

1 A bill to be entitled
2 An act relating to special districts; abolishing
3 certain soil and water conservation districts in this
4 state; transferring the assets and liabilities of such
5 districts to the Department of Agriculture and
6 Consumer Services; amending s. 171.093, F.S.;
7 prohibiting municipalities from assuming certain
8 services in annexed areas; providing that a fire
9 control district remains the provider of specified
10 services in the annexed area; requiring that the
11 district's geographical boundaries continue to include
12 the annexed area; authorizing the district to continue
13 certain levies and assessments; amending s. 189.03,
14 F.S.; revising the legislative purpose and intent for
15 independent special districts; creating s. 189.0331,
16 F.S.; defining the terms "district lands or water
17 areas" and "outdoor recreational purposes"; providing
18 that an independent special district that grants the
19 public access to district lands or water areas for
20 outdoor recreational purposes owes no duty of care to
21 perform specified actions; providing that an
22 independent special district is not responsible for
23 injury to persons or property caused by an act or
24 omission of such person upon such lands or water
25 areas; providing applicability; providing that

26 specified protections, immunities, and limitations of
27 liability apply regardless of whether a person or
28 claimant was engaged in an outdoor recreational
29 purpose at the time of an accident or occurrence;
30 providing certain protection to the owner of private
31 land if an independent special district secures an
32 easement or other access right through such private
33 land to district lands or water areas that the
34 independent special district makes available to the
35 public for outdoor recreational purposes; providing
36 that independent special districts are not relieved of
37 certain liability; amending s. 189.053, F.S.;
38 providing that a special district may purchase
39 commodities and contractual services from the
40 purchasing agreements of this state under certain
41 circumstances; amending s. 189.0695, F.S.; removing a
42 provision requiring the Office of Program Policy
43 Analysis and Government Accountability to conduct
44 performance reviews of independent fire control
45 districts according to a specified schedule; requiring
46 the Office of Program Policy Analysis and Government
47 Accountability to conduct a performance review of
48 certain independent special districts by a specified
49 date; removing provisions requiring the Office of
50 Program Policy Analysis and Government Accountability

51 to submit the final report of performance reviews for
52 certain districts according to a specified schedule;
53 creating s. 189.0699, F.S.; providing that an
54 independent special district may require, by
55 resolution, criminal history screening for certain
56 persons; providing requirements for such resolution;
57 providing construction; amending s. 582.19, F.S.;
58 revising the qualifications of a supervisor of a soil
59 and water conservation district; requiring the
60 Commission on Ethics to investigate whether certain
61 supervisors meet eligibility criteria; amending s.
62 582.20, F.S.; removing provisions subjecting certain
63 powers of a soil and water conservation district to
64 another district's approval; requiring the Department
65 of Agriculture and Consumer Services to monitor
66 specified soil and water conservation districts and
67 ensure that each district is winding up administrative
68 and fiscal matters in a timely manner and using
69 certain practices; reenacting s. 189.074(11), F.S.,
70 relating to voluntary merger of independent special
71 districts, to incorporate the amendment made to s.
72 171.093, F.S., in a reference thereto; providing
73 effective dates.

74
75 Be It Enacted by the Legislature of the State of Florida:

76
77 **Section 1.** Effective December 31, 2026, and
78 notwithstanding ss. 582.31 and 582.32, Florida Statutes, the
79 following soil and water conservation districts are abolished,
80 and all assets and liabilities of each district are transferred
81 to the Department of Agriculture and Consumer Services:

- 82 (1) Escambia Soil and Water Conservation District.
83 (2) Yellow River Soil and Water Conservation District.
84 (3) Holmes Creek Soil and Water Conservation District.
85 (4) Orange Hill Soil and Water Conservation District.
86 (5) Chipola River Soil and Water Conservation District.
87 (6) Tupelo Soil and Water Conservation District.
88 (7) Franklin Soil and Water Conservation District.
89 (8) Leon Soil and Water Conservation District.
90 (9) Wakulla Soil and Water Conservation District.
91 (10) Jefferson Soil and Water Conservation District.
92 (11) Hamilton County Soil and Water Conservation District.
93 (12) Dixie Soil and Water Conservation District.
94 (13) Santa Fe Soil and Water Conservation District.
95 (14) Levy Soil and Water Conservation District.
96 (15) Bradford Soil and Water Conservation District.
97 (16) Alachua Soil and Water Conservation District.
98 (17) Nassau Soil and Water Conservation District.
99 (18) Duval Soil and Water Conservation District.
100 (19) Clay Soil and Water Conservation District.

