

By Senator Stargel

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1                                   A bill to be entitled  
2       An act relating to special districts; amending s.  
3       11.40, F.S.; conforming cross-references; amending s.  
4       189.011, F.S.; revising legislative intent with  
5       respect to the Uniform Special District Accountability  
6       Act to include dependent special districts; amending  
7       s. 189.016, F.S.; specifying the period of time for  
8       which certain budget information must remain on the  
9       special district's website; deleting provisions  
10      requiring a special district to transmit certain  
11      budgets to the local government under specific  
12      circumstances; reenacting s. 165.0615(16), F.S.,  
13      relating to municipal conversion of independent  
14      special districts upon an elector-initiated and  
15      approved referendum, to incorporate the amendment to  
16      s. 189.016, F.S., in references thereto; amending s.  
17      189.02, F.S.; specifying the Legislature's authority  
18      to create dependent special districts by special act;  
19      creating s. 189.022, F.S.; providing for the  
20      identification of a dependent special district as  
21      dependent in its charter; amending s. 189.031, F.S.;  
22      providing for the identification of an independent  
23      special district as independent in its charter;  
24      transferring, renumbering, and amending ss. 189.034  
25      and 189.035, F.S.; authorizing the Legislative  
26      Auditing Committee, for districts created by special  
27      act, or local general-purpose governments, for  
28      districts created by local ordinance or enacted by  
29      local resolution, to convene public hearings for

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30 special districts that fail to file specified required  
31 reports or requested information; deleting related  
32 provisions requiring the committee to provide certain  
33 notice to the Legislature or local general-purpose  
34 government, as appropriate, when a special district  
35 fails to file certain required reports or requested  
36 information, to conform; amending s. 189.061, F.S.;  
37 requiring the Department of Economic Opportunity to  
38 exclude inactive special districts from the official  
39 list of special districts; revising procedures for  
40 maintaining the official list of special districts;  
41 specifying that the official list or determination of  
42 status of a special district does not constitute final  
43 agency action; providing procedures for use in  
44 resolving inconsistencies in status determinations of  
45 special districts as identified in the official lists;  
46 requiring the Auditor General to notify the department  
47 of entities that attempt to report as special  
48 districts in certain reports; amending s. 189.062,  
49 F.S.; revising the criteria that must be documented  
50 before a special district may be declared inactive;  
51 authorizing the repeal of certain special acts of  
52 inactive special districts by general law; providing  
53 criteria for initiating such general law; revising the  
54 circumstances under which a declaration of inactive  
55 status may be invalidated; requiring the department to  
56 remove special districts declared inactive from the  
57 official list of special districts; requiring the  
58 department to keep a separate list of inactive

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59 districts; amending s. 189.064, F.S.; revising the  
60 required content of the special district handbook;  
61 creating s. 189.0653, F.S.; requiring special  
62 districts created by special act or local ordinance to  
63 provide specified information to the committee or  
64 local general-purpose government, as appropriate;  
65 amending s. 189.067, F.S.; conforming cross-  
66 references; amending s. 189.068, F.S.; conforming  
67 cross-references; specifying that certain dependent  
68 special districts may be reviewed by specified local  
69 general-purpose governments; amending s. 189.069,  
70 F.S.; revising the list of items required to be  
71 included on the websites of special districts;  
72 amending ss. 189.071 and 189.072, F.S.; conforming  
73 provisions to changes made by the act; reenacting s.  
74 189.074(2)(e) and (3)(g), F.S., relating to the  
75 voluntary merger of independent special districts, to  
76 incorporate the amendment to s. 189.016, F.S., in  
77 references thereto; providing an effective date.

78

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

80

81 Section 1. Paragraph (b) of subsection (2) of section  
82 11.40, Florida Statutes, is amended to read:

83 11.40 Legislative Auditing Committee.—

84 (2) Following notification by the Auditor General, the  
85 Department of Financial Services, or the Division of Bond  
86 Finance of the State Board of Administration of the failure of a  
87 local governmental entity, district school board, charter

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88 school, or charter technical career center to comply with the  
89 applicable provisions within s. 11.45(5)-(7), s. 218.32(1), s.  
90 218.38, or s. 218.503(3), the Legislative Auditing Committee may  
91 schedule a hearing to determine if the entity should be subject  
92 to further state action. If the committee determines that the  
93 entity should be subject to further state action, the committee  
94 shall:

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

96 1. A special act, notify the President of the Senate, the  
97 Speaker of the House of Representatives, the standing committees  
98 of the Senate and the House of Representatives charged with  
99 special district oversight as determined by the presiding  
100 officers of each respective chamber, the legislators who  
101 represent a portion of the geographical jurisdiction of the  
102 special district ~~pursuant to s. 189.034(2)~~, and the Department  
103 of Economic Opportunity that the special district has failed to  
104 comply with the law. Upon receipt of notification, the  
105 Department of Economic Opportunity shall proceed pursuant to s.  
106 189.062 or s. 189.067. If the special district remains in  
107 noncompliance after the process set forth in s. 189.0651  
108 ~~189.034(3)~~, or if a public hearing is not held, the Legislative  
109 Auditing Committee may request the department to proceed  
110 pursuant to s. 189.067(3).

