

By the Committee on Community Affairs; and Senator Rodriguez

578-03390-17

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1                   A bill to be entitled  
2       An act relating to special districts; amending s.  
3       189.069, F.S.; requiring a special district to post on  
4       its website all meeting minutes within a specified  
5       time and have the information remain on the website  
6       for a specified period; amending s. 190.046, F.S.;  
7       removing a filing fee paid to counties or  
8       municipalities under certain circumstances when  
9       petitions to contract the boundaries of a community  
10      development district are filed with the Florida Land  
11      and Water Adjudicatory Commission; conforming  
12      provisions to changes made by the act; authorizing the  
13      board of supervisors by majority vote to transfer its  
14      assets and operating and maintenance responsibilities  
15      to the private sector or to a certain local general-  
16      purpose government if the district has no outstanding  
17      financial obligations; requiring the district to  
18      terminate upon such transfer, subject to certain  
19      requirements; providing for a referendum to dissolve  
20      the district, subject to certain requirements and  
21      restrictions; specifying requirements for the petition  
22      and the referendum; requiring the district to dissolve  
23      if a majority of the qualified voters approve the  
24      referendum, subject to certain requirements; providing  
25      an effective date.

26  
27   Be It Enacted by the Legislature of the State of Florida:

28  
29       Section 1. Paragraph (a) of subsection (2) of section

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30 189.069, Florida Statutes, is amended to read:

31 189.069 Special districts; required reporting of  
32 information; web-based public access.-

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

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

36 2. The public purpose of the special district.

37 3. The name, official address, official e-mail address,  
38 and, if applicable, term and appointing authority for each  
39 member of the governing body of the special district.

40 4. The fiscal year of the special district.

41 5. The full text of the special district's charter, the  
42 date of establishment, the establishing entity, and the statute  
43 or statutes under which the special district operates, if  
44 different from the statute or statutes under which the special  
45 district was established. Community development districts may  
46 reference chapter 190 as the uniform charter but must include  
47 information relating to any grant of special powers.

48 6. The mailing address, e-mail address, telephone number,  
49 and website uniform resource locator of the special district.

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

52 8. A listing of all taxes, fees, assessments, or charges  
53 imposed and collected by the special district, including the  
54 rates or amounts for the fiscal year and the statutory authority  
55 for the levy of the tax, fee, assessment, or charge. For  
56 purposes of this subparagraph, charges do not include patient  
57 charges by a hospital or other health care provider.

58 9. The primary contact information for the special district

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59 for purposes of communication from the department.

60 10. A code of ethics adopted by the special district, if  
61 applicable, and a hyperlink to generally applicable ethics  
62 provisions.

63 11. The budget of the special district and any amendments  
64 thereto in accordance with s. 189.016.

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

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

70 14. The public facilities report, if applicable.

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

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

78 17. All meeting minutes, within 30 days after the minutes  
79 are approved by the governing board of the district. The  
80 information must remain on the website for at least 1 year after  
81 the event.

82 Section 2. Paragraph (d) of subsection (1) and subsection  
83 (2) of section 190.046, Florida Statutes, are amended, and  
84 subsections (11) and (12) are added to that section, to read:

85 190.046 Termination, contraction, or expansion of  
86 district.—

87 (1) A landowner or the board may petition to contract or

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88 expand the boundaries of a community development district in the  
89 following manner:

90 (d)1. For those districts initially established by  
91 administrative rule pursuant to s. 190.005(1), the petition  
92 shall be filed with the Florida Land and Water Adjudicatory  
93 Commission.

94 2. Prior to filing the petition, the petitioner shall pay a  
95 filing fee of \$1,500~~7~~ to the county if the district or the land  
96 to be added to ~~or deleted from~~ the district is located within an  
97 unincorporated area or to the municipality if the district or  
98 the land to be added ~~or deleted~~ is located within an  
99 incorporated area, and to each municipality the boundaries of  
100 which are contiguous with or contain all or a portion of the  
101 land within or to be added to ~~or deleted from~~ the external  
102 boundaries of the district. The petitioner shall submit a copy  
103 of the petition to the same entities entitled to receive the  
104 filing fee. In addition, if the district is not the petitioner,  
105 the petitioner shall file the petition with the district board  
106 of supervisors.

107 3. Each county and each municipality shall have the option  
108 of holding a public hearing as provided by s. 190.005(1)(c).  
109 However, the public hearing shall be limited to consideration of  
110 the contents of the petition and whether the petition for  
111 amendment should be supported by the county or municipality.

112 4. The district board of supervisors shall, in lieu of a  
113 hearing officer, hold the local public hearing provided for by  
114 s. 190.005(1)(d). This local public hearing shall be noticed in  
115 the same manner as provided in s. 190.005(1)(d). Within 45 days  
116 of the conclusion of the hearing, the district board of

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117 supervisors shall transmit to the Florida Land and Water  
118 Adjudicatory Commission the full record of the local hearing,  
119 the transcript of the hearing, any resolutions adopted by the  
120 local general-purpose governments, and its recommendation  
121 whether to grant the petition for amendment. The commission  
122 shall then proceed in accordance with s. 190.005(1)(e).

123 5. A rule amending a district boundary shall describe the  
124 land to be added or deleted.

125 (2) The district shall remain in existence unless:

126 (a) The district is merged with another district as  
127 provided in subsection (3) or subsection (4);

128 (b) All of the specific community development systems,  
129 facilities, and services that it is authorized to perform have  
130 been transferred to a general-purpose unit of local government  
131 in the manner provided in subsections (5), (6), and (7); ~~or~~

132 (c) All of the specific community development systems,  
133 facilities, and services that it is authorized to perform have  
134 been transferred to the private sector or a general-purpose unit  
135 of local government as provided in subsection (11); or

136 (d)~~(e)~~ The district is dissolved as provided in subsection  
137 (8), subsection (9), ~~or~~ subsection (10), or subsection (12).

138 (11) If a district has no outstanding financial  
139 obligations, the board of supervisors by majority vote may  
140 transfer its assets and operating and maintenance  
141 responsibilities to the private sector or to the local general-  
142 purpose government within the geographical boundaries of the  
143 district. Upon the transfer of all of the community development  
144 assets and services, the district shall be terminated in  
145 accordance with a plan of termination which shall be adopted by

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146 the board of supervisors and filed with the clerk of the circuit  
147 court.

148 (12) (a) A referendum to dissolve the district must be held  
149 if a petition containing the signatures of 40 percent of the  
150 qualified electors within the district or 20 percent of the  
151 landowners within the district is presented to the board of  
152 supervisors. The petition must state that it is for the purpose  
153 of calling a referendum to determine whether the district should  
154 be dissolved. A referendum may only occur once in a 12-month  
155 period and only after a district has existed for 2 or more  
156 years.

157 (b) Upon receipt of the petition, the board of supervisors  
158 shall arrange to place on the next general election ballot of  
159 the qualified electors residing within the district the  
160 following question: "Shall the ...(name of district)... sell all  
161 of its assets and fulfill any outstanding financial obligations,  
162 operating responsibilities, or maintenance responsibilities and  
163 dissolve immediately upon completion of such tasks?" and  
164 thereafter the words "Yes" and "No."

165 (c) If a majority of the qualified electors voting approve  
166 the ballot question, the district shall be dissolved in  
167 accordance with a plan of termination which shall be adopted by  
168 the board of supervisors and filed with the clerk of the circuit  
169 court. The plan of termination must provide for the sale of all  
170 district assets and the fulfillment of all outstanding financial  
171 obligations and operating or maintenance responsibilities.

172 Section 3. This act shall take effect July 1, 2017.