

By Senator Hutson

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1 A bill to be entitled
2 An act relating to special districts; repealing s.
3 163.3756, F.S., relating to inactive community
4 redevelopment agencies; amending s. 163.504, F.S.;
5 prohibiting the creation of new safe neighborhood
6 improvement districts after a date certain; repealing
7 s. 165.0615, F.S., relating to municipal conversion of
8 independent special districts upon an elector-
9 initiated and approved referendum; creating s.
10 189.0312, F.S.; providing term limits for elected
11 members of governing bodies of independent special
12 districts; providing an exception; providing
13 construction; creating s. 189.0313, F.S.; requiring
14 continuation of independent special districts that
15 levy ad valorem taxes; providing procedures in the
16 event a certain ballot question is approved by voters;
17 providing procedures in the event the ballot question
18 is not approved by voters; requiring the governing
19 body of the district to adopt a dissolution plan
20 within a certain timeframe and to post such
21 dissolution plan in the specified manner; providing
22 the ballot question; providing applicability; amending
23 s. 189.062, F.S.; providing additional criteria for
24 declaring a special district inactive; providing
25 exceptions; requiring certain special districts to
26 provide notice of a proposed declaration of inactive
27 status to the county or municipality under certain
28 circumstances; revising the time period for filing an
29 objection to a proposed declaration; authorizing a

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30 specific objection; providing that a district declared
31 inactive may only expend funds as necessary to service
32 outstanding debt; making technical changes; creating
33 s. 189.0694, F.S.; requiring special districts to
34 establish performance measures to assess performance;
35 requiring special districts to publish an annual
36 report; providing requirements for the report;
37 amending s. 189.0695, F.S.; requiring the Office of
38 Program Policy Analysis and Government Accountability
39 to annually conduct performance reviews of safe
40 neighborhood improvement districts; amending s.
41 189.016, F.S.; requiring certain independent special
42 districts to file reports and information to specified
43 entities; amending s. 190.005, F.S.; requiring that a
44 petition for creation of a community development
45 district contain specified information; making
46 technical changes; amending s. 191.013, F.S.;
47 requiring independent special fire control districts
48 to report annually, by a specified date, information
49 regarding the completion of required trainings and the
50 receipt of required certifications by certain
51 firefighters to the Division of State Fire Marshal;
52 amending s. 388.271, F.S.; requiring, instead of
53 authorizing, special districts to file tentative work
54 plans and work plan budgets at specified intervals;
55 requiring the Department of Agriculture and Consumer
56 Services to report to the Department of Commerce if
57 certain special districts fail to submit specified
58 information; making technical changes; amending s.

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59 388.46, F.S.; requiring the Florida Coordinating
60 Council on Mosquito Control to establish, by a
61 specified date, model measures to assist districts in
62 conducting performance monitoring; providing an
63 effective date.

64
65 Be It Enacted by the Legislature of the State of Florida:

66
67 Section 1. Section 163.3756, Florida Statutes, is repealed.

68 Section 2. Section 163.504, Florida Statutes, is amended to
69 read:

70 163.504 Safe neighborhood improvement districts; formation
71 authorized by ordinance; jurisdictional boundaries; prohibition
72 on future creation.—

73 (1) The governing body of any municipality or county may
74 authorize the formation of safe neighborhood improvement
75 districts through the adoption of a planning ordinance which
76 specifies that such districts may be created by one or more of
77 the methods established in ss. 163.506, 163.508, 163.511, and
78 163.512. No district may overlap the jurisdictional boundaries
79 of a municipality and the unincorporated area of a county,
80 except by interlocal agreement.

81 (2) A safe neighborhood improvement district may not be
82 created on or after July 1, 2024. A safe neighborhood
83 improvement district in existence before July 1, 2024, may
84 continue to operate as provided in this part.

85 Section 3. Section 165.0615, Florida Statutes, is repealed.

86 Section 4. Section 189.0312, Florida Statutes, is created
87 to read:

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88 189.0312 Term of office.—

89 (1) A member of an elected governing body of an independent
90 special district may not serve for more than 12 consecutive
91 years, unless the district's charter provides for more
92 restrictive terms of office. Service of a term of office that
93 commenced before November 5, 2024, does not count toward the
94 limitation imposed by this subsection.

95 (2) This section does not apply to a community development
96 district established under chapter 190 or an independent special
97 district created pursuant to a special act that provides that
98 any amendment to chapter 190 to grant additional powers
99 constitutes a power of the district.

100 (3) This section does not require an independent special
101 district governed by an appointed governing body to convert to
102 an elected governing body.

