

FLORIDA HOUSE OF REPRESENTATIVES BILL ANALYSIS

This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.

BILL #: [CS/HB 973](#)

TITLE: Special Districts

SPONSOR(S): Overdorf

COMPANION BILL: [SB 986](#) (Truenow)

LINKED BILLS: None

RELATED BILLS: None

Committee References

[Intergovernmental Affairs](#)

12 Y, 3 N, As CS

[Agriculture & Natural Resources](#)

[Budget](#)

[State Affairs](#)

SUMMARY

Effect of the Bill:

The bill makes several changes applicable to all special districts:

- Limits the legal liability of independent special districts that make district lands and water areas available to the public for outdoor recreation.
- Allows special districts to utilize purchasing agreements entered into by the state.
- Authorizes independent special districts to conduct state and federal criminal history checks of district's employees, vendors, and certain users of the district's facilities.

The bill also makes revisions specific to certain types of special districts. For independent fire control districts, the bill provides that the district continues to provide services in perpetuity in the event a portion of the district is annexed by a municipality and removes a requirement that those districts conduct a performance review every five years. For soil and water conservation districts, the bill dissolves 35 districts and revises the powers and member criteria for the governing body of the remaining districts.

Fiscal or Economic Impact:

The bill may have an indeterminate fiscal impact on Department of Agriculture and Consumer Services associated with monitoring the dissolution process of soil and water conversation districts. The bill may also have fiscal impacts on various types of special districts.

[JUMP TO](#)

[SUMMARY](#)

[ANALYSIS](#)

[RELEVANT INFORMATION](#)

[BILL HISTORY](#)

ANALYSIS

EFFECT OF THE BILL:

Special Districts

The bill makes multiple changes applicable to all types of special districts.

Use of District Lands and Water Areas for Recreational Purposes

The bill provides a statement of legislative intent to encourage independent special districts to make certain land and water areas owned by the district available to the public for use for outdoor recreation purposes. The bill provides a statement of intent to limit the liability for districts that make land and water areas available for outdoor recreation purposes and for injuries to third parties who incur damages in the district. (Section [3](#))

The bill states an independent special district that provides the public access to district lands or water areas for outdoor recreational purposes owes no duty of care to:

- Keep the district lands or water areas safe for entry or use by others;
 - Warn persons going onto district lands or water areas of any hazardous conditions, structures, or activities;
- or

STORAGE NAME: h0973a.IAS

DATE: 3/27/2025

- Extend any assurance that the district lands or water areas are safe solely by allowing access. (Section [4](#))

The bill provides that an independent special district does not incur a duty of care toward any person who goes onto the district lands or water areas and that the district is not responsible for any injury to persons or property. (Section [4](#))

These provisions apply to any person going onto district lands or water areas but do not apply if the district charges for admission to its lands and water areas or allows commercial activity that derives a profit from the public to occur on district lands. The bill provides an exception for the temporary sale of food, beverages, plants, or t-shirts at temporary special events or non-profit organizational activities associated with temporary special events. (Section [4](#))

The bill provides the liability limitations provided do not relieve the district of any liability for gross negligence or for a deliberate, willful, or malicious injury to a person or property and do not create or increase liability beyond that authorized by the state's waiver of sovereign immunity for tort actions. (Section [4](#))

Current law provides similar protections to water management districts and private landowners who make areas available to the public for recreational purposes without charge.¹

Purchasing Agreements

The bill authorizes special districts to purchase commodities and contractual services, other than professional architectural, engineering, landscape architectural, or surveying and mapping services, from the purchasing agreements made by the state. (Section [5](#))

Criminal History Record Checks

The bill authorizes each independent special district, notwithstanding ch. 435, F.S., which contains general provisions concerning employment screening, to adopt a resolution requiring a criminal history screening and fingerprinting through both the Florida Department of Law Enforcement and the Federal Bureau of Investigation for:

- Any position of employment or appointment by the district that the governing body of the district finds is critical to security or public safety;
- Any private contractor, employee of a private contractor, vendor, repair person, or delivery person who is subject to licensing or regulation by the district; and
- Any private contractor, employee of a private contractor, vendor, repair person, for-hire chauffeur, or delivery person who has direct contact with individual members of the public or access to any public facility or publicly-operated facility if the governing body of the district finds that preventing unsuitable persons from having contact or access is critical to security or public safety. (Section [7](#))

