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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.  
37 189.062, F.S.; making technical changes; amending s.  
38 189.064, F.S.; revising the required content of the  
39 special district handbook; creating s. 189.0653, F.S.;  
40 requiring special districts created by special act or  
41 local ordinance to provide specified information to  
42 the Legislative Auditing Committee or local general-  
43 purpose government, as appropriate; amending s.  
44 189.067, F.S.; conforming cross-references; amending  
45 s. 189.068, F.S.; specifying that local general-  
46 purpose governments may review certain special  
47 districts; conforming cross-references; amending s.  
48 189.069, F.S.; deleting a cross-reference, to conform;  
49 revising the list of items required to be included on  
50 the websites of special districts; reenacting ss.  
51 165.0615(16) and 189.074(2)(e) and (3)(g), F.S.,  
52 relating to municipal conversion of independent  
53 special districts upon elector-initiated and approved  
54 referendum and the voluntary merger of independent  
55 special districts, respectively, to incorporate the  
56 amendment made by the act to s. 189.016, F.S., in  
57 references thereto; providing an effective date.  
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59 Be It Enacted by the Legislature of the State of Florida:

60

61 Section 1. Paragraph (b) of subsection (2) of section  
62 11.40, Florida Statutes, is amended to read:

63 11.40 Legislative Auditing Committee.—

64 (2) Following notification by the Auditor General, the  
65 Department of Financial Services, or the Division of Bond  
66 Finance of the State Board of Administration of the failure of a  
67 local governmental entity, district school board, charter  
68 school, or charter technical career center to comply with the  
69 applicable provisions within s. 11.45(5)-(7), s. 218.32(1), s.  
70 218.38, or s. 218.503(3), the Legislative Auditing Committee may  
71 schedule a hearing to determine if the entity should be subject  
72 to further state action. If the committee determines that the  
73 entity should be subject to further state action, the committee  
74 shall:

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

76 1. A special act, notify the President of the Senate, the  
77 Speaker of the House of Representatives, the standing committees  
78 of the Senate and the House of Representatives charged with  
79 special district oversight as determined by the presiding  
80 officers of each respective chamber, the legislators who  
81 represent a portion of the geographical jurisdiction of the  
82 special district ~~pursuant to s. 189.034(2)~~, and the Department  
83 of Economic Opportunity that the special district has failed to  
84 comply with the law. Upon receipt of notification, the  
85 Department of Economic Opportunity shall proceed pursuant to s.  
86 189.062 or s. 189.067. If the special district remains in  
87 noncompliance after the process set forth in s. 189.0651(2)

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88 ~~189.034(3)~~, or if a public hearing is not held, the Legislative  
89 Auditing Committee may request the department to proceed  
90 pursuant to s. 189.067(3).

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

100 3. Any manner other than a special act or local ordinance,  
101 notify the Department of Economic Opportunity that the special  
102 district has failed to comply with the law. Upon receipt of  
103 notification, the department shall proceed pursuant to s.  
104 189.062 or s. 189.067(3).

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

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

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

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117 Section 3. Subsection (2) of section 189.011, Florida  
118 Statutes, is amended to read:

119 189.011 Statement of legislative purpose and intent.—

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

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

137 189.016 Reports; budgets; audits.—

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

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

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

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

173 189.02 Dependent special districts.—

174 (5) The Legislature may create dependent special districts

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175 by special act at the request or with the consent of the local  
176 government upon which it is dependent.

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

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

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

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

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

202 Section 8. Section 189.034, Florida Statutes, is  
203 transferred, renumbered as section 189.0651, Florida Statutes,

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204 and amended to read:

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

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

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

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

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

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

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



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233 ~~(c) An annual report for the previous fiscal year providing~~  
234 ~~a detailed review of the performance of the special district,~~  
235 ~~including the following information:~~

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

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

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

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

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

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

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

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

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

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

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

260 Section 9. Section 189.035, Florida Statutes, is  
261 transferred, renumbered as section 189.0652, Florida Statutes,

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262 and amended to read:

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

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

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

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

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

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

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

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291 ~~(c) An annual report for the previous fiscal year, which~~  
292 ~~must provide a detailed review of the performance of the special~~  
293 ~~district and include the following information:~~

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

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

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

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

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

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

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

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

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

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

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

319 ~~(3)-(5)~~ If the local general-purpose government convenes a

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320 public hearing under s. 189.0652(2) ~~this section~~, it shall  
321 provide the department and the Legislative Auditing Committee  
322 with a report containing its findings and conclusions within 60  
323 days after completion of the public hearing.

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

326 189.061 Official list of special districts.-

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

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

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349 the most recent local government audit of district activities  
350 submitted to the Auditor General pursuant to s. 218.39.

