

HB 1129

2014

1 A bill to be entitled

2 An act relating to special districts; amending s.  
3 189.412, F.S.; requiring the Department of Economic  
4 Opportunity to publish certain information on its  
5 website with respect to special districts; creating  
6 part II of chapter 190, F.S., relating to conversion  
7 of water control districts to community development  
8 districts; authorizing the governing board of a water  
9 control district to conduct a referendum on the  
10 question of whether the district may exercise certain  
11 special powers of a community development district;  
12 providing referendum requirements and procedures;  
13 providing notice requirements; providing for special  
14 act, upon referendum approval, to codify special  
15 powers in the charter of the water control district  
16 and provide for conversion of the district to a  
17 community development district; providing an effective  
18 date.

19  
20 Be It Enacted by the Legislature of the State of Florida:

21  
22 Section 1. Subsection (9) is added to section 189.412,  
23 Florida Statutes, to read:

24 189.412 Special District Information Program; duties and  
25 responsibilities.—The Special District Information Program of  
26 the Department of Economic Opportunity is created and has the

27 following special duties:

28 (9) The collection and maintenance of each district's  
 29 charter, which shall be made available to the public on the  
 30 department's website.

31 Section 2. Chapter 190, Florida Statutes, consisting of  
 32 sections 190.001 through 190.049, is designated as part I of  
 33 that chapter, and part II, consisting of sections 190.10 through  
 34 190.13, is created to read:

35 PART II

36 CONVERSION OF WATER CONTROL DISTRICTS

37 190.10 Special powers; authorization for water control  
 38 district to conduct referendum.-

39 (1) The governing board of a water control district  
 40 established under chapter 298, or established by special act  
 41 that incorporates the powers of chapter 298, is authorized to  
 42 conduct a referendum on the question of whether the district may  
 43 exercise one or more of the special powers of a community  
 44 development district relating to public improvements and  
 45 community facilities authorized by s. 190.012. The governing  
 46 board of a water control district may initiate a referendum by  
 47 adoption of a resolution at a regularly scheduled board meeting  
 48 called to determine whether to conduct the referendum. The  
 49 resolution must establish the date of the referendum and specify  
 50 the special powers that the governing board requests  
 51 authorization to exercise.

52 (2) If a majority of the governing board is elected on a

53 parcel or acreage basis, the referendum election shall be  
 54 conducted by the governing board on a parcel or acreage basis,  
 55 in which case, the election results shall be certified and  
 56 confirmed by an independent forensic auditor.

57 (3) If a majority of the governing board is popularly  
 58 elected, the referendum election shall be conducted by the  
 59 supervisor of elections pursuant to ss. 101.6101-101.6107 by  
 60 mail ballot of the registered electors residing in the district.  
 61 The costs of the election shall be paid by the district  
 62 conducting the referendum.

63 190.11 Referendum requirements and procedures.-

64 (1) Each referendum question shall be in substantially the  
 65 following form:

66  
 67 REFERENDUM AUTHORIZING THE ...(district name)... WATER CONTROL  
 68 DISTRICT TO EXERCISE CERTAIN SPECIAL POWERS

69  
 70 Shall the ...(district name)... water control district  
 71 be authorized to exercise the following special powers  
 72 within the jurisdiction of the district:

73  
 74 ...(List special powers to be exercised)....

75  
 76 Yes.... No....

77  
 78 (2) Before conducting a referendum, the governing board of

HB 1129

2014

79 the water control district must provide public notice of the  
80 referendum in a newspaper of general circulation in the county  
81 in which the district is located. If the district is located in  
82 more than one county, the notice shall be provided in a  
83 newspaper of general circulation in each county in which the  
84 district is located. The notice shall be published twice, once  
85 in the fifth week and once in the second week before the  
86 referendum election.

87 190.12 Effect of referendum.—If a majority of the acres or  
88 parcels voted or a majority of the electors voting, as  
89 applicable:

90 (1) Approve the referendum question, following  
91 certification of the referendum results, the governing board of  
92 the water control district may begin exercising the special  
93 powers approved by the referendum; or

94 (2) Disapprove the referendum question, the governing  
95 board may not exercise the requested special powers and is  
96 prohibited from calling a subsequent referendum on the question  
97 of exercising those special powers for 5 years after the date of  
98 the referendum.

99 190.13 Codification; conversion to community development  
100 district.—At the next regular session of the Legislature  
101 occurring at least 6 months after approval of a referendum  
102 authorizing a water control district to exercise special powers  
103 of a community development district, the district shall submit a  
104 local bill to the Legislature codifying in the district's

HB 1129

2014

105 charter the special powers approved by the referendum and  
106 reestablishing the district as a community development district.  
107 Upon the effective date of such special act of the Legislature,  
108 the water control district is converted to a community  
109 development district and shall be governed by this part and the  
110 district's special act.

111 Section 3. This act shall take effect July 1, 2014.