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LEGISLATIVE ACTION

Senate

.

House

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Floor: 1/AD/2R

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04/22/2015 11:00 AM

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Senator Stargel moved the following:

Senate Amendment (with title amendment)

Delete lines 380 - 540

and insert:

Section 11. Subsection (1) of section 189.062, Florida Statutes, is amended to read:

189.062 Special procedures for inactive districts.—

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

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



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12 1. The registered agent of the district, the chair of the
13 governing body of the district, or the governing body of the
14 appropriate local general-purpose government notifies the
15 department in writing that the district has taken no action for
16 2 or more years;

17 2. The registered agent of the district, the chair of the
18 governing body of the district, or the governing body of the
19 appropriate local general-purpose government notifies the
20 department in writing that the district has not had a governing
21 body or a sufficient number of governing body members to
22 constitute a quorum for 2 or more years;

23 3. The registered agent of the district, the chair of the
24 governing body of the district, or the governing body of the
25 appropriate local general-purpose government fails to respond to
26 an inquiry by the department within 21 days;

27 4. The department determines, pursuant to s. 189.067, that
28 the district has failed to file any of the reports listed in s.
29 189.066;

30 5. The district has not had a registered office and agent
31 on file with the department for 1 or more years; or

32 6. The governing body of a special district provides
33 documentation to the department that it has unanimously adopted
34 a resolution declaring the special district inactive. The
35 special district is ~~shall be~~ responsible for payment of any
36 expenses associated with its dissolution. A special district
37 declared inactive pursuant to this subparagraph may be dissolved
38 without a referendum; ~~or~~

39 (b) The department, special district, or local general-
40 purpose government published a notice of proposed declaration of



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41 inactive status in a newspaper of general circulation in the
42 county or municipality in which the territory of the special
43 district is located and sent a copy of such notice by certified
44 mail to the registered agent or chair of the governing body, if
45 any. Such notice must include the name of the special district,
46 the law under which it was organized and operating, a general
47 description of the territory included in the special district,
48 and a statement that any objections must be filed pursuant to
49 chapter 120 within 21 days after the publication date; and

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

53 Section 12. Subsections (1), (2), and (3) of section
54 189.064, Florida Statutes, are amended to read:

55 189.064 Special District Accountability Program; duties and
56 responsibilities.—The Special District Accountability Program of
57 the department has the following duties:

58 (1) Electronically publishing special district
59 noncompliance status reports from the Department of Management
60 Services, the Department of Financial Services, the Division of
61 Bond Finance of the State Board of Administration, the Auditor
62 General, and the Legislative Auditing Committee, for the
63 reporting required in ss. 112.63, 218.32, 218.38, and 218.39.
64 The noncompliance reports must list those special districts that
65 did not comply with the statutory reporting requirements and be
66 made available to the public electronically.

67 (2) Maintaining the official list of special districts as
68 set forth in s. 189.061.

69 (3) Publishing and updating of a "Florida Special District



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70 Handbook" that contains, at a minimum:

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

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

76 (c) A section that summarizes the reporting requirements
77 applicable to all types of special districts as provided in ss.
78 189.015 and 189.016.

79 (d) A section that summarizes the public facilities
80 reporting requirements and the evaluation and appraisal
81 notification schedule as provided in s. 189.08(2).

82 Section 13. Section 189.0653, Florida Statutes, is created
83 to read:

84 189.0653 Public hearing on noncompliance.—Before the public
85 hearing as provided in s. 189.0651(2) or s. 189.0652(2) is held,
86 the special district shall provide the following information at
87 the request of the local general-purpose government or the
88 Legislative Auditing Committee, as appropriate:

89 (1) The district's annual financial report for the previous
90 fiscal year.

91 (2) The district's audit report for the previous fiscal
92 year.

93 (3) Minutes of meetings of the special district's governing
94 body for the previous fiscal year and the current fiscal year to
95 date.

96 (4) A report for the previous fiscal year providing the
97 following information:

98 (a) The purpose of the special district.



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- 99 (b) The sources of funding for the special district.
- 100 (c) A description of the major activities, programs, and
101 initiatives that the special district undertook in the most
102 recently completed fiscal year and the benchmarks or criteria
103 under which the success or failure of the district was or will
104 be determined by its governing body.
- 105 (d) Any challenges or obstacles faced by the special
106 district in fulfilling its purpose and related responsibilities.
- 107 (e) Ways in which the special district's governing body
108 believes that it could better fulfill the special district's
109 purpose and a description of the actions that it intends to
110 take.
- 111 (f) Proposed changes to the special act, ordinance, or
112 resolution, as appropriate, which established the special
113 district and justification for such changes.
- 114 (g) Any other information reasonably required to provide
115 the reviewing entity with an accurate understanding of the
116 purpose of the special district and how the special district is
117 fulfilling that purpose.
- 118 (h) Any reasons for the district's noncompliance resulting
119 in the public hearing.
- 120 (i) Whether the district is currently in compliance.
- 121 (j) Plans to correct any recurring issues of noncompliance.
- 122 (k) Efforts to promote transparency, including a statement
123 indicating whether the district's website complies with s.
124 189.069.
- 125 Section 14. Subsection (2) of section 189.067, Florida
126 Statutes, is amended to read:
127 189.067 Failure of district to disclose financial reports.-



