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LEGISLATIVE ACTION

Senate	.	House
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Floor: 1/AD/2R	.	Floor: C
03/04/2024 07:08 PM	.	03/07/2024 05:19 PM
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Senator Hutson moved the following:

**Senate Amendment (with title amendment)**

Delete lines 82 - 383

and insert:

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



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12           (2) This section does not apply to a community development  
13 district established under chapter 190, or an independent  
14 special district created pursuant to a special act that provides  
15 that any amendment to chapter 190 to grant additional powers  
16 constitutes a power of the district.

17           (3) This section does not require an independent special  
18 district governed by an appointed governing body to convert to  
19 an elected governing body.

20           Section 5. Section 189.0313, Florida Statutes, is created  
21 to read:

22           189.0313 Independent special districts; boundaries;  
23 exception.—Notwithstanding any special law or general law of  
24 local application to the contrary, the boundaries of an  
25 independent special district shall only be changed by general  
26 law or special act. This section does not apply to a community  
27 development district established pursuant to chapter 190.

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

30           189.062 Special procedures for inactive districts.—

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

33           (a) The special district meets one of the following  
34 criteria:

35           1. The registered agent of the district, the chair of the  
36 governing body of the district, or the governing body of the  
37 appropriate local general-purpose government notifies the  
38 department in writing that the district has taken no action for  
39 2 or more years;

40           2. The registered agent of the district, the chair of the



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41 governing body of the district, or the governing body of the  
42 appropriate local general-purpose government notifies the  
43 department in writing that the district has not had a governing  
44 body or a sufficient number of governing body members to  
45 constitute a quorum for 2 or more years;

46 3. The registered agent of the district, the chair of the  
47 governing body of the district, or the governing body of the  
48 appropriate local general-purpose government fails to respond to  
49 an inquiry by the department within 21 days;

50 4. The department determines, pursuant to s. 189.067, that  
51 the district has failed to file any of the reports listed in s.  
52 189.066;

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

55 6. The governing body of a special district provides  
56 documentation to the department that it has unanimously adopted  
57 a resolution declaring the special district inactive. The  
58 special district is responsible for payment of any expenses  
59 associated with its dissolution; ~~-~~

60 7. The district is an independent special district or a  
61 community redevelopment district created under part III of  
62 chapter 163 that has reported no revenue, no expenditures, and  
63 no debt under s. 189.016(9) or s. 218.32 for at least 5  
64 consecutive fiscal years beginning no earlier than October 1,  
65 2018. This subparagraph does not apply to a community  
66 development district established under chapter 190 or to any  
67 independent special district operating pursuant to a special act  
68 that provides that any amendment to chapter 190 to grant  
69 additional powers constitutes a power of that district; or



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70           8. For a mosquito control district created pursuant to  
71 chapter 388, the department has received notice from the  
72 Department of Agriculture and Consumer Services that the  
73 district has failed to file a tentative work plan and tentative  
74 detailed work plan budget as required by s. 388.271.

75           (b) The department, special district, or local general-  
76 purpose government has published a notice of proposed  
77 declaration of inactive status in a newspaper of general  
78 circulation in the county or municipality in which the territory  
79 of the special district is located and has sent a copy of such  
80 notice by certified mail to the registered agent or chair of the  
81 governing body, if any. If the special district is a dependent  
82 special district with a governing body that is not identical to  
83 the governing body of a single county or a single municipality,  
84 a copy of such notice must also be sent by certified mail to the  
85 governing body of the county or municipality on which the  
86 district is dependent. Such notice must include the name of the  
87 special district, the law under which it was organized and  
88 operating, a general description of the territory included in  
89 the special district, and a statement that any objections must  
90 be filed pursuant to chapter 120 within 30 ~~21~~ days after the  
91 publication date. The objections may include that the special  
92 district has outstanding debt obligations that are not included  
93 in reports required under s. 189.016(9) or s. 218.32.