103 Section 5. Section 189.0313, Florida Statutes, is created
104 to read:

105 189.0313 Independent special districts with ad valorem
106 taxing powers; voter reauthorization.—

107 (1) The governing body of each independent special district
108 that exercises ad valorem taxing powers created:

109 (a) Before January 1, 2018, shall conduct a referendum to
110 be held in conjunction with the general election held on
111 November 3, 2026, containing the ballot question described in
112 subsection (3).

113 (b) On or after January 1, 2018, shall conduct a referendum
114 to be held in conjunction with the next general election held 10
115 years after the creation date of the district containing the
116 ballot question in subsection (3).

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117 (2) (a) If a majority of the qualified electors voting in
118 the referendum approves the continuation of the independent
119 special district, the governing body of the special district
120 must conduct another referendum containing the ballot question
121 in subsection (3) held in conjunction with the general election
122 every 10 years thereafter until such time as the continuation of
123 the independent special district is no longer approved by a
124 majority vote of the qualified electors voting in the
125 referendum.

126 (b) If a majority of the qualified electors does not
127 approve the continuation of the independent special district,
128 the governing body of the district may not incur any additional
129 obligations or indebtedness, including the issuance of new bonds
130 or extending the maturity date of any outstanding bonds, other
131 than expenses incurred in the ordinary course of business.
132 Within 90 days after the date of such referendum, the governing
133 body of the district shall, by resolution, adopt a dissolution
134 plan that includes provisions for liquidating all of the
135 district's assets, satisfying all of the district's obligations
136 and indebtedness, ensuring the continuity of public services
137 provided by the district, and providing a date on which the
138 district will terminate its operations. The resolution must be
139 considered at a public meeting held specifically to consider the
140 dissolution plan which is not a regularly scheduled or emergency
141 meeting of the governing body of the independent special
142 district. The proposed dissolution plan must be posted on the
143 district's official website at least 2 days before the meeting.
144 The adopted dissolution plan must be posted on the independent
145 special district's official website within 30 days after

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146 adoption and must remain on the website. The governing body of
 147 the district shall submit its dissolution plan to the local
 148 governing authority or authorities and to the department within
 149 30 days after adoption.

150 (3) A referendum called pursuant to this section must
 151 contain a ballot question in substantially the following form:

153 Should the independent special district known as the
 154 (name of district), which has the authority to levy
 155 each year an ad valorem tax not to exceed (maximum
 156 millage approved by the voters) to fund (type of
 157 service provided by district), be continued for
 158 another 10 years?

159 YES

160 NO

162 (4) This section does not apply to a community development
 163 district established pursuant to chapter 190, a water management
 164 district created and operated pursuant to chapter 373, an inland
 165 navigation district established pursuant to chapter 374, or an
 166 independent special district created pursuant to a special act
 167 that provides that any amendment to chapter 190 to grant
 168 additional powers constitutes a power of that district.

169 Section 6. Subsections (1) and (2) of section 189.062,
 170 Florida Statutes, are amended to read:

171 189.062 Special procedures for inactive districts.—

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

174 (a) The special district meets one of the following

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175 criteria:

176 1. The registered agent of the district, the chair of the
177 governing body of the district, or the governing body of the
178 appropriate local general-purpose government notifies the
179 department in writing that the district has taken no action for
180 2 or more years;

181 2. The registered agent of the district, the chair of the
182 governing body of the district, or the governing body of the
183 appropriate local general-purpose government notifies the
184 department in writing that the district has not had a governing
185 body or a sufficient number of governing body members to
186 constitute a quorum for 2 or more years;

187 3. The registered agent of the district, the chair of the
188 governing body of the district, or the governing body of the
189 appropriate local general-purpose government fails to respond to
190 an inquiry by the department within 21 days;

191 4. The department determines, pursuant to s. 189.067, that
192 the district has failed to file any of the reports listed in s.
193 189.066;

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

196 6. The governing body of a special district provides
197 documentation to the department that it has unanimously adopted
198 a resolution declaring the special district inactive. The
199 special district is responsible for payment of any expenses
200 associated with its dissolution;:-

201 7. The district is an independent special district or a
202 community redevelopment district created under part III of
203 chapter 163 which has reported no revenue, no expenditures, and

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204 no debt under s. 189.016(9) or s. 218.32 for at least 5
205 consecutive fiscal years beginning no earlier than October 1,
206 2018. This subparagraph does not apply to a community
207 development district established under chapter 190 or to any
208 independent special district operating pursuant to a special act
209 that provides that any amendment to chapter 190 to grant
210 additional powers constitutes a power of that district;

211 8. The district has unresolved audit findings for three
212 consecutive annual financial audit reports performed pursuant to
213 s. 218.39; or

214 9. For a mosquito control district created pursuant to
215 chapter 388, the department has received notice from the
216 Department of Agriculture and Consumer Services that the
217 district has failed to file a tentative work plan and tentative
218 detailed work plan budget as required by s. 388.271.

