

By Senator Stargel

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1 A bill to be entitled
2 An act relating to special districts; amending s.
3 11.40, F.S.; conforming cross-references; amending s.
4 189.011, F.S.; revising legislative intent with
5 respect to the Uniform Special District Accountability
6 Act to include independent and dependent special
7 districts; amending s. 189.016, F.S., deleting a
8 provision requiring a special district to transmit
9 certain budgets to the local government instead of
10 posting such information on the special district's
11 website under specific circumstances; specifying the
12 period in which certain budget information must be
13 posted on the special district's website; amending s.
14 189.02, F.S.; specifying the Legislature's authority
15 to create dependent special districts by special act;
16 creating s. 189.022, F.S.; requiring a newly created
17 dependent special district, and authorizing an
18 existing dependent special district, to identify the
19 district as dependent in its charter; amending s.
20 189.031, F.S.; requiring a newly created independent
21 special district, and authorizing an existing
22 independent special district, to identify the district
23 as independent in its charter; transferring,
24 renumbering, and amending ss. 189.034 and 189.035,
25 F.S., deleting provisions requiring that special
26 districts created by special act provide specified
27 information to the Legislative Auditing Committee or
28 requiring that special districts created by local
29 ordinance provide specified information to the local

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30 general-purpose government, to conform; deleting
31 related provisions requiring the Legislative Auditing
32 Committee to provide certain notice to the Legislature
33 or local general-purpose government, as appropriate,
34 when a special district fails to file certain required
35 reports or requested information, to conform; amending
36 s. 189.061, F.S.; conforming provisions; amending s.
37 189.064, F.S.; revising the required content of the
38 special district handbook; creating s. 189.0653, F.S.;
39 requiring special districts created by special act or
40 local ordinance to provide specified information to
41 the Legislative Auditing Committee or local general-
42 purpose government, as appropriate; amending s.
43 189.067, F.S.; conforming cross-references; amending
44 s. 189.068, F.S.; specifying that local general-
45 purpose governments may review certain special
46 districts; conforming cross-references; amending s.
47 189.069, F.S.; deleting a cross-reference, to conform;
48 revising the list of items required to be included on
49 the websites of special districts; reenacting ss.
50 165.0615(16) and 189.074(2)(e) and (3)(g), F.S.,
51 relating to municipal conversion of independent
52 special districts upon elector-initiated and approved
53 referendum and the voluntary merger of independent
54 special districts, respectively, to incorporate the
55 amendment made by the act to s. 189.016, F.S., in
56 references thereto; providing an effective date.

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58 Be It Enacted by the Legislature of the State of Florida:

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Section 1. Paragraph (b) of subsection (2) of section 11.40, Florida Statutes, is amended to read:

11.40 Legislative Auditing Committee.—

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

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

1. A special act, notify the President of the Senate, the Speaker of the House of Representatives, the standing committees of the Senate and the House of Representatives charged with special district oversight as determined by the presiding officers of each respective chamber, the legislators who represent a portion of the geographical jurisdiction of the special district ~~pursuant to s. 189.034(2)~~, and the Department of Economic Opportunity that the special district has failed to comply with the law. Upon receipt of notification, the Department of Economic Opportunity shall proceed pursuant to s. 189.062 or s. 189.067. If the special district remains in noncompliance after the process set forth in s. 189.0651(2) ~~189.034(3)~~, or if a public hearing is not held, the Legislative

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88 Auditing Committee may request the department to proceed
89 pursuant to s. 189.067(3).

90 2. A local ordinance, notify the chair or equivalent of the
91 local general-purpose government pursuant to s. 189.035(2) and
92 the Department of Economic Opportunity that the special district
93 has failed to comply with the law. Upon receipt of notification,
94 the department shall proceed pursuant to s. 189.062 or s.
95 189.067. If the special district remains in noncompliance after
96 the process set forth in s. 189.0652(2) ~~189.034(3)~~, or if a
97 public hearing is not held, the Legislative Auditing Committee
98 may request the department to proceed pursuant to s. 189.067(3).

