, the local general-purpose government
2552 may request the following information from the special district:

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- 2553 (a) The special district's annual financial report for the
2554 previous fiscal year.
- 2555 (b) The special district's audit report for the previous
2556 fiscal year.
- 2557 (c) An annual report for the previous fiscal year, which
2558 must provide a detailed review of the performance of the special
2559 district and include the following information:
- 2560 1. The purpose of the special district.
- 2561 2. The sources of funding for the special district.
- 2562 3. A description of the major activities, programs, and
2563 initiatives the special district undertook in the most recently
2564 completed fiscal year and the benchmarks or criteria under which
2565 the success or failure of the special district was determined by
2566 its governing body.
- 2567 4. Any challenges or obstacles faced by the special
2568 district in fulfilling its purpose and related responsibilities.
- 2569 5. Ways the special district believes it could better
2570 fulfill its purpose and related responsibilities and a
2571 description of the actions that it intends to take during the
2572 ensuing fiscal year.
- 2573 6. Proposed changes to the ordinance that established the
2574 special district and justification for such changes.
- 2575 7. Any other information reasonably required to provide the
2576 reviewing entity with an accurate understanding of the purpose
2577 for which the special district exists and how it is fulfilling
2578 its responsibilities to accomplish that purpose.
- 2579 8. Any reasons for the special district's noncompliance.
- 2580 9. Whether the special district is currently in compliance.
- 2581 10. Plans to correct any recurring issues of noncompliance.

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2582 11. Efforts to promote transparency, including maintenance
2583 of the special district's website in accordance with s. 189.069.

2584 (4) The local general-purpose government shall report the
2585 findings of any public hearing conducted under this section to
2586 the department and the Legislative Auditing Committee within 6
2587 months after the completion of such hearing.

2588 Section 53. Section 189.055, Florida Statutes, is created
2589 to read:

2590 189.055 Treatment of special districts.—For the purpose of
2591 s. 196.199(1), special districts shall be treated as
2592 municipalities.

2593 Section 54. Section 189.069, Florida Statutes, is created
2594 to read:

2595 189.069 Special districts; required reporting of
2596 information; web-based public access.—

2597 (1) By October 1, 2015, or by the end of the first full
2598 fiscal year after its creation, each special district shall
2599 establish and maintain an official Internet website containing
2600 the information required by this section in accordance with s.
2601 189.016. Special districts shall submit their official Internet
2602 website addresses to the department.

2603 (a) Independent special districts shall maintain a separate
2604 Internet website.

2605 (b) Dependent special districts shall be prominently
2606 displayed on the homepage of the Internet website of the
2607 general-purpose government that created the special district
2608 with a hyperlink to such webpages as are necessary to provide
2609 the information required by this section. Dependent special
2610 districts may maintain a separate Internet website providing the

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2611 information required by this section.

2612 (2) A special district shall post the following
2613 information, at a minimum, on the district's official website:

2614 (a) The full legal name of the special district.

2615 (b) The public purpose of the special district.

2616 (c) The name, address, e-mail address, and, if applicable,
2617 the term and appointing authority for each member of the
2618 governing body of the special district.

2619 (d) The fiscal year of the special district.

2620 (e) The full text of the special district's charter, the
2621 date the special district was established, the entity that
2622 established the special district, and the statute or statutes
2623 under which the special district operates, if different from the
2624 statute or statutes under which the special district was
2625 established. Community development districts may reference
2626 chapter 190, as the uniform charter, but must include
2627 information relating to any grant of special powers.

2628 (f) The mailing address, e-mail address, telephone number,
2629 and Internet website uniform resource locator of the special
2630 district.

2631 (g) A description of the boundaries or service area of, and
2632 the services provided by, the special district.

2633 (h) A listing of all taxes, fees, assessments, or charges
2634 imposed and collected by the special district, including the
2635 rates or amounts charged for the fiscal year and the statutory
2636 authority for the levy of the tax, fee, or charge.

2637 (i) The primary contact information for the special
2638 district for purposes of communication from the department.

2639 (j) Any code of ethics that specifically applies to the

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2640 special district.

2641 (k) The budget of each special district, in addition to
 2642 amendments in accordance with s. 189.418.

2643 (l) The final, complete audit report for the most recent
 2644 completed fiscal year, and audit reports required by law or
 2645 authorized by the governing body of the special district.

2646 (3) The department's Internet website list of special
 2647 districts in the state required under s. 189.061 must include a
 2648 link to the website of each special district that provides web-
 2649 based access to the public for all information and documentation
 2650 required for submission to the department under subsection (1).

2651 Section 55. Subsection (5) of section 200.065, Florida
 2652 Statutes, is amended to read:

2653 200.065 Method of fixing millage.-

2654 (5) In each fiscal year:

2655 (a) The maximum millage rate that a county, municipality,
 2656 special district dependent to a county or municipality,
 2657 municipal service taxing unit, or independent special district
 2658 may levy is a rolled-back rate based on the amount of taxes
 2659 which would have been levied in the prior year if the maximum
 2660 millage rate had been applied, adjusted for change in per capita
 2661 Florida personal income, unless a higher rate was adopted, in
 2662 which case the maximum is the adopted rate. The maximum millage
 2663 rate applicable to a county authorized to levy a county public
 2664 hospital surtax under s. 212.055 and which did so in fiscal year
 2665 2007 shall exclude the revenues required to be contributed to
 2666 the county public general hospital in the current fiscal year
 2667 for the purposes of making the maximum millage rate calculation,
 2668 but shall be added back to the maximum millage rate allowed

