

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 dependent special districts; amending
7 s. 189.016, F.S.; deleting a provision requiring a
8 special district to transmit certain budgets to the
9 local government under specific circumstances;
10 specifying the period for which certain budget
11 information must be posted on the special district's
12 website; amending s. 189.02, F.S.; specifying the
13 Legislature's authority to create dependent special
14 districts by special act; creating s. 189.022, F.S.;
15 providing for the identification of a dependent
16 special district as dependent in its charter; amending
17 s. 189.031, F.S.; providing for the identification of
18 an independent special district as independent in its
19 charter; transferring, renumbering, and amending ss.
20 189.034 and 189.035, F.S.; authorizing the Legislative
21 Auditing Committee, for districts created by special
22 act, or local general purpose governments, for
23 districts created by local ordinance or resolution, to
24 convene public hearings for special districts that
25 fail to file specified required reports; deleting
26 related provisions requiring the committee to provide

27 | certain notice to the Legislature or local general-
28 | purpose government, as appropriate, when a special
29 | district fails to file certain required reports or
30 | requested information, to conform; amending s.
31 | 189.061, F.S.; requiring the Department of Economic
32 | Opportunity to exclude inactive special districts from
33 | the official list of special districts; revising
34 | procedures for maintaining the official list of
35 | special districts; specifying that the official list
36 | or determination of status of a special district does
37 | not constitute final agency action; providing
38 | procedures for use in resolving inconsistencies in
39 | status determinations of special districts as
40 | identified in the official lists; amending s. 189.062,
41 | F.S.; revising the criteria that must be documented
42 | before a special district may be declared inactive;
43 | authorizing the repeal of certain special acts of
44 | inactive special districts by general law; providing
45 | criteria for initiating such general law; requiring
46 | the department to remove special districts declared
47 | inactive from the official list of special districts;
48 | requiring the department to keep a separate list of
49 | inactive districts; amending s. 189.064, F.S.;
50 | revising the required content of the special district
51 | handbook; creating s. 189.0653, F.S.; requiring
52 | special districts created by special act or local

53 ordinance to provide specified information to the
 54 committee or local general-purpose government, as
 55 appropriate; amending s. 189.067, F.S.; conforming
 56 cross-references; amending s. 189.068, F.S.;
 57 conforming cross-references; specifying that certain
 58 dependent special districts may be reviewed by
 59 specified local general purpose governments; amending
 60 s. 189.069, F.S.; revising the list of items required
 61 to be included on the websites of special districts;
 62 amending ss. 189.071 and 189.072, F.S.; conforming
 63 provisions to changes made by the act; reenacting ss.
 64 165.0615(16) and 189.074(2)(e) and (3)(g), F.S.,
 65 relating to municipal conversion of independent
 66 special districts upon elector-initiated and approved
 67 referendum and the voluntary merger of independent
 68 special districts, respectively; providing an
 69 effective date.

70
 71 Be It Enacted by the Legislature of the State of Florida:

72
 73 Section 1. Paragraph (b) of subsection (2) of section
 74 11.40, Florida Statutes, is amended to read:

75 11.40 Legislative Auditing Committee.—

76 (2) Following notification by the Auditor General, the
 77 Department of Financial Services, or the Division of Bond
 78 Finance of the State Board of Administration of the failure of a

79 | local governmental entity, district school board, charter
80 | school, or charter technical career center to comply with the
81 | applicable provisions within s. 11.45(5)-(7), s. 218.32(1), s.
82 | 218.38, or s. 218.503(3), the Legislative Auditing Committee may
83 | schedule a hearing to determine if the entity should be subject
84 | to further state action. If the committee determines that the
85 | entity should be subject to further state action, the committee
86 | shall:

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

88 | 1. A special act, notify the President of the Senate, the
89 | Speaker of the House of Representatives, the standing committees
90 | of the Senate and the House of Representatives charged with
91 | special district oversight as determined by the presiding
92 | officers of each respective chamber, the legislators who
93 | represent a portion of the geographical jurisdiction of the
94 | special district ~~pursuant to s. 189.034(2)~~, and the Department
95 | of Economic Opportunity that the special district has failed to
96 | comply with the law. Upon receipt of notification, the
97 | Department of Economic Opportunity shall proceed pursuant to s.
98 | 189.062 or s. 189.067. If the special district remains in
99 | noncompliance after the process set forth in s. 189.0651
100 | ~~189.034(3)~~, or if a public hearing is not held, the Legislative
101 | Auditing Committee may request the department to proceed
102 | pursuant to s. 189.067(3).

103 | 2. A local ordinance, notify the chair or equivalent of
104 | the local general-purpose government pursuant to s. 189.0652

105 ~~189.035(2)~~ and the Department of Economic Opportunity that the
 106 special district has failed to comply with the law. Upon receipt
 107 of notification, the department shall proceed pursuant to s.
 108 189.062 or s. 189.067. If the special district remains in
 109 noncompliance after the process set forth in s. 189.0652
 110 ~~189.034(3)~~, or if a public hearing is not held, the Legislative
 111 Auditing Committee may request the department to proceed
 112 pursuant to s. 189.067(3).