(20) St. Johns Soil and Water Conservation District.

(21) Volusia Soil and Water Conservation District.

(22) Seminole Soil and Water Conservation District.

(23) Orange Soil and Water Conservation District.

(24) Hillsborough Soil and Water Conservation District.

(25) Manatee River Soil and Water Conservation District.

(26) Peace River Soil and Water Conservation District.

(27) Sarasota Soil and Water Conservation District.

(28) Charlotte Soil and Water Conservation District.

(29) Osceola Soil and Water Conservation District.

(30) Collier Soil and Water Conservation District.

(31) St. Lucie Soil and Water Conservation District.

(32) Broward Soil and Water Conservation District.

(33) South Dade Soil and Water Conservation District.

(34) Hendry Soil and Water Conservation District.

(35) Union Soil and Water Conservation District.

Section 2. Present subsection (8) of section 171.093, Florida Statutes, is redesignated as subsection (9), and a new subsection (8) is added to that section, to read:

171.093 Municipal annexation within independent special districts.—

(8) Notwithstanding this chapter or any special act to the contrary, a municipality may not elect to assume services of an annexed area which are being provided by an independent special fire control district. Following an annexation pursuant to this

chapter, an independent special fire control district shall remain the service provider in the annexed area, the geographical boundaries of the district must continue to include the annexed area, and the district may continue to levy ad valorem taxes, impact fees, and user fees and assessments on the real property located within the annexed area.

Section 3. Paragraph (c) is added to subsection (1) of section 189.03, Florida Statutes, to read:

189.03 Statement of legislative purpose and intent;
independent special districts.—

(1) The Legislature finds that:

(c) It is in the public interest for the Legislature to encourage an independent special district to make available to the public suitable district lands and water areas for public outdoor recreational purposes and to limit certain liability of the independent special district resulting from persons accessing such lands and areas and from third persons who may incur damages by the acts or omissions of persons going thereon.

Section 4. Section 189.0331, Florida Statutes, is created to read:

189.0331 Limitation on liability of independent special district with respect to areas made available to the public for recreational purposes without charge.—

(1) As used in this section, the term:

(a) "District lands or water areas" includes, but is not

151 limited to, all district lands, rights-of-way, and water areas
152 that an independent special district controls, possesses, or
153 maintains, or in which the independent special district has a
154 property or other interest, whether in fee simple, easement,
155 leasehold, contract, memorandum of understanding, or otherwise.

156 (b) "Outdoor recreational purposes" includes activities
157 such as, but not limited to, horseback riding, hunting, fishing,
158 bicycling, swimming, boating, camping, picnicking, hiking,
159 pleasure driving, nature study, water skiing, motorcycling, and
160 visiting historical, archaeological, scenic, or scientific
161 sites.

162 (2) (a) Except as provided in subsection (5), an
163 independent special district that provides the public with
164 access to district lands or water areas for outdoor recreational
165 purposes, or allows access over or use of district lands or
166 water areas for public outdoor recreational purposes, owes no
167 duty of care to do any of the following:

168 1. Keep the district lands or water areas safe for entry
169 or use by others.

170 2. Warn persons entering or going on such district lands
171 or water areas of any hazardous conditions, structures, or
172 activities thereon.

173 3. Extend any assurance that the district lands or water
174 areas are safe for any purpose solely by allowing access to that
175 district's lands or water areas.

176 (b) An independent special district does not incur any
177 duty of care toward a person who goes on the district lands or
178 water areas. An independent special district is not responsible
179 for any injury to persons or property caused by an act or
180 omission of a person who goes on such lands or water areas.

181 (c) This section applies to any person going on the
182 district lands or water areas, or lands or water areas subject
183 to a joint use or similar agreement, irrespective of whether the
184 person goes as an invitee, licensee, or trespasser or in any
185 other capacity. However, this subsection does not apply if there
186 is any charge made or usually made for entering or using the
187 district lands or water areas, or if any commercial or other
188 activity from which profit is derived from the patronage of the
189 public, excluding the temporary sale of food, beverages, plants,
190 or T-shirts at temporary special events or nonprofit
191 organizational activities associated with temporary special
192 events, is conducted on any such district lands or water areas,
193 or any part thereof.

194 (3) The protections, immunities, and limitations of
195 liability provided in this section to independent special
196 districts apply regardless of whether any claimant or person was
197 engaged in an outdoor recreational purpose at the time of an
198 accident or occurrence and apply to district lands or water
199 areas used by the public for recreational activities regardless
200 of whether the district lands or water areas were made available

201 to the public at the time of the accident or occurrence.