111 2. A local ordinance, notify the chair or equivalent of the  
112 local general-purpose government pursuant to s. 189.0652  
113 ~~189.035(2)~~ and the Department of Economic Opportunity that the  
114 special district has failed to comply with the law. Upon receipt  
115 of notification, the department shall proceed pursuant to s.  
116 189.062 or s. 189.067. If the special district remains in

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117 noncompliance after the process set forth in s. 189.0652  
118 ~~189.034(3)~~, or if a public hearing is not held, the Legislative  
119 Auditing Committee may request the department to proceed  
120 pursuant to s. 189.067(3).

121 3. Any manner other than a special act or local ordinance,  
122 notify the Department of Economic Opportunity that the special  
123 district has failed to comply with the law. Upon receipt of  
124 notification, the department shall proceed pursuant to s.  
125 189.062 or s. 189.067(3).

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

128 189.011 Statement of legislative purpose and intent.—

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

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

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146 189.016 Reports; budgets; audits.-

147 (4) The tentative budget must be posted on the special  
148 district's official website at least 2 days before the budget  
149 hearing, held pursuant to s. 200.065 or other law, to consider  
150 such budget and must remain on the website for at least 45 days.  
151 The final adopted budget must be posted on the special  
152 district's official website within 30 days after adoption and  
153 must remain on the website for at least 2 years. ~~If the special~~  
154 ~~district does not operate an official website, the special~~  
155 ~~district must, within a reasonable period of time as established~~  
156 ~~by the local general purpose government or governments in which~~  
157 ~~the special district is located or the local governing authority~~  
158 ~~to which the district is dependent, transmit the tentative~~  
159 ~~budget or final budget to the manager or administrator of the~~  
160 ~~local general purpose government or the local governing~~  
161 ~~authority. The manager or administrator shall post the tentative~~  
162 ~~budget or final budget on the website of the local general-~~  
163 ~~purpose government or governing authority. This subsection and~~  
164 subsection (3) do not apply to water management districts as  
165 defined in s. 373.019.

166 (7) If the governing body of a special district amends the  
167 budget pursuant to paragraph (6) (c), the adopted amendment must  
168 be posted on the official website of the special district within  
169 5 days after adoption and must remain on the website for at  
170 least 2 years. ~~If the special district does not operate an~~  
171 ~~official website, the special district must, within a reasonable~~  
172 ~~period of time as established by the local general purpose~~  
173 ~~government or governments in which the special district is~~  
174 ~~located or the local governing authority to which the district~~

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175 ~~is dependent, transmit the adopted amendment to the manager or~~  
176 ~~administrator of the local general purpose government or~~  
177 ~~governing authority. The manager or administrator shall post the~~  
178 ~~adopted amendment on the website of the local general purpose~~  
179 ~~government or governing authority.~~

180 Section 4. For the purpose of incorporating the amendment  
181 made by this act to section 189.016, Florida Statutes, in a  
182 reference thereto, subsection (16) of section 165.0615, Florida  
183 Statutes, is reenacted to read:

184 165.0615 Municipal conversion of independent special  
185 districts upon elector-initiated and approved referendum.—

186 (16) If the incorporation plan is approved by a majority of  
187 the votes cast in the independent special district, the district  
188 shall notify the special district accountability program  
189 pursuant to s. 189.016(2) and the local general-purpose  
190 governments in which any part of the independent special  
191 district is situated pursuant to s. 189.016(7).

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

194 189.02 Dependent special districts.—

195 (5) The Legislature may create a dependent special district  
196 by special act at the request or with the consent of the local  
197 government upon which the special district will be dependent.

198 Section 6. Section 189.022, Florida Statutes, is created to  
199 read:

200 189.022 Status statement.—The charter of a newly created  
201 dependent special district shall contain, and where practical  
202 and feasible, the charter of an existing dependent special  
203 district shall be amended to contain, a reference to the status

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204 of the special district as dependent. When necessary, the status  
 205 statement shall be amended to conform to the department's  
 206 determination or declaratory statement regarding the status of  
 207 the district.