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

97           (2) If any special district is declared inactive pursuant  
98 to this section, the district may only expend funds as necessary



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99 to service outstanding debt and to comply with existing bond  
100 covenants and other contractual obligations. The property or  
101 assets of the special district are subject to legal process for  
102 payment of any debts of the district. After the payment of all  
103 the debts of said inactive special district, the remainder of  
104 its property or assets shall escheat to the county or  
105 municipality wherein located. If, however, it shall be  
106 necessary, in order to pay any such debt, to levy any tax or  
107 taxes on the property in the territory or limits of the inactive  
108 special district, the same may be assessed and levied by order  
109 of the local general-purpose government wherein the same is  
110 situated and shall be assessed by the county property appraiser  
111 and collected by the county tax collector.

112 Section 7. Section 189.0694, Florida Statutes, is created  
113 to read:

114 189.0694 Special districts; performance measures and  
115 standards.-

116 (1) Beginning October 1, 2024, or by the end of the first  
117 full fiscal year after its creation, whichever is later, each  
118 special district must establish goals and objectives for each  
119 program and activity undertaken by the district, as well as  
120 performance measures and standards to determine if the  
121 district's goals and objectives are being achieved.

122 (2) By December 1 of each year thereafter, each special  
123 district must publish an annual report on the district's website  
124 describing:

125 (a) The goals and objectives achieved by the district, as  
126 well as the performance measures and standards used by the  
127 district to make this determination.



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

129 Section 8. Paragraph (c) is added to subsection (3) of  
130 section 189.0695, Florida Statutes, to read:

131 189.0695 Independent special districts; performance  
132 reviews.-

133 (3) The Office of Program Policy Analysis and Government  
134 Accountability must conduct a performance review of all  
135 independent special districts within the classifications  
136 described in paragraphs (a), ~~and~~ (b), and (c) and may contract  
137 as needed to complete the requirements of this subsection. The  
138 Office of Program Policy Analysis and Government Accountability  
139 shall submit the final report of the performance review to the  
140 President of the Senate and the Speaker of the House of  
141 Representatives as follows:

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

144 Section 9. Section 190.047, Florida Statutes, is repealed.

145 Section 10. Subsection (3) is added to section 191.013,  
146 Florida Statutes, to read:

147 191.013 Intergovernmental coordination.-

148 (3) By October 1 of each year, each independent special  
149 fire control district shall report to the Division of State Fire  
150 Marshal regarding whether each of the district's volunteer  
151 firefighters has completed the required trainings and received  
152 the required certifications established by the division pursuant  
153 to s. 633.408.

154 Section 11. Section 388.211, Florida Statutes, is amended  
155 to read:

156 388.211 Change in district boundaries.-



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157       ~~(1) The boundaries of each district may only be changed by~~  
158 ~~a special act of the Legislature The board of commissioners of~~  
159 ~~any district formed prior to July 1, 1980, may, for and on~~  
160 ~~behalf of the district or the qualified electors within or~~  
161 ~~without the district, request that the board of county~~  
162 ~~commissioners in each county having land within the district~~  
163 ~~approve a change in the boundaries of the district.~~

164       ~~(2) If the board of county commissioners approves such~~  
165 ~~change, an amendment shall be made to the order creating the~~  
166 ~~district to conform with the boundary change.~~

167       Section 12. Subsection (1) of section 388.221, Florida  
168 Statutes, is amended to read:

169       388.221 Tax levy.—

170       (1) The board of commissioners of such district may levy  
171 upon all of the real and personal taxable property in said  
172 district a special tax not exceeding 1 mill ~~10 mills~~ on the  
173 dollar during each year as maintenance tax to be used solely for  
174 the purposes authorized and prescribed by this chapter. The  
175 board of commissioners of a district may increase such special  
176 tax to no more than 2 mills on the dollar if the increase is  
177 approved by a referendum of the qualified electors of the  
178 district held at a general election. Said board shall by  
179 resolution certify to the property appraiser of the county in  
180 which the property is situate, timely for the preparation of the  
181 tax roll, the tax rate to be applied in determining the amount  
182 of the district's annual maintenance tax. Certified copies of  
183 such resolution executed in the name of said board by its chair  
184 and secretary and under its corporate seal shall be made and  
185 delivered to the property appraiser and the board of county