The bill provides that the resolution must require criminal history screenings for both new and current members of the category for which the district has adopted a criminal history screen requirement and that the information obtained from the criminal history record check may be used by the district to determine a person's employment or appointment eligibility but is not intended to preempt or prevent any other background screening the district may lawfully undertake. (Section [7](#))

Independent Fire Control Districts

Municipal Annexation

The bill provides that notwithstanding general law provisions concerning the annexation of lands with an independent special district by a municipality or any special act, a municipality may not assume the services being provided by an independent fire control district in an annexed area. Instead, the independent fire control district remains the service provider in the annexed area in perpetuity and continues to collect ad valorem taxes, impact fees, user fees, and assessments on property in the annexed area. (Section [2](#))

Performance Reviews

¹ See ss. [373.1395](#) and [375.251, F.S.](#)

The bill repeals the requirement that independent fire control districts conduct a performance review every five years. (Section [6](#))

Soil and Water Conservation Districts

The bill dissolves 35 soil and water conservation districts (SWCDs), effective December 31, 2025, and transfers the assets and liabilities of those districts to the Department of Agriculture and Consumer Services (DACs). (Section [1](#))

The bill requires DACs, effective upon the bill becoming a law, to monitor all SWCDs being abolished by the bill for statutory compliance and to ensure those districts are winding up their administrative and fiscal matters in a timely manner using best practices. (Section [10](#))

The bill revises the criteria to serve on the board of supervisors of a SWCD to require each supervisor to be a registered voter who meets at least one of the following criteria:

- Is a landowner of land zoned as agricultural or classified as agricultural lands by the applicable property appraiser;
- Is a person actively engaged in commercial agriculture production, which the bill defines as producing an agricultural commodity through participation in the day-to-day labor, management, and field operations or having the legal right to harvest an agricultural commodity;
- Is an actively engaged operator of a farm;
- Is an owner of or employed by an agriculture business or farm;
- Is an actively engaged agriculture or natural resources professional in a field that is directly related to commercial agriculture or natural resources;
- Is an actively engaged college or university staff member or professor who has expertise in agriculture as defined in s. 570.02; or
- Is a retiree from one of the above fields or has previously owned land zoned as agricultural or classified as agricultural lands by the applicable property appraiser, if such employment or ownership was for five years or longer. (Section [8](#))

The bill requires each candidate running to serve as a supervisor to provide supporting documentation to the supervisor of election at the time of qualification to verify he or she meets the eligibility requirements and provides examples of acceptable proof. The bill provides that the Commission on Ethics may investigate allegations that a supervisor does not meet the eligibility criteria if the commission receives a written complaint based upon personal knowledge or information other than hearsay. (Section [8](#))

The bill provides that SWCDs may operate within the boundaries of another SWCD without that district's approval to:

- Conduct agricultural best management practices demonstration projects;
- Conduct projects for conserving, protecting, and restoring of soil and water resources;
- Cooperate with other governmental entities to further the purposes and provisions of the SWCD statute; and
- Make available agricultural and engineering machinery and equipment to landowners to conduct operations to conserve and protect soil and water resources. (Section [9](#))

Other Provisions and Effective Date

The bill reenacts [s. 189.074, F.S.](#), concerning the voluntary merger of independent special districts, to incorporate the bill's amendment to [s. 171.093, F.S.](#) (Section [11](#))

The bill provides an effective date of July 1, 2025, except as otherwise expressly provided in the bill and except for the effective date section, which takes effect upon becoming a law. (Section [12](#))

FISCAL OR ECONOMIC IMPACT:

STATE GOVERNMENT:

The bill may have an indeterminate fiscal impact on DACS associated with monitoring the dissolution of certain SWCDs.

LOCAL GOVERNMENT:

The bill may reduce expenditures by special districts that make their lands and water areas available for public use for outdoor recreational purposes to the extent those districts have reduced litigation expenses due to the provisions of the bill. The bill increases expenditures by special districts to the extent those districts conduct criminal history records checks.