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2669 after the roll back has been applied, the total of which shall
2670 be considered the maximum millage rate for such a county for
2671 purposes of this subsection. The revenue required to be
2672 contributed to the county public general hospital for the
2673 upcoming fiscal year shall be calculated as 11.873 percent times
2674 the millage rate levied for countywide purposes in fiscal year
2675 2007 times 95 percent of the preliminary tax roll for the
2676 upcoming fiscal year. A higher rate may be adopted only under
2677 the following conditions:

2678 1. A rate of not more than 110 percent of the rolled-back
2679 rate based on the previous year's maximum millage rate, adjusted
2680 for change in per capita Florida personal income, may be adopted
2681 if approved by a two-thirds vote of the membership of the
2682 governing body of the county, municipality, or independent
2683 district; or

2684 2. A rate in excess of 110 percent may be adopted if
2685 approved by a unanimous vote of the membership of the governing
2686 body of the county, municipality, or independent district or by
2687 a three-fourths vote of the membership of the governing body if
2688 the governing body has nine or more members, or if the rate is
2689 approved by a referendum.

2690 (b) The millage rate of a county or municipality, municipal
2691 service taxing unit of that county, and any special district
2692 dependent to that county or municipality may exceed the maximum
2693 millage rate calculated pursuant to this subsection if the total
2694 county ad valorem taxes levied or total municipal ad valorem
2695 taxes levied do not exceed the maximum total county ad valorem
2696 taxes levied or maximum total municipal ad valorem taxes levied
2697 respectively. Voted millage and taxes levied by a municipality

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2698 or independent special district that has levied ad valorem taxes
2699 for less than 5 years are not subject to this limitation. The
2700 millage rate of a county authorized to levy a county public
2701 hospital surtax under s. 212.055 may exceed the maximum millage
2702 rate calculated pursuant to this subsection to the extent
2703 necessary to account for the revenues required to be contributed
2704 to the county public hospital. Total taxes levied may exceed the
2705 maximum calculated pursuant to subsection (6) as a result of an
2706 increase in taxable value above that certified in subsection (1)
2707 if such increase is less than the percentage amounts contained
2708 in subsection (6) or if the administrative adjustment cannot be
2709 made because the value adjustment board is still in session at
2710 the time the tax roll is extended; otherwise, millage rates
2711 subject to this subsection, s. 200.185, or s. 200.186 may be
2712 reduced so that total taxes levied do not exceed the maximum.

2713

2714 Any unit of government operating under a home rule charter
2715 adopted pursuant to ss. 10, 11, and 24, Art. VIII of the State
2716 Constitution of 1885, as preserved by s. 6(e), Art. VIII of the
2717 State Constitution of 1968, which is granted the authority in
2718 the State Constitution to exercise all the powers conferred now
2719 or hereafter by general law upon municipalities and which
2720 exercises such powers in the unincorporated area shall be
2721 recognized as a municipality under this subsection. For a
2722 downtown development authority established before the effective
2723 date of the 1968 State Constitution which has a millage that
2724 must be approved by a municipality, the governing body of that
2725 municipality shall be considered the governing body of the
2726 downtown development authority for purposes of this subsection.

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2727 Any such downtown development authority is an independent
2728 special taxing district, and the governing body of the
2729 municipality is authorized to levy an additional ad valorem tax
2730 on all real and personal property in the downtown district for
2731 the purpose of financing the operation of the authority. The
2732 levy of the ad valorem tax shall be in addition to regular ad
2733 valorem taxes and special assessments for improvements imposed
2734 by the governing body of the municipality; however, the combined
2735 levy may not exceed the maximum provided by the State
2736 Constitution.

2737 Section 56. Paragraph (e) of subsection (1) and paragraph
2738 (c) of subsection (7) of section 11.45, Florida Statutes, are
2739 amended to read:

2740 11.45 Definitions; duties; authorities; reports; rules.—

2741 (1) DEFINITIONS.—As used in ss. 11.40-11.51, the term:

2742 (e) "Local governmental entity" means a county agency,
2743 municipality, or special district as defined in s. 189.012
2744 ~~189.403~~, but does not include any housing authority established
2745 under chapter 421.

2746 (7) AUDITOR GENERAL REPORTING REQUIREMENTS.—

2747 (c) The Auditor General shall provide annually a list of
2748 those special districts which are not in compliance with s.
2749 218.39 to the Special District Accountability Information ~~Information~~
2750 Program of the Department of Economic Opportunity.

2751 Section 57. Paragraph (c) of subsection (4) of section
2752 100.011, Florida Statutes, is amended to read:

2753 100.011 Opening and closing of polls, all elections;
2754 expenses.—

2755 (4)

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2756 (c) The provisions of any special law to the contrary
2757 notwithstanding, all independent and dependent special district
2758 elections, with the exception of community development district
2759 elections, shall be conducted in accordance with the
2760 requirements of ss. 189.04 and 189.041 ~~189.405 and 189.4051~~.

2761 Section 58. Paragraph (f) of subsection (1) of section
2762 101.657, Florida Statutes, is amended to read:

2763 101.657 Early voting.—

2764 (1)

2765 (f) Notwithstanding the requirements of s. 189.04 ~~189.405~~,
2766 special districts may provide early voting in any district
2767 election not held in conjunction with county or state elections.
2768 If a special district provides early voting, it may designate as
2769 many sites as necessary and shall conduct its activities in
2770 accordance with the provisions of paragraphs (a)-(c). The
2771 supervisor is not required to conduct early voting if it is
2772 provided pursuant to this subsection.

