

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; authorizing  
6 the department to coordinate with the Department of  
7 State for certain purposes; creating part II of  
8 chapter 190, F.S., relating to conversion of water  
9 control districts to community development districts;  
10 authorizing the popularly elected governing board of a  
11 water control district to conduct a referendum on the  
12 question of whether the district may exercise certain  
13 special powers of a community development district;  
14 providing referendum requirements and procedures;  
15 providing notice requirements; providing for special  
16 act, upon referendum approval, to codify special  
17 powers in the charter of the water control district  
18 and provide for conversion of the district to a  
19 community development district; amending s. 298.76,  
20 F.S.; authorizing the conversion of a water control  
21 district to a community development district by  
22 special or local legislation; providing an effective  
23 date.

24  
25 Be It Enacted by the Legislature of the State of Florida:  
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27 Section 1. Subsection (9) is added to section 189.412,  
 28 Florida Statutes, to read:

29 189.412 Special District Information Program; duties and  
 30 responsibilities.—The Special District Information Program of  
 31 the Department of Economic Opportunity is created and has the  
 32 following special duties:

33 (9) The collection and maintenance of the special act,  
 34 rule, ordinance, resolution, or other document that provides for  
 35 the creation of each special district. The department shall make  
 36 such documents available to the public on its website by  
 37 December 31, 2014. The department may coordinate with the  
 38 Department of State to implement this subsection.

39 Section 2. Chapter 190, Florida Statutes, consisting of  
 40 sections 190.001 through 190.049, is designated as part I of  
 41 that chapter, and part II, consisting of sections 190.10 through  
 42 190.13, is created to read:

43 PART II

44 CONVERSION OF WATER CONTROL DISTRICTS

45 190.10 Special powers; authorization for water control  
 46 district to conduct referendum.—

47 (1) The popularly elected governing board of a water  
 48 control district established under chapter 298, or established  
 49 by special act that incorporates the powers of chapter 298, that  
 50 has been granted additional authority, powers, rights, or  
 51 privileges by special law or general law of local application,  
 52 is authorized to conduct a referendum on the question of whether

53 the district may exercise one or more of the special powers of a  
 54 community development district relating to public improvements  
 55 and community facilities authorized by s. 190.012. The governing  
 56 board of a water control district may initiate a referendum by  
 57 adoption of a resolution at a regularly scheduled board meeting  
 58 called to determine whether to conduct the referendum. The  
 59 resolution must establish the date of the referendum and specify  
 60 the special powers that the governing board requests  
 61 authorization to exercise.

62 (2) The referendum election shall be conducted by the  
 63 supervisor of elections pursuant to ss. 101.6101-101.6107 by  
 64 mail ballot of the registered electors residing in the district.  
 65 The costs of the election shall be paid by the district  
 66 conducting the referendum.

67 190.11 Referendum requirements and procedures.-

68 (1) Each referendum question shall be in substantially the  
 69 following form:

71 REFERENDUM AUTHORIZING THE ...(district name)... WATER CONTROL  
 72 DISTRICT TO EXERCISE CERTAIN SPECIAL POWERS

74 Shall the ...(district name)... water control district  
 75 be authorized to exercise the following special powers  
 76 within the jurisdiction of the district:

78 ...(List special powers to be exercised)....

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Yes.... No....

(2) Before conducting a referendum, the governing board of the water control district must provide public notice of the referendum in a newspaper of general circulation in the county in which the district is located. If the district is located in more than one county, the notice shall be provided in a newspaper of general circulation in each county in which the district is located. The notice shall be published twice, once in the fifth week and once in the second week before the referendum election.

190.12 Effect of referendum.—If a majority of the electors voting:

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

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

190.13 Codification; conversion to community development district.—At the next regular session of the Legislature occurring at least 6 months after approval of a referendum

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

114 Section 3. Section 298.76, Florida Statutes, is amended to  
115 read:

116 298.76 Special or local legislation; effect.—

117 (1) This chapter is amended to provide that, pursuant to  
118 the authority granted the Legislature in s. 11(a)(21), Art. III  
119 of the State Constitution, there shall be no special law or  
120 general law of local application granting additional authority,  
121 powers, rights, or privileges to any water control district  
122 formed pursuant to this chapter. However, this subsection shall  
123 not prohibit special or local legislation which:

124 (a) Amends an existing special act which provides for the  
125 levy of an annual maintenance tax of a district;

126 (b) Extends the corporate life of a district;

127 (c) Consolidates adjacent districts; or

128 (d) Authorizes the construction or maintenance of roads  
129 for agricultural purposes as outlined in this chapter.

130 (e) Authorizes the conversion of a district to a community

CS/HB 1129

2014

131 | development district, as authorized by part II of chapter 190.

132 |       Section 4. This act shall take effect July 1, 2014.