The bill may reduce expenditures for independent fire control districts to the extent those districts incurred costs in preparing performance reviews.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Special Districts

A “special district” is a unit of local government created for a particular purpose, with jurisdiction to operate within a limited geographic boundary.² Special districts are created by general law, special act, local ordinance, or rule of the Governor and Cabinet.³ A special district has only those powers expressly provided by, or reasonably implied from, the authority provided in the district’s charter. Special districts provide specific municipal services in addition to, or in place of, those provided by a municipality or county.⁴ Special districts are funded through the imposition of ad valorem taxes, fees, or charges on the users of those services as authorized by law.⁵

Special districts may be classified as dependent or independent based on their relationship with local general-purpose governments. A special district is classified as “dependent” if the governing body of a single county or municipality:

- Serves as the governing body of the district;
- Appoints the governing body of the district;
- May remove members of the district’s governing body at-will during their unexpired terms; or
- Approves or can veto the budget of the district.⁶

A district is classified as “independent” if it does not meet any of the above criteria or is located in more than one county, unless the district lies entirely within the boundaries of a single municipality.⁷

The Special District Accountability Program within the Department of Commerce (Commerce) is responsible for maintaining and electronically publishing the official list of all special districts.⁸ This list includes all active special lists, as well as a separate list of those declared inactive.⁹ According to the official list, as of March 21, 2025, the

² See *Halifax Hospital Medical Center v. State of Fla., et al.*, 278 So. 3d 545, 547 (Fla. 2019).

³ See ss. [189.02\(1\)](#), [189.031\(3\)](#), and [190.005\(1\)](#), F.S. See generally s. [189.012\(6\)](#), F.S.

⁴ Intergovernmental Affairs Subcommittee, *Local Government Formation Manual*, p. 56 (last visited Mar. 22, 2025).

⁵ The method of financing a district must be stated in its charter. Ss. [189.02\(4\)\(g\)](#) and [189.031\(3\)](#), F.S. Independent special districts may be authorized to impose ad valorem taxes as well as non-ad valorem special assessments in the special acts comprising their charters. See, e.g., [ch. 2023-335, s. 1\(6\), Laws of Fla.](#) (East River Ranch Stewardship District). See also, e.g., ss. [190.021](#) (community development districts), [191.009](#) (independent fire control districts), [197.3631](#) (non-ad valorem assessments), [298.305](#) (water control districts), and [388.221, F.S.](#) (mosquito control), See also [ch. 2004-397, s. 3\(27\), Laws of Fla.](#) (South Broward Hospital District).

⁶ S. [189.012\(2\)](#), F.S.

⁷ S. [189.012\(3\)](#), F.S.

⁸ S. [189.061](#), F.S.

⁹ Ss. [189.061](#) and [189.062\(6\)](#), F.S.

state had 2,047 special districts, of which 1,444 are independent special districts and 603 dependent districts.¹⁰ A total of 76 districts span the boundaries of more than one county.

Special districts are governed generally by the Uniform Special District Accountability Act (USDAA).¹¹ The USDAA centralizes provisions governing special districts and applies to the formation,¹² governance,¹³ administration,¹⁴ supervision,¹⁵ merger,¹⁶ and dissolution¹⁷ of special districts, unless otherwise expressly provided in law.¹⁸ The USDAA requires notice and publication of tentative budgets and final budgets.¹⁹ Certain budget amendments are allowed up to 60 days following the end of the fiscal year.²⁰

Special districts do not possess “home rule” powers and may impose only those taxes, assessments, or fees authorized by special or general law. The special act creating an independent special district may provide for funding from a variety of sources while prohibiting others. For example, ad valorem tax authority is not mandatory for a special district.²¹

Purchasing Agreements

Special districts may purchase commodities and contractual services, other than professional architectural, engineering, landscape architectural, or surveying and mapping services, from the purchasing agreements of other special districts, municipalities, and counties.²² These purchase agreements must be procured pursuant to competitive bid, requests for proposals, requests for qualifications, competitive selection, or competitive negotiations and must otherwise comply with general law if the purchasing agreement was procured by a process that would have met the procurement requirements for the special district.

Additionally, special districts may purchase commodities and contractual services from purchasing agreements established and state term contracts procured by the Department of Management Services.²³

Municipal Annexation Within Independent Special Districts

If a municipality annexes property within the boundaries of an independent special district that levies ad valorem taxes to provide services also provided by the municipality, the municipality may choose to provide those services instead, subject to certain conditions.²⁴ The municipality must inform the special district, as well as the tax collector and the property appraiser of the county in which the annexed property is located, of its intent to deliver the service currently provided by the district.²⁵ The municipality may include this information in its annexation ordinance.

¹⁰ Florida Dept. of Commerce, Special District Accountability Program, [Official List of Special Districts](#), (last visited Mar. 22, 2025).