2773 Section 59. Paragraph (a) of subsection (14) of section
2774 112.061, Florida Statutes, is amended to read:

2775 112.061 Per diem and travel expenses of public officers,
2776 employees, and authorized persons.—

2777 (14) APPLICABILITY TO COUNTIES, COUNTY OFFICERS, DISTRICT
2778 SCHOOL BOARDS, SPECIAL DISTRICTS, AND METROPOLITAN PLANNING
2779 ORGANIZATIONS.—

2780 (a) The following entities may establish rates that vary
2781 from the per diem rate provided in paragraph (6) (a), the
2782 subsistence rates provided in paragraph (6) (b), or the mileage
2783 rate provided in paragraph (7) (d) if those rates are not less
2784 than the statutorily established rates that are in effect for

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2785 the 2005-2006 fiscal year:

2786 1. The governing body of a county by the enactment of an
2787 ordinance or resolution;

2788 2. A county constitutional officer, pursuant to s. 1(d),
2789 Art. VIII of the State Constitution, by the establishment of
2790 written policy;

2791 3. The governing body of a district school board by the
2792 adoption of rules;

2793 4. The governing body of a special district, as defined in
2794 s. 189.012 ~~189.403(1)~~, except those special districts that are
2795 subject to s. 166.021(9), by the enactment of a resolution; or

2796 5. Any metropolitan planning organization created pursuant
2797 to s. 339.175 or any other separate legal or administrative
2798 entity created pursuant to s. 339.175 of which a metropolitan
2799 planning organization is a member, by the enactment of a
2800 resolution.

2801 Section 60. Paragraph (d) of subsection (4) of section
2802 112.63, Florida Statutes, is amended to read:

2803 112.63 Actuarial reports and statements of actuarial
2804 impact; review.—

2805 (4) Upon receipt, pursuant to subsection (2), of an
2806 actuarial report, or, pursuant to subsection (3), of a statement
2807 of actuarial impact, the Department of Management Services shall
2808 acknowledge such receipt, but shall only review and comment on
2809 each retirement system's or plan's actuarial valuations at least
2810 on a triennial basis.

2811 (d) In the case of an affected special district, the
2812 Department of Management Services shall also notify the
2813 Department of Economic Opportunity. Upon receipt of

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2814 notification, the Department of Economic Opportunity shall
2815 proceed pursuant to s. 189.067 ~~189.421~~.

2816 1. Failure of a special district to provide a required
2817 report or statement, to make appropriate adjustments, or to
2818 provide additional material information after the procedures
2819 specified in s. 189.067(1) ~~189.421(1)~~ are exhausted shall be
2820 deemed final action by the special district.

2821 2. The Department of Management Services may notify the
2822 Department of Economic Opportunity of those special districts
2823 that failed to come into compliance. Upon receipt of
2824 notification, the Department of Economic Opportunity shall
2825 proceed pursuant to s. 189.067 ~~189.421(4)~~.

2826 Section 61. Subsection (1) of section 112.665, Florida
2827 Statutes, is amended to read:

2828 112.665 Duties of Department of Management Services.—

2829 (1) The Department of Management Services shall:

2830 (a) Gather, catalog, and maintain complete, computerized
2831 data information on all public employee retirement systems or
2832 plans in the state based upon a review of audits, reports, and
2833 other data pertaining to the systems or plans;

2834 (b) Receive and comment upon all actuarial reviews of
2835 retirement systems or plans maintained by units of local
2836 government;

2837 (c) Cooperate with local retirement systems or plans on
2838 matters of mutual concern and provide technical assistance to
2839 units of local government in the assessment and revision of
2840 retirement systems or plans;

2841 (d) Annually issue, by January 1, a report to the President
2842 of the Senate and the Speaker of the House of Representatives,

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2843 which details division activities, findings, and recommendations
2844 concerning all governmental retirement systems. The report may
2845 include legislation proposed to carry out such recommendations;

2846 (e) Provide a fact sheet for each participating local
2847 government defined benefit pension plan which summarizes the
2848 plan's actuarial status. The fact sheet should provide a summary
2849 of the plan's most current actuarial data, minimum funding
2850 requirements as a percentage of pay, and a 5-year history of
2851 funded ratios. The fact sheet must include a brief explanation
2852 of each element in order to maximize the transparency of the
2853 local government plans. The fact sheet must also contain the
2854 information specified in s. 112.664(1). These documents shall be
2855 posted on the department's website. Plan sponsors that have
2856 websites must provide a link to the department's website;

2857 (f) Annually issue, by January 1, a report to the Special
2858 District Accountability Information ~~Information~~ Program of the Department of
2859 Economic Opportunity which includes the participation in and
2860 compliance of special districts with the local government
2861 retirement system provisions in s. 112.63 and the state-
2862 administered retirement system provisions specified in part I of
2863 chapter 121; and

2864 (g) Adopt reasonable rules to administer this part.

2865 Section 62. Subsection (9) of section 121.021, Florida
2866 Statutes, is amended to read:

2867 121.021 Definitions.—The following words and phrases as
2868 used in this chapter have the respective meanings set forth
2869 unless a different meaning is plainly required by the context:

2870 (9) "Special district" means an independent special
2871 district as defined in s. 189.012 ~~189.403(3)~~.

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2872 Section 63. Paragraph (b) of subsection (2) of section
2873 121.051, Florida Statutes, is amended to read:
2874 121.051 Participation in the system.—
2875 (2) OPTIONAL PARTICIPATION.—
2876 (b)1. The governing body of any municipality, metropolitan
2877 planning organization, or special district in the state may
2878 elect to participate in the Florida Retirement System upon
2879 proper application to the administrator and may cover all of its
2880 units as approved by the Secretary of Health and Human Services
2881 and the administrator. The department shall adopt rules
2882 establishing procedures for the submission of documents
2883 necessary for such application. Before being approved for
2884 participation in the system, the governing body of a
2885 municipality, metropolitan planning organization, or special
2886 district that has a local retirement system must submit to the
2887 administrator a certified financial statement showing the
2888 condition of the local retirement system within 3 months before
2889 the proposed effective date of membership in the Florida
2890 Retirement System. The statement must be certified by a
2891 recognized accounting firm that is independent of the local
2892 retirement system. All required documents necessary for
2893 extending Florida Retirement System coverage must be received by
2894 the department for consideration at least 15 days before the
2895 proposed effective date of coverage. If the municipality,
2896 metropolitan planning organization, or special district does not
2897 comply with this requirement, the department may require that
2898 the effective date of coverage be changed.
2899 2. A municipality, metropolitan planning organization, or
2900 special district that has an existing retirement system covering

