

1 A bill to be entitled

2 An act relating to special districts; designating  
3 parts I-VIII of chapter 189, F.S., relating to special  
4 districts, and renaming the chapter; amending s.  
5 11.40, F.S.; revising duties of the Legislative  
6 Auditing Committee; amending s. 112.312, F.S.;  
7 revising a definition; amending s. 112.50, F.S.;  
8 revising the Governor's power to suspend public  
9 officers to include members of the governing body of a  
10 special district; amending s. 112.51, F.S.; revising  
11 provisions relating to a municipal officers suspension  
12 and removal from office to include members of the  
13 governing body of a special district; transferring and  
14 renumbering provisions within chapter 189, F.S.;  
15 amending s. 189.401, F.S.; revising a short title;  
16 amending s. 189.402, F.S.; revising a statement of  
17 legislative purpose and intent; amending s. 189.403,  
18 F.S.; revising definitions; amending s. 189.4035,  
19 F.S.; revising duties of the department; revising  
20 application procedures; amending ss. 189.4031,  
21 189.404, 189.4041, and 189.4042, F.S.; conforming  
22 provisions and cross-references; amending s. 189.4044,  
23 F.S.; revising when the Department of Economic  
24 Opportunity may declare a special district inactive;  
25 prohibiting special districts declared inactive from  
26 collecting taxes, fees, or assessments under certain

27 | circumstances; providing publication requirements;  
28 | providing for disposition of property or assets of the  
29 | special district; providing notice requirements;  
30 | providing requirements for the dissolution of certain  
31 | special districts; amending s. 189.405, F.S.; revising  
32 | requirements relating to education programs; amending  
33 | s. 189.4051, F.S.; revising definitions; conforming  
34 | provisions; amending s. 189.412, F.S.; revising  
35 | provisions relating to Special District Accountability  
36 | Programs; revising program duties; amending ss.  
37 | 189.416 and 189.417, F.S.; conforming provisions;  
38 | amending s. 189.418, F.S.; conforming cross-  
39 | references; amending s. 189.419, F.S.; revising  
40 | reporting requirements; conforming cross-references;  
41 | amending s. 189.421, F.S.; revising provisions  
42 | relating to remedies; deleting provisions relating to  
43 | the failure of a district to disclose financial  
44 | reports; amending s. 189.427, F.S., revising  
45 | provisions relating to the deposit of fees; amending  
46 | s. 189.428, F.S.; providing that certain independent  
47 | special districts may be reviewed by a legislative  
48 | delegation under certain conditions; deleting  
49 | legislative intent; deleting a requirement for the  
50 | ordered review of special districts; deleting  
51 | provisions authorizing the review of certain special  
52 | districts; deleting provisions relating to reporting

53 requirements; deleting provisions relating to  
54 applicability; amending ss. 189.429, 189.432, and  
55 189.439, F.S.; conforming provisions and cross-  
56 references; creating s. 189.034, F.S.; providing  
57 reporting requirements for the governing body of a  
58 special district created by special act of the  
59 Legislature; providing requirements for the chair of  
60 the governing body; creating s. 189.035, F.S.;  
61 providing reporting requirements for the governing  
62 body of an independent special district created by  
63 local ordinance; providing requirements for the chair  
64 of the governing body; creating s. 189.055, F.S.;  
65 requiring special districts to be treated as  
66 municipalities for certain purposes; creating s.  
67 189.069, F.S.; providing special district reporting  
68 requirements; providing requirements for the  
69 department Internet website; creating s. 189.0691,  
70 F.S.; providing for the suspension of special district  
71 governing body board members under certain conditions;  
72 repealing s. 189.430, F.S., relating to the Community  
73 Improvement Authority Act; repealing s. 189.431, F.S.,  
74 relating to legislative findings and intent; repealing  
75 s. 189.432, F.S., relating to definitions; repealing  
76 s. 189.433, F.S., relating to creation of a community  
77 improvement authority and charters; repealing s.  
78 189.434, F.S., relating to the board of supervisors;

79 | repealing s. 189.435, F.S., relating to the executive  
 80 | director; repealing s. 189.436, F.S., relating to the  
 81 | chief financial officer and other officers and  
 82 | financial records; repealing s. 189.437, F.S.,  
 83 | relating to budgets; repealing s. 189.438, F.S.,  
 84 | relating to powers and duties; repealing s. 189.439,  
 85 | F.S., relating to bonds; repealing s. 189.440, F.S.,  
 86 | relating to tax exemptions; repealing s. 189.441,  
 87 | F.S., relating to contracts; repealing s. 189.442,  
 88 | F.S., relating to the sale or lease of property;  
 89 | repealing s. 189.443, F.S., relating to damages  
 90 | arising out of tort; repealing s. 189.444, F.S.,  
 91 | relating to dissolution of an authority; amending ss.  
 92 | 11.45, 100.011, 101.657, 112.061, 112.63, 121.021,  
 93 | 121.051, 125.901, 153.94, 163.08, 165.031, 165.0615,  
 94 | 171.202, 175.032, 190.011, 190.046, 190.049, 191.003,  
 95 | 191.005, 191.013, 191.014, 191.015, 200.001, 218.31,  
 96 | 218.32, 255.20, 298.225, 343.922, 348.0004, 373.711,  
 97 | 403.0891, 582.32, and 1013.355, F.S.; conforming  
 98 | cross-references; providing effective dates.

99 |  
 100 | Be It Enacted by the Legislature of the State of Florida:

101 |  
 102 | Section 1. Chapter 189, Florida Statutes, as amended by  
 103 | this act, is divided into the following parts:

104 | (1) Part I, consisting of sections 189.01 through 189.019,

105 Florida Statutes, entitled "General Provisions."  
 106 (2) Part II, consisting of sections 189.02 and 189.021,  
 107 Florida Statutes, entitled "Dependent Special Districts."  
 108 (3) Part III, consisting of sections 189.03 through  
 109 189.033, Florida Statutes, entitled "Independent Special  
 110 Districts."  
 111 (4) Part IV, consisting of sections 189.04 through  
 112 189.042, Florida Statutes, entitled "Elections."  
 113 (5) Part V, consisting of sections 189.05 through 189.055  
 114 Florida Statutes, entitled "Finance."  
 115 (6) Part VI, consisting of sections 189.06 through  
 116 189.0691, Florida Statutes, entitled "Oversight and  
 117 Accountability."  
 118 (7) Part VII, consisting of sections 189.07 through  
 119 189.0761, Florida Statutes, entitled "Merger and Dissolution."  
 120 (8) Part VIII, consisting of sections 189.08 through  
 121 189.082, Florida Statutes, entitled "Comprehensive Planning."  
 122 Section 2. The title of chapter 189, Florida Statutes, is  
 123 redesignated as "Special District Accountability."  
 124 Section 3. Paragraph (b) of subsection (2) of section  
 125 11.40, Florida Statutes, is amended, and paragraph (c) is added  
 126 to that subsection, to read:  
 127 11.40 Legislative Auditing Committee.—  
 128 (2) Following notification by the Auditor General, the  
 129 Department of Financial Services, or the Division of Bond  
 130 Finance of the State Board of Administration of the failure of a

131 local governmental entity, district school board, charter  
 132 school, or charter technical career center to comply with the  
 133 applicable provisions within s. 11.45(5)-(7), s. 218.32(1), or  
 134 s. 218.38, the Legislative Auditing Committee may schedule a  
 135 hearing to determine if the entity should be subject to further  
 136 state action. If the committee determines that the entity should  
 137 be subject to further state action, the committee shall:

138 (b) In the case of a special district created by special  
 139 act, notify the chair of the county legislative delegation and  
 140 the Department of Economic Opportunity that the special district  
 141 has failed to comply with the law. Upon receipt of notification,  
 142 the department ~~of Economic Opportunity~~ shall proceed pursuant to  
 143 s. 189.062 or s. 189.067 ~~189.4044~~ or s. ~~189.421~~.

144 (c) In the case of a special district created by local  
 145 ordinance, notify the chair or equivalent of the local general-  
 146 purpose government and the Department of Economic Opportunity  
 147 that the special district has failed to comply with the law.  
 148 Upon receipt of notification, the department shall proceed  
 149 pursuant to s. 189.062 or 189.067.

150 Section 4. Subsection (2) of section 112.312, Florida  
 151 Statutes, is amended to read:

152 112.312 Definitions.—As used in this part and for purposes  
 153 of the provisions of s. 8, Art. II of the State Constitution,  
 154 unless the context otherwise requires:

155 (2) "Agency" means any state, regional, county, local, or  
 156 municipal government entity of this state, whether executive,

157 | judicial, or legislative; any department, division, bureau,  
 158 | commission, authority, or political subdivision of this state  
 159 | therein; ~~or~~ any public school, community college, or state  
 160 | university; or any special district as defined in s. 189.012.