¹¹ S. [189.01, F.S.](#), but see ch. 190, F.S. (community development districts), ch. 191, F.S. (independent special fire control districts), ch. 298, F.S. (water control districts), ch. 388, F.S. (mosquito control districts), and ch. 582, F.S. (soil and water conservation districts).

¹² See ss. [189.02](#) (creation of dependent special districts) and [189.031, F.S.](#) (creation of independent special districts).

¹³ See s. [189.0311, F.S.](#) (charter requirements for independent special districts).

¹⁴ See s. [189.019, F.S.](#) (requiring codification of charters incorporating all special acts for the district).

¹⁵ See s. [189.0651, F.S.](#) (oversight for special districts created by special act of the Legislature).

¹⁶ Ss. [189.071](#) and [189.074, F.S.](#)

¹⁷ Ss. [189.071](#) and [189.072, F.S.](#)

¹⁸ See, e.g., s. [190.004, F.S.](#) (Ch. 190, F.S. as “sole authorization” for creation of community development districts).

¹⁹ S. [189.016\(4\), F.S.](#)

²⁰ S. [189.016\(6\), F.S.](#)

²¹ See, e.g., [ch. 2006-354, Laws of Fla.](#) (Argyle Fire District may impose special assessments, but has no ad valorem tax authority).

²² S. [189.053, F.S.](#)

²³ See s. [287.056\(1\), F.S.](#) (authorizing eligible users to purchase commodities and contractual services from purchasing agreements established and state term contracts procured by the Department of Management Services), s. [287.012\(11\), F.S.](#) (defining an eligible user as “any person or entity authorized by the department pursuant to rule to purchase from state term contracts or to use the online procurement system”), and R. 60A-1.001, F.A.C. (defining an eligible user as including “political subdivisions, including counties, cities, towns, villages and districts, as described by Section [1.01\(8\), F.S.](#), and instrumentalities thereof.”)

²⁴ S. [171.093, F.S.](#)

²⁵ S. [171.093\(2\), F.S.](#)

Upon making the election to provide the service, the municipality and special district may enter into an interlocal agreement to address the orderly transfer of responsibilities, assets, equipment, and personnel from the district to the municipality.²⁶ The agreement must also address:

- Allocation of responsibilities for those services between the municipality and the district;
- Avoiding double taxation of property owners in areas of overlapped jurisdiction;
- Preventing loss of district revenues that would be detrimental to continued operation of the district;
- Avoiding the impairment of existing district contracts;
- Depositing of district property and equipment, as well as the assumption of associated debt;
- Determining the status and employee rights of any adversely affected employee of the district; and
- Any other matter reasonably related to the transfer of responsibilities.²⁷

If the municipality and special district are unable to enter into an interlocal agreement, the municipality may unilaterally declare its intent to provide services to the annexed area. This declaration starts a four-year period, starting on October 1 of the calendar year following the calendar year in which the declaration is issued, in which the district remains the service provider in the annexed area but receives payment from the municipality equal to the ad valorem taxes or assessments that would have been collected had the property remained in the district.²⁸ At the conclusion of the four-year period, or any mutually agreed extension, the municipality and the special district must enter into an agreement that:

- Identifies the existing district property located in the municipality or primarily serving the municipality that will be assumed by the municipality;
- The fair market value of such property; and
- The manner of transfer of such property and any associated indebtedness.²⁹

If the municipality and the special district are unable to reach an agreement, either party may file suit in circuit court.

During the four-year period, or any mutually agreed extension, the district's service and capital expenditures in the annexed area must continue to be rationally related to both the annexed area's service needs and the proportion of total district revenue.³⁰ The municipality must approve any capital expenditure of more than \$25,000 that is intended to be used primarily in the annexed area.