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2901 the employees in the units that are to be brought under the
2902 Florida Retirement System may participate only after holding a
2903 referendum in which all employees in the affected units have the
2904 right to participate. Only those employees electing coverage
2905 under the Florida Retirement System by affirmative vote in the
2906 referendum are eligible for coverage under this chapter, and
2907 those not participating or electing not to be covered by the
2908 Florida Retirement System shall remain in their present systems
2909 and are not eligible for coverage under this chapter. After the
2910 referendum is held, all future employees are compulsory members
2911 of the Florida Retirement System.

2912 3. At the time of joining the Florida Retirement System,
2913 the governing body of a municipality, metropolitan planning
2914 organization, or special district complying with subparagraph 1.
2915 may elect to provide, or not provide, benefits based on past
2916 service of officers and employees as described in s. 121.081(1).
2917 However, if such employer elects to provide past service
2918 benefits, such benefits must be provided for all officers and
2919 employees of its covered group.

2920 4. Once this election is made and approved it may not be
2921 revoked, except pursuant to subparagraphs 5. and 6., and all
2922 present officers and employees electing coverage and all future
2923 officers and employees are compulsory members of the Florida
2924 Retirement System.

2925 5. Subject to subparagraph 6., the governing body of a
2926 hospital licensed under chapter 395 which is governed by the
2927 governing body ~~board~~ of a special district as defined in s.
2928 189.012 ~~189.403~~ or by the board of trustees of a public health
2929 trust created under s. 154.07, hereinafter referred to as

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2930 "hospital district," and which participates in the Florida
2931 Retirement System, may elect to cease participation in the
2932 system with regard to future employees in accordance with the
2933 following:

2934 a. No more than 30 days and at least 7 days before adopting
2935 a resolution to partially withdraw from the system and establish
2936 an alternative retirement plan for future employees, a public
2937 hearing must be held on the proposed withdrawal and proposed
2938 alternative plan.

2939 b. From 7 to 15 days before such hearing, notice of intent
2940 to withdraw, specifying the time and place of the hearing, must
2941 be provided in writing to employees of the hospital district
2942 proposing partial withdrawal and must be published in a
2943 newspaper of general circulation in the area affected, as
2944 provided by ss. 50.011-50.031. Proof of publication must be
2945 submitted to the Department of Management Services.

2946 c. The governing body of a hospital district seeking to
2947 partially withdraw from the system must, before such hearing,
2948 have an actuarial report prepared and certified by an enrolled
2949 actuary, as defined in s. 112.625, illustrating the cost to the
2950 hospital district of providing, through the retirement plan that
2951 the hospital district is to adopt, benefits for new employees
2952 comparable to those provided under the system.

2953 d. Upon meeting all applicable requirements of this
2954 subparagraph, and subject to subparagraph 6., partial withdrawal
2955 from the system and adoption of the alternative retirement plan
2956 may be accomplished by resolution duly adopted by the hospital
2957 district board. The hospital district board must provide written
2958 notice of such withdrawal to the division by mailing a copy of

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2959 the resolution to the division, postmarked by December 15, 1995.
2960 The withdrawal shall take effect January 1, 1996.

2961 6. Following the adoption of a resolution under sub-
2962 subparagraph 5.d., all employees of the withdrawing hospital
2963 district who were members of the system before January 1, 1996,
2964 shall remain as members of the system for as long as they are
2965 employees of the hospital district, and all rights, duties, and
2966 obligations between the hospital district, the system, and the
2967 employees remain in full force and effect. Any employee who is
2968 hired or appointed on or after January 1, 1996, may not
2969 participate in the system, and the withdrawing hospital district
2970 has no obligation to the system with respect to such employees.

2971 Section 64. Subsection (1) of section 153.94, Florida
2972 Statutes, is amended to read:

2973 153.94 Applicability of other laws.—Except as expressly
2974 provided in this act:

2975 (1) With respect to any wastewater facility privatization
2976 contract entered into under this act, a public entity is subject
2977 to s. 125.3401, s. 180.301, s. 189.054 ~~189.423~~, or s. 190.0125
2978 but is not subject to the requirements of chapter 287.

2979 Section 65. Paragraph (a) of subsection (2) of section
2980 163.08, Florida Statutes, is amended to read:

2981 163.08 Supplemental authority for improvements to real
2982 property.—

2983 (2) As used in this section, the term:

2984 (a) "Local government" means a county, a municipality, a
2985 dependent special district as defined in s. 189.012 ~~189.403~~, or
2986 a separate legal entity created pursuant to s. 163.01(7).

2987 Section 66. Subsection (7) of section 165.031, Florida

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2988 Statutes, is amended to read:

2989 165.031 Definitions.—The following terms and phrases, when
2990 used in this chapter, shall have the meanings ascribed to them
2991 in this section, except where the context clearly indicates a
2992 different meaning:

2993 (7) "Special district" means a local unit of special
2994 government, as defined in s. 189.012 ~~189.403(1)~~. This term
2995 includes dependent special districts, as defined in s. 189.012
2996 ~~189.403(2)~~, and independent special districts, as defined in s.
2997 189.012 ~~189.403(3)~~. All provisions of s. 200.001(8)(d) and (e)
2998 shall be considered provisions of this chapter.