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128 (2) Failure of a special district to comply with the
129 actuarial and financial reporting requirements under s. 112.63,
130 s. 218.32, or s. 218.39 after the procedures of subsection (1)
131 are exhausted shall be deemed final action of the special
132 district. The actuarial and financial reporting requirements are
133 declared to be essential requirements of law. Remedies for
134 noncompliance with ss. 218.32 and 218.39 shall be as provided in
135 ss. 189.0651 and 189.0652 ~~ss. 189.034 and 189.035~~. Remedy for
136 noncompliance with s. 112.63 shall be as set forth in subsection
137 (4).

138 Section 15. Paragraphs (a), (b), and (c) of subsection (2)
139 of section 189.068, Florida Statutes, are amended to read:

140 189.068 Special districts; authority for oversight; general
141 oversight review process.—

142 (2) Special districts may be reviewed for general oversight
143 purposes under this section as follows:

144 (a) All special districts created by special act may be
145 reviewed by the Legislature using the public hearing process
146 provided in s. 189.0651(2) ~~s. 189.034~~.

147 (b) All special districts created by local ordinance or
148 resolution may be reviewed by the local general-purpose
149 government that enacted the ordinance or resolution using the
150 public hearing process provided in s. 189.0652(2) ~~s. 189.035~~.

151 (c) All dependent special districts not created by special
152 act may be reviewed by the local general-purpose government upon
153 ~~to~~ which they are dependent.

154 Section 16. Section 189.069, Florida Statutes, is amended
155 to read:

156 189.069 Special districts; required reporting of



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157 information; web-based public access.-

158 (1) Beginning on October 1, 2015, or by the end of the
159 first full fiscal year after its creation, each special district
160 shall maintain an official Internet website containing the
161 information required by this section ~~in accordance with s.~~
162 ~~189.016~~. Special districts shall submit their official Internet
163 website addresses to the department.

164 (a) Independent special districts shall maintain a separate
165 Internet website.

166 (b) Dependent special districts shall be prominently
167 ~~preeminently~~ displayed on the home page of the Internet website
168 of the local general-purpose government upon which they are
169 dependent ~~that created the special district~~ with a hyperlink to
170 such webpages as are necessary to provide the information
171 required by this section. Dependent special districts may
172 maintain a separate Internet website providing the information
173 required by this section.

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

- 176 1. The full legal name of the special district.
- 177 2. The public purpose of the special district.
- 178 3. The name, address, e-mail address, and, if applicable,
179 the term and appointing authority for each member of the
180 governing body of the special district.
- 181 4. The fiscal year of the special district.
- 182 5. The full text of the special district's charter, the
183 date of establishment, the establishing entity, and the statute
184 or statutes under which the special district operates, if
185 different from the statute or statutes under which the special



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186 district was established. Community development districts may
187 reference chapter 190 as the uniform charter, but must include
188 information relating to any grant of special powers.

189 6. The mailing address, e-mail address, telephone number,
190 and Internet website uniform resource locator of the special
191 district.

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

194 8. A listing of all taxes, fees, assessments, or charges
195 imposed and collected by the special district, including the
196 rates or amounts for the fiscal year and the statutory authority
197 for the levy of the tax, fee, assessment, or charge. For
198 purposes of this subparagraph, charges do not include patient
199 charges by a hospital or other health care provider.

200 9. The primary contact information for the special district
201 for purposes of communication from the department.

202 10. A code of ethics adopted by the special district, if
203 applicable, and a hyperlink to generally applicable ethics
204 provisions.

205 11. The budget of the each special district, and any in
206 addition to amendments thereto in accordance with s. 189.016.

207 12. The final, complete audit report for the most recent
208 completed fiscal year, and audit reports required by law or
209 authorized by the governing body of the special district.

210 13. A listing of its regularly scheduled public meetings
211 for the year. The schedule must include the date, time, and
212 location of each such meeting.

213 14. The public facilities report, if applicable.

214 15. The link to the Department of Financial Services'



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216 ===== T I T L E A M E N D M E N T =====

217 And the title is amended as follows:

218 Between lines 36 and 37

219 insert:

220 189.062, F.S.; making technical changes; amending s.