202 (4) If an independent special district secures an easement
203 or other right for the purpose of providing access through
204 private land to district lands or water areas that the
205 independent special district provides or makes available to the
206 public for outdoor recreational purposes, the owner of the
207 private land is covered by the liability protection provided in
208 s. 375.251 with regard to the use of such easement by the
209 general public or by employees and agents of the independent
210 special district or other regulatory agencies.

211 (5) (a) This section does not relieve an independent
212 special district of any liability that would otherwise exist for
213 gross negligence or a deliberate, willful, or malicious injury
214 to a person or property.

215 (b) This section does not create or increase the liability
216 of an independent special district or person beyond that which
217 is authorized by s. 768.28.

218 **Section 5. Section 189.053, Florida Statutes, is amended**
219 **to read:**

220 189.053 Purchases from purchasing agreements of other
221 governmental entities ~~special districts, municipalities, or~~
222 ~~counties.~~—Special districts may purchase commodities and
223 contractual services, other than services the acquisition of
224 which is governed by s. 287.055, from the purchasing agreements
225 of other special districts, municipalities, ~~or~~ counties, or this

state, which have been procured pursuant to competitive bid, requests for proposals, requests for qualifications, competitive selection, or competitive negotiations, and which are otherwise in compliance with general law if the purchasing agreement of the other special district, municipality, ~~or~~ county, or this state was procured by a process that would have met the procurement requirements of the purchasing special district.

Section 6. Subsections (2) and (3) of section 189.0695, Florida Statutes, are amended to read:

189.0695 Independent special districts; performance reviews.—

(2)(a) ~~Each independent special district as described in subparagraph (d)1. that is not located in a rural area of opportunity as defined in s. 288.0656(2) and~~ Each independent special district as described in paragraph (c) ~~subparagraph (d)2.~~ must contract with an independent entity to conduct a performance review of the district. The independent entity must have at least 5 years of experience conducting comparable reviews of organizations similar in size and function to the independent special district under review, must conduct the review according to applicable industry best practices, and must have no affiliation with or financial involvement in the reviewed district.

(b) ~~The Office of Program Policy Analysis and Government Accountability must conduct a performance review of each~~

~~independent special district as described in subparagraph (d)1. that is located in a rural area of opportunity as defined in s. 288.0656(2) and may contract as needed to complete this requirement.~~

~~(e)~~ The final report of the performance review must be filed with the governing board of the district, the Auditor General, the President of the Senate, and the Speaker of the House of Representatives no later than 9 months from the beginning of the district's fiscal year according to the schedule provided in paragraph (c) ~~paragraph (d)~~. However, a performance audit of an independent special district conducted by the Auditor General during the same fiscal year in which a performance review is due pursuant to paragraph (c) ~~paragraph (d)~~ qualifies as that district's scheduled performance review under this section.

~~(c)(d)1. Beginning October 1, 2022, and every 5 years thereafter, each independent special fire control district as defined in s. 191.003 must have a performance review conducted.~~

~~2.~~ Beginning October 1, 2023, and every 5 years thereafter, each hospital licensed under chapter 395 which is governed by the governing body of a special district as defined in s. 189.012 or by the board of trustees of a public health trust created under s. 154.07 must have a performance review conducted.

(3) The Office of Program Policy Analysis and Government

Accountability must conduct a performance review of all independent special districts classified as safe neighborhood improvement districts as defined in s. 163.503(1), no later than September 30, 2026, ~~within the classifications described in paragraphs (a), (b), and (c)~~ and may contract as needed to complete the requirements of this subsection. The Office of Program Policy Analysis and Government Accountability shall submit the final report of the performance review to the President of the Senate and the Speaker of the House of Representatives ~~as follows:~~

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

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

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

Section 7. Section 189.0699, Florida Statutes, is created to read:

189.0699 Criminal history record checks for certain independent special district employees and appointees.—

(1) Notwithstanding chapter 435, an independent special district, by resolution, may require a state and national criminal history screening for all of the following:

(a) Any position of independent special district employment or appointment, whether paid, unpaid, or contractual,

301 which the governing body of the independent special district
302 finds is critical to security or public safety.

303 (b) Any private contractor, employee of a private
304 contractor, vendor, repair person, or delivery person who is
305 subject to licensing or regulation by the independent special
306 district.

307 (c) Any private contractor, employee of a private
308 contractor, vendor, repair person, for-hire chauffeur, or
309 delivery person who has direct contact with individual members
310 of the public or access to any public facility or publicly
311 operated facility in such a manner or to such an extent that the
312 governing body of the independent special district finds that
313 preventing unsuitable persons from having such contact or access
314 is critical to security or public safety.