2999 Section 67. Paragraph (b) of subsection (1) and subsections
3000 (8) and (16) of section 165.0615, Florida Statutes, are amended
3001 to read:

3002 165.0615 Municipal conversion of independent special
3003 districts upon elector-initiated and approved referendum.—

3004 (1) The qualified electors of an independent special
3005 district may commence a municipal conversion proceeding by
3006 filing a petition with the governing body of the independent
3007 special district proposed to be converted if the district meets
3008 all of the following criteria:

3009 (b) It is designated as an improvement district and created
3010 pursuant to chapter 298 or is designated as a stewardship
3011 district and created pursuant to s. 189.031 ~~189.404~~.

3012 (8) Notice of the final public hearing on the proposed
3013 elector-initiated combined municipal incorporation plan must be
3014 published pursuant to the notice requirements in s. 189.015
3015 ~~189.417~~ and must provide a descriptive summary of the elector-
3016 initiated municipal incorporation plan and a reference to the

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3017 public places within the independent special district where a
3018 copy of the plan may be examined.

3019 (16) If the incorporation plan is approved by a majority of
3020 the votes cast in the independent special district, the district
3021 shall notify the special district accountability information
3022 program pursuant to s. 189.016(2) ~~189.418(2)~~ and the local
3023 general-purpose governments in which any part of the independent
3024 special district is situated pursuant to s. 189.016(7)
3025 ~~189.418(7)~~.

3026 Section 68. Subsection (3) of section 171.202, Florida
3027 Statutes, is amended to read:

3028 171.202 Definitions.—As used in this part, the term:

3029 (3) "Independent special district" means an independent
3030 special district, as defined in s. 189.012 ~~189.403~~, which
3031 provides fire, emergency medical, water, wastewater, or
3032 stormwater services.

3033 Section 69. Subsection (16) of section 175.032, Florida
3034 Statutes, is amended to read:

3035 175.032 Definitions.—For any municipality, special fire
3036 control district, chapter plan, local law municipality, local
3037 law special fire control district, or local law plan under this
3038 chapter, the following words and phrases have the following
3039 meanings:

3040 (16) "Special fire control district" means a special
3041 district, as defined in s. 189.012 ~~189.403(1)~~, established for
3042 the purposes of extinguishing fires, protecting life, and
3043 protecting property within the incorporated or unincorporated
3044 portions of any county or combination of counties, or within any
3045 combination of incorporated and unincorporated portions of any

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3046 county or combination of counties. The term does not include any
3047 dependent or independent special district, as defined in s.
3048 189.012 ~~189.403(2) and (3)~~, respectively, the employees of which
3049 are members of the Florida Retirement System pursuant to s.
3050 121.051(1) or (2).

3051 Section 70. Section 190.011, Florida Statutes, is amended
3052 to read:

3053 190.011 General powers.—The district shall have, and the
3054 governing body ~~board~~ may exercise, the following powers:

3055 (1) To sue and be sued in the name of the district; to
3056 adopt and use a seal and authorize the use of a facsimile
3057 thereof; to acquire, by purchase, gift, devise, or otherwise,
3058 and to dispose of, real and personal property, or any estate
3059 therein; and to make and execute contracts and other instruments
3060 necessary or convenient to the exercise of its powers.

3061 (2) To apply for coverage of its employees under the state
3062 retirement system in the same manner as if such employees were
3063 state employees, subject to necessary action by the district to
3064 pay employer contributions into the state retirement fund.

3065 (3) To contract for the services of consultants to perform
3066 planning, engineering, legal, or other appropriate services of a
3067 professional nature. Such contracts shall be subject to public
3068 bidding or competitive negotiation requirements as set forth in
3069 s. 190.033.

3070 (4) To borrow money and accept gifts; to apply for and use
3071 grants or loans of money or other property from the United
3072 States, the state, a unit of local government, or any person for
3073 any district purposes and enter into agreements required in
3074 connection therewith; and to hold, use, and dispose of such

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3075 moneys or property for any district purposes in accordance with
3076 the terms of the gift, grant, loan, or agreement relating
3077 thereto.

3078 (5) To adopt rules and orders pursuant to the provisions of
3079 chapter 120 prescribing the powers, duties, and functions of the
3080 officers of the district; the conduct of the business of the
3081 district; the maintenance of records; and the form of
3082 certificates evidencing tax liens and all other documents and
3083 records of the district. The board may also adopt administrative
3084 rules with respect to any of the projects of the district and
3085 define the area to be included therein. The board may also adopt
3086 resolutions which may be necessary for the conduct of district
3087 business.

3088 (6) To maintain an office at such place or places as it may
3089 designate within a county in which the district is located or
3090 within the boundaries of a development of regional impact or a
3091 Florida Quality Development, or a combination of a development
3092 of regional impact and a Florida Quality Development, which
3093 includes the district, which office must be reasonably
3094 accessible to the landowners. Meetings pursuant to s. 189.015(3)
3095 ~~189.417(3)~~ of a district within the boundaries of a development
3096 of regional impact or Florida Quality Development, or a
3097 combination of a development of regional impact and a Florida
3098 Quality Development, may be held at such office.

3099 (7) (a) To hold, control, and acquire by donation, purchase,
3100 or condemnation, or dispose of, any public easements,
3101 dedications to public use, platted reservations for public
3102 purposes, or any reservations for those purposes authorized by
3103 this act and to make use of such easements, dedications, or

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3104 reservations for any of the purposes authorized by this act.

3105 (b) When real property in the district is owned by a
3106 governmental entity and subject to a ground lease as described
3107 in s. 190.003(14), to collect ground rent from landowners
3108 pursuant to a contract with such governmental entity and to
3109 contract with the county tax collector for collection of such
3110 ground rent using the procedures authorized in s. 197.3631,
3111 other than the procedures contained in s. 197.3632.