219 (b) The department, special district, or local general-
220 purpose government has published a notice of proposed
221 declaration of inactive status in a newspaper of general
222 circulation in the county or municipality in which the territory
223 of the special district is located and has sent a copy of such
224 notice by certified mail to the registered agent or chair of the
225 governing body, if any. If the special district is a dependent
226 special district with a governing body that is not identical to
227 the governing body of a single county or a single municipality,
228 a copy of such notice must also be sent by certified mail to the
229 governing body of the county or municipality on which the
230 district is dependent. Such notice must include the name of the
231 special district, the law under which it was organized and
232 operating, a general description of the territory included in

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233 the special district, and a statement that any objections must
234 be filed pursuant to chapter 120 within 30 ~~21~~ days after the
235 publication date. The objections may include that the special
236 district has outstanding debt obligations that are not included
237 in reports required under s. 189.016(9) or s. 218.32.

238 (c) Thirty ~~Twenty-one~~ days have elapsed from the
239 publication date of the notice of proposed declaration of
240 inactive status and no administrative appeals were filed.

241 (2) If any special district is declared inactive pursuant
242 to this section, the district may only expend funds as necessary
243 to service outstanding debt. The property or assets of the
244 special district are subject to legal process for payment of any
245 debts of the district. After the payment of all the debts of
246 said inactive special district, the remainder of its property or
247 assets must ~~shall~~ escheat to the county or municipality wherein
248 located. If, however, it is ~~shall be~~ necessary, in order to pay
249 any such debt, to levy any tax or taxes on the property in the
250 territory or limits of the inactive special district, the same
251 may be assessed and levied by order of the local general-purpose
252 government wherein the same is situated and shall be assessed by
253 the county property appraiser and collected by the county tax
254 collector.

255 Section 7. Section 189.0694, Florida Statutes, is created
256 to read:

257 189.0694 Special districts; performance measures and
258 standards.-

259 (1) Beginning October 1, 2024, or by the end of the first
260 full fiscal year after its creation, whichever is later, each
261 special district shall establish goals and objectives for each

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262 program and activity undertaken by the district, as well as
263 performance measures and standards to determine whether the
264 district's goals and objectives are being achieved.

265 (2) By October 1 of each year thereafter, each special
266 district shall publish an annual report on the district's
267 website describing:

268 (a) The goals and objectives achieved by the district, as
269 well as the performance measures and standards used by the
270 district to make this determination.

271 (b) Any goals or objectives the district failed to achieve.

272 Section 8. Subsection (3) of section 189.0695, Florida
273 Statutes, is amended to read:

274 189.0695 Independent special districts; performance
275 reviews.—

276 (3) The Office of Program Policy Analysis and Government
277 Accountability shall ~~must~~ conduct a performance review of all
278 independent special districts within the classifications
279 described in paragraphs (a), ~~and~~ (b), and (c) and may contract
280 as needed to complete the requirements of this subsection. The
281 Office of Program Policy Analysis and Government Accountability
282 shall submit the final report of the performance review to the
283 President of the Senate and the Speaker of the House of
284 Representatives as follows:

285 (a) For all independent mosquito control districts as
286 defined in s. 388.011, no later than September 30, 2023.

287 (b) For all soil and water conservation districts as
288 defined in s. 582.01, no later than September 30, 2024.

289 (c) For all safe neighborhood improvement districts as
290 defined in s. 163.503(1), no later than September 30, 2025.

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291 Section 9. Subsection (10) of section 189.016, Florida
292 Statutes, is amended to read:

293 189.016 Reports; budgets; audits.—

294 (10) All reports or information required to be filed with a
295 local general-purpose government or governing authority under
296 ss. 189.014, 189.015, 189.0313, and 189.08 and subsection (8)
297 must:

298 (a) If the local general-purpose government or governing
299 authority is a county, be filed with the clerk of the board of
300 county commissioners.

301 (b) If the district is a multicounty district, be filed
302 with the clerk of the county commission in each county.

303 (c) If the local general-purpose government or governing
304 authority is a municipality, be filed at the place designated by
305 the municipal governing body.

306 Section 10. Paragraph (a) of subsection (1) of section
307 190.005, Florida Statutes, is amended to read:

308 190.005 Establishment of district.—

309 (1) The exclusive and uniform method for the establishment
310 of a community development district with a size of 2,500 acres
311 or more shall be pursuant to a rule, adopted under chapter 120
312 by the Florida Land and Water Adjudicatory Commission, granting
313 a petition for the establishment of a community development
314 district.