113 3. Any manner other than a special act or local ordinance,
 114 notify the Department of Economic Opportunity that the special
 115 district has failed to comply with the law. Upon receipt of
 116 notification, the department shall proceed pursuant to s.
 117 189.062 or s. 189.067(3).

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

120 189.011 Statement of legislative purpose and intent.—

121 (2) The Legislature finds that special districts serve a
 122 necessary and useful function by providing services to residents
 123 and property in the state. The Legislature finds further that
 124 special districts operate to serve a public purpose and that
 125 this is best secured by certain minimum standards of
 126 accountability designed to inform the public and appropriate
 127 local general-purpose governments of the status and activities
 128 of special districts. It is the intent of the Legislature that
 129 this public trust be secured by requiring each ~~independent~~
 130 special district in the state to register and report its

131 financial and other activities. The Legislature further finds
132 that failure of a ~~an independent~~ special district to comply with
133 the minimum disclosure requirements set forth in this chapter
134 may result in action against the special ~~officers of such~~
135 district ~~body~~.

136 Section 3. Subsections (4) and (7) of section 189.016,
137 Florida Statutes, are amended to read:

138 189.016 Reports; budgets; audits.—

139 (4) The tentative budget must be posted on the special
140 district's official website at least 2 days before the budget
141 hearing, held pursuant to s. 200.065 or other law, to consider
142 such budget and must remain on the website for at least 45 days.
143 The final adopted budget must be posted on the special
144 district's official website within 30 days after adoption and
145 must remain on the website for at least 2 years. ~~If the special~~
146 ~~district does not operate an official website, the special~~
147 ~~district must, within a reasonable period of time as established~~
148 ~~by the local general purpose government or governments in which~~
149 ~~the special district is located or the local governing authority~~
150 ~~to which the district is dependent, transmit the tentative~~
151 ~~budget or final budget to the manager or administrator of the~~
152 ~~local general purpose government or the local governing~~
153 ~~authority. The manager or administrator shall post the tentative~~
154 ~~budget or final budget on the website of the local general-~~
155 ~~purpose government or governing authority. This subsection and~~
156 subsection (3) do not apply to water management districts as

157 defined in s. 373.019.

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

172 Section 4. For the purpose of incorporating the amendment
173 made by this act to section 189.016, Florida Statutes, in
174 references thereto, subsection (16) of section 165.0615, Florida
175 Statutes, is reenacted to read:

176 165.0615 Municipal conversion of independent special
177 districts upon elector-initiated and approved referendum.—

178 (16) If the incorporation plan is approved by a majority
179 of the votes cast in the independent special district, the
180 district shall notify the special district accountability
181 program pursuant to s. 189.016(2) and the local general-purpose
182 governments in which any part of the independent special

183 district is situated pursuant to s. 189.016(7).

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

186 189.02 Dependent special districts.—

187 (5) The Legislature may create a dependent special
188 district by special act at the request or with the consent of
189 the local government upon which the special district will be
190 dependent.

191 Section 6. Section 189.022, Florida Statutes, is created
192 to read:

193 189.022 Status statement.—The charter of a newly created
194 dependent special district shall contain, and where practical
195 and feasible, the charter of an existing dependent special
196 district shall be amended to contain, a reference to the status
197 of the special district as dependent. When necessary, the status
198 statement shall be amended to conform to the department's
199 determination or declaratory statement regarding the status of
200 the district.

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

203 189.031 Legislative intent for the creation of independent
204 special districts; special act prohibitions; model elements and
205 other requirements; local general-purpose government/Governor
206 and Cabinet creation authorizations.—

207 (5) STATUS STATEMENT.—~~After October 1, 1997,~~ The charter
208 of a any newly created independent special district shall

209 contain, and, where ~~as~~ practical and feasible, the charter of an
 210 existing independent ~~a preexisting~~ special district shall be
 211 amended to contain, a reference to the status of the special
 212 district as ~~dependent or~~ independent. When necessary, the status
 213 statement shall be amended to conform to ~~with~~ the department's
 214 determination or declaratory statement regarding the status of
 215 the district.