3112 (8) To lease as lessor or lessee to or from any person,
3113 firm, corporation, association, or body, public or private, any
3114 projects of the type that the district is authorized to
3115 undertake and facilities or property of any nature for the use
3116 of the district to carry out any of the purposes authorized by
3117 this act.

3118 (9) To borrow money and issue bonds, certificates,
3119 warrants, notes, or other evidence of indebtedness as
3120 hereinafter provided; to levy such tax and special assessments
3121 as may be authorized; and to charge, collect, and enforce fees
3122 and other user charges.

3123 (10) To raise, by user charges or fees authorized by
3124 resolution of the board, amounts of money which are necessary
3125 for the conduct of the district activities and services and to
3126 enforce their receipt and collection in the manner prescribed by
3127 resolution not inconsistent with law.

3128 (11) To exercise within the district, or beyond the
3129 district with prior approval by resolution of the governing body
3130 of the county if the taking will occur in an unincorporated area
3131 or with prior approval by resolution of the governing body of
3132 the municipality if the taking will occur within a municipality,

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3133 the right and power of eminent domain, pursuant to the
3134 provisions of chapters 73 and 74, over any property within the
3135 state, except municipal, county, state, and federal property,
3136 for the uses and purposes of the district relating solely to
3137 water, sewer, district roads, and water management, specifically
3138 including, without limitation, the power for the taking of
3139 easements for the drainage of the land of one person over and
3140 through the land of another.

3141 (12) To cooperate with, or contract with, other
3142 governmental agencies as may be necessary, convenient,
3143 incidental, or proper in connection with any of the powers,
3144 duties, or purposes authorized by this act.

3145 (13) To assess and impose upon lands in the district ad
3146 valorem taxes as provided by this act.

3147 (14) To determine, order, levy, impose, collect, and
3148 enforce special assessments pursuant to this act and chapter
3149 170. Such special assessments may, in the discretion of the
3150 district, be collected and enforced pursuant to the provisions
3151 of ss. 197.3631, 197.3632, and 197.3635, chapter 170, or chapter
3152 173.

3153 (15) To exercise all of the powers necessary, convenient,
3154 incidental, or proper in connection with any of the powers,
3155 duties, or purposes authorized by this act.

3156 (16) To exercise such special powers as may be authorized
3157 by this act.

3158 Section 71. Subsection (8) of section 190.046, Florida
3159 Statutes, is amended to read:

3160 190.046 Termination, contraction, or expansion of
3161 district.—

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3162 (8) In the event the district has become inactive pursuant
3163 to s. 189.062 ~~189.4044~~, the respective board of county
3164 commissioners or city commission shall be informed and it shall
3165 take appropriate action.

3166 Section 72. Section 190.049, Florida Statutes, is amended
3167 to read:

3168 190.049 Special acts prohibited.—Pursuant to s. 11(a)(21),
3169 Art. III of the State Constitution, there shall be no special
3170 law or general law of local application creating an independent
3171 special district which has the powers enumerated in two or more
3172 of the paragraphs contained in s. 190.012, unless such district
3173 is created pursuant to the provisions of s. 189.031 ~~189.404~~.

3174 Section 73. Subsection (5) of section 191.003, Florida
3175 Statutes, is amended to read:

3176 191.003 Definitions.—As used in this act:

3177 (5) "Independent special fire control district" means an
3178 independent special district as defined in s. 189.012 ~~189.403~~,
3179 created by special law or general law of local application,
3180 providing fire suppression and related activities within the
3181 jurisdictional boundaries of the district. The term does not
3182 include a municipality, a county, a dependent special district
3183 as defined in s. 189.012 ~~189.403~~, a district providing primarily
3184 emergency medical services, a community development district
3185 established under chapter 190, or any other multiple-power
3186 district performing fire suppression and related services in
3187 addition to other services.

3188 Section 74. Paragraph (a) of subsection (1) and subsection
3189 (8) of section 191.005, Florida Statutes, are amended to read:

3190 191.005 District boards of commissioners; membership,

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3191 officers, meetings.—

3192 (1) (a) With the exception of districts whose governing
3193 boards are appointed collectively by the Governor, the county
3194 commission, and any cooperating city within the county, the
3195 business affairs of each district shall be conducted and
3196 administered by a five-member board. All three-member boards
3197 existing on the effective date of this act shall be converted to
3198 five-member boards, except those permitted to continue as a
3199 three-member board by special act adopted in 1997 or thereafter.
3200 The board shall be elected in nonpartisan elections by the
3201 electors of the district. Except as provided in this act, such
3202 elections shall be held at the time and in the manner prescribed
3203 by law for holding general elections in accordance with s.
3204 189.04(2)(a) ~~189.405(2)(a)~~ and (3), and each member shall be
3205 elected for a term of 4 years and serve until the member's
3206 successor assumes office. Candidates for the board of a district
3207 shall qualify as directed by chapter 99.

3208 (8) All meetings of the board shall be open to the public
3209 consistent with chapter 286, s. 189.015 ~~189.417~~, and other
3210 applicable general laws.

3211 Section 75. Subsection (2) of section 191.013, Florida
3212 Statutes, is amended to read:

3213 191.013 Intergovernmental coordination.—

3214 (2) Each independent special fire control district shall
3215 adopt a 5-year plan to identify the facilities, equipment,
3216 personnel, and revenue needed by the district during that 5-year
3217 period. The plan shall be updated in accordance with s. 189.08
3218 ~~189.415~~ and shall satisfy the requirement for a public
3219 facilities report required by s. 189.08(2) ~~189.415(2)~~.