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186 commissioners of the county in which such district is located,  
187 and to the Department of Revenue not later than September 30 of  
188 such year. The property appraiser of said county shall assess  
189 and the tax collector of said county shall collect the amount of  
190 taxes so assessed and levied by said board of commissioners of  
191 said district upon all of the taxable real and personal property  
192 in said district at the rate of taxation adopted by said board  
193 for said year and included in said resolution, and said levy  
194 shall be included in the warrants of the property appraiser and  
195 attached to the assessment roll of taxes for said county each  
196 year. The tax collector shall collect such taxes so levied by  
197 said board in the same manner as other taxes are collected and  
198 shall pay the same within the time and in the manner prescribed  
199 by law to the treasurer of said board. The Department of Revenue  
200 shall assess and levy on all the railroad lines and railroad  
201 property and telegraph and telephone lines and telegraph and  
202 telephone property situated in said district in the amount of  
203 each such levy as in case of other state and county taxes and  
204 shall collect said taxes thereon in the same manner as it is  
205 required by law to assess and collect taxes for state and county  
206 purposes and remit the same to the treasurer of said board. All  
207 such taxes shall be held by said treasurer for the credit of  
208 said board and paid out by him or her as ordered by said board.

209 Section 13. Subsection (1) of section 388.271, Florida  
210 Statutes, is amended, and subsection (3) is added to that  
211 section, to read:

212 388.271 Prerequisites to participation.—

213 (1) When state funds are involved, it is the duty of the  
214 department to guide, review, approve, and coordinate the





215 activities of all county governments and special districts  
216 receiving state funds in furtherance of the goal of integrated  
217 arthropod control. Each county ~~or district~~ eligible to  
218 participate ~~hereunder~~ may, and each district must, begin  
219 participation on October 1 of any year by filing with the  
220 department not later than July 15 a tentative work plan and  
221 tentative detailed work plan budget providing for the control of  
222 arthropods. Following approval of the plan and budget by the  
223 department, two copies of the county's or district's certified  
224 budget based on the approved work plan and detailed work plan  
225 budget shall be submitted to the department by September 30  
226 following. State funds, supplies, and services shall be made  
227 available to such county or district by and through the  
228 department immediately upon release of funds by the Executive  
229 Office of the Governor.

230 (3) If a special district fails to submit a tentative work  
231 plan and tentative detailed work plan budget as required by  
232 subsection (1), the department shall send notice of such failure  
233 to the Department of Commerce within 30 days.

234 ===== T I T L E A M E N D M E N T =====

235 And the title is amended as follows:

236 Delete lines 10 - 54

237 and insert:

238 providing term limits for members of governing bodies  
239 of independent special districts elected by the  
240 qualified electors of the district; providing an  
241 exception; providing construction; creating s.  
242 189.0313, F.S.; providing the method for changing  
243 boundaries of an independent special district;



244 providing an exception; amending s. 189.062, F.S.;

245 providing additional criteria for declaring a special

246 district inactive; requiring certain special districts

247 to provide notice of a proposed declaration of

248 inactive status in the county or municipality under

249 certain circumstances; revising the time period for

250 filing an objection to a proposed declaration;

251 authorizing a specific objection; providing that a

252 district declared inactive may only expend funds as

253 necessary to service outstanding debt and to comply

254 with existing bond covenants and contractual

255 obligations; creating s. 189.0694, F.S.; requiring

256 special districts to establish performance measures to

257 assess performance; requiring special districts to

258 publish an annual report concerning performance

259 measures; amending s. 189.0695, F.S.; requiring the

260 Office of Program Policy Analysis and Governmental

261 Accountability to conduct performance reviews;

262 repealing s. 190.047, F.S., relating to incorporation

263 or annexation of a district; amending s. 191.013,

264 F.S.; requiring independent special fire control

265 districts to annually report training and

266 certification information regarding volunteer

267 firefighters to the Division of State Fire Marshal;

268 amending s. 388.211, F.S.; providing the boundaries of

269 a mosquito control district may only be changed by

270 special act; amending s. 388.221, F.S.; reducing the

271 maximum millage rate for mosquito control districts;

272 providing an exception; amending s. 388.271, F.S.;



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273 requiring, instead of authorizing, special districts  
274 to file tentative work plans and work plan budgets at  
275 specified intervals; requiring the Department of  
276 Agriculture and Consumer Services to report to the  
277 Department of Commerce if certain special districts  
278 fail to submit specified information; providing an  
279 effective date.