161 | Section 5. Section 112.50, Florida Statutes, is amended to  
 162 | read:

163 | 112.50 Governor to retain power to suspend public  
 164 | officers.—Whenever any state, county, ~~or~~ municipal officer, or  
 165 | member of the governing body of a special district, as defined  
 166 | in s. 189.012, is made subject to suspension or removal by the  
 167 | terms of any statute, special act, or municipal charter, the  
 168 | power of the Governor to suspend officers shall not be affected  
 169 | by such statutory, special act, or charter provisions, and the  
 170 | power to suspend shall reside concurrently in the Governor and  
 171 | in the statutory, special act, or charter authority.

172 | Section 6. Section 112.51, Florida Statutes, is amended to  
 173 | read:

174 | 112.51 Municipal officers and members of special district  
 175 | governing bodies; suspension; removal from office.—

176 | (1) By executive order stating the grounds for the  
 177 | suspension and filed with the Secretary of State, the Governor  
 178 | may suspend from office any elected or appointed municipal  
 179 | official, or member of the governing body of a special district,  
 180 | as defined in s. 189.012, for malfeasance, misfeasance, neglect  
 181 | of duty, habitual drunkenness, incompetence, or permanent  
 182 | inability to perform official duties.

183 (2) Whenever any elected or appointed municipal official,  
 184 or member of the governing body of a special district, as  
 185 defined in s. 189.012, is arrested for a felony or for a  
 186 misdemeanor related to the duties of office or is indicted or  
 187 informed against for the commission of a federal felony or  
 188 misdemeanor or state felony or misdemeanor, the Governor has the  
 189 power to suspend such ~~municipal~~ official from office.

190 (3) The suspension of such official by the Governor  
 191 creates a temporary vacancy in such office during the  
 192 suspension. Any temporary vacancy in office created by  
 193 suspension of an official under the provisions of this section  
 194 shall be filled by a temporary appointment to such office for  
 195 the period of the suspension. Such temporary appointment shall  
 196 be made in the same manner and by the same authority by which a  
 197 permanent vacancy in such office is filled as provided by law.  
 198 If no provision for filling a permanent vacancy in such office  
 199 is provided by law, the temporary appointment shall be made by  
 200 the Governor.

201 (4) No municipal official, or member of the governing body  
 202 of a special district, as defined in s. 189.012, who has been  
 203 suspended from office under this section may perform any  
 204 official act, duty, or function during his or her suspension;  
 205 receive any pay or allowance during his or her suspension; or be  
 206 entitled to any of the emoluments or privileges of his or her  
 207 office during suspension.

208 (5) If the municipal official, or member of the governing



209 body of a special district, as defined in s. 189.012, is  
 210 convicted of any of the charges contained in the indictment or  
 211 information by reason of which he or she was suspended under the  
 212 provisions of this section, the Governor shall remove such  
 213 ~~municipal~~ official from office. If a person was selected to fill  
 214 the temporary vacancy pursuant to subsection (3), that person  
 215 shall serve the remaining balance, if any, of the removed  
 216 official's term of office. Otherwise, any vacancy created by the  
 217 removal shall be filled as provided by law. For the purposes of  
 218 this section, any person who pleads guilty or nolo contendere or  
 219 who is found guilty shall be deemed to have been convicted,  
 220 notwithstanding a suspension of sentence or a withholding of  
 221 adjudication.

222 (6) If the municipal official, or member of the governing  
 223 body of a special district, as defined in s. 189.012, is  
 224 acquitted or found not guilty or is otherwise cleared of the  
 225 charges which were the basis of the arrest, indictment, or  
 226 information by reason of which he or she was suspended under the  
 227 provisions of this section, then the Governor shall forthwith  
 228 revoke the suspension and restore the ~~such municipal~~ official to  
 229 office; and the official shall be entitled to and be paid full  
 230 back pay and such other emoluments or allowances to which he or  
 231 she would have been entitled for the full period of time of the  
 232 suspension. If, during the suspension, the term of office of the  
 233 ~~municipal~~ official expires and a successor is either appointed  
 234 or elected, such back pay, emoluments, or allowances shall only

235 be paid for the duration of the term of office during which the  
 236 ~~municipal~~ official was suspended under the provisions of this  
 237 section, and he or she shall not be reinstated.

238 Section 7. Section 189.401, Florida Statutes, is  
 239 transferred, renumbered as section 189.01, Florida Statutes, and  
 240 amended to read:

241 189.01 ~~189.401~~ Short title.—This chapter may be cited as  
 242 the "Uniform Special District Accountability Act ~~of 1989.~~"  
 243

244 Section 8. Subsections (1), (6), and (7) of section  
 245 189.402, Florida Statutes, are transferred, renumbered as  
 246 subsections (1), (2), and (3) of section 189.011, Florida  
 247 Statutes, respectively, and present subsection (6) of that  
 248 section is amended, to read:

249 189.011 ~~189.402~~ Statement of legislative purpose and  
 250 intent.—

251 (2) ~~(6)~~ The Legislature finds that special districts serve  
 252 a necessary and useful function by providing services to  
 253 residents and property in the state. The Legislature finds  
 254 further that special districts operate to serve a public purpose  
 255 and that this is best secured by certain minimum standards of  
 256 accountability designed to inform the public and appropriate  
 257 general-purpose local governments of the status and activities  
 258 of special districts. It is the intent of the Legislature that  
 259 this public trust be secured by requiring each independent  
 260 special district in the state to register and report its

261 financial and other activities. The Legislature further finds  
 262 that failure of an independent special district to comply with  
 263 the minimum disclosure requirements set forth in this chapter  
 264 may result in action against officers of such district body  
 265 ~~board~~.

266 Section 9. Subsection (2) of section 189.402, Florida  
 267 Statutes, is transferred, renumbered as section 189.06, Florida  
 268 Statutes, and amended to read:

269 189.06 Legislative intent; centralized location.-

270 ~~(2)~~ It is the intent of the Legislature through the  
 271 adoption of this chapter to have one centralized location for  
 272 all legislation governing special districts and to:

273 (1) ~~(a)~~ Improve the enforcement of statutes currently in  
 274 place that help ensure the accountability of special districts  
 275 to state and local governments.

276 (2) ~~(b)~~ Improve communication and coordination between  
 277 state agencies with respect to required special district  
 278 reporting and state monitoring.

279 (3) ~~(c)~~ Improve communication and coordination between  
 280 special districts and other local entities with respect to ad  
 281 valorem taxation, non-ad valorem assessment collection, special  
 282 district elections, and local government comprehensive planning.

283 (4) ~~(d)~~ Move toward greater uniformity in special district  
 284 elections and non-ad valorem assessment collection procedures at  
 285 the local level without hampering the efficiency and  
 286 effectiveness of the current procedures.

287        (5)~~(e)~~ Clarify special district definitions and creation  
 288 methods in order to ensure consistent application of those  
 289 definitions and creation methods across all levels of  
 290 government.

291        (6)~~(f)~~ Specify in general law the essential components of  
 292 any new type of special district.

293        (7)~~(g)~~ Specify in general law the essential components of  
 294 a charter for a new special district.

295        (8)~~(h)~~ Encourage the creation of municipal service taxing  
 296 units and municipal service benefit units for providing  
 297 municipal services in unincorporated areas of each county.

298        Section 10. Subsections (3), (4), (5), and (8) of section  
 299 189.402, Florida Statutes, are transferred, renumbered as  
 300 subsections (1), (2), (3), and (4) of section 189.03, Florida  
 301 Statutes, respectively, and amended to read:

302        189.03 ~~189.402~~ Statement of legislative purpose and  
 303 intent; independent special districts.—

304        (1)~~(3)~~ The Legislature finds that:

305        (a) There is a need for uniform, focused, and fair  
 306 procedures in state law to provide a reasonable alternative for  
 307 the establishment, powers, operation, and duration of  
 308 independent special districts ~~to manage and finance basic~~  
 309 ~~capital infrastructure, facilities, and services; and that,~~  
 310 ~~based upon a proper and fair determination of applicable facts,~~  
 311 ~~an independent special district can constitute a timely,~~  
 312 ~~efficient, effective, responsive, and economic way to deliver~~

HB 1237

2014

313 ~~these basic services, thereby providing a means of solving the~~  
314 ~~state's planning, management, and financing needs for delivery~~  
315 ~~of capital infrastructure, facilities, and services in order to~~  
316 ~~provide for projected growth without overburdening other~~  
317 ~~governments and their taxpayers.~~

318 (b) It is in the public interest that any independent  
319 special district created pursuant to state law not outlive its  
320 usefulness and that the operation of such a district and the  
321 exercise by the district of its powers be consistent with  
322 applicable due process, disclosure, accountability, ethics, and  
323 government-in-the-sunshine requirements which apply both to  
324 governmental entities and to their elected and appointed  
325 officials.

326 ~~(c) It is in the public interest that long-range planning,~~  
327 ~~management, and financing and long-term maintenance, upkeep, and~~  
328 ~~operation of basic services by independent special districts be~~  
329 ~~uniform.~~

330 (2)(4) It is the policy of this state:

331 (a) That independent special districts may be used ~~are a~~  
332 ~~legitimate alternative method available for use~~ by the private  
333 and public sectors, as authorized by state law, to manage, own,  
334 operate, construct, and finance basic capital infrastructure,  
335 facilities, and services.