99 3. Any manner other than a special act or local ordinance,
100 notify the Department of Economic Opportunity that the special
101 district has failed to comply with the law. Upon receipt of
102 notification, the department shall proceed pursuant to s.
103 189.062 or s. 189.067(3).

104 Section 2. For the purpose of incorporating the amendment
105 made by this act to section 189.016, Florida Statutes, in a
106 reference thereto, subsection (16) of section 165.0615, Florida
107 Statutes, is reenacted to read:

108 165.0615 Municipal conversion of independent special
109 districts upon elector-initiated and approved referendum.-

110 (16) If the incorporation plan is approved by a majority of
111 the votes cast in the independent special district, the district
112 shall notify the special district accountability program
113 pursuant to s. 189.016(2) and the local general-purpose
114 governments in which any part of the independent special
115 district is situated pursuant to s. 189.016(7).

116 Section 3. Subsection (2) of section 189.011, Florida

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117 Statutes, is amended to read:

118 189.011 Statement of legislative purpose and intent.—

119 (2) The Legislature finds that special districts serve a
120 necessary and useful function by providing services to residents
121 and property in the state. The Legislature finds further that
122 special districts operate to serve a public purpose and that
123 this is best secured by certain minimum standards of
124 accountability designed to inform the public and appropriate
125 local general-purpose governments of the status and activities
126 of special districts. It is the intent of the Legislature that
127 this public trust be secured by requiring each ~~independent~~
128 special district in the state to register and report its
129 financial and other activities. The Legislature further finds
130 that failure of a ~~an independent~~ special district to comply with
131 the minimum disclosure requirements set forth in this chapter
132 may result in action against the special ~~officers of such~~
133 district ~~body~~.

134 Section 4. Subsections (4) and (7) of section 189.016,
135 Florida Statutes, are amended to read:

136 189.016 Reports; budgets; audits.—

137 (4) The tentative budget must be posted on the special
138 district's official website at least 2 days before the budget
139 hearing, held pursuant to s. 200.065 or other law, to consider
140 such budget and must remain on the website for at least 45 days.
141 The final adopted budget must be posted on the special
142 district's official website within 30 days after adoption and
143 must remain on the website for at least 2 years. ~~If the special~~
144 ~~district does not operate an official website, the special~~
145 ~~district must, within a reasonable period of time as established~~

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146 ~~by the local general purpose government or governments in which~~
147 ~~the special district is located or the local governing authority~~
148 ~~to which the district is dependent, transmit the tentative~~
149 ~~budget or final budget to the manager or administrator of the~~
150 ~~local general purpose government or the local governing~~
151 ~~authority. The manager or administrator shall post the tentative~~
152 ~~budget or final budget on the website of the local general-~~
153 ~~purpose government or governing authority. This subsection and~~
154 subsection (3) do not apply to water management districts as
155 defined in s. 373.019.

156 (7) If the governing body of a special district amends the
157 budget pursuant to paragraph (6) (c), the adopted amendment must
158 be posted on the official website of the special district within
159 5 days after adoption and must remain on the website for at
160 least 2 years. If the special district does not operate an
161 official website, the special district must, within a reasonable
162 period of time as established by the local general-purpose
163 government or governments in which the special district is
164 located or the local governing authority to which the district
165 is dependent, transmit the adopted amendment to the manager or
166 administrator of the local general-purpose government or
167 governing authority. The manager or administrator shall post the
168 adopted amendment on the website of the local general-purpose
169 government or governing authority.

170 Section 5. Subsection (5) is added to section 189.02,
171 Florida Statutes, to read:

172 189.02 Dependent special districts.—

173 (5) The Legislature may create dependent special districts
174 by special act at the request or with the consent of the local

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175 government upon which it is dependent.