216 Section 8. Section 189.034, Florida Statutes, is
 217 transferred, renumbered as section 189.0651, Florida Statutes,
 218 and amended to read:

219 189.0651 ~~189.034~~ Oversight of special districts created by
 220 special act of the Legislature.-

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

223 (2) If a special district fails to file required reports
 224 or requested information under s. 11.45(6), s. 11.45(7), s.
 225 218.32, s. 218.38(3), s. 218.39, or s. 218.503(3), ~~with the~~
 226 appropriate state agency or office, the Legislative Auditing
 227 Committee ~~or its designee shall provide written notice of the~~
 228 ~~district's noncompliance to the President of the Senate, the~~
 229 ~~Speaker of the House of Representatives, the standing committees~~
 230 ~~of the Senate and the House of Representatives charged with~~
 231 ~~special district oversight as determined by the presiding~~
 232 ~~officers of each respective chamber, and the legislators who~~
 233 ~~represent a portion of the geographical jurisdiction of the~~
 234 ~~special district.~~

235 ~~(3) the Legislative Auditing Committee~~ may convene a
 236 public hearing on the issue of such noncompliance, as well as
 237 general oversight of the special district as provided in s.
 238 189.068, at the direction of the President of the Senate and the
 239 Speaker of the House of Representatives.

240 ~~(4) Before the public hearing as provided in subsection~~
 241 ~~(3), the special district shall provide the following~~
 242 ~~information at the request of the Legislative Auditing~~
 243 ~~Committee:~~

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

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

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

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

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

253 ~~3. A description of the major activities, programs, and~~
 254 ~~initiatives the special district undertook in the most recently~~
 255 ~~completed fiscal year and the benchmarks or criteria under which~~
 256 ~~the success or failure of the district was determined by its~~
 257 ~~governing body.~~

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

260 ~~5. Ways the special district believes it could better~~

261 ~~fulfill its purpose and related responsibilities and a~~
 262 ~~description of the actions that it intends to take during the~~
 263 ~~ensuing fiscal year.~~

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

266 ~~7. Any other information reasonably required to provide~~
 267 ~~the Legislative Auditing Committee with an accurate~~
 268 ~~understanding of the purpose for which the special district~~
 269 ~~exists and how it is fulfilling its responsibilities to~~
 270 ~~accomplish that purpose.~~

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

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

273 ~~10. Plans to correct any recurring issues of~~
 274 ~~noncompliance.~~

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

277 Section 9. Section 189.035, Florida Statutes, is
 278 transferred, renumbered as section 189.0652, Florida Statutes,
 279 and amended to read:

280 189.0652 ~~189.035~~ Oversight of special districts created by
 281 local ordinance or enacted by local resolution.—

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

284 (2) If a special district fails to file required reports
 285 or requested information under s. 11.45(6), s. 11.45(7), s.
 286 218.32, s. 218.38(3), s. 218.39, or s. 218.503(3) with the

287 appropriate state agency or office, ~~the Legislative Auditing~~
 288 ~~Committee or its designee shall provide written notice of the~~
 289 ~~district's noncompliance to the chair or equivalent of the local~~
 290 ~~general-purpose government.~~

291 ~~(3)~~ the chair or equivalent of the local general-purpose
 292 government may convene a public hearing on the issue of such
 293 noncompliance, as well as general oversight of the special
 294 district as provided in s. 189.068, within 3 months after
 295 receipt of notice of noncompliance from the Legislative Auditing
 296 Committee. Within 30 days after receiving written notice of
 297 noncompliance, the local general-purpose government shall notify
 298 the Legislative Auditing Committee as to whether a hearing under
 299 this section will be held and, if so, provide the date, time,
 300 and place of the hearing.

301 ~~(4) Before the public hearing as provided in subsection~~
 302 ~~(3), the special district shall provide the following~~
 303 ~~information at the request of the local general-purpose~~
 304 ~~government:~~

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

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

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

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

- 313 ~~2. The sources of funding for the special district.~~
- 314 ~~3. A description of the major activities, programs, and~~
 315 ~~initiatives the special district undertook in the most recently~~
 316 ~~completed fiscal year and the benchmarks or criteria under which~~
 317 ~~the success or failure of the district was determined by its~~
 318 ~~governing body.~~
- 319 ~~4. Any challenges or obstacles faced by the special~~
 320 ~~district in fulfilling its purpose and related responsibilities.~~
- 321 ~~5. Ways in which the special district believes that it~~
 322 ~~could better fulfill its purpose and related responsibilities~~
 323 ~~and a description of the actions that it intends to take during~~
 324 ~~the ensuing fiscal year.~~
- 325 ~~6. Proposed changes to the ordinance or resolution that~~
 326 ~~established the special district and justification for such~~
 327 ~~changes.~~
- 328 ~~7. Any other information reasonably required to provide~~
 329 ~~the reviewing entity with an accurate understanding of the~~
 330 ~~purpose for which the special district exists and how it is~~
 331 ~~fulfilling its responsibilities to accomplish that purpose.~~
- 332 ~~8. Any reasons for the district's noncompliance.~~
- 333 ~~9. Whether the district is currently in compliance.~~
- 334 ~~10. Plans to correct any recurring issues of~~
 335 ~~noncompliance.~~
- 336 ~~11. Efforts to promote transparency, including maintenance~~
 337 ~~of the district's website in accordance with s. 189.069.~~
- 338 (3)(5) If the local general-purpose government convenes a

339 public hearing under subsection (2) ~~this section~~, it shall
340 provide the department and the Legislative Auditing Committee
341 with a report containing its findings and conclusions within 60
342 days after completion of the public hearing.