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3220 Section 76. Subsection (1) of section 191.014, Florida
3221 Statutes, is amended to read:

3222 191.014 District creation and expansion.—

3223 (1) New districts may be created only by the Legislature
3224 under s. 189.031 ~~189.404~~.

3225 Section 77. Section 191.015, Florida Statutes, is amended
3226 to read:

3227 191.015 Codification.—Each fire control district existing
3228 on the effective date of this section, by December 1, 2004,
3229 shall submit to the Legislature a draft codified charter, at its
3230 expense, so that its special acts may be codified into a single
3231 act for reenactment by the Legislature, if there is more than
3232 one special act for the district. The Legislature may adopt a
3233 schedule for individual district codification. Any codified act
3234 relating to a district, which act is submitted to the
3235 Legislature for reenactment, shall provide for the repeal of all
3236 prior special acts of the Legislature relating to the district.
3237 The codified act shall be filed with the Department of Economic
3238 Opportunity pursuant to s. 189.016(2) ~~189.418(2)~~.

3239 Section 78. Paragraphs (c), (d), and (e) of subsection (8)
3240 of section 200.001, Florida Statutes, are amended to read:

3241 200.001 Millages; definitions and general provisions.—

3242 (8)

3243 (c) "Special district" means a special district as defined
3244 in s. 189.012 ~~189.403(1)~~.

3245 (d) "Dependent special district" means a dependent special
3246 district as defined in s. 189.012 ~~189.403(2)~~. Dependent special
3247 district millage, when added to the millage of the governing
3248 body to which it is dependent, shall not exceed the maximum

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3249 millage applicable to such governing body.

3250 (e) "Independent special district" means an independent
3251 special district as defined in s. 189.012 ~~189.403(3)~~, with the
3252 exception of a downtown development authority established before
3253 ~~prior to~~ the effective date of the 1968 State Constitution as an
3254 independent body, either appointed or elected, regardless of
3255 whether or not the budget is approved by the local governing
3256 body, if the district levies a millage authorized as of the
3257 effective date of the 1968 State Constitution. Independent
3258 special district millage shall not be levied in excess of a
3259 millage amount authorized by general law and approved by vote of
3260 the electors pursuant to s. 9(b), Art. VII of the State
3261 Constitution, except for those independent special districts
3262 levying millage for water management purposes as provided in
3263 that section and municipal service taxing units as specified in
3264 s. 125.01(1)(q) and (r). However, independent special district
3265 millage authorized as of the date the 1968 State Constitution
3266 became effective need not be so approved, pursuant to s. 2, Art.
3267 XII of the State Constitution.

3268 Section 79. Subsections (1), (5), (6), and (7) of section
3269 218.31, Florida Statutes, are amended to read:

3270 218.31 Definitions.—As used in this part, except where the
3271 context clearly indicates a different meaning:

3272 (1) "Local governmental entity" means a county agency, a
3273 municipality, or a special district as defined in s. 189.012
3274 ~~189.403~~. For purposes of s. 218.32, the term also includes a
3275 housing authority created under chapter 421.

3276 (5) "Special district" means a special district as defined
3277 in s. 189.012 ~~189.403(1)~~.

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3278 (6) "Dependent special district" means a dependent special
3279 district as defined in s. 189.012 ~~189.403(2)~~.

3280 (7) "Independent special district" means an independent
3281 special district as defined in s. 189.012 ~~189.403(3)~~.

3282 Section 80. Paragraphs (a) and (f) of subsection (1) and
3283 subsection (2) of section 218.32, Florida Statutes, are amended
3284 to read:

3285 218.32 Annual financial reports; local governmental
3286 entities.—

3287 (1) (a) Each local governmental entity that is determined to
3288 be a reporting entity, as defined by generally accepted
3289 accounting principles, and each independent special district as
3290 defined in s. 189.012 ~~189.403~~, shall submit to the department a
3291 copy of its annual financial report for the previous fiscal year
3292 in a format prescribed by the department. The annual financial
3293 report must include a list of each local governmental entity
3294 included in the report and each local governmental entity that
3295 failed to provide financial information as required by paragraph
3296 (b). The chair of the governing body and the chief financial
3297 officer of each local governmental entity shall sign the annual
3298 financial report submitted pursuant to this subsection attesting
3299 to the accuracy of the information included in the report. The
3300 county annual financial report must be a single document that
3301 covers each county agency.

3302 (f) If the department does not receive a completed annual
3303 financial report from a local governmental entity within the
3304 required period, it shall notify the Legislative Auditing
3305 Committee and the Special District Accountability Information ~~Information~~
3306 Program of the Department of Economic Opportunity of the

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3307 entity's failure to comply with the reporting requirements.

3308 (2) The department shall annually by December 1 file a
3309 verified report with the Governor, the Legislature, the Auditor
3310 General, and the Special District Accountability Information
3311 Program of the Department of Economic Opportunity showing the
3312 revenues, both locally derived and derived from
3313 intergovernmental transfers, and the expenditures of each local
3314 governmental entity, regional planning council, local government
3315 finance commission, and municipal power corporation that is
3316 required to submit an annual financial report. The report must
3317 include, but is not limited to:

3318 (a) The total revenues and expenditures of each local
3319 governmental entity that is a component unit included in the
3320 annual financial report of the reporting entity.

3321 (b) The amount of outstanding long-term debt by each local
3322 governmental entity. For purposes of this paragraph, the term
3323 "long-term debt" means any agreement or series of agreements to
3324 pay money, which, at inception, contemplate terms of payment
3325 exceeding 1 year in duration.