176 Section 6. Section 189.022, Florida Statutes, is created to
177 read:

178 189.022 Status statement.—The charter of a newly created
179 dependent special district shall contain, and where practical
180 and feasible, the charter of an existing dependent special
181 district shall be amended to contain, a reference to the status
182 of the special district as dependent. When necessary, the status
183 statement shall be amended to conform to the department's
184 determination or declaratory statement regarding the status of
185 the district.

186 Section 7. Subsection (5) of section 189.031, Florida
187 Statutes, is amended to read:

188 189.031 Legislative intent for the creation of independent
189 special districts; special act prohibitions; model elements and
190 other requirements; local general-purpose government/Governor
191 and Cabinet creation authorizations.—

192 (5) STATUS STATEMENT.—~~After October 1, 1997,~~ The charter of
193 a any newly created independent special district shall contain,
194 and, where as practical and feasible, the charter of an existing
195 independent ~~a preexisting~~ special district shall be amended to
196 contain, a reference to the status of the special district as
197 dependent or independent. When necessary, the status statement
198 shall be amended to conform to ~~with~~ the department's
199 determination or declaratory statement regarding the status of
200 the district.

201 Section 8. Section 189.034, Florida Statutes, is
202 transferred, renumbered as section 189.0651, Florida Statutes,
203 and amended to read:

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204 189.0651 ~~189.034~~ Oversight of special districts created by
205 special act of the Legislature.—

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

208 ~~(2) If a special district fails to file required reports or~~
209 ~~requested information under s. 11.45(7), s. 218.32, s. 218.39,~~
210 ~~or s. 218.503(3), with the appropriate state agency or office,~~
211 ~~the Legislative Auditing Committee or its designee shall provide~~
212 ~~written notice of the district's noncompliance to the President~~
213 ~~of the Senate, the Speaker of the House of Representatives, the~~
214 ~~standing committees of the Senate and the House of~~
215 ~~Representatives charged with special district oversight as~~
216 ~~determined by the presiding officers of each respective chamber,~~
217 ~~and the legislators who represent a portion of the geographical~~
218 ~~jurisdiction of the special district.~~

219 (2) ~~(3)~~ The Legislative Auditing Committee may convene a
220 public hearing on the issue of noncompliance, as well as general
221 oversight of the special district as provided in s. 189.068, at
222 the direction of the President of the Senate and the Speaker of
223 the House of Representatives.

224 ~~(4) Before the public hearing as provided in subsection~~
225 ~~(3), the special district shall provide the following~~
226 ~~information at the request of the Legislative Auditing~~
227 ~~Committee:~~

228 ~~(a) The district's annual financial report for the prior~~
229 ~~fiscal year.~~

230 ~~(b) The district's audit report for the previous fiscal~~
231 ~~year.~~

232 ~~(c) An annual report for the previous fiscal year providing~~

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233 ~~a detailed review of the performance of the special district,~~
234 ~~including the following information:~~

235 ~~1. The purpose of the special district.~~

236 ~~2. The sources of funding for the special district.~~

237 ~~3. A description of the major activities, programs, and~~
238 ~~initiatives the special district undertook in the most recently~~
239 ~~completed fiscal year and the benchmarks or criteria under which~~
240 ~~the success or failure of the district was determined by its~~
241 ~~governing body.~~

242 ~~4. Any challenges or obstacles faced by the special~~
243 ~~district in fulfilling its purpose and related responsibilities.~~

244 ~~5. Ways the special district believes it could better~~
245 ~~fulfill its purpose and related responsibilities and a~~
246 ~~description of the actions that it intends to take during the~~
247 ~~ensuing fiscal year.~~

248 ~~6. Proposed changes to the special act that established the~~
249 ~~special district and justification for such changes.~~

250 ~~7. Any other information reasonably required to provide the~~
251 ~~Legislative Auditing Committee with an accurate understanding of~~
252 ~~the purpose for which the special district exists and how it is~~
253 ~~fulfilling its responsibilities to accomplish that purpose.~~