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

210 189.031 Legislative intent for the creation of independent  
 211 special districts; special act prohibitions; model elements and  
 212 other requirements; local general-purpose government/Governor  
 213 and Cabinet creation authorizations.-

214 (5) STATUS STATEMENT. ~~After October 1, 1997,~~ The charter of  
 215 a any newly created independent special district shall contain,  
 216 and, where as practical and feasible, the charter of an existing  
 217 independent ~~a preexisting~~ special district shall be amended to  
 218 contain, a reference to the status of the special district as  
 219 ~~dependent or~~ independent. When necessary, the status statement  
 220 shall be amended to conform to ~~with~~ the department's  
 221 determination or declaratory statement regarding the status of  
 222 the district.

223 Section 8. Section 189.034, Florida Statutes, is  
 224 transferred, renumbered as section 189.0651, Florida Statutes,  
 225 and amended to read:

226 189.0651 ~~189.034~~ Oversight of special districts created by  
 227 special act of the Legislature.-

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

230 (2) If a special district fails to file required reports or  
 231 requested information under s. 11.45(6), s. 11.45(7), s. 218.32,  
 232 s. 218.38(3), s. 218.39, or s. 218.503(3) ~~7~~ with the appropriate



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233 state agency or office, the Legislative Auditing Committee ~~or~~  
234 ~~its designee shall provide written notice of the district's~~  
235 ~~noncompliance to the President of the Senate, the Speaker of the~~  
236 ~~House of Representatives, the standing committees of the Senate~~  
237 ~~and the House of Representatives charged with special district~~  
238 ~~oversight as determined by the presiding officers of each~~  
239 ~~respective chamber, and the legislators who represent a portion~~  
240 ~~of the geographical jurisdiction of the special district.~~

241 ~~(3) the Legislative Auditing Committee may convene a public~~  
242 ~~hearing on the issue of such noncompliance, as well as general~~  
243 ~~oversight of the special district as provided in s. 189.068, at~~  
244 ~~the direction of the President of the Senate and the Speaker of~~  
245 ~~the House of Representatives.~~

246 ~~(4) Before the public hearing as provided in subsection~~  
247 ~~(3), the special district shall provide the following~~  
248 ~~information at the request of the Legislative Auditing~~  
249 ~~Committee:~~

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

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

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

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

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

259 ~~3. A description of the major activities, programs, and~~  
260 ~~initiatives the special district undertook in the most recently~~  
261 ~~completed fiscal year and the benchmarks or criteria under which~~

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262 ~~the success or failure of the district was determined by its~~  
 263 ~~governing body.~~

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

266 ~~5. Ways the special district believes it could better~~  
 267 ~~fulfill its purpose and related responsibilities and a~~  
 268 ~~description of the actions that it intends to take during the~~  
 269 ~~ensuing fiscal year.~~

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

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

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

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

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

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

281 Section 9. Section 189.035, Florida Statutes, is  
 282 transferred, renumbered as section 189.0652, Florida Statutes,  
 283 and amended to read:

284 189.0652 ~~189.035~~ Oversight of special districts created by  
 285 local ordinance or enacted by local resolution.-

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

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

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291 state agency or office, ~~the Legislative Auditing Committee or~~  
292 ~~its designee shall provide written notice of the district's~~  
293 ~~noncompliance to the chair or equivalent of the local general-~~  
294 ~~purpose government.~~

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

305 ~~(4) Before the public hearing as provided in subsection~~  
306 ~~(3), the special district shall provide the following~~  
307 ~~information at the request of the local general-purpose~~  
308 ~~government:~~

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

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

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

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

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

318 ~~3. A description of the major activities, programs, and~~  
319 ~~initiatives the special district undertook in the most recently~~

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320 ~~completed fiscal year and the benchmarks or criteria under which~~  
321 ~~the success or failure of the district was determined by its~~  
322 ~~governing body.~~

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

325 ~~5. Ways in which the special district believes that it~~  
326 ~~could better fulfill its purpose and related responsibilities~~  
327 ~~and a description of the actions that it intends to take during~~  
328 ~~the ensuing fiscal year.~~

329 ~~6. Proposed changes to the ordinance or resolution that~~  
330 ~~established the special district and justification for such~~  
331 ~~changes.~~

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

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

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

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

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

341 ~~(3)(5)~~ If the local general-purpose government convenes a  
342 public hearing under subsection (2) ~~this section~~, it shall  
343 provide the department and the Legislative Auditing Committee  
344 with a report containing its findings and conclusions within 60  
345 days after completion of the public hearing.