336 (b) That the exercise by any independent special district  
337 of its powers, ~~as set forth by uniform general law~~ comply with  
338 all applicable ~~governmental comprehensive planning~~ laws, rules,

339 and regulations.

340 (3)~~(5)~~ It is the legislative intent ~~and purpose, based~~  
 341 ~~upon, and consistent with, its findings of fact and declarations~~  
 342 ~~of policy,~~ to authorize a uniform procedure by general law to  
 343 create an independent special district, ~~as an alternative method~~  
 344 ~~to manage and finance basic capital infrastructure, facilities,~~  
 345 ~~and services. It is further the legislative intent and purpose~~  
 346 to provide by general law for the uniform operation, exercise of  
 347 power, and procedure for termination of any such independent  
 348 special district.

349 (4)~~(8)~~ The Legislature finds and declares that:

350 (a) Growth and development issues transcend the boundaries  
 351 and responsibilities of individual units of government, and  
 352 often no single unit of government can plan or implement  
 353 policies to deal with these issues without affecting other units  
 354 of government.

355 (b) The provision of capital infrastructure, facilities,  
 356 and services for the preservation and enhancement of the quality  
 357 of life of the people of this state may require the creation of  
 358 multicounty and multijurisdictional districts.

359 Section 11. Section 189.403, Florida Statutes, is  
 360 transferred, renumbered as section 189.012, Florida Statutes,  
 361 and amended to read:

362 189.012 ~~189.403~~ Definitions.—As used in this chapter, the  
 363 term:

364 (1)~~(4)~~ "Department" means the Department of Economic

365 Opportunity.

366 (2) "Dependent special district" means a special district  
367 that meets at least one of the following criteria:

368 (a) The membership of its governing body is identical to  
369 that of the governing body of a single county or a single  
370 municipality.

371 (b) All members of its governing body are appointed by the  
372 governing body of a single county or a single municipality.

373 (c) During their unexpired terms, members of the special  
374 district's governing body are subject to removal at will by the  
375 governing body of a single county or a single municipality.

376 (d) The district has a budget that requires approval  
377 through an affirmative vote or can be vetoed by the governing  
378 body of a single county or a single municipality.

379

380 This subsection is for purposes of definition only. Nothing in  
381 this subsection confers additional authority upon local  
382 governments not otherwise authorized by the provisions of the  
383 special acts or general acts of local application creating each  
384 special district, as amended.

385 (3) "Independent special district" means a special  
386 district that is not a dependent special district as defined in  
387 subsection (2). A district that includes more than one county is  
388 an independent special district unless the district lies wholly  
389 within the boundaries of a single municipality.

390 (4)~~(5)~~ "Local governing authority" means the governing

HB 1237

2014

391 body of a unit of local general-purpose government. However, if  
392 the special district is a political subdivision of a  
393 municipality, "local governing authority" means the  
394 municipality.

395 (5)~~(7)~~ "Public facilities" means major capital  
396 improvements, including, but not limited to, transportation  
397 facilities, sanitary sewer facilities, solid waste facilities,  
398 water management and control facilities, potable water  
399 facilities, alternative water systems, educational facilities,  
400 parks and recreational facilities, health systems and  
401 facilities, and, except for spoil disposal by those ports listed  
402 in s. 311.09(1), spoil disposal sites for maintenance dredging  
403 in waters of the state.

404 (6)~~(1)~~ "Special district" means a local unit of government  
405 created for a ~~of~~ special purpose, as opposed to a general-  
406 purpose, having jurisdiction to operate ~~government~~ within a  
407 limited geographic boundary and~~7~~ created by general law, special  
408 act, local ordinance, or by rule of the Governor and Cabinet.  
409 ~~The special purpose or purposes of special districts are~~  
410 ~~implemented by specialized functions and related prescribed~~  
411 ~~powers. For the purpose of s. 196.199(1), special districts~~  
412 ~~shall be treated as municipalities.~~ The term does not include a  
413 school district, a community college district, a special  
414 improvement district created pursuant to s. 285.17, a municipal  
415 service taxing or benefit unit as specified in s. 125.01, or a  
416 board which provides electrical service and which is a political



417 subdivision of a municipality or is part of a municipality.

418 (7)~~(6)~~ "Water management district" for purposes of this  
 419 chapter means a special taxing district which is a regional  
 420 water management district created and operated pursuant to  
 421 chapter 373 or chapter 61-691, Laws of Florida, or a flood  
 422 control district created and operated pursuant to chapter 25270,  
 423 Laws of Florida, 1949, as modified by s. 373.149.

424 Section 12. Subsection (1) of section 189.4031, Florida  
 425 Statutes, is transferred and renumbered as section 189.013,  
 426 Florida Statutes.

427 Section 13. Subsection (1) of section 189.4031, Florida  
 428 Statutes, is transferred, renumbered as section 189.013, Florida  
 429 Statutes, and amended to read:

430 189.013 ~~189.4031~~ Special districts; creation, dissolution,  
 431 and reporting requirements; ~~charter requirements.~~

432 ~~(1)~~ All special districts, regardless of the existence of  
 433 other, more specific provisions of applicable law, shall comply  
 434 with the creation, dissolution, and reporting requirements set  
 435 forth in this chapter.

436 Section 14. Subsection (2) of section 189.4031, Florida  
 437 Statutes, is transferred, renumbered as section 189.0311,  
 438 Florida Statutes, and amended to read:

439 189.0311 Independent special districts; charter  
 440 requirements.

441 ~~(2)~~ Notwithstanding any general law, special act, or  
 442 ordinance of a local government to the contrary, any independent

443 special district charter enacted after the effective date of  
 444 this section shall contain the information required by s.  
 445 189.031(3) ~~189.404(3)~~. Recognizing that the exclusive charter  
 446 for a community development district is the statutory charter  
 447 contained in ss. 190.006-190.041, community development  
 448 districts established after July 1, 1980, pursuant to the  
 449 provisions of chapter 190 shall be deemed in compliance with  
 450 this requirement.

451 Section 15. Section 189.4035, Florida Statutes, is  
 452 transferred and renumbered as section 189.061, Florida Statutes,  
 453 and subsections (1) and (6) of that section are amended, to  
 454 read:

455 189.061 ~~189.4035~~ ~~Preparation of~~ Official list of special  
 456 districts.-

457 (1) The department ~~of Economic Opportunity~~ shall maintain  
 458 ~~compile~~ the official list of special districts. The official  
 459 list of special districts shall include all special districts in  
 460 this state and shall indicate the independent or dependent  
 461 status of each district. All special districts in the list shall  
 462 be sorted by county. The definitions in s. 189.012 ~~189.403~~ shall  
 463 be the criteria for determination of the independent or  
 464 dependent status of each special district on the official list.  
 465 The status of community development districts shall be  
 466 independent on the official list of special districts.

467 (6) ~~Preparation of~~ The official list of special districts  
 468 or the determination of status does not constitute final agency

469 action pursuant to chapter 120. If the status of a special  
470 district on the official list is inconsistent with the status  
471 submitted by the district, the district may request the  
472 department to issue a declaratory statement setting forth the  
473 requirements necessary to resolve the inconsistency. If  
474 necessary, upon issuance of a declaratory statement by the  
475 department which is not appealed pursuant to chapter 120, the  
476 governing body ~~board~~ of any special district receiving such a  
477 declaratory statement shall apply to the entity which originally  
478 established the district for an amendment to its charter  
479 correcting the specified defects in its original charter. This  
480 amendment shall be for the sole purpose of resolving  
481 inconsistencies between a district charter and the status of a  
482 district as it appears on the official list. ~~Such application~~  
483 ~~shall occur as follows:~~

484 ~~(a) In the event a special district was created by a local~~  
485 ~~general-purpose government or state agency and applies for an~~  
486 ~~amendment to its charter to confirm its independence, said~~  
487 ~~application shall be granted as a matter of right. If~~  
488 ~~application by an independent district is not made within 6~~  
489 ~~months of rendition of a declaratory statement, the district~~  
490 ~~shall be deemed dependent and become a political subdivision of~~  
491 ~~the governing body which originally established it by operation~~  
492 ~~of law.~~

493 ~~(b) If the Legislature created a special district, the~~  
494 ~~district shall request, by resolution, an amendment to its~~

495 ~~charter by the Legislature. Failure to apply to the Legislature~~  
 496 ~~for an amendment to its charter during the next regular~~  
 497 ~~legislative session following rendition of a declaratory~~  
 498 ~~statement or failure of the Legislature to pass a special act~~  
 499 ~~shall render the district dependent.~~

500 Section 16. Section 189.404, Florida Statutes, is  
 501 transferred and renumbered as section 189.031, Florida Statutes,  
 502 and subsection (2) and paragraphs (e), (f), and (g) of  
 503 subsection (3) of that section are amended, to read:

504 189.031 ~~189.404~~ Legislative intent for the creation of  
 505 independent special districts; special act prohibitions; model  
 506 elements and other requirements; general-purpose local  
 507 government/Governor and Cabinet creation authorizations.—

508 (2) SPECIAL ACTS PROHIBITED.—Pursuant to s. 11(a)(21),  
 509 Art. III of the State Constitution, the Legislature hereby  
 510 prohibits special laws or general laws of local application  
 511 which:

512 (a) Create independent special districts that do not, at a  
 513 minimum, conform to the minimum requirements in subsection (3);

514 (b) Exempt independent special district elections from the  
 515 appropriate requirements in s. 189.04 ~~189.405~~;

516 (c) Exempt an independent special district from the  
 517 requirements for bond referenda in s. 189.042 ~~189.408~~;

518 (d) Exempt an independent special district from the  
 519 reporting, notice, or public meetings requirements of s.