315 (2) The resolution must require each person applying for,
316 or continuing employment or appointment in, any such position,
317 applying for initial or continuing licensing or regulation, or
318 having such contact or access to be fingerprinted. The
319 fingerprints shall be submitted to the Department of Law
320 Enforcement for a state criminal history record check and to the
321 Federal Bureau of Investigation for a national criminal history
322 record check. The information obtained from the criminal history
323 record checks conducted pursuant to the resolution may be used
324 by the independent special district to determine a person's
325 eligibility for such employment or appointment or to determine a

person's eligibility for continued employment or appointment.
This section is not intended to preempt or prevent any other
background screening, including, but not limited to, criminal
history background checks, which an independent special district
may lawfully undertake.

**Section 8. Paragraph (a) of subsection (1) of section
582.19, Florida Statutes, is amended, and paragraphs (c) and (d)
are added to that subsection, to read:**

582.19 Qualifications and tenure of supervisors.—

(1) The governing body of the district shall consist of
five supervisors, elected as provided in s. 582.18.

(a) To qualify to serve on the governing body of a
district, a supervisor must be a registered ~~an eligible~~ voter in
this state who resides in the district and who meets any of the
following criteria:

1. Is a landowner of land zoned as agricultural or
classified as agricultural lands by the applicable property
appraiser;

2. Is actively engaged in commercial agriculture
production, which for purposes of this section means an
individual that produces an agricultural commodity through
participation in the day-to-day labor, management, and field
operations or that has the legal right to harvest an
agricultural commodity;

3. Is an actively engaged operator of a farm;

351 4. Is an owner of or employed by an agriculture business
352 or farm;

353 5. Is an actively engaged agriculture or natural resources
354 professional in a field that is directly related to commercial
355 agriculture or natural resources;

356 6. Is an actively engaged college or university staff
357 member or professor who has expertise in agriculture as defined
358 in s. 570.02;

359 7. Is an actively engaged direct agriculture-related
360 vendor; or

361 8. Has retired from such work or previously owned land as
362 described in subparagraphs 1.-7., provided the person performed
363 such work or owned such land for a minimum of 5 years.

364 (c) Any candidate running to serve as a supervisor
365 pursuant to this section must provide supporting documentation
366 to the supervisor of elections at the time of qualification to
367 verify his or her eligibility to serve pursuant to the criteria
368 listed in paragraph (a). Such proof may include, but need not be
369 limited to, a copy of a property tax bill; a copy of an Internal
370 Revenue Service Schedule F, Profit or Loss From Farming form;
371 proof of employment as a professional in the field of
372 agriculture or natural resources; or a curriculum vitae
373 demonstrating expertise in such topics.

374 (d) The Commission on Ethics shall investigate alleged
375 violations of this section upon receipt of a written complaint

376 based upon personal knowledge or information other than hearsay
377 and signed under oath or affirmation that a supervisor does not
378 meet the eligibility criteria provided for in this section.

379 ~~1. Is actively engaged in, or retired after 10 years of~~
380 ~~being engaged in, agriculture as defined in s. 570.02;~~

381 ~~2. Is employed by an agricultural producer; or~~

382 ~~3. Owns, leases, or is actively employed on land~~
383 ~~classified as agricultural under s. 193.461.~~

384 **Section 9. Section 582.20, Florida Statutes, is amended to**
385 **read:**

386 582.20 Powers of districts and supervisors.—A soil and
387 water conservation district organized under the provisions of
388 this chapter shall constitute a governmental subdivision of this
389 state, and a public body corporate and politic, exercising
390 public powers, and such district and the supervisors thereof
391 shall have the following powers, in addition to others granted
392 in other sections of this chapter:

393 (1) To conduct surveys, studies, and research relating to
394 soil and water resources and to publish and disseminate the
395 results of such surveys, studies, research, and related
396 information;

397 (2) To conduct agricultural best management practices
398 demonstration projects and projects for the conservation,
399 protection, and restoration of soil and water resources:

400 (a) Within the district's boundaries;

(b) Within another district's boundaries, ~~subject to the other district's approval;~~

(c) In areas not contained within any district's boundaries on lands owned or controlled by this state or any of its agencies, with the cooperation of the agency administering and having jurisdiction thereof; or

(d) On any other lands within the district's boundaries, within another district's boundaries subject to the other district's approval, or not contained within any district's boundaries upon obtaining the consent of the owner or occupier of the lands or the necessary rights or interests in such lands;