346 Section 10. Subsections (1), (2), and (4) of section  
347 189.061, Florida Statutes, are amended, present subsection (3)  
348 of that section is renumbered as subsection (4) and amended, and

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349 a new subsection (3) is added to that section, to read:

350 189.061 Official list of special districts.-

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

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

363 (2) The official list shall be maintained ~~produced~~ by the  
364 department using the information filed with the department by  
365 the special districts pursuant to this chapter. If a special  
366 district does not submit its written status statement required  
367 by s. 189.016(1) within the required time, the department may  
368 determine the status of the district. If the department  
369 determines the status, the department shall render its  
370 determination to an agent of the special district ~~after the~~  
371 ~~department has notified each special district that is currently~~  
372 ~~reporting to the department, the Department of Financial~~  
373 ~~Services pursuant to s. 218.32, or the Auditor General pursuant~~  
374 ~~to s. 218.39. Upon notification, each special district shall~~  
375 ~~submit, within 60 days, its determination of its status. The~~  
376 ~~determination submitted by a special district shall be~~  
377 ~~consistent with the status reported in the most recent local~~

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378 ~~government audit of district activities submitted to the Auditor~~  
379 ~~General pursuant to s. 218.39.~~

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

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

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407 district, the department shall add the entity to the official  
408 list of special districts and shall notify each such entity that  
409 it is required to comply with s. 189.013.

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

416 Section 11. Section 189.062, Florida Statutes, is amended  
417 to read:

418 189.062 Special procedures for inactive districts.—

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

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

423 1. The registered agent of the district, the chair of the  
424 governing body of the district, or the governing body of the  
425 appropriate local general-purpose government notifies the  
426 department in writing that the district has taken no action for  
427 2 or more years;

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

434 3. The registered agent of the district, the chair of the  
435 governing body of the district, or the governing body of the

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436 appropriate local general-purpose government fails to respond to  
437 an inquiry by the department within 21 days;

438 4. The department determines, pursuant to s. 189.067, that  
439 the district has failed to file any of the reports listed in s.  
440 189.066;

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

443 6. The governing body of a special district provides  
444 documentation to the department that it has unanimously adopted  
445 a resolution declaring the special district inactive. The  
446 special district is ~~shall be~~ responsible for payment of any  
447 expenses associated with its dissolution. ~~A special district~~  
448 ~~declared inactive pursuant to this subparagraph may be dissolved~~  
449 ~~without a referendum; or~~

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

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



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465 (2) If any special district is declared inactive pursuant  
466 to this section, the property or assets of the special district  
467 are subject to legal process for payment of any debts of the  
468 district. After the payment of all the debts of said inactive  
469 special district, the remainder of its property or assets shall  
470 escheat to the county or municipality wherein located. If,  
471 however, it shall be necessary, in order to pay any such debt,  
472 to levy any tax or taxes on the property in the territory or  
473 limits of the inactive special district, the same may be  
474 assessed and levied by order of the local general-purpose  
475 government wherein the same is situated and shall be assessed by  
476 the county property appraiser and collected by the county tax  
477 collector.

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

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494 be repealed by general law initiated by either of the standing  
495 committees with the approval of the chamber's presiding officer;  
496 however, notice of the introduction of legislation providing for  
497 such repeal of a special act must be given to each member of the  
498 Legislature who represents any portion of the area within the  
499 jurisdiction of the special district.

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

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

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

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

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

520 (b) Invalidated in proceedings initiated by the special  
521 district within 30 days after the publication date of the  
522 newspaper notice required under paragraph (1)(b) ~~written notice~~

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523 ~~of the declaration was provided to the special district~~  
524 ~~governing body by physical or electronic delivery, receipt~~  
525 ~~confirmed.~~ The special district governing body may initiate  
526 proceedings within the period authorized in this paragraph by:

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

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

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

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

544 (6) (a) The department shall immediately remove each special  
545 district declared inactive as provided in this section from the  
546 official list of special districts maintained as provided in ss.  
547 189.061 and 189.064.

548 (b) The department shall create a separate list of all  
549 special districts declared inactive as provided in this section  
550 and shall maintain each such district on the inactive list until  
551 the department determines that the district has resumed active

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552 status, the district is merged as provided in s. 189.071 or s.  
553 189.074, or the district is dissolved as provided in s. 189.071  
554 or s. 189.072.