254 ~~8. Any reasons for the district's noncompliance.~~

255 ~~9. Whether the district is currently in compliance.~~

256 ~~10. Plans to correct any recurring issues of noncompliance.~~

257 ~~11. Efforts to promote transparency, including maintenance~~
258 ~~of the district's website in accordance with s. 189.069.~~

259 Section 9. Section 189.035, Florida Statutes, is
260 transferred, renumbered as section 189.0652, Florida Statutes,
261 and amended to read:

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262 189.0652 ~~189.035~~ Oversight of special districts created by
263 local ordinance or enacted by local resolution.-

264 (1) This section applies to any special district created by
265 local ordinance or enacted by local resolution.

266 ~~(2) If a special district fails to file required reports or~~
267 ~~requested information under s. 11.45(7), s. 218.32, s. 218.39,~~
268 ~~or s. 218.503(3) with the appropriate state agency or office,~~
269 ~~the Legislative Auditing Committee or its designee shall provide~~
270 ~~written notice of the district's noncompliance to the chair or~~
271 ~~equivalent of the local general-purpose government.~~

272 (2) ~~(3)~~ The chair or equivalent of the local general-purpose
273 government may convene a public hearing on the issue of
274 noncompliance, as well as general oversight of the special
275 district as provided in s. 189.068, within 3 months after
276 receipt of notice of noncompliance from the Legislative Auditing
277 Committee. Within 30 days after receiving written notice of
278 noncompliance, the local general-purpose government shall notify
279 the Legislative Auditing Committee as to whether a hearing under
280 this section will be held and, if so, provide the date, time,
281 and place of the hearing.

282 ~~(4) Before the public hearing as provided in subsection~~
283 ~~(3), the special district shall provide the following~~
284 ~~information at the request of the local general-purpose~~
285 ~~government:~~

286 ~~(a) The district's annual financial report for the previous~~
287 ~~fiscal year.~~

288 ~~(b) The district's audit report for the previous fiscal~~
289 ~~year.~~

290 ~~(c) An annual report for the previous fiscal year, which~~

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291 ~~must provide a detailed review of the performance of the special~~
292 ~~district and include the following information:~~

293 ~~1. The purpose of the special district.~~

294 ~~2. The sources of funding for the special district.~~

295 ~~3. A description of the major activities, programs, and~~
296 ~~initiatives the special district undertook in the most recently~~
297 ~~completed fiscal year and the benchmarks or criteria under which~~
298 ~~the success or failure of the district was determined by its~~
299 ~~governing body.~~

300 ~~4. Any challenges or obstacles faced by the special~~
301 ~~district in fulfilling its purpose and related responsibilities.~~

302 ~~5. Ways in which the special district believes that it~~
303 ~~could better fulfill its purpose and related responsibilities~~
304 ~~and a description of the actions that it intends to take during~~
305 ~~the ensuing fiscal year.~~

306 ~~6. Proposed changes to the ordinance or resolution that~~
307 ~~established the special district and justification for such~~
308 ~~changes.~~

309 ~~7. Any other information reasonably required to provide the~~
310 ~~reviewing entity with an accurate understanding of the purpose~~
311 ~~for which the special district exists and how it is fulfilling~~
312 ~~its responsibilities to accomplish that purpose.~~

313 ~~8. Any reasons for the district's noncompliance.~~

314 ~~9. Whether the district is currently in compliance.~~

315 ~~10. Plans to correct any recurring issues of noncompliance.~~

316 ~~11. Efforts to promote transparency, including maintenance~~
317 ~~of the district's website in accordance with s. 189.069.~~

318 ~~(3)-(5)~~ If the local general-purpose government convenes a
319 public hearing under s. 189.0652(2) ~~this section~~, it shall

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320 provide the department and the Legislative Auditing Committee
321 with a report containing its findings and conclusions within 60
322 days after completion of the public hearing.