343 Section 10. Subsections (1), (2), and (4) of section
344 189.061, Florida Statutes, are amended, present subsection (3)
345 is renumbered as subsection (4) and amended, and a new
346 subsection (3) is added to that section, to read:

347 189.061 Official list of special districts.—

348 (1) (a) The department shall maintain the official list of
349 special districts. The official list of special districts shall
350 include all special districts in this state and shall indicate
351 the independent or dependent status of each district. All
352 special districts on the list shall be sorted by county. The
353 definitions in s. 189.012 shall be the criteria for
354 determination of the independent or dependent status of each
355 special district on the official list. The status of community
356 development districts shall be independent on the official list
357 of special districts.

358 (b) The official list shall exclude all districts declared
359 inactive as provided in s. 189.062.

360 (2) The official list shall be maintained ~~produced~~ by the
361 department using the information filed with the department by
362 the special districts pursuant to this chapter. If a special
363 district does not submit its written status statement required
364 by s. 189.016(1) within the required time, the department may

365 determine the status of the district. If the department
366 determines the status, the department shall render its
367 determination to an agent of the special district ~~after the~~
368 ~~department has notified each special district that is currently~~
369 ~~reporting to the department, the Department of Financial~~
370 ~~Services pursuant to s. 218.32, or the Auditor General pursuant~~
371 ~~to s. 218.39. Upon notification, each special district shall~~
372 ~~submit, within 60 days, its determination of its status. The~~
373 ~~determination submitted by a special district shall be~~
374 ~~consistent with the status reported in the most recent local~~
375 ~~government audit of district activities submitted to the Auditor~~
376 ~~General pursuant to s. 218.39.~~

377 (3) The official list of special districts or the
378 determination of status does not constitute final agency action
379 pursuant to chapter 120. If the status of a special district on
380 the official list is inconsistent with the status submitted by
381 the district, the district may request the department to issue a
382 declaratory statement setting forth the requirements necessary
383 to resolve the inconsistency. If necessary, upon issuance of a
384 declaratory statement by the department that is not appealed
385 pursuant to chapter 120, the governing body of any special
386 district receiving such a declaratory statement shall apply to
387 the entity that originally established the district for an
388 amendment to its charter correcting the specified defects in its
389 original charter. This amendment shall be for the sole purpose
390 of resolving inconsistencies between a district charter and the

391 status of a district as it appears on the official list.

392 (4)(3) The Department of Financial Services shall notify
393 provide the department of each entity that attempts to report as
394 a special district in the annual financial report with a list of
395 dependent special districts reporting pursuant to s. 218.32 that
396 is not included for inclusion on the official list of special
397 districts. The Auditor General shall notify the department of
398 each entity that attempts to report as a special district in an
399 audit report issued pursuant to s. 218.39 that is not included
400 on the official list of special districts. Upon notification by
401 the Department of Financial Services or the Auditor General, the
402 department shall determine whether the entity is a special
403 district as defined in s. 189.012. If the entity is a special
404 district, the department shall add the entity to the official
405 list of special districts and shall notify each such entity that
406 it is required to comply with s. 189.013.

407 ~~(4) If a special district does not submit its status to~~
408 ~~the department within the required time period, then the~~
409 ~~department shall have the authority to determine the status of~~
410 ~~said district. After such determination of status is completed,~~
411 ~~the department shall render the determination to an agent of the~~
412 ~~special district.~~

413 Section 11. Section 189.062, Florida Statutes, is amended
414 to read:

415 189.062 Special procedures for inactive districts.—

416 (1) The department shall declare inactive any special

417 district in this state by documenting that:

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

420 1. The registered agent of the district, the chair of the
421 governing body of the district, or the governing body of the
422 appropriate local general-purpose government notifies the
423 department in writing that the district has taken no action for
424 2 or more years;

425 2. The registered agent of the district, the chair of the
426 governing body of the district, or the governing body of the
427 appropriate local general-purpose government notifies the
428 department in writing that the district has not had a governing
429 body or a sufficient number of governing body members to
430 constitute a quorum for 2 or more years;

431 3. The registered agent of the district, the chair of the
432 governing body of the district, or the governing body of the
433 appropriate local general-purpose government fails to respond to
434 an inquiry by the department within 21 days;

435 4. The department determines, pursuant to s. 189.067, that
436 the district has failed to file any of the reports listed in s.
437 189.066;

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

440 6. The governing body of a special district provides
441 documentation to the department that it has unanimously adopted
442 a resolution declaring the special district inactive. The

443 special district is ~~shall be~~ responsible for payment of any
444 expenses associated with its dissolution. ~~A special district~~
445 ~~declared inactive pursuant to this subparagraph may be dissolved~~
446 ~~without a referendum; or~~