555 Section 12. Subsections (1), (2), and (3) of section  
556 189.064, Florida Statutes, are amended to read:

557 189.064 Special District Accountability Program; duties and  
558 responsibilities.—The Special District Accountability Program of  
559 the department has the following duties:

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

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

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

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

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

578 (c) A section that summarizes the reporting requirements  
579 applicable to all types of special districts as provided in ss.  
580 189.015 and 189.016.

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

584 Section 13. Section 189.0653, Florida Statutes, is created  
585 to read:

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

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

594 (2) The district's audit report for the previous fiscal  
595 year.

596 (3) Minutes of meetings of the special district's governing  
597 body for the previous fiscal year and the current fiscal year to  
598 date.

599 (4) A report for the previous fiscal year providing the  
600 following:

601 (a) The purpose of the special district.

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

603 (c) A description of the major activities, programs, and  
604 initiatives the special district undertook in the most recently  
605 completed fiscal year and the benchmarks or criteria under which  
606 the success or failure of the district was or will be determined  
607 by its governing body.

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

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610 (e) Ways in which the special district's governing body  
 611 believes it could better fulfill the special district's purpose  
 612 and a description of the actions it intends to take.

613 (f) Proposed changes to the special act, ordinance, or  
 614 resolution, as appropriate, which established the special  
 615 district and justification for such changes.

616 (g) Any other information reasonably required to provide  
 617 the reviewing entity with an accurate understanding of the  
 618 purpose of the special district and how the special district is  
 619 fulfilling that purpose.

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

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

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

624 (k) Efforts to promote transparency, including a statement  
 625 indicating whether the district's website complies with s.  
 626 189.069.

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

629 189.067 Failure of district to disclose financial reports.—

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

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639 (4).

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

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

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

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

649 (b) Each ~~All~~ special district ~~districts~~ created by local  
650 ordinance or resolution may be reviewed by the local general-  
651 purpose government that enacted the ordinance or resolution  
652 using the ~~public hearing~~ process provided in s. 189.0652  
653 ~~189.035~~.

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

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

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

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

667 (a) Each independent special district ~~districts~~ shall

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668 maintain a separate ~~Internet~~ website.

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

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

- 679 1. The full legal name of the special district.
- 680 2. The public purpose of the special district.
- 681 3. The name, official address, official e-mail address,  
682 and, if applicable, ~~the~~ term and appointing authority for each  
683 member of the governing body of the special district.
- 684 4. The fiscal year of the special district.
- 685 5. The full text of the special district's charter, the  
686 date of establishment, the establishing entity, and the statute  
687 or statutes under which the special district operates, if  
688 different from the statute or statutes under which the special  
689 district was established. Community development districts may  
690 reference chapter 190 as the uniform charter, but must include  
691 information relating to any grant of special powers.
- 692 6. The mailing address, e-mail address, telephone number,  
693 and ~~Internet~~ website uniform resource locator of the special  
694 district.
- 695 7. A description of the boundaries or service area of, and  
696 the services provided by, the special district.



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697 8. A listing of all taxes, fees, assessments, or charges  
698 imposed and collected by the special district, including the  
699 rates or amounts for the fiscal year and the statutory authority  
700 for the levy of the tax, fee, assessment, or charge. For  
701 purposes of this subparagraph, charges do not include patient  
702 charges by a hospital or other health care provider.

703 9. The primary contact information for the special district  
704 for purposes of communication from the department.

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

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

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

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

715 14. The public facilities report, if applicable.

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

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

723 (b) The department's ~~Internet~~ website list of special  
724 districts in the state required under s. 189.061 shall include a  
725 link for each special district that provides web-based access to

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726 the public for all information and documentation required for  
727 submission to the department pursuant to subsection (1).

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

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

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

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

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

742 189.072 Dissolution of an independent special district.—

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

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

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755 Statutes, are reenacted to read:

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

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

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

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

779 a. A brief summary of the resolution and joint merger 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 districts  
783 to be merged and a description of their territory;

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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 the  
794 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  
803 ....YES

804 ....NO"

805  
806 4. If the component independent special districts proposing  
807 to merge have disparate millage rates, the ballot question in  
808 the referendum placed before the qualified electors of each  
809 component independent special district must be in substantially  
810 the following form:

811  
812 "Shall ...(name of component independent special

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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  
819 ....YES

820 ....NO"

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.

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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.

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 districts  
868 to be merged and a description of their territory;

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

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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 the  
879 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  
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 proposing  
892 to merge have disparate millage rates, the ballot question in  
893 the referendum placed before the qualified electors of each  
894 component independent special district must be in substantially  
895 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

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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.

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.