3326 Section 81. Paragraph (g) of subsection (1) of section
3327 218.37, Florida Statutes, is amended to read:

3328 218.37 Powers and duties of Division of Bond Finance;
3329 advisory council.—

3330 (1) The Division of Bond Finance of the State Board of
3331 Administration, with respect to both general obligation bonds
3332 and revenue bonds, shall:

3333 (g) By January 1 each year, provide the Special District
3334 Accountability Information Program of the Department of Economic
3335 Opportunity with a list of special districts that are not in

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3336 compliance with the requirements in s. 218.38.

3337 Section 82. Paragraph (j) of subsection (1) of section
3338 255.20, Florida Statutes, is amended to read:

3339 255.20 Local bids and contracts for public construction
3340 works; specification of state-produced lumber.—

3341 (1) A county, municipality, special district as defined in
3342 chapter 189, or other political subdivision of the state seeking
3343 to construct or improve a public building, structure, or other
3344 public construction works must competitively award to an
3345 appropriately licensed contractor each project that is estimated
3346 in accordance with generally accepted cost-accounting principles
3347 to cost more than \$300,000. For electrical work, the local
3348 government must competitively award to an appropriately licensed
3349 contractor each project that is estimated in accordance with
3350 generally accepted cost-accounting principles to cost more than
3351 \$75,000. As used in this section, the term "competitively award"
3352 means to award contracts based on the submission of sealed bids,
3353 proposals submitted in response to a request for proposal,
3354 proposals submitted in response to a request for qualifications,
3355 or proposals submitted for competitive negotiation. This
3356 subsection expressly allows contracts for construction
3357 management services, design/build contracts, continuation
3358 contracts based on unit prices, and any other contract
3359 arrangement with a private sector contractor permitted by any
3360 applicable municipal or county ordinance, by district
3361 resolution, or by state law. For purposes of this section, cost
3362 includes the cost of all labor, except inmate labor, and the
3363 cost of equipment and materials to be used in the construction
3364 of the project. Subject to the provisions of subsection (3), the

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3365 county, municipality, special district, or other political
3366 subdivision may establish, by municipal or county ordinance or
3367 special district resolution, procedures for conducting the
3368 bidding process.

3369 (j) A county, municipality, special district as defined in
3370 s. 189.012 ~~189.403~~, or any other political subdivision of the
3371 state that owns or operates a public-use airport as defined in
3372 s. 332.004 is exempt from this section when performing repairs
3373 or maintenance on the airport's buildings, structures, or public
3374 construction works using the local government's own services,
3375 employees, and equipment.

3376 Section 83. Subsection (4) of section 298.225, Florida
3377 Statutes, is amended to read:

3378 298.225 Water control plan; plan development and
3379 amendment.—

3380 (4) Information contained within a district's facilities
3381 plan prepared pursuant to s. 189.08 ~~189.415~~ which satisfies any
3382 of the provisions of subsection (3) may be used as part of the
3383 district water control plan.

3384 Section 84. Subsection (7) of section 343.922, Florida
3385 Statutes, is amended to read:

3386 343.922 Powers and duties.—

3387 (7) The authority shall comply with all statutory
3388 requirements of general application which relate to the filing
3389 of any report or documentation required by law, including the
3390 requirements of ss. 189.015, 189.016, 189.051, and 189.08
3391 ~~189.4085, 189.415, 189.417, and 189.418~~.

3392 Section 85. Subsection (5) of section 348.0004, Florida
3393 Statutes, is amended to read:

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3394 348.0004 Purposes and powers.—

3395 (5) Any authority formed pursuant to this act shall comply
3396 with all statutory requirements of general application which
3397 relate to the filing of any report or documentation required by
3398 law, including the requirements of ss. 189.015, 189.016,
3399 189.051, and 189.08 ~~189.4085, 189.415, 189.417, and 189.418.~~

3400 Section 86. Section 373.711, Florida Statutes, is amended
3401 to read:

3402 373.711 Technical assistance to local governments.—The
3403 water management districts shall assist local governments in the
3404 development and future revision of local government
3405 comprehensive plan elements or public facilities report as
3406 required by s. 189.08 ~~189.415~~, related to water resource issues.

3407 Section 87. Paragraph (b) of subsection (3) of section
3408 403.0891, Florida Statutes, is amended to read:

3409 403.0891 State, regional, and local stormwater management
3410 plans and programs.—The department, the water management
3411 districts, and local governments shall have the responsibility
3412 for the development of mutually compatible stormwater management
3413 programs.

3414 (3)

3415 (b) Local governments are encouraged to consult with the
3416 water management districts, the Department of Transportation,
3417 and the department before adopting or updating their local
3418 government comprehensive plan or public facilities report as
3419 required by s. 189.08 ~~189.415~~, whichever is applicable.

3420 Section 88. Subsection (1) of section 582.32, Florida
3421 Statutes, is amended to read:

3422 582.32 Effect of dissolution.—

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3423 (1) Upon issuance of a certificate of dissolution, s.
3424 189.076(2) ~~189.4045(2)~~ applies and all land use regulations in
3425 effect within such districts are void.

3426 Section 89. Paragraph (a) of subsection (3) of section
3427 1013.355, Florida Statutes, is amended to read:

3428 1013.355 Educational facilities benefit districts.—

3429 (3)(a) An educational facilities benefit district may be
3430 created pursuant to this act and chapters 125, 163, 166, and
3431 189. An educational facilities benefit district charter may be
3432 created by a county or municipality by entering into an
3433 interlocal agreement, as authorized by s. 163.01, with the
3434 district school board and any local general purpose government
3435 within whose jurisdiction a portion of the district is located
3436 and adoption of an ordinance that includes all provisions
3437 contained within s. 189.02 ~~189.4041~~. The creating entity shall
3438 be the local general purpose government within whose boundaries
3439 a majority of the educational facilities benefit district's
3440 lands are located.

3441 Section 90. This act shall take effect July 1, 2014.