(3) To cooperate, or enter into agreements with, any special district, municipality, county, water management district, state or federal agency, governmental or otherwise, or owner or occupier of lands within the district's boundaries, within another district's boundaries ~~subject to the other district's approval,~~ or not contained within any district's boundaries in furtherance of the purposes and provisions of this chapter;

(4) To obtain options upon and to acquire, by purchase, exchange, lease, gift, grant, bequest, devise or otherwise, any property, real or personal, or rights or interests therein; to maintain, administer, and improve any properties acquired, to receive income from such properties and to expend such income in carrying out the purposes and provisions of this chapter; and to

426 sell, lease, or otherwise dispose of any of its property or
427 interests therein in furtherance of the purposes and provisions
428 of this chapter;

429 (5) To make available, on such terms as it shall
430 prescribe, to any owner or occupier of lands within the
431 district's boundaries, within another district's boundaries
432 ~~subject to the other district's approval~~, or not contained
433 within any district's boundaries agricultural and engineering
434 machinery and equipment, and such other material or equipment,
435 that will assist such landowners and occupiers to carry on
436 operations upon their lands for the conservation and protection
437 of soil and water resources;

438 (6) To construct, improve, operate, and maintain such
439 structures as may be necessary or convenient for the performance
440 of any of the operations authorized in this chapter;

441 (7) To provide, or assist in providing, training and
442 education programs that further the purposes and provisions of
443 this chapter;

444 (8) To sue and be sued in the name of the district; to
445 have a seal, which seal shall be judicially noticed; to have
446 perpetual succession unless terminated as provided in this
447 chapter; to make and execute contracts and other instruments
448 necessary or convenient to the exercise of its powers; upon a
449 majority vote of the supervisors of the district, to borrow
450 money and to execute promissory notes and other evidences of

451 indebtedness in connection therewith, and to pledge, mortgage,
452 and assign the income of the district and its personal property
453 as security therefor, the notes and other evidences of
454 indebtedness to be general obligations only of the district and
455 in no event to constitute an indebtedness for which the faith
456 and credit of the state or any of its revenues are pledged;

457 (9) To use, in coordination with the applicable county or
458 counties, the services of the county agricultural agents and the
459 facilities of their offices, if practicable and feasible. The
460 supervisors may also employ additional permanent and temporary
461 staff, as needed, and determine their qualifications, duties,
462 and compensation. The supervisors may delegate to the chair, to
463 one or more supervisors, or to employees such powers and duties
464 as they may deem proper, consistent with the provisions of this
465 chapter. The supervisors shall furnish to the department, upon
466 request, copies of rules, orders, contracts, forms, and other
467 documents that the district has adopted or used, and any other
468 information concerning the district's activities, that the
469 department may require in the performance of its duties under
470 this chapter;

471 (10) To adopt rules to implement the provisions of this
472 chapter; and

473 (11) To request that the Governor remove a supervisor for
474 neglect of duty or malfeasance in office by adoption of a
475 resolution at a public meeting. If the district believes there

is a need for a review of the request, the district may request that the council, by resolution, review its request to the Governor and provide the Governor with a recommendation.

Any provision with respect to the acquisition, operation, or disposition of property by public bodies of this state does not apply to a district organized under this chapter unless specifically so stated by the Legislature. The property and property rights of every kind and nature acquired by any district organized under the provisions of this chapter are exempt from state, county, and other taxation.

Section 10. Effective upon this act becoming a law, the Department of Agriculture and Consumer Services shall monitor all soil and water conservation districts being abolished in accordance with this act for statutory compliance through the repeal on December 31, 2026, and to ensure that the district is winding up administrative and fiscal matters related to the district in a timely manner while using best practices through the dissolution of the district.

Section 11. For the purpose of incorporating the amendment made by this act to section 171.093, Florida Statutes, in a reference thereto, subsection (11) of section 189.074, Florida Statutes, is reenacted to read:

189.074 Voluntary merger of independent special districts.—Two or more contiguous independent special districts

501 created by special act which have similar functions and elected
502 governing bodies may elect to merge into a single independent
503 district through the act of merging the component independent
504 special districts.

505 (11) EFFECT ON ANNEXATION.—Chapter 171 continues to apply
506 to all annexations by a city within the component independent
507 special districts' boundaries after merger occurs. Any moneys
508 owed to a component independent special district pursuant to s.
509 171.093, or any interlocal service boundary agreement as a
510 result of annexation predating the merger, shall be paid to the
511 merged independent district after merger.

512 **Section 12.** Except as otherwise expressly provided in this
513 act and except for this section, which shall take effect upon
514 this act becoming a law, this act shall take effect July 1,
515 2026.