323 Section 10. Section 189.061, Florida Statutes, is amended
324 to read:

325 189.061 Official list of special districts.—

326 (1) The department shall maintain the official list of
327 special districts. The official list of special districts shall
328 include all special districts in this state and shall indicate
329 the independent or dependent status of each district. All
330 special districts on the list shall be sorted by county. The
331 definitions in s. 189.012 shall be the criteria for
332 determination of the independent or dependent status of each
333 special district on the official list. The status of community
334 development districts shall be independent on the official list
335 of special districts.

336 (2) The official list shall be produced by the department
337 after the department has notified each special district that is
338 currently reporting to the department, the Department of
339 Financial Services pursuant to s. 218.32, or the Auditor General
340 pursuant to s. 218.39. Upon notification, each special district
341 shall submit, within 60 days, its determination of its status.
342 If a special district does not submit its status to the
343 department within 60 days, the department may determine the
344 status of that district. After such determination of status is
345 completed, the department shall render the determination to an
346 agent of the special district. The determination submitted by a
347 special district shall be consistent with the status reported in
348 the most recent local government audit of district activities

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349 submitted to the Auditor General pursuant to s. 218.39.

350 (3) The Department of Financial Services shall provide the
351 department with a list of dependent special districts reporting
352 pursuant to s. 218.32 for inclusion on the official list of
353 special districts.

354 ~~(4) If a special district does not submit its status to the~~
355 ~~department within the required time period, then the department~~
356 ~~shall have the authority to determine the status of said~~
357 ~~district. After such determination of status is completed, the~~
358 ~~department shall render the determination to an agent of the~~
359 ~~special district.~~

360 (4)~~(5)~~ The official list of special districts shall be
361 available on the department's website and must include a link to
362 the website of each special district that provides web-based
363 access to the public of the information and documentation
364 required under s. 189.069.

365 (5)~~(6)~~ The official list of special districts or the
366 determination of status does not constitute final agency action
367 pursuant to chapter 120. If the status of a special district on
368 the official list is inconsistent with the status submitted by
369 the district, the district may request the department to issue a
370 declaratory statement setting forth the requirements necessary
371 to resolve the inconsistency. If necessary, upon issuance of a
372 declaratory statement by the department which is not appealed
373 pursuant to chapter 120, the governing body of any special
374 district receiving such a declaratory statement shall apply to
375 the entity which originally established the district for an
376 amendment to its charter correcting the specified defects in its
377 original charter. This amendment shall be for the sole purpose

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378 of resolving inconsistencies between a district charter and the
379 status of a district as it appears on the official list.

380 Section 11. Subsections (1), (2), and (3) of section
381 189.064, Florida Statutes, are amended to read:

382 189.064 Special District Accountability Program; duties and
383 responsibilities.—The Special District Accountability Program of
384 the department has the following duties:

385 (1) Electronically publishing special district
386 noncompliance status reports from the Department of Management
387 Services, the Department of Financial Services, the Division of
388 Bond Finance of the State Board of Administration, the Auditor
389 General, and the Legislative Auditing Committee, for the
390 reporting required in ss. 112.63, 218.32, 218.38, and 218.39.
391 The noncompliance reports must list those special districts that
392 did not comply with the statutory reporting requirements and be
393 made available to the public electronically.

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

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

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

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

403 (c) A section that summarizes the reporting requirements
404 applicable to all types of special districts as provided in ss.
405 189.015 and 189.016.

406 (d) A summary of the most recent public facilities report,

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407 the evaluation and appraisal notification schedule as required
408 under s. 189.08(2)(a), and the Internet address of the full
409 report and schedule.

410 Section 12. Section 189.0653, Florida Statutes, is created
411 to read:

412 189.0653 Public hearing on noncompliance.—Before the public
413 hearing as provided in s. 189.0651(2) or s. 189.0652(2) is held,
414 the special district shall provide the following information at
415 the request of the local general-purpose government or the
416 Legislative Auditing Committee, as appropriate:

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

419 (2) The district's audit report for the previous fiscal
420 year.