447 (b) The department, special district, or local general-
448 purpose government has published a notice of proposed
449 declaration of inactive status in a newspaper of general
450 circulation in the county or municipality in which the territory
451 of the special district is located and has sent a copy of such
452 notice by certified mail to the registered agent or chair of the
453 governing body, if any. Such notice must include the name of the
454 special district, the law under which it was organized and
455 operating, a general description of the territory included in
456 the special district, and a statement that any objections must
457 be filed pursuant to chapter 120 within 21 days after the
458 publication date. ~~and~~

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

462 (2) If any special district is declared inactive pursuant
463 to this section, the property or assets of the special district
464 are subject to legal process for payment of any debts of the
465 district. After the payment of all the debts of said inactive
466 special district, the remainder of its property or assets shall
467 escheat to the county or municipality wherein located. If,
468 however, it shall be necessary, in order to pay any such debt,

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469 to levy any tax or taxes on the property in the territory or
470 limits of the inactive special district, the same may be
471 assessed and levied by order of the local general-purpose
472 government wherein the same is situated and shall be assessed by
473 the county property appraiser and collected by the county tax
474 collector.

475 (3) (a) In the case of a district created by special act of
476 the Legislature, the department shall send a notice of
477 declaration of inactive status to the Speaker of the House of
478 Representatives and the President of the Senate, and the
479 standing committees of the Senate and the House of
480 Representatives charged with special district oversight as
481 determined by the presiding officers of each respective chamber
482 and the Legislative Auditing Committee. The notice of
483 declaration of inactive status shall reference each known
484 special act creating or amending the charter of any special
485 district declared to be inactive under this section. The
486 declaration of inactive status shall be sufficient notice as
487 required by s. 10, Art. III of the State Constitution to
488 authorize the Legislature to repeal any special laws so
489 reported. Each special act creating or amending the charter of a
490 special district declared to be inactive under this section may
491 be repealed by general law initiated by either of the standing
492 committees with the approval of the chamber's presiding officer;
493 however, notice of the introduction of legislation providing for
494 such repeal of a special act must be given to each member of the

495 Legislature who represents any portion of the area within the
496 jurisdiction of the special district.

497 (b) In the case of a district created by one or more local
498 general-purpose governments, the department shall send a notice
499 of declaration of inactive status to the chair of the governing
500 body of each local general-purpose government that created the
501 district.

502 (c) In the case of a district created by interlocal
503 agreement, the department shall send a notice of declaration of
504 inactive status to the chair of the governing body of each local
505 general-purpose government which entered into the interlocal
506 agreement.

507 (4) The entity that created a special district declared
508 inactive under this section must dissolve the special district
509 by repealing its enabling laws or by other ~~appropriate~~ means as
510 set forth in s. 189.071 or s. 189.072. ~~Any special district~~
511 ~~declared inactive pursuant to subparagraph (1)(a)5. may be~~
512 ~~dissolved without a referendum.~~

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

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

517 (b) Invalidated in proceedings initiated by the special
518 district within 30 days after the publication date of the
519 newspaper notice required under paragraph (1)(b) ~~written notice~~
520 ~~of the declaration was provided to the special district~~

521 ~~governing body by physical or electronic delivery, receipt~~
 522 ~~confirmed~~. The special district governing body may initiate
 523 proceedings within the period authorized in this paragraph by:

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

526 2. Filing an action for declaratory and injunctive relief
 527 under chapter 86 in the circuit court of the judicial circuit in
 528 which the majority of the area of the district is located.

529 (c) If a timely challenge to the declaration is not
 530 initiated by the special district governing body, or the
 531 department prevails in a proceeding initiated under paragraph
 532 (b), the department may enforce the prohibitions in this
 533 subsection by filing a petition for enforcement with the circuit
 534 court in and for Leon County. The petition may request
 535 declaratory, injunctive, or other equitable relief, including
 536 the appointment of a receiver, and any forfeiture or other
 537 remedy provided by law.

538 (d) The prevailing party shall be awarded costs of
 539 litigation and reasonable attorney fees in any proceeding
 540 brought under this subsection.

541 (6) (a) The department shall immediately remove each
 542 special district declared inactive as provided in this section
 543 from the official list of special districts maintained as
 544 provided in ss. 189.061 and 189.064.

545 (b) The department shall create a separate list of all
 546 special districts declared inactive as provided in this section

547 and shall maintain each such district on the inactive list until
548 the department determines that the district has resumed active
549 status, the district is merged as provided in s. 189.071 or s.
550 189.074, or the district is dissolved as provided in s. 189.071
551 or s. 189.072.