520 189.051, s. 189.08, s. 189.015, or s. 189.016 ~~189.4085, s.~~

521 ~~189.415, s. 189.417, or s. 189.418;~~

522 (e) Create an independent special district for which a  
 523 statement has not been submitted to the Legislature that  
 524 documents the following:

- 525 1. The purpose of the proposed district;
- 526 2. The authority of the proposed district;
- 527 3. An explanation of why the district is the best  
 528 alternative; and
- 529 4. A resolution or official statement of the governing  
 530 body or an appropriate administrator of the local jurisdiction  
 531 within which the proposed district is located stating that the  
 532 creation of the proposed district is consistent with the  
 533 approved local government plans of the local governing body and  
 534 that the local government has no objection to the creation of  
 535 the proposed district.

536 (3) MINIMUM REQUIREMENTS.—General laws or special acts  
 537 that create or authorize the creation of independent special  
 538 districts and are enacted after September 30, 1989, must address  
 539 and require the following in their charters:

540 (e) The membership and organization of the governing body  
 541 ~~board~~ of the district. If a district created after September 30,  
 542 1989, uses a one-acre/one-vote election principle, it shall  
 543 provide for a governing body ~~board~~ consisting of five members.  
 544 Three members shall constitute a quorum.

545 (f) The maximum compensation of a governing body ~~board~~  
 546 member.

547 (g) The administrative duties of the governing body ~~board~~  
 548 of the district.

549 Section 17. Section 189.40401, Florida Statutes, is  
 550 transferred and renumbered as section 189.033, Florida Statutes.

551 Section 18. Sections 189.4041, Florida Statutes, is  
 552 transferred and renumbered as section 189.02, Florida Statutes,  
 553 and paragraph (e) of subsection (4) of that sections is amended,  
 554 to read:

555 189.02 ~~189.4041~~ Dependent special districts.—

556 (4) Dependent special districts created by a county or  
 557 municipality shall be created by adoption of an ordinance that  
 558 includes:

559 (e) The membership, organization, compensation, and  
 560 administrative duties of the governing body ~~board~~.

561 Section 19. Subsection (1) of section 189.4042, Florida  
 562 Statutes, is transferred, renumbered as section 189.07, Florida  
 563 Statutes, and amended to read:

564 189.07 Definitions.—

565 ~~(1) DEFINITIONS.—~~As used in this part ~~section~~, the term:

566 (1)(a) "Component independent special district" means an  
 567 independent special district that proposes to be merged into a  
 568 merged independent district, or an independent special district  
 569 as it existed before its merger into the merged independent  
 570 district of which it is now a part.

571 (2)(b) "Elector-initiated merger plan" means the merger  
 572 plan of two or more independent special districts, a majority of

573 whose qualified electors have elected to merge, which outlines  
574 the terms and agreements for the official merger of the  
575 districts and is finalized and approved by the governing bodies  
576 of the districts pursuant to this section.

577 (3)~~(e)~~ "Governing body" means the governing body of the  
578 independent special district in which the general legislative,  
579 governmental, or public powers of the district are vested and by  
580 authority of which the official business of the district is  
581 conducted.

582 (4)~~(d)~~ "Initiative" means the filing of a petition  
583 containing a proposal for a referendum to be placed on the  
584 ballot for election.

585 (5)~~(e)~~ "Joint merger plan" means the merger plan that is  
586 adopted by resolution of the governing bodies of two or more  
587 independent special districts that outlines the terms and  
588 agreements for the official merger of the districts and that is  
589 finalized and approved by the governing bodies pursuant to this  
590 section.

591 (6)~~(f)~~ "Merged independent district" means a single  
592 independent special district that results from a successful  
593 merger of two or more independent special districts pursuant to  
594 this section.

595 (7)~~(g)~~ "Merger" means the combination of two or more  
596 contiguous independent special districts resulting in a newly  
597 created merged independent district that assumes jurisdiction  
598 over all of the component independent special districts.

599        (8)~~(h)~~ "Merger plan" means a written document that  
600 contains the terms, agreements, and information regarding the  
601 merger of two or more independent special districts.

602        (9)~~(i)~~ "Proposed elector-initiated merger plan" means a  
603 written document that contains the terms and information  
604 regarding the merger of two or more independent special  
605 districts and that accompanies the petition initiated by the  
606 qualified electors of the districts but that is not yet  
607 finalized and approved by the governing bodies of each component  
608 independent special district pursuant to this section.

609        (10)~~(j)~~ "Proposed joint merger plan" means a written  
610 document that contains the terms and information regarding the  
611 merger of two or more independent special districts and that has  
612 been prepared pursuant to a resolution of the governing bodies  
613 of the districts but that is not yet finalized and approved by  
614 the governing bodies of each component independent special  
615 district pursuant to this section.

616        (11)~~(k)~~ "Qualified elector" means an individual at least  
617 18 years of age who is a citizen of the United States, a  
618 permanent resident of this state, and a resident of the district  
619 who registers with the supervisor of elections of a county  
620 within which the district lands are located when the  
621 registration books are open.

622        Section 20. Subsection (2) of section 189.4042, Florida  
623 Statutes, is transferred, renumbered as section 189.071, Florida  
624 Statutes, and amended to read:



625 189.071 Merger or dissolution of a dependent special  
 626 district.-

627 ~~(2) MERGER OR DISSOLUTION OF A DEPENDENT SPECIAL~~  
 628 ~~DISTRICT.-~~

629 (1)(a) The merger or dissolution of a dependent special  
 630 district may be effectuated by an ordinance of the general-  
 631 purpose local governmental entity wherein the geographical area  
 632 of the district or districts is located. However, a county may  
 633 not dissolve a special district that is dependent to a  
 634 municipality or vice versa, or a dependent district created by  
 635 special act.

636 (2)(b) The merger or dissolution of a dependent special  
 637 district created and operating pursuant to a special act may be  
 638 effectuated only by further act of the Legislature unless  
 639 otherwise provided by general law.

640 (3)(e) A dependent special district that meets any  
 641 criteria for being declared inactive, or that has already been  
 642 declared inactive, pursuant to s. 189.062 ~~189.4044~~ may be  
 643 dissolved or merged by special act without a referendum.

644 Section 21. Subsection (3) of section 189.4042, Florida  
 645 Statutes, is transferred, renumbered as section 189.072, Florida  
 646 Statutes, and amended to read:

647 189.072 Dissolution of an independent special district.-

648 ~~(3) DISSOLUTION OF AN INDEPENDENT SPECIAL DISTRICT.-~~

649 (1)(a) Voluntary dissolution.-If the governing body ~~board~~  
 650 of an independent special district created and operating

651 pursuant to a special act elects, by a majority vote plus one,  
652 to dissolve the district, the voluntary dissolution of an  
653 independent special district created and operating pursuant to a  
654 special act may be effectuated only by the Legislature unless  
655 otherwise provided by general law.

656 (2)~~(b)~~ Other dissolutions.—

657 (a)~~1.~~ In order for the Legislature to dissolve an active  
658 independent special district created and operating pursuant to a  
659 special act, the special act dissolving the active independent  
660 special district must be approved by a majority of the resident  
661 electors of the district or, for districts in which a majority  
662 of governing body ~~board~~ members are elected by landowners, a  
663 majority of the landowners voting in the same manner by which  
664 the independent special district's governing body is elected. If  
665 a local general-purpose government passes an ordinance or  
666 resolution in support of the dissolution, the local general-  
667 purpose government must pay any expenses associated with the  
668 referendum required under this subparagraph.

669 (b)~~2.~~ If an independent special district was created by a  
670 county or municipality by referendum or any other procedure, the  
671 county or municipality that created the district may dissolve  
672 the district pursuant to a referendum or any other procedure by  
673 which the independent special district was created. However, if  
674 the independent special district has ad valorem taxation powers,  
675 the same procedure required to grant the independent special  
676 district ad valorem taxation powers is required to dissolve the

677 district.