421 (3) An annual report for the previous fiscal year, which
422 must provide a detailed review of the performance of the special
423 district and include the following information:

424 (a) The purpose of the special district.

425 (b) The sources of funding for the special district.

426 (c) A description of the major activities, programs, and
427 initiatives the special district undertook in the most recently
428 completed fiscal year and the benchmarks or criteria under which
429 the success or failure of the district was determined by its
430 governing body.

431 (d) Any challenges or obstacles faced by the special
432 district in fulfilling its purpose and related responsibilities.

433 (e) Ways in which the special district believes that it
434 could better fulfill its purpose and related responsibilities
435 and a description of the actions that it intends to take during

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436 the ensuing fiscal year.

437 (f) Proposed changes to the ordinance or resolution that
438 established the special district and justification for such
439 changes.

440 (g) Any other information reasonably required to provide
441 the reviewing entity with an accurate understanding of the
442 purpose for which the special district exists and how it is
443 fulfilling its responsibilities to accomplish that purpose.

444 (h) Any reasons for the district's noncompliance.

445 (i) Whether the district is currently in compliance.

446 (j) Plans to correct any recurring issues of noncompliance.

447 (k) Efforts to promote transparency, including maintenance
448 of the district's website in accordance with s. 189.069.

449 Section 13. Subsection (2) of section 189.067, Florida
450 Statutes, is amended to read:

451 189.067 Failure of district to disclose financial reports.-

452 (2) Failure of a special district to comply with the
453 actuarial and financial reporting requirements under s. 112.63,
454 s. 218.32, or s. 218.39 after the procedures of subsection (1)
455 are exhausted shall be deemed final action of the special
456 district. The actuarial and financial reporting requirements are
457 declared to be essential requirements of law. Remedies for
458 noncompliance with ss. 218.32 and 218.39 shall be as provided in
459 ss. 189.0651 and 189.0652 ~~189.034 and 189.035~~. Remedy for
460 noncompliance with s. 112.63 shall be as set forth in subsection
461 (4).

462 Section 14. Paragraphs (a), (b), and (c) of subsection (2)
463 of section 189.068, Florida Statutes, are amended to read:

464 189.068 Special districts; authority for oversight; general

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465 oversight review process.-

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

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

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

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

478 Section 15. Section 189.069, Florida Statutes, is amended
479 to read:

480 189.069 Special districts; required reporting of
481 information; web-based public access.-

482 (1) Beginning on October 1, 2015, or by the end of the
483 first full fiscal year after its creation, each special district
484 shall maintain an official Internet website containing the
485 information required by this section ~~in accordance with s.~~
486 ~~189.016~~. Special districts shall submit their official Internet
487 website addresses to the department.

488 (a) Independent special districts shall maintain a separate
489 Internet website.

490 (b) Dependent special districts shall be prominently
491 ~~preeminently~~ displayed on the home page of the Internet website
492 of the local general-purpose government upon which it is
493 dependent ~~that created the special district~~ with a hyperlink to

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494 such webpages as are necessary to provide the information
495 required by this section. Dependent special districts may
496 maintain a separate Internet website providing the information
497 required by this section.

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

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

501 2. The public purpose of the special district.

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

505 4. The fiscal year of the special district.

506 5. The full text of the special district's charter, the
507 date of establishment, the establishing entity, and the statute
508 or statutes under which the special district operates, if
509 different from the statute or statutes under which the special
510 district was established. Community development districts may
511 reference chapter 190 as the uniform charter, but must include
512 information relating to any grant of special powers.

513 6. The mailing address, e-mail address, telephone number,
514 and Internet website uniform resource locator of the special
515 district.

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

518 8. A listing of all taxes, fees, assessments, or charges
519 imposed and collected by the special district, including the
520 rates or amounts for the fiscal year and the statutory authority
521 for the levy of the tax, fee, assessment, or charge. For
522 purposes of this subparagraph, charges do not include patient

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523 charges by a hospital or other health care provider.