552 Section 12. Subsections (1), (2), and (3) of section
553 189.064, Florida Statutes, are amended to read:

554 189.064 Special District Accountability Program; duties
555 and responsibilities.—The Special District Accountability
556 Program of the department has the following duties:

557 (1) Electronically publishing special district
558 noncompliance status reports from the Department of Management
559 Services, the Department of Financial Services, the Division of
560 Bond Finance of the State Board of Administration, the Auditor
561 General, and the Legislative Auditing Committee, for the
562 reporting required in ss. 112.63, 218.32, 218.38, and 218.39.
563 The noncompliance reports must list those special districts that
564 did not comply with the statutory reporting requirements and be
565 made available to the public electronically.

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

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

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

572 (b) A section or sections that specify current statutory

573 provisions for special district creation, implementation,
574 modification, dissolution, and operating procedures.

575 (c) A section that summarizes the reporting requirements
576 applicable to all types of special districts as provided in ss.
577 189.015 and 189.016.

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

581 Section 13. Section 189.0653, Florida Statutes, is created
582 to read:

583 189.0653 Information before public hearing on
584 noncompliance.—Before the public hearing as provided in s.
585 189.0651(2) or s. 189.0652(2) is held, the special district
586 shall provide the following information at the request of the
587 local general-purpose government or the Legislative Auditing
588 Committee, as appropriate:

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

591 (2) The district's audit report for the previous fiscal
592 year.

593 (3) Minutes of meetings of the special district's
594 governing body for the previous fiscal year and the current
595 fiscal year to date.

596 (4) A report for the previous fiscal year providing the
597 following:

598 (a) The purpose of the special district.

- 599 (b) The sources of funding for the special district.
- 600 (c) A description of the major activities, programs, and
601 initiatives the special district undertook in the most recently
602 completed fiscal year and the benchmarks or criteria under which
603 the success or failure of the district was or will be determined
604 by its governing body.
- 605 (d) Any challenges or obstacles faced by the special
606 district in fulfilling its purpose and related responsibilities.
- 607 (e) Ways in which the special district's governing body
608 believes it could better fulfill the special district's purpose
609 and a description of the actions it intends to take.
- 610 (f) Proposed changes to the special act, ordinance, or
611 resolution, as appropriate, which established the special
612 district and justification for such changes.
- 613 (g) Any other information reasonably required to provide
614 the reviewing entity with an accurate understanding of the
615 purpose of the special district and how the special district is
616 fulfilling that purpose.
- 617 (h) Any reasons for the district's noncompliance resulting
618 in the public hearing.
- 619 (i) Whether the district is currently in compliance.
- 620 (j) Plans to correct any recurring issues of
621 noncompliance.
- 622 (k) Efforts to promote transparency, including a statement
623 indicating whether the district's website complies with s.
624 189.069.

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

627 189.067 Failure of district to disclose financial
 628 reports.—

629 (2) Failure of a special district to comply with the
 630 actuarial and financial reporting requirements under s. 112.63,
 631 s. 218.32, or s. 218.39 after the procedures of subsection (1)
 632 are exhausted shall be deemed final action of the special
 633 district. The actuarial and financial reporting requirements are
 634 declared to be essential requirements of law. Remedies for
 635 noncompliance with ss. 218.32 and 218.39 shall be as provided in
 636 ss. 189.0651 and 189.0652 ~~189.034 and 189.035~~. Remedy for
 637 noncompliance with s. 112.63 shall be as set forth in subsection
 638 (4).

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

641 189.068 Special districts; authority for oversight;
 642 general oversight review process.—

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

645 (a) Each ~~All~~ special district ~~districts~~ created by special
 646 act may be reviewed by the Legislature using the ~~public hearing~~
 647 process provided in s. 189.0651 ~~189.034~~.

648 (b) Each ~~All~~ special district ~~districts~~ created by local
 649 ordinance or resolution may be reviewed by the local general-
 650 purpose government that enacted the ordinance or resolution

651 using the ~~public hearing~~ process provided in s. 189.0652
652 ~~189.035~~.

653 (c) Each ~~All~~ dependent special district ~~not created by~~
654 special act districts may be reviewed by the local general-
655 purpose government upon ~~to~~ which it is ~~they are~~ dependent.

656 Section 16. Section 189.069, Florida Statutes, is amended
657 to read:

658 189.069 Special districts; required reporting of
659 information; web-based public access.-

660 (1) Beginning on October 1, 2015, or by the end of the
661 first full fiscal year after its creation, each special district
662 shall maintain an official ~~Internet~~ website containing the
663 information required by this section ~~in accordance with s.~~
664 ~~189.016~~. Each special district ~~districts~~ shall submit its ~~their~~
665 official ~~Internet~~ website address ~~addresses~~ to the department.

666 (a) Each independent special district ~~districts~~ shall
667 maintain a separate ~~Internet~~ website.

668 (b) Each dependent special district ~~districts~~ shall be
669 prominently ~~preeminently~~ displayed on the home page of the
670 ~~Internet~~ website of the local general-purpose government upon
671 which it is dependent ~~that created the special district~~ with a
672 hyperlink to such webpages as are necessary to provide the
673 information required by this section. A dependent special
674 district ~~districts~~ may maintain a separate ~~Internet~~ website
675 providing the information required by this section.