315 (a) A petition for the establishment of a community
316 development district must ~~shall~~ be filed by the petitioner with
317 the Florida Land and Water Adjudicatory Commission. The petition
318 must ~~shall~~ contain:

319 1. A metes and bounds description of the external

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320 boundaries of the district. Any real property within the
321 external boundaries of the district which is to be excluded from
322 the district must ~~shall~~ be specifically described, and the last
323 known address of all owners of such real property must ~~shall~~ be
324 listed. The petition must ~~shall~~ also address the impact of the
325 proposed district on any real property within the external
326 boundaries of the district which is to be excluded from the
327 district.

328 2. The written consent to the establishment of the district
329 by all landowners whose real property is to be included in the
330 district or documentation demonstrating that the petitioner has
331 control by deed, trust agreement, contract, or option of 100
332 percent of the real property to be included in the district, and
333 when real property to be included in the district is owned by a
334 governmental entity and subject to a ground lease as described
335 in s. 190.003(14), the written consent by such governmental
336 entity.

337 3. A designation of five persons to be the initial members
338 of the board of supervisors, who shall serve in that office
339 until replaced by elected members as provided in s. 190.006.

340 4. The proposed name of the district.

341 5. A map of the proposed district showing current major
342 trunk water mains and sewer interceptors and outfalls if in
343 existence.

344 6. Based upon available data, the proposed timetable for
345 construction of the district services and the estimated cost of
346 constructing the proposed services. These estimates must ~~shall~~
347 be submitted in good faith but are not binding and may be
348 subject to change.

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349 7. A designation of the future general distribution,
350 location, and extent of public and private uses of land proposed
351 for the area within the district by the future land use plan
352 element of the effective local government comprehensive plan of
353 which all mandatory elements have been adopted by the applicable
354 general-purpose local government in compliance with the
355 Community Planning Act.

356 8. A statement of estimated regulatory costs in accordance
357 with the requirements of s. 120.541.

358 9. A sworn affidavit, signed by the petitioner, attesting
359 that the planned development of the proposed district will
360 contain sufficient residential units for at least 250 qualified
361 electors within a proposed district of 5,000 acres or less, or
362 at least 500 qualified electors within a proposed district
363 exceeding 5,000 acres or a compact, urban, mixed-use district.

364 Section 11. Subsection (3) is added to section 191.013,
365 Florida Statutes, to read:

366 191.013 Intergovernmental coordination.—

367 (3) By October 1 of each year, each independent special
368 fire control district shall report to the Division of State Fire
369 Marshal regarding whether each of the district's firefighters
370 and volunteer firefighters have completed the required trainings
371 and received the required certifications established by the
372 division pursuant to s. 633.408.

373 Section 12. Subsection (1) of section 388.271, Florida
374 Statutes, is amended, and subsection (3) is added to that
375 section, to read:

376 388.271 Prerequisites to participation.—

377 (1) When state funds are involved, it is the duty of the

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378 department to guide, review, approve, and coordinate the
379 activities of all county governments and special districts
380 receiving state funds in furtherance of the goal of integrated
381 arthropod control. Each county ~~or district~~ eligible to
382 participate ~~hereunder~~ may, and each district must, begin
383 participation on October 1 of any year by filing with the
384 department not later than July 15 a tentative work plan and
385 tentative detailed work plan budget providing for the control of
386 arthropods. Following approval of the plan and budget by the
387 department, two copies of the county's or district's certified
388 budget based on the approved work plan and detailed work plan
389 budget must ~~shall~~ be submitted to the department by September 30
390 following. State funds, supplies, and services must ~~shall~~ be
391 made available to such county or district by and through the
392 department immediately upon release of funds by the Executive
393 Office of the Governor.

394 (3) If a special district fails to submit a tentative work
395 plan and tentative detailed work plan budget as required by
396 subsection (1), the department must send notice of such failure
397 to the Department of Commerce within 30 days.

398 Section 13. Paragraph (c) of subsection (2) of section
399 388.46, Florida Statutes, is amended to read:

400 388.46 Florida Coordinating Council on Mosquito Control;
401 establishment; membership; organization; responsibilities.—

402 (2) MEMBERSHIP, ORGANIZATION, AND RESPONSIBILITIES.—

403 (c) *Responsibilities.*—The council shall:

404 1. Develop and implement guidelines to assist the
405 department in resolving disputes arising over the control of
406 arthropods on publicly owned lands.

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407 2. Develop and recommend to the department a request for
408 proposal process for arthropod control research.

409 3. Identify potential funding sources for research or
410 implementation projects and evaluate and prioritize proposals
411 upon request by the funding source.

412 4. Prepare and present reports, as needed, on arthropod
413 control activities in the state to other governmental
414 organizations, as appropriate.

415 5. By August 30, 2024, develop model goals, objectives, and
416 performance measures and standards to assist mosquito control
417 districts in conducting performance monitoring pursuant to s.
418 189.0694.

419 Section 14. This act shall take effect July 1, 2024.