524 9. The primary contact information for the special district
525 for purposes of communication from the department.

526 10. A code of ethics adopted by the special district, if
527 applicable, and a hyperlink to generally applicable ethics
528 provisions.

529 11. The budget of each special district, in addition to
530 amendments in accordance with s. 189.016.

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

534 13. A listing of its regularly scheduled public meetings
535 for the year. The schedule shall include the date, time, and
536 location of each such meeting.

537 14. The link to the Department of Financial Services'
538 website as set forth in s. 218.32(1)(g).

539 (b) The department's Internet website list of special
540 districts in the state required under s. 189.061 shall include a
541 link for each special district that provides web-based access to
542 the public for all information and documentation required for
543 submission to the department pursuant to subsection (1).

544 Section 16. For the purpose of incorporating the amendment
545 made by this act to section 189.016, Florida Statutes, in
546 references thereto, paragraph (e) of subsection (2) and
547 paragraph (g) of subsection (3) of section 189.074, Florida
548 Statutes, are reenacted to read:

549 189.074 Voluntary merger of independent special districts.—
550 Two or more contiguous independent special districts created by
551 special act which have similar functions and elected governing

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552 bodies may elect to merge into a single independent district
553 through the act of merging the component independent special
554 districts.

555 (2) JOINT MERGER PLAN BY RESOLUTION.—The governing bodies
556 of two or more contiguous independent special districts may, by
557 joint resolution, endorse a proposed joint merger plan to
558 commence proceedings to merge the districts pursuant to this
559 section.

560 (e) After the final public hearing, the governing bodies
561 shall notify the supervisors of elections of the applicable
562 counties in which district lands are located of the adoption of
563 the resolution by each governing body. The supervisors of
564 elections shall schedule a separate referendum for each
565 component independent special district. The referenda may be
566 held in each district on the same day, or on different days, but
567 no more than 20 days apart.

568 1. Notice of a referendum on the merger of independent
569 special districts must be provided pursuant to the notice
570 requirements in s. 100.342. At a minimum, the notice must
571 include:

572 a. A brief summary of the resolution and joint merger plan;

573 b. A statement as to where a copy of the resolution and
574 joint merger plan may be examined;

575 c. The names of the component independent special districts
576 to be merged and a description of their territory;

577 d. The times and places at which the referendum will be
578 held; and

579 e. Such other matters as may be necessary to call, provide
580 for, and give notice of the referendum and to provide for the

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581 conduct thereof and the canvass of the returns.

582 2. The referenda must be held in accordance with the
583 Florida Election Code and may be held pursuant to ss. 101.6101-
584 101.6107. All costs associated with the referenda shall be borne
585 by the respective component independent special district.

586 3. The ballot question in such referendum placed before the
587 qualified electors of each component independent special
588 district to be merged must be in substantially the following
589 form:

590

591 "Shall ...(name of component independent special
592 district)... and ...(name of component independent special
593 district or districts)... be merged into ...(name of newly
594 merged independent district)...?"

595

596YES

597NO"

598

599 4. If the component independent special districts proposing
600 to merge have disparate millage rates, the ballot question in
601 the referendum placed before the qualified electors of each
602 component independent special district must be in substantially
603 the following form:

604

605 "Shall ...(name of component independent special
606 district)... and ...(name of component independent special
607 district or districts)... be merged into ...(name of newly
608 merged independent district)... if the voter-approved maximum
609 millage rate within each independent special district will not

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610 increase absent a subsequent referendum?
611

612 ...YES

613 ...NO"

614

615 5. In any referendum held pursuant to this section, the
616 ballots shall be counted, returns made and canvassed, and
617 results certified in the same manner as other elections or
618 referenda for the component independent special districts.

619 6. The merger may not take effect unless a majority of the
620 votes cast in each component independent special district are in
621 favor of the merger. If one of the component districts does not
622 obtain a majority vote, the referendum fails, and merger does
623 not take effect.