676 (2) (a) A special district shall post the following

677 information, at a minimum, on the district's official website:

- 678 1. The full legal name of the special district.
- 679 2. The public purpose of the special district.
- 680 3. The name, official address, official e-mail address,
- 681 and, if applicable, ~~the~~ term and appointing authority for each
- 682 member of the governing body of the special district.
- 683 4. The fiscal year of the special district.
- 684 5. The full text of the special district's charter, the
- 685 date of establishment, the establishing entity, and the statute
- 686 or statutes under which the special district operates, if
- 687 different from the statute or statutes under which the special
- 688 district was established. Community development districts may
- 689 reference chapter 190 as the uniform charter, but must include
- 690 information relating to any grant of special powers.
- 691 6. The mailing address, e-mail address, telephone number,
- 692 and ~~Internet~~ website uniform resource locator of the special
- 693 district.
- 694 7. A description of the boundaries or service area of, and
- 695 the services provided by, the special district.
- 696 8. A listing of all taxes, fees, assessments, or charges
- 697 imposed and collected by the special district, including the
- 698 rates or amounts for the fiscal year and the statutory authority
- 699 for the levy of the tax, fee, assessment, or charge. For
- 700 purposes of this subparagraph, charges do not include patient
- 701 charges by a hospital or other health care provider.
- 702 9. The primary contact information for the special

703 district for purposes of communication from the department.

704 10. A code of ethics adopted by the special district, if
 705 applicable, and a hyperlink to generally applicable ethics
 706 provisions.

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

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

712 13. A listing of its regularly scheduled public meetings
 713 as required by s. 189.015(1).

714 14. The public facilities report, if applicable.

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

717 16. At least 7 days before each meeting or workshop, the
 718 agenda of the event, along with any meeting materials available
 719 in an electronic format, excluding confidential and exempt
 720 information. The information must remain on the website for at
 721 least 1 year after the event.

722 (b) The department's ~~Internet~~ website list of special
 723 districts in the state required under s. 189.061 shall include a
 724 link for each special district that provides web-based access to
 725 the public for all information and documentation required for
 726 submission to the department pursuant to subsection (1).

727 Section 17. Subsections (2) and (3) of section 189.071,
 728 Florida Statutes, are amended to read:

729 189.071 Merger or dissolution of a dependent special
 730 district.—

731 (2) The merger or dissolution of an active a dependent
 732 special district created and operating pursuant to a special act
 733 may be effectuated only by further act of the Legislature unless
 734 otherwise provided by general law.

735 (3) A dependent special district that meets any criteria
 736 for being declared inactive, ~~or that has already been declared~~
 737 ~~inactive,~~ pursuant to s. 189.062 may be dissolved or merged by
 738 special act without a referendum.

739 Section 18. Subsection (3) of section 189.072, Florida
 740 Statutes, is amended to read:

741 189.072 Dissolution of an independent special district.—

742 (3) INACTIVE INDEPENDENT SPECIAL DISTRICTS.—An independent
 743 special district that meets any criteria for being declared
 744 inactive, ~~or that has already been declared inactive,~~ pursuant
 745 to s. 189.062 may be dissolved by special act without a
 746 referendum. If an inactive independent special district was
 747 created by a county or municipality through a referendum, the
 748 county or municipality that created the district may dissolve
 749 the district after publishing notice as described in s. 189.062.

750 Section 19. For the purpose of incorporating the amendment
 751 made by this act to section 189.016, Florida Statutes, in
 752 references thereto, paragraph (e) of subsection (2) and
 753 paragraph (g) of subsection (3) of section 189.074, Florida
 754 Statutes, are reenacted to read:

755 189.074 Voluntary merger of independent special
756 districts.—Two or more contiguous independent special districts
757 created by special act which have similar functions and elected
758 governing bodies may elect to merge into a single independent
759 district through the act of merging the component independent
760 special districts.

761 (2) JOINT MERGER PLAN BY RESOLUTION.—The governing bodies
762 of two or more contiguous independent special districts may, by
763 joint resolution, endorse a proposed joint merger plan to
764 commence proceedings to merge the districts pursuant to this
765 section.

766 (e) After the final public hearing, the governing bodies
767 shall notify the supervisors of elections of the applicable
768 counties in which district lands are located of the adoption of
769 the resolution by each governing body. The supervisors of
770 elections shall schedule a separate referendum for each
771 component independent special district. The referenda may be
772 held in each district on the same day, or on different days, but
773 no more than 20 days apart.

774 1. Notice of a referendum on the merger of independent
775 special districts must be provided pursuant to the notice
776 requirements in s. 100.342. At a minimum, the notice must
777 include:

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

780 b. A statement as to where a copy of the resolution and

781 joint merger plan may be examined;

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

784 d. The times and places at which the referendum will be
785 held; and

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

789 2. The referenda must be held in accordance with the
790 Florida Election Code and may be held pursuant to ss. 101.6101-
791 101.6107. All costs associated with the referenda shall be borne
792 by the respective component independent special district.