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

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

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

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

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378 original charter. This amendment shall be for the sole purpose  
379 of resolving inconsistencies between a district charter and the  
380 status of a district as it appears on the official list.

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

383 189.062 Special procedures for inactive districts.—

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

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

388 1. The registered agent of the district, the chair of the  
389 governing body of the district, or the governing body of the  
390 appropriate local general-purpose government notifies the  
391 department in writing that the district has taken no action for  
392 2 or more years;

393 2. The registered agent of the district, the chair of the  
394 governing body of the district, or the governing body of the  
395 appropriate local general-purpose government notifies the  
396 department in writing that the district has not had a governing  
397 body or a sufficient number of governing body members to  
398 constitute a quorum for 2 or more years;

399 3. The registered agent of the district, the chair of the  
400 governing body of the district, or the governing body of the  
401 appropriate local general-purpose government fails to respond to  
402 an inquiry by the department within 21 days;

403 4. The department determines, pursuant to s. 189.067, that  
404 the district has failed to file any of the reports listed in s.  
405 189.066;

406 5. The district has not had a registered office and agent

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407 on file with the department for 1 or more years; or

408 6. The governing body of a special district provides  
409 documentation to the department that it has unanimously adopted  
410 a resolution declaring the special district inactive. The  
411 special district is ~~shall be~~ responsible for payment of any  
412 expenses associated with its dissolution. A special district  
413 declared inactive pursuant to this subparagraph may be dissolved  
414 without a referendum; ~~or~~

415 (b) The department, special district, or local general-  
416 purpose government published a notice of proposed declaration of  
417 inactive status in a newspaper of general circulation in the  
418 county or municipality in which the territory of the special  
419 district is located and sent a copy of such notice by certified  
420 mail to the registered agent or chair of the governing body, if  
421 any. Such notice must include the name of the special district,  
422 the law under which it was organized and operating, a general  
423 description of the territory included in the special district,  
424 and a statement that any objections must be filed pursuant to  
425 chapter 120 within 21 days after the publication date; and

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

429 Section 12. Subsections (1), (2), and (3) of section  
430 189.064, Florida Statutes, are amended to read:

431 189.064 Special District Accountability Program; duties and  
432 responsibilities.—The Special District Accountability Program of  
433 the department has the following duties:

434 (1) Electronically publishing special district  
435 noncompliance status reports from the Department of Management

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436 Services, the Department of Financial Services, the Division of  
437 Bond Finance of the State Board of Administration, the Auditor  
438 General, and the Legislative Auditing Committee, for the  
439 reporting required in ss. 112.63, 218.32, 218.38, and 218.39.  
440 The noncompliance reports must list those special districts that  
441 did not comply with the statutory reporting requirements and be  
442 made available to the public electronically.

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

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

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

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

452 (c) A section that summarizes the reporting requirements  
453 applicable to all types of special districts as provided in ss.  
454 189.015 and 189.016.

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

458 Section 13. Section 189.0653, Florida Statutes, is created  
459 to read:

460 189.0653 Public hearing on noncompliance.—Before the public  
461 hearing as provided in s. 189.0651(2) or s. 189.0652(2) is held,  
462 the special district shall provide the following information at  
463 the request of the local general-purpose government or the  
464 Legislative Auditing Committee, as appropriate:



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

467 (2) The district's audit report for the previous fiscal  
468 year.

469 (3) Minutes of meetings of the special district's governing  
470 body for the previous fiscal year and the current fiscal year to  
471 date.

472 (4) A report for the previous fiscal year providing the  
473 following information:

474 (a) The purpose of the special district.

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

476 (c) A description of the major activities, programs, and  
477 initiatives that the special district undertook in the most  
478 recently completed fiscal year and the benchmarks or criteria  
479 under which the success or failure of the district was or will  
480 be determined by its governing body.

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

483 (e) Ways in which the special district's governing body  
484 believes that it could better fulfill the special district's  
485 purpose and a description of the actions that it intends to  
486 take.

487 (f) Proposed changes to the special act, ordinance, or  
488 resolution, as appropriate, which established the special  
489 district and justification for such changes.

490 (g) Any other information reasonably required to provide  
491 the reviewing entity with an accurate understanding of the  
492 purpose of the special district and how the special district is  
493 fulfilling that purpose.

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494 (h) Any reasons for the district's noncompliance resulting  
495 in the public hearing.

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

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

498 (k) Efforts to promote transparency, including a statement  
499 indicating whether the district's website complies with s.  
500 189.069.