624 7. If the merger is approved by a majority of the votes
625 cast in each component independent special district, the merged
626 independent district is created. Upon approval, the merged
627 independent district shall notify the Special District
628 Accountability Program pursuant to s. 189.016(2) and the local
629 general-purpose governments in which any part of the component
630 independent special districts is situated pursuant to s.
631 189.016(7).

632 8. If the referendum fails, the merger process under this
633 subsection may not be initiated for the same purpose within 2
634 years after the date of the referendum.

635 (3) QUALIFIED ELECTOR-INITIATED MERGER PLAN.—The qualified
636 electors of two or more contiguous independent special districts
637 may commence a merger proceeding by each filing a petition with
638 the governing body of their respective independent special

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639 district proposing to be merged. The petition must contain the
640 signatures of at least 40 percent of the qualified electors of
641 each component independent special district and must be
642 submitted to the appropriate component independent special
643 district governing body no later than 1 year after the start of
644 the qualified elector-initiated merger process.

645 (g) After the final public hearing, the governing bodies
646 shall notify the supervisors of elections of the applicable
647 counties in which district lands are located of the adoption of
648 the resolution by each governing body. The supervisors of
649 elections shall schedule a date for the separate referenda for
650 each district. The referenda may be held in each district on the
651 same day, or on different days, but no more than 20 days apart.

652 1. Notice of a referendum on the merger of the component
653 independent special districts must be provided pursuant to the
654 notice requirements in s. 100.342. At a minimum, the notice must
655 include:

656 a. A brief summary of the resolution and elector-initiated
657 merger plan;

658 b. A statement as to where a copy of the resolution and
659 petition for merger may be examined;

660 c. The names of the component independent special districts
661 to be merged and a description of their territory;

662 d. The times and places at which the referendum will be
663 held; and

664 e. Such other matters as may be necessary to call, provide
665 for, and give notice of the referendum and to provide for the
666 conduct thereof and the canvass of the returns.

667 2. The referenda must be held in accordance with the

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668 Florida Election Code and may be held pursuant to ss. 101.6101-
669 101.6107. All costs associated with the referenda shall be borne
670 by the respective component independent special district.

671 3. The ballot question in such referendum placed before the
672 qualified electors of each component independent special
673 district to be merged must be in substantially the following
674 form:

675

676 "Shall ...(name of component independent special
677 district)... and ...(name of component independent special
678 district or districts)... be merged into ...(name of newly
679 merged independent district)...?"

680

681YES

682NO"

683

684 4. If the component independent special districts proposing
685 to merge have disparate millage rates, the ballot question in
686 the referendum placed before the qualified electors of each
687 component independent special district must be in substantially
688 the following form:

689

690 "Shall ...(name of component independent special
691 district)... and ...(name of component independent special
692 district or districts)... be merged into ...(name of newly
693 merged independent district)... if the voter-approved maximum
694 millage rate within each independent special district will not
695 increase absent a subsequent referendum?"

696

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697 YES

698 NO"

699

700 5. In any referendum held pursuant to this section, the
701 ballots shall be counted, returns made and canvassed, and
702 results certified in the same manner as other elections or
703 referenda for the component independent special districts.

704 6. The merger may not take effect unless a majority of the
705 votes cast in each component independent special district are in
706 favor of the merger. If one of the component independent special
707 districts does not obtain a majority vote, the referendum fails,
708 and merger does not take effect.

709 7. If the merger is approved by a majority of the votes
710 cast in each component independent special district, the merged
711 district shall notify the Special District Accountability
712 Program pursuant to s. 189.016(2) and the local general-purpose
713 governments in which any part of the component independent
714 special districts is situated pursuant to s. 189.016(7).

715 8. If the referendum fails, the merger process under this
716 subsection may not be initiated for the same purpose within 2
717 years after the date of the referendum.

718 Section 17. This act shall take effect October 1, 2015.