Annexed territory remains within the boundaries of the district as long as the municipality has not chosen to assume responsibility for services provided by the district.³¹ If the municipality elects to provide services, the annexed territory is removed from the boundaries of the district at the time provided in the interlocal agreement or at the beginning of the four-year transition period.³²

Performance Reviews

Current law requires certain special districts to conduct performance reviews to evaluate the programs, activities, and functions of those districts, including:

- The purpose and goals as stated in the district's charter;
- The district's goals and objectives for each program and activity, the problem or need that the program or activity was designed to address, the expected benefits of each program and activity, and the performance measures and standards used by the special district to determine if the program or activity achieves the district's goals and objectives;
- The delivery of services by the district, including alternative methods of providing those services that would reduce costs and improve performance;

²⁶ S. [171.093\(3\), F.S.](#)

²⁷ *Id.*

²⁸ S. [171.094\(4\)\(a\), F.S.](#)

²⁹ S. [171.094\(4\)\(b\), F.S.](#)

³⁰ S. [171.094\(4\)\(c\), F.S.](#)

³¹ S. [171.094\(5\), F.S.](#)

³² S. [171.094\(6\), F.S.](#)

- A comparison of similar services provided by the county and municipal governments located wholly or partially within its boundaries, including similarities and differences in services, relative costs and efficiencies, and possible service consolidations;
- The revenues and costs of programs and activities of the district, using data from the current year and the previous three fiscal years;
- The extent to which the district’s goals and objectives have been achieved;
- Any performance measures and standards of the district’s program and activities using data from the current year and the previous three fiscal years;
- Factors that have contributed to any failure to meet the district’s performance measures and standards or achieve the district’s goals and objectives; and
- Recommendations for statutory or budgetary changes to improve the district’s program operations, reduce costs, or reduce duplication.³³

All independent special fire control districts and each hospital governed by the governing body of a special district or the board of trustees of a public health trust must conduct a performance review every five years beginning October 1, 2022, and October 1, 2023, respectively.³⁴

All fire control districts not located within a rural area of opportunity and all hospital districts must contract with an independent entity to conduct the performance review, while the Office of Program Policy Analysis and Government Accountability (OPPAGA) must conduct a performance review of each fire control district located within a rural area of opportunity.³⁵ The completed performance review must be filed with the governing body of the district, the Auditor General, the President of the Senate, and the Speaker of the House of Representatives no later than nine months from the beginning of the fiscal year in which the report is due.³⁶

OPPAGA has also been directed to conduct performance reviews of all independent mosquito control districts, soil and water conservation districts, and safe neighborhood improvement districts.³⁷ These reviews must be submitted to the President of the Senate and the Speaker of the House of Representatives by September 30 of 2023, 2024, and 2025, respectively.

Independent Fire Control Districts

An independent special fire control district is a type of independent special district created by the Legislature to provide fire suppression and related activities within the territorial jurisdiction of the district.³⁸ As of March 21, 2025, there were 53 active independent special fire control districts.³⁹

The Independent Special Fire Control District Act provides standards, direction, and procedures for the uniform operation and governance of these districts, including financing authority, fiscally responsible service delivery, and elections.⁴⁰ The act controls over more specific provisions in any special act or general law of local application creating a fire control district’s charter,⁴¹ requires every fire control district be governed by a five-member board,⁴² and provides:

- General powers.⁴³

³³ S. [189.0695\(1\), F.S.](#)

³⁴ S. [189.0695\(2\)\(a\), F.S.](#)

³⁵ S. [189.0695\(2\)\(b\), F.S.](#)

³⁶ S. [189.0695\(2\)\(c\), F.S.](#)

³⁷ S. [189.0695\(3\), F.S.](#)

³⁸ S. [191.003\(5\), F.S.](#)

³⁹ Florida Dept. of Commerce, Special District Accountability Program, [Official List of Special Districts](#), (last visited Mar. 22, 2025).

⁴⁰ S. [191.002, F.S.](#)

⁴¹ S. [191.004, F.S.](#) Provisions in other laws pertaining to district boundaries or geographical sub-districts for electing members to the governing board are excepted from this section.

⁴² S. [191.005\(1\)\(a\), F.S.](#) (a fire control district may continue to be governed by a three-member board if authorized by special act adopted on or after 1997).

⁴³ S. [191.006, F.S.](#) (e.g. the power to sue and be sued in the name of the district, the power to contract, and the power of eminent domain).