501 Section 14. Subsection (2) of section 189.067, Florida  
502 Statutes, is amended to read:

503 189.067 Failure of district to disclose financial reports.—

504 (2) Failure of a special district to comply with the  
505 actuarial and financial reporting requirements under s. 112.63,  
506 s. 218.32, or s. 218.39 after the procedures of subsection (1)  
507 are exhausted shall be deemed final action of the special  
508 district. The actuarial and financial reporting requirements are  
509 declared to be essential requirements of law. Remedies for  
510 noncompliance with ss. 218.32 and 218.39 shall be as provided in  
511 ss. 189.0651 and 189.0652 ~~ss. 189.034 and 189.035~~. Remedy for  
512 noncompliance with s. 112.63 shall be as set forth in subsection  
513 (4).

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

516 189.068 Special districts; authority for oversight; general  
517 oversight review process.—

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

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

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

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

530 Section 16. Section 189.069, Florida Statutes, is amended  
531 to read:

532 189.069 Special districts; required reporting of  
533 information; web-based public access.—

534 (1) Beginning on October 1, 2015, or by the end of the  
535 first full fiscal year after its creation, each special district  
536 shall maintain an official Internet website containing the  
537 information required by this section ~~in accordance with s.~~  
538 ~~189.016~~. Special districts shall submit their official Internet  
539 website addresses to the department.

540 (a) Independent special districts shall maintain a separate  
541 Internet website.

542 (b) Dependent special districts shall be prominently  
543 ~~preeminently~~ displayed on the home page of the Internet website  
544 of the local general-purpose government upon which they are  
545 dependent ~~that created the special district~~ with a hyperlink to  
546 such webpages as are necessary to provide the information  
547 required by this section. Dependent special districts may  
548 maintain a separate Internet website providing the information  
549 required by this section.

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

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- 552 1. The full legal name of the special district.
- 553 2. The public purpose of the special district.
- 554 3. The name, address, e-mail address, and, if applicable,  
555 the term and appointing authority for each member of the  
556 governing body of the special district.
- 557 4. The fiscal year of the special district.
- 558 5. The full text of the special district's charter, the  
559 date of establishment, the establishing entity, and the statute  
560 or statutes under which the special district operates, if  
561 different from the statute or statutes under which the special  
562 district was established. Community development districts may  
563 reference chapter 190 as the uniform charter, but must include  
564 information relating to any grant of special powers.
- 565 6. The mailing address, e-mail address, telephone number,  
566 and Internet website uniform resource locator of the special  
567 district.
- 568 7. A description of the boundaries or service area of, and  
569 the services provided by, the special district.
- 570 8. A listing of all taxes, fees, assessments, or charges  
571 imposed and collected by the special district, including the  
572 rates or amounts for the fiscal year and the statutory authority  
573 for the levy of the tax, fee, assessment, or charge. For  
574 purposes of this subparagraph, charges do not include patient  
575 charges by a hospital or other health care provider.
- 576 9. The primary contact information for the special district  
577 for purposes of communication from the department.
- 578 10. A code of ethics adopted by the special district, if  
579 applicable, and a hyperlink to generally applicable ethics  
580 provisions.

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

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

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

589 14. The public facilities report, if applicable.

590 15. The link to the Department of Financial Services'  
591 website as set forth in s. 218.32(1)(g).

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

597 Section 17. For the purpose of incorporating the amendment  
598 made by this act to section 189.016, Florida Statutes, in  
599 references thereto, paragraph (e) of subsection (2) and  
600 paragraph (g) of subsection (3) of section 189.074, Florida  
601 Statutes, are reenacted to read:

602 189.074 Voluntary merger of independent special districts.—  
603 Two or more contiguous independent special districts created by  
604 special act which have similar functions and elected governing  
605 bodies may elect to merge into a single independent district  
606 through the act of merging the component independent special  
607 districts.

608 (2) JOINT MERGER PLAN BY RESOLUTION.—The governing bodies  
609 of two or more contiguous independent special districts may, by

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610 joint resolution, endorse a proposed joint merger plan to  
611 commence proceedings to merge the districts pursuant to this  
612 section.

613 (e) After the final public hearing, the governing bodies  
614 shall notify the supervisors of elections of the applicable  
615 counties in which district lands are located of the adoption of  
616 the resolution by each governing body. The supervisors of  
617 elections shall schedule a separate referendum for each  
618 component independent special district. The referenda may be  
619 held in each district on the same day, or on different days, but  
620 no more than 20 days apart.

621 1. Notice of a referendum on the merger of independent  
622 special districts must be provided pursuant to the notice  
623 requirements in s. 100.342. At a minimum, the notice must  
624 include:

- 625 a. A brief summary of the resolution and joint merger plan;  
626 b. A statement as to where a copy of the resolution and  
627 joint merger plan may be examined;  
628 c. The names of the component independent special districts  
629 to be merged and a description of their territory;  
630 d. The times and places at which the referendum will be  
631 held; and  
632 e. Such other matters as may be necessary to call, provide  
633 for, and give notice of the referendum and to provide for the  
634 conduct thereof and the canvass of the returns.