678 (3)~~(e)~~ Inactive independent special districts.—An  
 679 independent special district that meets any criteria for being  
 680 declared inactive, or that has already been declared inactive,  
 681 pursuant to s. 189.062 ~~189.4044~~ may be dissolved by special act  
 682 without a referendum. If an inactive independent special  
 683 district was created by a county or municipality through a  
 684 referendum, the county or municipality that created the district  
 685 may dissolve the district after publishing notice as described  
 686 in s. 189.062 ~~189.4044~~.

687 (4)~~(d)~~ Debts and assets.—Financial allocations of the  
 688 assets and indebtedness of a dissolved independent special  
 689 district shall be pursuant to s. 189.076 ~~189.4045~~.

690 Section 22. Subsection (4) of section 189.4042, Florida  
 691 Statutes, is transferred, renumbered as section 189.073, Florida  
 692 Statutes, and amended to read:

693 189.073 Legislative merger of independent special  
 694 districts.—

695 ~~(4) LEGISLATIVE MERGER OF INDEPENDENT SPECIAL DISTRICTS.—~~  
 696 The Legislature, by special act, may merge independent special  
 697 districts created and operating pursuant to special act.

698 Section 23. Subsection (5) of section 189.4042, Florida  
 699 Statutes, is transferred, renumbered as section 189.074, Florida  
 700 Statutes, and amended to read:

701 189.074 VOLUNTARY MERGER OF INDEPENDENT SPECIAL  
 702 DISTRICTS.—

703 ~~(5) VOLUNTARY MERGER OF INDEPENDENT SPECIAL DISTRICTS.—~~Two  
 704 or more contiguous independent special districts created by  
 705 special act which have similar functions and elected governing  
 706 bodies may elect to merge into a single independent district  
 707 through the act of merging the component independent special  
 708 districts.

709 (1)~~(a)~~ Initiation.—Merger proceedings may commence by:

710 (a)1. A joint resolution of the governing bodies of each  
 711 independent special district which endorses a proposed joint  
 712 merger plan; or

713 (b)2. A qualified elector initiative.

714 (2)~~(b)~~ Joint merger plan by resolution.—The governing  
 715 bodies of two or more contiguous independent special districts  
 716 may, by joint resolution, endorse a proposed joint merger plan  
 717 to commence proceedings to merge the districts pursuant to this  
 718 subsection.

719 (a)1. The proposed joint merger plan must specify:

720 1.a. The name of each component independent special  
 721 district to be merged;

722 2.b. The name of the proposed merged independent district;

723 3.c. The rights, duties, and obligations of the proposed  
 724 merged independent district;

725 4.d. The territorial boundaries of the proposed merged  
 726 independent district;

727 5.e. The governmental organization of the proposed merged  
 728 independent district insofar as it concerns elected and

729 appointed officials and public employees, along with a  
730 transitional plan and schedule for elections and appointments of  
731 officials;

732 ~~6.f.~~ A fiscal estimate of the potential cost or savings as  
733 a result of the merger;

734 ~~7.g.~~ Each component independent special district's assets,  
735 including, but not limited to, real and personal property, and  
736 the current value thereof;

737 ~~8.h.~~ Each component independent special district's  
738 liabilities and indebtedness, bonded and otherwise, and the  
739 current value thereof;

740 ~~9.i.~~ Terms for the assumption and disposition of existing  
741 assets, liabilities, and indebtedness of each component  
742 independent special district jointly, separately, or in defined  
743 proportions;

744 ~~10.j.~~ Terms for the common administration and uniform  
745 enforcement of existing laws within the proposed merged  
746 independent district;

747 ~~11.k.~~ The times and places for public hearings on the  
748 proposed joint merger plan;

749 ~~12.l.~~ The times and places for a referendum in each  
750 component independent special district on the proposed joint  
751 merger plan, along with the referendum language to be presented  
752 for approval; and

753 ~~13.m.~~ The effective date of the proposed merger.

754 ~~(b)2.~~ The resolution endorsing the proposed joint merger

HB 1237

2014

755 plan must be approved by a majority vote of the governing bodies  
756 of each component independent special district and adopted at  
757 least 60 business days before any general or special election on  
758 the proposed joint merger plan.

759 (c)~~3.~~ Within 5 business days after the governing bodies  
760 approve the resolution endorsing the proposed joint merger plan,  
761 the governing bodies must:

762 1.a. Cause a copy of the proposed joint merger plan, along  
763 with a descriptive summary of the plan, to be displayed and be  
764 readily accessible to the public for inspection in at least  
765 three public places within the territorial limits of each  
766 component independent special district, unless a component  
767 independent special district has fewer than three public places,  
768 in which case the plan must be accessible for inspection in all  
769 public places within the component independent special district;

770 2.b. If applicable, cause the proposed joint merger plan,  
771 along with a descriptive summary of the plan and a reference to  
772 the public places within each component independent special  
773 district where a copy of the merger plan may be examined, to be  
774 displayed on a website maintained by each district or on a  
775 website maintained by the county or municipality in which the  
776 districts are located; and

777 3.c. Arrange for a descriptive summary of the proposed  
778 joint merger plan, and a reference to the public places within  
779 the district where a copy may be examined, to be published in a  
780 newspaper of general circulation within the component

781 independent special districts at least once each week for 4  
782 successive weeks.

783 (d)~~4~~. The governing body of each component independent  
784 special district shall set a time and place for one or more  
785 public hearings on the proposed joint merger plan. Each public  
786 hearing shall be held on a weekday at least 7 business days  
787 after the day the first advertisement is published on the  
788 proposed joint merger plan. The hearing or hearings may be held  
789 jointly or separately by the governing bodies of the component  
790 independent special districts. Any interested person residing in  
791 the respective district shall be given a reasonable opportunity  
792 to be heard on any aspect of the proposed merger at the public  
793 hearing.

794 1.a~~.~~ Notice of the public hearing addressing the  
795 resolution for the proposed joint merger plan must be published  
796 pursuant to the notice requirements in s. 189.015 ~~189.417~~ and  
797 must provide a descriptive summary of the proposed joint merger  
798 plan and a reference to the public places within the component  
799 independent special districts where a copy of the plan may be  
800 examined.

801 2.b~~.~~ After the final public hearing, the governing bodies  
802 of each component independent special district may amend the  
803 proposed joint merger plan if the amended version complies with  
804 the notice and public hearing requirements provided in this  
805 subsection. Thereafter, the governing bodies may approve a final  
806 version of the joint merger plan or decline to proceed further

HB 1237

2014

807 with the merger. Approval by the governing bodies of the final  
808 version of the joint merger plan must occur within 60 business  
809 days after the final hearing.

810 (e)~~5.~~ After the final public hearing, the governing bodies  
811 shall notify the supervisors of elections of the applicable  
812 counties in which district lands are located of the adoption of  
813 the resolution by each governing body. The supervisors of  
814 elections shall schedule a separate referendum for each  
815 component independent special district. The referenda may be  
816 held in each district on the same day, or on different days, but  
817 no more than 20 days apart.

818 1.a.~~1.~~ Notice of a referendum on the merger of independent  
819 special districts must be provided pursuant to the notice  
820 requirements in s. 100.342. At a minimum, the notice must  
821 include:

822 a.~~(I)~~ A brief summary of the resolution and joint merger  
823 plan;

824 b.~~(II)~~ A statement as to where a copy of the resolution  
825 and joint merger plan may be examined;

826 c.~~(III)~~ The names of the component independent special  
827 districts to be merged and a description of their territory;

828 d.~~(IV)~~ The times and places at which the referendum will  
829 be held; and

830 e.~~(V)~~ Such other matters as may be necessary to call,  
831 provide for, and give notice of the referendum and to provide  
832 for the conduct thereof and the canvass of the returns.



833        ~~2.b.~~ The referenda must be held in accordance with the  
 834 Florida Election Code and may be held pursuant to ss. 101.6101-  
 835 101.6107. All costs associated with the referenda shall be borne  
 836 by the respective component independent special district.

837        ~~3.e.~~ The ballot question in such referendum placed before  
 838 the qualified electors of each component independent special  
 839 district to be merged must be in substantially the following  
 840 form:

841            "Shall ...(name of component independent special  
 842 district)... and ...(name of component independent special  
 843 district or districts)... be merged into ...(name of newly  
 844 merged independent district)...?"

845            ....YES

846            ....NO"

847        ~~4.d.~~ If the component independent special districts  
 848 proposing to merge have disparate millage rates, the ballot  
 849 question in the referendum placed before the qualified electors  
 850 of each component independent special district must be in  
 851 substantially the following form:

852            "Shall ...(name of component independent special  
 853 district)... and ...(name of component independent special  
 854 district or districts)... be merged into ...(name of newly  
 855 merged independent district)... if the voter-approved maximum  
 856 millage rate within each independent special district will not  
 857 increase absent a subsequent referendum?"

858            ....YES

859           ....NO"

860           5.e. In any referendum held pursuant to this subsection,  
861 the ballots shall be counted, returns made and canvassed, and  
862 results certified in the same manner as other elections or  
863 referenda for the component independent special districts.