- Special powers.⁴⁴
- Authority and procedures for the assessment and collection of ad valorem taxes.⁴⁵
- Authority and procedures for the imposition, levy, and collection of non-ad valorem assessments, charges, and fees.⁴⁶
- Issuance of district bonds and evidence of debt.⁴⁷

Fire control districts may levy ad valorem taxes on real property within the district of no more than 3.75 mills unless a greater amount was previously authorized.⁴⁸ A district also may levy non-ad valorem assessments and adopt a schedule of reasonable fees for services performed.⁴⁹ Additionally, the district board may impose an impact fee if authorized by law and the local general-purpose government has not adopted an impact fee for fire services that is distributed to the district for the purchase of new facilities and equipment.⁵⁰

Soil and Water Conservation Districts

Purpose

In response to the 1930's Dust Bowl disaster,⁵¹ in 1935, the United States Congress declared soil and water conservation a national policy and priority, intending to elicit the active support of landowners on a local level. Shortly thereafter, in 1937, the Florida Legislature enacted ch. 582, F.S., also known as the Soil and Water Conservation Law.⁵² This legislation established a state and local partnership with the federal government to protect and restore soil and water resources and to assist private landowners in using conservation practices, providing for the creation of soil and water conservation districts (SWCD).⁵³ The purpose of SWCDs is to provide assistance, guidance, and education to landowners, land occupiers, the agricultural industry, and the general public in implementing land and water resource protection practices.⁵⁴ The overall goal of creating SWCDs was to promote the efficient use of soil and water resources by protecting water quality and preventing floodwater and sediment damage.⁵⁵

Board of Supervisors

The governing body of a SWCD consists of five supervisors serving staggered four-year terms. Elections for supervisors are held every two years at the time of the general election. The office of the supervisor is a nonpartisan office.⁵⁶ Each supervisor must qualify as required in the election law.⁵⁷ A supervisor holds office until a successor has been elected and qualified. The Governor may remove any supervisor, upon notice and hearing, for neglect or malfeasance in office, but for no other reason.⁵⁸ Supervisors do not receive compensation but may be reimbursed for travel expenses.⁵⁹

⁴⁴ S. [191.008, F.S.](#)

⁴⁵ Ss. [191.006\(14\)](#) and [191.009\(1\), F.S.](#)

⁴⁶ Ss. [191.006\(11\) and \(15\)](#); [191.009\(2\), \(3\), and \(4\)](#); and [191.011, F.S.](#)

⁴⁷ S. [191.012, F.S.](#)

⁴⁸ S. [191.009\(1\), F.S.](#), but see [art. VII, s. 9, Fla. Const.](#) (special districts may not levy an ad valorem tax in excess of the millage "authorized by law approved by vote of the electors.")

⁴⁹ S. [191.009\(2\) and \(3\), F.S.](#) If the district levies a non-ad valorem assessment to fund emergency medical and transport services, the district is prohibited from levying an ad valorem tax to fund those services.

⁵⁰ S. [191.009\(4\), F.S.](#)

⁵¹ "[N]ame given to the drought-stricken Southern Plains regions of the United States, which suffered severe dust storms during a dry period in the 1930s. . . . By 1934, an estimated 35 million acres of formerly cultivated land had been rendered useless for farming, while another 125 million acres . . . was rapidly losing its topsoil." History, [Dust Bowl](#) (last visited Mar. 22, 2025).

⁵² Ch. 18144, Laws of Fla. (1937); Association of Florida Conservation Districts, [History of Conservation Districts](#) (last visited Mar. 22, 2025).

⁵³ Association of Florida Conservation Districts, [Florida Soil and Water Conservation District Supervisor Handbook \(2018\)](#) (last visited Mar. 22, 2025).

⁵⁴ S. [582.02\(4\), F.S.](#)

⁵⁵ Michael T. Olexa, Tatiana Borisova, and Jarrett Davis, [Handbook of Florida Water Regulation: Soil and Water Conservation Districts](#), Institute of Food and Agricultural Sciences, University of Florida, (last visited Mar. 22, 2025).

⁵⁶ S. [582.18\(1\), F.S.](#)

⁵⁷ See ch. 99, F.S., *passim*.

⁵⁸ S. [582.19\(4\), F.S.](#)

⁵⁹ S. [582.19\(2\), F.S.](#)

Each candidate for supervisor must be an eligible voter who resides in the district and is either:

- Actively engaged in, or retired after 10 years of being engaged in, agriculture as defined in [s. 570.02, F.S.](#);
- Employed by an agricultural producer; or
- Owns, leases, or is actively employed on land classified as agricultural under [s. 193.461, F.S.](#)⁶⁰

At the time of qualifying, the candidate for supervisor must submit an affirmation asserting that he or she meets the required qualifications.⁶¹

Dissolution

An SWCD may be discontinued if:

- Two-thirds or more of the qualified voters in a referendum have voted for discontinuance;
- The Soil and Water Conservation Council reviews and recommends to the Commissioner of Agriculture that the continued operation of the district is not administratively practicable and feasible;
- The district fails to comply with any audit or financial reporting and Commerce’s inspector general reviews and confirms in writing that the district has failed to comply with such requirements; or
- Commerce receives a resolution adopted by the supervisors of the district requesting that the Commissioner issue a certificate determining that the continued operation of the district is not administratively practicable and feasible.⁶²

Once the supervisors of a SWCD receive notification from DACS that Commerce has determined that the continued operation of the district is not practicable or feasible, the supervisors must proceed to terminate the affairs of the district.⁶³

The supervisors must dispose of all the property belonging to the SWCD at public auction and transfer the proceeds of such sale to the state, which must use the funds to liquidate any legal obligations the district may have at the time of its discontinuance.⁶⁴ The supervisors are then required to file an application with the Department of State for discontinuance of the district. The Department of State then issues a certificate of dissolution to the supervisors. Upon issuance of a certificate of dissolution, the title to all property owned by the preexisting SWCD transfers to the local general-purpose government, which also assumes all indebtedness of the SWCD.⁶⁵

Online Publication of Public Notices

Each county, municipality, school board, or other unit of local government or political subdivision (governmental agency) may publish its legal notices on the publicly accessible website⁶⁶ of the county in which it lies instead of in a printed newspaper or on a newspaper’s website if doing so would cost less than publishing legal notices in a newspaper.⁶⁷ Each legal notice published on a publicly accessible website must be in searchable form and indicate the date of first publication, and a public bid advertisement made by a governmental agency on a publicly accessible website must include a method for accepting electronic bids.⁶⁸ Additionally, a link to legal notices published on a publicly accessible website must be conspicuously placed on or accessible through a direct link from the:

- Publicly accessible website’s homepage; and
- Homepage of the website of each governmental agency publishing legal notices online.⁶⁹

⁶⁰ S. [582.19\(1\)\(a\), F.S.](#)

⁶¹ S. [582.19\(1\)\(b\), F.S.](#)

⁶² S. [582.30\(2\) and \(3\)\(a\)-\(c\), F.S.](#)

⁶³ S. [582.31, F.S.](#)

⁶⁴ *Id.*

⁶⁵ S. [189.076\(2\), F.S.](#)

⁶⁶ “Publicly accessible website” means a county’s official website or other private website designated by the county for the posting of legal notices and advertisements that is accessible via the Internet. S. [50.0311\(2\), F.S.](#)

⁶⁷ S. [50.0311\(3\), F.S.](#)

⁶⁸ S. [50.0311\(2\) and \(9\), F.S.](#)

⁶⁹ S. [50.0311\(7\), F.S.](#)

If a governmental agency decides to publish its legal notices on a publicly accessible website, it must give notice in a newspaper or in a mailed or delivered publication, at least annually, that property owners and residents may receive legal notices from the governmental agency by first-class mail or e-mail upon registering with the agency.⁷⁰

If a special district spanning the geographic boundaries of more than one county opts to publish legal notices on a publicly accessible website, the district must publish its legal notices on the publicly accessible website of each county it spans.⁷¹

RECENT LEGISLATION:

YEAR	BILL #	HOUSE SPONSOR(S)	SENATE SPONSOR	OTHER INFORMATION
2024	CS/CS/HB 7013	Persons-Mulicka	Hutson	Became a law on July 1, 2024.

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Intergovernmental Affairs Subcommittee	12 Y, 3 N, As CS	3/26/2025	Darden	Darden
THE CHANGES ADOPTED BY THE COMMITTEE:	<ul style="list-style-type: none"> Removes provisions allowing a special district to publish public notices on its own website and requiring DACS to monitor SWCDs for compliance with statutory requirements. Removes two SWCDs which have already been dissolved from the list of SWCDs to be dissolved. Requires candidates for SWCD supervisor to submit documentation to the supervisor of elections at the time of qualification. Authorizes the Commission on Ethics to investigate allegations that a SWCD supervisor does not meet eligibility requirements. 			
Agriculture & Natural Resources Budget Subcommittee				
State Affairs Committee				

THIS BILL ANALYSIS HAS BEEN UPDATED TO INCORPORATE ALL OF THE CHANGES DESCRIBED ABOVE.

⁷⁰ S. [50.0311\(6\), F.S.](#)

⁷¹ S. [50.0311\(5\), F.S.](#)