

By the Committee on Governmental Oversight and Accountability;
and Senators Baxley and Broxson

585-03392-20

20201466c1

1 A bill to be entitled
2 An act relating to government accountability; amending
3 s. 189.031, F.S.; specifying conditions under which
4 board members and public employees of special
5 districts do not abuse their public positions;
6 amending s. 189.069, F.S.; revising the list of items
7 required to be included on the websites of special
8 districts; amending s. 190.007, F.S.; specifying
9 conditions under which board members and public
10 employees of community development districts do not
11 abuse their public positions; providing effective
12 dates.

13
14 Be It Enacted by the Legislature of the State of Florida:

15
16 Section 1. Effective January 1, 2021, subsection (6) is
17 added to section 189.031, Florida Statutes, to read:

18 189.031 Legislative intent for the creation of independent
19 special districts; special act prohibitions; model elements and
20 other requirements; local general-purpose government/Governor
21 and Cabinet creation authorizations.—

22 (6) GOVERNANCE.—For purposes of s. 8(h)(2), Art. II of the
23 State Constitution, a board member or a public employee of a
24 special district does not abuse his or her public position if
25 the board member or public employee commits an act or omission
26 that is authorized under s. 112.313(7), (12), (15), or (16) or
27 s. 112.3143(3)(b), and an abuse of a board member's position
28 does not include any act or omission in connection with a vote
29 when the board member has followed the procedures required by s.

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30 112.3143.

31 Section 2. Paragraph (a) of subsection (2) of section
32 189.069, Florida Statutes, is amended to read:

33 189.069 Special districts; required reporting of
34 information; web-based public access.-

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

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

38 2. The public purpose of the special district.

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

42 4. The fiscal year of the special district.

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

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

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

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

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59 charges by a hospital or other health care provider.

60 9. The primary contact information for the special district
61 for purposes of communication from the department.

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

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

67 12. The final, complete audit report for the most recent
68 completed fiscal year and audit reports required by law or
69 authorized by the governing body of the special district. If the
70 special district has submitted its most recent final, complete
71 audit report to the Auditor General, this requirement may be
72 satisfied by providing a link to the audit report on the Auditor
73 General's website.

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

76 ~~14. The public facilities report, if applicable.~~

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

79 ~~15.16.~~ At least 7 days before each meeting or workshop, the
80 agenda of the event, ~~along with any meeting materials available~~
81 ~~in an electronic format, excluding confidential and exempt~~
82 ~~information.~~ The information must remain on the website for at
83 least 1 year after the event.

84 Section 3. Effective January 1, 2021, subsection (1) of
85 section 190.007, Florida Statutes, is amended to read:

86 190.007 Board of supervisors; general duties.—

87 (1) The board shall employ, and fix the compensation of, a

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88 district manager. The district manager shall have charge and
89 supervision of the works of the district and shall be
90 responsible for preserving and maintaining any improvement or
91 facility constructed or erected pursuant to the provisions of
92 this act, for maintaining and operating the equipment owned by
93 the district, and for performing such other duties as may be
94 prescribed by the board. It shall not be a conflict of interest
95 under chapter 112 for a board member or the district manager or
96 another employee of the district to be a stockholder, officer,
97 or employee of a landowner or of an entity affiliated with a
98 landowner. The district manager may hire or otherwise employ and
99 terminate the employment of such other persons, including,
100 without limitation, professional, supervisory, and clerical
101 employees, as may be necessary and authorized by the board. The
102 compensation and other conditions of employment of the officers
103 and employees of the district shall be as provided by the board.
104 For purposes of s. 8(h)(2), Art. II of the State Constitution, a
105 board member or a public employee of a district does not abuse
106 his or her public position if the board member or public
107 employee commits an act or omission that is authorized under
108 this subsection, s. 112.313(7), (12), (15), or (16), or s.
109 112.3143(3)(b), and an abuse of a board member's public position
110 does not include any act or omission in connection with a vote
111 when the board member has followed the procedures required by s.
112 112.3143.

113 Section 4. Except as otherwise expressly provided in this
114 act, this act shall take effect July 1, 2020.