864           6.f. The merger may not take effect unless a majority of  
865 the votes cast in each component independent special district  
866 are in favor of the merger. If one of the component districts  
867 does not obtain a majority vote, the referendum fails, and  
868 merger does not take effect.

869           7.g. If the merger is approved by a majority of the votes  
870 cast in each component independent special district, the merged  
871 independent district is created. Upon approval, the merged  
872 independent district shall notify the Special District  
873 Accountability Information Program pursuant to s. 189.016(2)  
874 ~~189.418(2)~~ and the local general-purpose governments in which  
875 any part of the component independent special districts is  
876 situated pursuant to s. 189.016(7) ~~189.418(7)~~.

877           8.h. If the referendum fails, the merger process under  
878 this paragraph may not be initiated for the same purpose within  
879 2 years after the date of the referendum.

880           (f)6. Component independent special districts merged  
881 pursuant to a joint merger plan by resolution shall continue to  
882 be governed as before the merger until the effective date  
883 specified in the adopted joint merger plan.

884           (3)(e) Qualified elector-initiated merger plan.—The

885 qualified electors of two or more contiguous independent special  
 886 districts may commence a merger proceeding by each filing a  
 887 petition with the governing body of their respective independent  
 888 special district proposing to be merged. The petition must  
 889 contain the signatures of at least 40 percent of the qualified  
 890 electors of each component independent special district and must  
 891 be submitted to the appropriate component independent special  
 892 district governing body no later than 1 year after the start of  
 893 the qualified elector-initiated merger process.

894 (a)~~1.~~ The petition must comply with, and be circulated in,  
 895 the following form:

896 PETITION FOR

897 INDEPENDENT SPECIAL DISTRICT MERGER

898 We, the undersigned electors and legal voters of ...(name  
 899 of independent special district)..., qualified to vote at the  
 900 next general or special election, respectfully petition that  
 901 there be submitted to the electors and legal voters of ...(name  
 902 of independent special district or districts proposed to be  
 903 merged)..., for their approval or rejection at a referendum held  
 904 for that purpose, a proposal to merge ...(name of component  
 905 independent special district)... and ...(name of component  
 906 independent special district or districts)....

907 In witness thereof, we have signed our names on the date  
 908 indicated next to our signatures.

909 Date Name Home Address  
 910 (print under signature)

911 .....  
 912 .....

913 (b)2- The petition must be validated by a signed statement  
 914 by a witness who is a duly qualified elector of one of the  
 915 component independent special districts, a notary public, or  
 916 another person authorized to take acknowledgments.

917 1.a- A statement that is signed by a witness who is a duly  
 918 qualified elector of the respective district shall be accepted  
 919 for all purposes as the equivalent of an affidavit. Such  
 920 statement must be in substantially the following form:

921 "I, ...(name of witness)..., state that I am a duly  
 922 qualified voter of ...(name of independent special district)....  
 923 Each of the ...(insert number)... persons who have signed this  
 924 petition sheet has signed his or her name in my presence on the  
 925 dates indicated above and identified himself or herself to be  
 926 the same person who signed the sheet. I understand that this  
 927 statement will be accepted for all purposes as the equivalent of  
 928 an affidavit and, if it contains a materially false statement,  
 929 shall subject me to the penalties of perjury."

930 Date Signature of Witness

931 2.b- A statement that is signed by a notary public or  
 932 another person authorized to take acknowledgments must be in  
 933 substantially the following form:

934 "On the date indicated above before me personally came each  
 935 of the ...(insert number)... electors and legal voters whose  
 936 signatures appear on this petition sheet, who signed the

937 petition in my presence and who, being by me duly sworn, each  
 938 for himself or herself, identified himself or herself as the  
 939 same person who signed the petition, and I declare that the  
 940 foregoing information they provided was true."

941 Date Signature of Witness

942 3.e. An alteration or correction of information appearing  
 943 on a petition's signature line, other than an uninitialed  
 944 signature and date, does not invalidate such signature. In  
 945 matters of form, this paragraph shall be liberally construed,  
 946 not inconsistent with substantial compliance thereto and the  
 947 prevention of fraud.

948 4.d. The appropriately signed petition must be filed with  
 949 the governing body of each component independent special  
 950 district. The petition must be submitted to the supervisors of  
 951 elections of the counties in which the district lands are  
 952 located. The supervisors shall, within 30 business days after  
 953 receipt of the petitions, certify to the governing bodies the  
 954 number of signatures of qualified electors contained on the  
 955 petitions.

956 (c)3. Upon verification by the supervisors of elections of  
 957 the counties within which component independent special district  
 958 lands are located that 40 percent of the qualified electors have  
 959 petitioned for merger and that all such petitions have been  
 960 executed within 1 year after the date of the initiation of the  
 961 qualified-elector merger process, the governing bodies of each  
 962 component independent special district shall meet within 30

963 business days to prepare and approve by resolution a proposed  
964 elector-initiated merger plan. The proposed plan must include:  
965     ~~1.a.~~ The name of each component independent special  
966 district to be merged;  
967     ~~2.b.~~ The name of the proposed merged independent district;  
968     ~~3.c.~~ The rights, duties, and obligations of the merged  
969 independent district;  
970     ~~4.d.~~ The territorial boundaries of the proposed merged  
971 independent district;  
972     ~~5.e.~~ The governmental organization of the proposed merged  
973 independent district insofar as it concerns elected and  
974 appointed officials and public employees, along with a  
975 transitional plan and schedule for elections and appointments of  
976 officials;  
977     ~~6.f.~~ A fiscal estimate of the potential cost or savings as  
978 a result of the merger;  
979     ~~7.g.~~ Each component independent special district's assets,  
980 including, but not limited to, real and personal property, and  
981 the current value thereof;  
982     ~~8.h.~~ Each component independent special district's  
983 liabilities and indebtedness, bonded and otherwise, and the  
984 current value thereof;  
985     ~~9.i.~~ Terms for the assumption and disposition of existing  
986 assets, liabilities, and indebtedness of each component  
987 independent special district, jointly, separately, or in defined  
988 proportions;

989        10.j. Terms for the common administration and uniform  
 990 enforcement of existing laws within the proposed merged  
 991 independent district;

992        11.k. The times and places for public hearings on the  
 993 proposed joint merger plan; and

994        12.l. The effective date of the proposed merger.

995        (d)4. The resolution endorsing the proposed elector-  
 996 initiated merger plan must be approved by a majority vote of the  
 997 governing bodies of each component independent special district  
 998 and must be adopted at least 60 business days before any general  
 999 or special election on the proposed elector-initiated plan.

1000        (e)5. Within 5 business days after the governing bodies of  
 1001 each component independent special district approve the proposed  
 1002 elector-initiated merger plan, the governing bodies shall:

1003        1.a. Cause a copy of the proposed elector-initiated merger  
 1004 plan, along with a descriptive summary of the plan, to be  
 1005 displayed and be readily accessible to the public for inspection  
 1006 in at least three public places within the territorial limits of  
 1007 each component independent special district, unless a component  
 1008 independent special district has fewer than three public places,  
 1009 in which case the plan must be accessible for inspection in all  
 1010 public places within the component independent special district;

1011        2.b. If applicable, cause the proposed elector-initiated  
 1012 merger plan, along with a descriptive summary of the plan and a  
 1013 reference to the public places within each component independent  
 1014 special district where a copy of the merger plan may be

1015 examined, to be displayed on a website maintained by each  
1016 district or otherwise on a website maintained by the county or  
1017 municipality in which the districts are located; and

1018 ~~3.e.~~ Arrange for a descriptive summary of the proposed  
1019 elector-initiated merger plan, and a reference to the public  
1020 places within the district where a copy may be examined, to be  
1021 published in a newspaper of general circulation within the  
1022 component independent special districts at least once each week  
1023 for 4 successive weeks.

1024 ~~(f)6.~~ The governing body of each component independent  
1025 special district shall set a time and place for one or more  
1026 public hearings on the proposed elector-initiated merger plan.  
1027 Each public hearing shall be held on a weekday at least 7  
1028 business days after the day the first advertisement is published  
1029 on the proposed elector-initiated merger plan. The hearing or  
1030 hearings may be held jointly or separately by the governing  
1031 bodies of the component independent special districts. Any  
1032 interested person residing in the respective district shall be  
1033 given a reasonable opportunity to be heard on any aspect of the  
1034 proposed merger at the public hearing.

1035 ~~1.a.~~ Notice of the public hearing on the proposed elector-  
1036 initiated merger plan must be published pursuant to the notice  
1037 requirements in s. 189.015 ~~189.417~~ and must provide a  
1038 descriptive summary of the elector-initiated merger plan and a  
1039 reference to the public places within the component independent  
1040 special districts where a copy of the plan may be examined.



1041        2.b. After the final public hearing, the governing bodies  
 1042 of each component independent special district may amend the  
 1043 proposed elector-initiated merger plan if the amended version  
 1044 complies with the notice and public hearing requirements  
 1045 provided in this subsection. The governing bodies must approve a  
 1046 final version of the merger plan within 60 business days after  
 1047 the final hearing.