793 3. The ballot question in such referendum placed before
794 the qualified electors of each component independent special
795 district to be merged must be in substantially the following
796 form:

797
798 "Shall ...(name of component independent special
799 district)... and ...(name of component independent special
800 district or districts)... be merged into ...(name of newly
801 merged independent district)...?"

802
803YES

804NO"

805
806 4. If the component independent special districts

807 proposing to merge have disparate millage rates, the ballot
 808 question in the referendum placed before the qualified electors
 809 of each component independent special district must be in
 810 substantially the following form:

811
 812 "Shall ...(name of component independent special
 813 district)... and ...(name of component independent special
 814 district or districts)... be merged into ...(name of newly
 815 merged independent district)... if the voter-approved maximum
 816 millage rate within each independent special district will not
 817 increase absent a subsequent referendum?

818
 819YES
 820NO"

821
 822 5. In any referendum held pursuant to this section, the
 823 ballots shall be counted, returns made and canvassed, and
 824 results certified in the same manner as other elections or
 825 referenda for the component independent special districts.

826 6. The merger may not take effect unless a majority of the
 827 votes cast in each component independent special district are in
 828 favor of the merger. If one of the component districts does not
 829 obtain a majority vote, the referendum fails, and merger does
 830 not take effect.

831 7. If the merger is approved by a majority of the votes
 832 cast in each component independent special district, the merged

833 independent district is created. Upon approval, the merged
834 independent district shall notify the Special District
835 Accountability Program pursuant to s. 189.016(2) and the local
836 general-purpose governments in which any part of the component
837 independent special districts is situated pursuant to s.
838 189.016(7).

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

842 (3) QUALIFIED ELECTOR-INITIATED MERGER PLAN.—The qualified
843 electors of two or more contiguous independent special districts
844 may commence a merger proceeding by each filing a petition with
845 the governing body of their respective independent special
846 district proposing to be merged. The petition must contain the
847 signatures of at least 40 percent of the qualified electors of
848 each component independent special district and must be
849 submitted to the appropriate component independent special
850 district governing body no later than 1 year after the start of
851 the qualified elector-initiated merger process.

852 (g) After the final public hearing, the governing bodies
853 shall notify the supervisors of elections of the applicable
854 counties in which district lands are located of the adoption of
855 the resolution by each governing body. The supervisors of
856 elections shall schedule a date for the separate referenda for
857 each district. The referenda may be held in each district on the
858 same day, or on different days, but no more than 20 days apart.

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859 1. Notice of a referendum on the merger of the component
860 independent special districts must be provided pursuant to the
861 notice requirements in s. 100.342. At a minimum, the notice must
862 include:

863 a. A brief summary of the resolution and elector-initiated
864 merger plan;

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

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

869 d. The times and places at which the referendum will be
870 held; and

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

874 2. The referenda must be held in accordance with the
875 Florida Election Code and may be held pursuant to ss. 101.6101-
876 101.6107. All costs associated with the referenda shall be borne
877 by the respective component independent special district.

878 3. The ballot question in such referendum placed before
879 the qualified electors of each component independent special
880 district to be merged must be in substantially the following
881 form:

882
883 "Shall ... (name of component independent special
884 district) ... and ... (name of component independent special

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885 | district or districts)... be merged into ...(name of newly
 886 | merged independent district)...?

- 887 |
 888 | YES
 889 | NO"

890 |
 891 | 4. If the component independent special districts
 892 | proposing to merge have disparate millage rates, the ballot
 893 | question in the referendum placed before the qualified electors
 894 | of each component independent special district must be in
 895 | substantially the following form:

896 |
 897 | "Shall ...(name of component independent special
 898 | district)... and ...(name of component independent special
 899 | district or districts)... be merged into ...(name of newly
 900 | merged independent district)... if the voter-approved maximum
 901 | millage rate within each independent special district will not
 902 | increase absent a subsequent referendum?

- 903 |
 904 | YES
 905 | NO"

906 |
 907 | 5. In any referendum held pursuant to this section, the
 908 | ballots shall be counted, returns made and canvassed, and
 909 | results certified in the same manner as other elections or
 910 | referenda for the component independent special districts.

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911 6. The merger may not take effect unless a majority of the
912 votes cast in each component independent special district are in
913 favor of the merger. If one of the component independent special
914 districts does not obtain a majority vote, the referendum fails,
915 and merger does not take effect.

916 7. If the merger is approved by a majority of the votes
917 cast in each component independent special district, the merged
918 district shall notify the Special District Accountability
919 Program pursuant to s. 189.016(2) and the local general-purpose
920 governments in which any part of the component independent
921 special districts is situated pursuant to s. 189.016(7).

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

925 Section 20. This act shall take effect October 1, 2016.