635 2. The referenda must be held in accordance with the  
636 Florida Election Code and may be held pursuant to ss. 101.6101-  
637 101.6107. All costs associated with the referenda shall be borne  
638 by the respective component independent special district.

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639           3. The ballot question in such referendum placed before the  
640 qualified electors of each component independent special  
641 district to be merged must be in substantially the following  
642 form:

643

644           "Shall ...(name of component independent special  
645 district)... and ...(name of component independent special  
646 district or districts)... be merged into ...(name of newly  
647 merged independent district)...?"

648

649           ....YES

650           ....NO"

651

652           4. If the component independent special districts proposing  
653 to merge have disparate millage rates, the ballot question in  
654 the referendum placed before the qualified electors of each  
655 component independent special district must be in substantially  
656 the following form:

657

658           "Shall ...(name of component independent special  
659 district)... and ...(name of component independent special  
660 district or districts)... be merged into ...(name of newly  
661 merged independent district)... if the voter-approved maximum  
662 millage rate within each independent special district will not  
663 increase absent a subsequent referendum?"

664

665           ....YES

666           ....NO"

667

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

672           6. The merger may not take effect unless a majority of the  
673 votes cast in each component independent special district are in  
674 favor of the merger. If one of the component districts does not  
675 obtain a majority vote, the referendum fails, and merger does  
676 not take effect.

677           7. If the merger is approved by a majority of the votes  
678 cast in each component independent special district, the merged  
679 independent district is created. Upon approval, the merged  
680 independent district shall notify the Special District  
681 Accountability Program pursuant to s. 189.016(2) and the local  
682 general-purpose governments in which any part of the component  
683 independent special districts is situated pursuant to s.  
684 189.016(7).

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

688           (3) QUALIFIED ELECTOR-INITIATED MERGER PLAN.—The qualified  
689 electors of two or more contiguous independent special districts  
690 may commence a merger proceeding by each filing a petition with  
691 the governing body of their respective independent special  
692 district proposing to be merged. The petition must contain the  
693 signatures of at least 40 percent of the qualified electors of  
694 each component independent special district and must be  
695 submitted to the appropriate component independent special  
696 district governing body no later than 1 year after the start of



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697 the qualified elector-initiated merger process.

698 (g) After the final public hearing, the governing bodies  
699 shall notify the supervisors of elections of the applicable  
700 counties in which district lands are located of the adoption of  
701 the resolution by each governing body. The supervisors of  
702 elections shall schedule a date for the separate referenda for  
703 each district. The referenda may be held in each district on the  
704 same day, or on different days, but no more than 20 days apart.

705 1. Notice of a referendum on the merger of the component  
706 independent special districts must be provided pursuant to the  
707 notice requirements in s. 100.342. At a minimum, the notice must  
708 include:

709 a. A brief summary of the resolution and elector-initiated  
710 merger plan;

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

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

715 d. The times and places at which the referendum will be  
716 held; and

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

720 2. The referenda must be held in accordance with the  
721 Florida Election Code and may be held pursuant to ss. 101.6101-  
722 101.6107. All costs associated with the referenda shall be borne  
723 by the respective component independent special district.

724 3. The ballot question in such referendum placed before the  
725 qualified electors of each component independent special

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726 district to be merged must be in substantially the following  
727 form:

728

729 "Shall ...(name of component independent special  
730 district)... and ...(name of component independent special  
731 district or districts)... be merged into ...(name of newly  
732 merged independent district)...?

733

734 ....YES

735 ....NO"

736

737 4. If the component independent special districts proposing  
738 to merge have disparate millage rates, the ballot question in  
739 the referendum placed before the qualified electors of each  
740 component independent special district must be in substantially  
741 the following form:

742

743 "Shall ...(name of component independent special  
744 district)... and ...(name of component independent special  
745 district or districts)... be merged into ...(name of newly  
746 merged independent district)... if the voter-approved maximum  
747 millage rate within each independent special district will not  
748 increase absent a subsequent referendum?

749

750 ....YES

751 ....NO"

752

753 5. In any referendum held pursuant to this section, the  
754 ballots shall be counted, returns made and canvassed, and

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755 results certified in the same manner as other elections or  
756 referenda for the component independent special districts.

757         6. The merger may not take effect unless a majority of the  
758 votes cast in each component independent special district are in  
759 favor of the merger. If one of the component independent special  
760 districts does not obtain a majority vote, the referendum fails,  
761 and merger does not take effect.

762         7. If the merger is approved by a majority of the votes  
763 cast in each component independent special district, the merged  
764 district shall notify the Special District Accountability  
765 Program pursuant to s. 189.016(2) and the local general-purpose  
766 governments in which any part of the component independent  
767 special districts is situated pursuant to s. 189.016(7).

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

771         Section 18. This act shall take effect October 1, 2015.