1048        (g)7. After the final public hearing, the governing bodies  
 1049 shall notify the supervisors of elections of the applicable  
 1050 counties in which district lands are located of the adoption of  
 1051 the resolution by each governing body. The supervisors of  
 1052 elections shall schedule a date for the separate referenda for  
 1053 each district. The referenda may be held in each district on the  
 1054 same day, or on different days, but no more than 20 days apart.

1055        1.a. Notice of a referendum on the merger of the component  
 1056 independent special districts must be provided pursuant to the  
 1057 notice requirements in s. 100.342. At a minimum, the notice must  
 1058 include:

1059        a.(I) A brief summary of the resolution and elector-  
 1060 initiated merger plan;

1061        b.(II) A statement as to where a copy of the resolution  
 1062 and petition for merger may be examined;

1063        c.(III) The names of the component independent special  
 1064 districts to be merged and a description of their territory;

1065        d.(IV) The times and places at which the referendum will  
 1066 be held; and

1067        e.~~(v)~~ Such other matters as may be necessary to call,  
 1068 provide for, and give notice of the referendum and to provide  
 1069 for the conduct thereof and the canvass of the returns.

1070        2.b.~~2.~~ The referenda must be held in accordance with the  
 1071 Florida Election Code and may be held pursuant to ss. 101.6101-  
 1072 101.6107. All costs associated with the referenda shall be borne  
 1073 by the respective component independent special district.

1074        3.e.~~3.~~ The ballot question in such referendum placed before  
 1075 the qualified electors of each component independent special  
 1076 district to be merged must be in substantially the following  
 1077 form:

1078            "Shall ...(name of component independent special  
 1079 district)... and ...(name of component independent special  
 1080 district or districts)... be merged into ...(name of newly  
 1081 merged independent district)...?"

1082            ....YES

1083            ....NO"

1084        4.d.~~4.~~ If the component independent special districts  
 1085 proposing to merge have disparate millage rates, the ballot  
 1086 question in the referendum placed before the qualified electors  
 1087 of each component independent special district must be in  
 1088 substantially the following form:

1089            "Shall ...(name of component independent special  
 1090 district)... and ...(name of component independent special  
 1091 district or districts)... be merged into ...(name of newly  
 1092 merged independent district)... if the voter-approved maximum

1093 millage rate within each independent special district will not  
 1094 increase absent a subsequent referendum?

1095       ....YES

1096       ....NO"

1097       5.e. In any referendum held pursuant to this subsection,  
 1098 the ballots shall be counted, returns made and canvassed, and  
 1099 results certified in the same manner as other elections or  
 1100 referenda for the component independent special districts.

1101       6.f. The merger may not take effect unless a majority of  
 1102 the votes cast in each component independent special district  
 1103 are in favor of the merger. If one of the component independent  
 1104 special districts does not obtain a majority vote, the  
 1105 referendum fails, and merger does not take effect.

1106       7.g. If the merger is approved by a majority of the votes  
 1107 cast in each component independent special district, the merged  
 1108 district shall notify the Special District Information Program  
 1109 pursuant to s. 189.016(2) ~~189.418(2)~~ and the local general-  
 1110 purpose governments in which any part of the component  
 1111 independent special districts is situated pursuant to s.  
 1112 189.016(7) ~~189.418(7)~~.

1113       8.h. If the referendum fails, the merger process under  
 1114 this paragraph may not be initiated for the same purpose within  
 1115 2 years after the date of the referendum.

1116       (h)8. Component independent special districts merged  
 1117 pursuant to an elector-initiated merger plan shall continue to  
 1118 be governed as before the merger until the effective date

1119 specified in the adopted elector-initiated merger plan.

1120 (4)~~(d)~~ Effective date.—The effective date of the merger  
 1121 shall be as provided in the joint merger plan or elector-  
 1122 initiated merger plan, as appropriate, and is not contingent  
 1123 upon the future act of the Legislature.

1124 (a)~~1.~~ However, as soon as practicable, the merged  
 1125 independent district shall, at its own expense, submit a unified  
 1126 charter for the merged district to the Legislature for approval.  
 1127 The unified charter must make the powers of the district  
 1128 consistent within the merged independent district and repeal the  
 1129 special acts of the districts which existed before the merger.

1130 (b)~~2.~~ Within 30 business days after the effective date of  
 1131 the merger, the merged independent district's governing body, as  
 1132 indicated in this subsection, shall hold an organizational  
 1133 meeting to implement the provisions of the joint merger plan or  
 1134 elector-initiated merger plan, as appropriate.

1135 (5)~~(e)~~ Restrictions during transition period.—Until the  
 1136 Legislature formally approves the unified charter pursuant to a  
 1137 special act, each component independent special district is  
 1138 considered a subunit of the merged independent district subject  
 1139 to the following restrictions:

1140 (a)~~1.~~ During the transition period, the merged independent  
 1141 district is limited in its powers and financing capabilities  
 1142 within each subunit to those powers that existed within the  
 1143 boundaries of each subunit which were previously granted to the  
 1144 component independent special district in its existing charter

1145 before the merger. The merged independent district may not,  
1146 solely by reason of the merger, increase its powers or financing  
1147 capability.

1148 (b)~~2~~. During the transition period, the merged independent  
1149 district shall exercise only the legislative authority to levy  
1150 and collect revenues within the boundaries of each subunit which  
1151 was previously granted to the component independent special  
1152 district by its existing charter before the merger, including  
1153 the authority to levy ad valorem taxes, non-ad valorem  
1154 assessments, impact fees, and charges.

1155 1.a. The merged independent district may not, solely by  
1156 reason of the merger or the legislatively approved unified  
1157 charter, increase ad valorem taxes on property within the  
1158 original limits of a subunit beyond the maximum millage rate  
1159 approved by the electors of the component independent special  
1160 district unless the electors of such subunit approve an increase  
1161 at a subsequent referendum of the subunit's electors. Each  
1162 subunit may be considered a separate taxing unit.

1163 2.b. The merged independent district may not, solely by  
1164 reason of the merger, charge non-ad valorem assessments, impact  
1165 fees, or other new fees within a subunit which were not  
1166 otherwise previously authorized to be charged.

1167 (c)~~3~~. During the transition period, each component  
1168 independent special district of the merged independent district  
1169 must continue to file all information and reports required under  
1170 this chapter as subunits until the Legislature formally approves

1171 the unified charter pursuant to a special act.

1172 (d)4. The intent of this section is to preserve and  
1173 transfer to the merged independent district all authority that  
1174 exists within each subunit and was previously granted by the  
1175 Legislature and, if applicable, by referendum.

1176 (6)(f) Effect of merger, generally.—On and after the  
1177 effective date of the merger, the merged independent district  
1178 shall be treated and considered for all purposes as one entity  
1179 under the name and on the terms and conditions set forth in the  
1180 joint merger plan or elector-initiated merger plan, as  
1181 appropriate.

1182 (a)1. All rights, privileges, and franchises of each  
1183 component independent special district and all assets, real and  
1184 personal property, books, records, papers, seals, and equipment,  
1185 as well as other things in action, belonging to each component  
1186 independent special district before the merger shall be deemed  
1187 as transferred to and vested in the merged independent district  
1188 without further act or deed.

1189 (b)2. All property, rights-of-way, and other interests are  
1190 as effectually the property of the merged independent district  
1191 as they were of the component independent special district  
1192 before the merger. The title to real estate, by deed or  
1193 otherwise, under the laws of this state vested in any component  
1194 independent special district before the merger may not be deemed  
1195 to revert or be in any way impaired by reason of the merger.

1196 (c)3. The merged independent district is in all respects

1197 subject to all obligations and liabilities imposed and possesses  
1198 all the rights, powers, and privileges vested by law in other  
1199 similar entities.

1200 (d)4. Upon the effective date of the merger, the joint  
1201 merger plan or elector-initiated merger plan, as appropriate, is  
1202 subordinate in all respects to the contract rights of all  
1203 holders of any securities or obligations of the component  
1204 independent special districts outstanding at the effective date  
1205 of the merger.

1206 (e)5. The new registration of electors is not necessary as  
1207 a result of the merger, but all elector registrations of the  
1208 component independent special districts shall be transferred to  
1209 the proper registration books of the merged independent  
1210 district, and new registrations shall be made as provided by law  
1211 as if no merger had taken place.

1212 (7)(g) Governing body of merged independent district.—

1213 (a)1. From the effective date of the merger until the next  
1214 general election, the governing body of the merged independent  
1215 district shall be comprised of the governing body members of  
1216 each component independent special district, with such members  
1217 serving until the governing body members elected at the next  
1218 general election take office.

1219 (b)2. Beginning with the next general election following  
1220 the effective date of merger, the governing body of the merged  
1221 independent district shall be comprised of five members. The  
1222 office of each governing body member shall be designated by

HB 1237

2014

1223 seat, which shall be distinguished from other body member seats  
1224 by an assigned numeral: 1, 2, 3, 4, or 5. The governing body  
1225 members that are elected in this initial election following the  
1226 merger shall serve unequal terms of 2 and 4 years in order to  
1227 create staggered membership of the governing body, with:

1228 1.a. Member seats 1, 3, and 5 being designated for 4-year  
1229 terms; and

1230 2.b. Member seats 2 and 4 being designated for 2-year  
1231 terms.

1232 (c)3. In general elections thereafter, all governing body  
1233 members shall serve 4-year terms.

1234 (8)(h) Effect on employees.—Except as otherwise provided  
1235 by law and except for those officials and employees protected by  
1236 tenure of office, civil service provisions, or a collective  
1237 bargaining agreement, upon the effective date of merger, all  
1238 appointive offices and positions existing in all component  
1239 independent special districts involved in the merger are subject  
1240 to the terms of the joint merger plan or elector-initiated  
1241 merger plan, as appropriate. Such plan may provide for instances  
1242 in which there are duplications of positions and for other  
1243 matters such as varying lengths of employee contracts, varying  
1244 pay levels or benefits, different civil service regulations in  
1245 the constituent entities, and differing ranks and position  
1246 classifications for similar positions. For those employees who  
1247 are members of a bargaining unit certified by the Public  
1248 Employees Relations Commission, the requirements of chapter 447



1249 apply.

1250 (9)~~(i)~~ Effect on debts, liabilities, and obligations.—

1251 (a)~~1~~ All valid and lawful debts and liabilities existing  
 1252 against a merged independent district, or which may arise or  
 1253 accrue against the merged independent district, which but for  
 1254 merger would be valid and lawful debts or liabilities against  
 1255 one or more of the component independent special districts, are  
 1256 debts against or liabilities of the merged independent district  
 1257 and accordingly shall be defrayed and answered to by the merged  
 1258 independent district to the same extent, and no further than,  
 1259 the component independent special districts would have been  
 1260 bound if a merger had not taken place.

1261 (b)~~2~~ The rights of creditors and all liens upon the  
 1262 property of any of the component independent special districts  
 1263 shall be preserved unimpaired. The respective component  
 1264 districts shall be deemed to continue in existence to preserve  
 1265 such rights and liens, and all debts, liabilities, and duties of  
 1266 any of the component districts attach to the merged independent  
 1267 district.

1268 (c)~~3~~ All bonds, contracts, and obligations of the  
 1269 component independent special districts which exist as legal  
 1270 obligations are obligations of the merged independent district,  
 1271 and all such obligations shall be issued or entered into by and  
 1272 in the name of the merged independent district.

1273 (10)~~(j)~~ Effect on actions and proceedings.—In any action  
 1274 or proceeding pending on the effective date of merger to which a

1275 component independent special district is a party, the merged  
 1276 independent district may be substituted in its place, and the  
 1277 action or proceeding may be prosecuted to judgment as if merger  
 1278 had not taken place. Suits may be brought and maintained against  
 1279 a merged independent district in any state court in the same  
 1280 manner as against any other independent special district.

1281 (11) ~~(\*)~~ Effect on annexation.—Chapter 171 continues to  
 1282 apply to all annexations by a city within the component  
 1283 independent special districts' boundaries after merger occurs.  
 1284 Any moneys owed to a component independent special district  
 1285 pursuant to s. 171.093, or any interlocal service boundary  
 1286 agreement as a result of annexation predating the merger, shall  
 1287 be paid to the merged independent district after merger.

1288 (12) ~~(1)~~ Effect on millage calculations.—The merged  
 1289 independent special district is authorized to continue or  
 1290 conclude procedures under chapter 200 on behalf of the component  
 1291 independent special districts. The merged independent special  
 1292 district shall make the calculations required by chapter 200 for  
 1293 each component individual special district separately.

1294 (13) ~~(m)~~ Determination of rights.—If any right, title,  
 1295 interest, or claim arises out of a merger or by reason thereof  
 1296 which is not determinable by reference to this subsection, the  
 1297 joint merger plan or elector-initiated merger plan, as  
 1298 appropriate, or otherwise under the laws of this state, the  
 1299 governing body of the merged independent district may provide  
 1300 therefor in a manner conforming to law.

1301        (14)~~(n)~~ Exemption.—This subsection does not apply to  
 1302 independent special districts whose governing bodies are elected  
 1303 by district landowners voting the acreage owned within the  
 1304 district.

1305        (15)~~(o)~~ Preemption.—This subsection preempts any special  
 1306 act to the contrary.

1307        Section 24. Subsection (6) of section 189.4042, Florida  
 1308 Statutes, is transferred, renumbered as section 189.075, Florida  
 1309 Statutes, and amended to read:

1310        189.075 Involuntary merger of independent special  
 1311 districts.—

1312        ~~(6) INVOLUNTARY MERGER OF INDEPENDENT SPECIAL DISTRICTS.—~~

1313        (1)~~(a)~~ Independent special districts created by special  
 1314 act.—In order for the Legislature to merge an active independent  
 1315 special district or districts created and operating pursuant to  
 1316 a special act, the special act merging the active independent  
 1317 special district or districts must be approved at separate  
 1318 referenda of the impacted local governments by a majority of the  
 1319 resident electors or, for districts in which a majority of  
 1320 governing body ~~board~~ members are elected by landowners, a  
 1321 majority of the landowners voting in the same manner by which  
 1322 each independent special district's governing body is elected.  
 1323 The special act merging the districts must include a plan of  
 1324 merger that addresses transition issues such as the effective  
 1325 date of the merger, governance, administration, powers,  
 1326 pensions, and assumption of all assets and liabilities. If a

1327 local general-purpose government passes an ordinance or  
 1328 resolution in support of the merger of an active independent  
 1329 special district, the local general-purpose government must pay  
 1330 any expenses associated with the referendum required under this  
 1331 paragraph.

1332 (2)~~(b)~~ Independent special districts created by a county  
 1333 or municipality.—A county or municipality may merge an  
 1334 independent special district created by the county or  
 1335 municipality pursuant to a referendum or any other procedure by  
 1336 which the independent special district was created. However, if  
 1337 the independent special district has ad valorem taxation powers,  
 1338 the same procedure required to grant the independent special  
 1339 district ad valorem taxation powers is required to merge the  
 1340 district. The political subdivisions proposing the involuntary  
 1341 merger of an active independent special district must pay any  
 1342 expenses associated with the referendum required under this  
 1343 paragraph.

1344 (3)~~(e)~~ Inactive independent special districts.—An  
 1345 independent special district that meets any criteria for being  
 1346 declared inactive, or that has already been declared inactive,  
 1347 pursuant to s. 189.062 ~~189.4044~~ may be merged by special act  
 1348 without a referendum.

1349 Section 25. Subsection (7) of section 189.4042, Florida  
 1350 Statutes, is transferred, renumbered as section 189.0761,  
 1351 Florida Statutes, and amended to read:

1352 189.0761 Exemptions.—

1353           ~~(7) EXEMPTIONS.~~ This part ~~section~~ does not apply to  
 1354 community development districts implemented pursuant to chapter  
 1355 190 or to water management districts created and operated  
 1356 pursuant to chapter 373.

1357           Section 26. Section 189.4044, Florida Statutes, is  
 1358 transferred, renumbered as section 189.062, Florida Statutes,  
 1359 paragraphs (a) and (b) of subsection (1) and subsections (3) and  
 1360 (4) are amended, and subsection (5) is added to that section, to  
 1361 read:

1362           189.062 ~~189.4044~~ Special procedures for inactive  
 1363 districts.—

1364           (1) The department shall declare inactive any special  
 1365 district in this state by documenting that:

1366           (a) The special district meets one of the following  
 1367 criteria:

1368           1. The registered agent of the district, the chair of the  
 1369 governing body of the district, or the governing body of the  
 1370 appropriate local general-purpose government notifies the  
 1371 department in writing that the district has taken no action for  
 1372 2 or more years;

1373           2. ~~Following an inquiry from the department,~~ The  
 1374 registered agent of the district, the chair of the governing  
 1375 body of the district, or the governing body of the appropriate  
 1376 local general-purpose government notifies the department in  
 1377 writing that the district has not had a governing body ~~board~~ or  
 1378 a sufficient number of governing body ~~board~~ members to

1379 constitute a quorum for 2 or more years;

1380 3. ~~or~~ The registered agent of the district, the chair of  
1381 the governing body of the district, or the governing body of the  
1382 appropriate local general-purpose government fails to respond to  
1383 an inquiry by the department ~~department's inquiry~~ within 21  
1384 days;

1385 4.3. The department determines, pursuant to s. 189.067  
1386 ~~189.421~~, that the district has failed to file any of the reports  
1387 listed in s. 189.066 ~~189.419~~;

1388 5.4. The district has not had a registered office and  
1389 agent on file with the department for 1 or more years; or

1390 6.5. The governing body of a special district provides  
1391 documentation to the department that it has unanimously adopted  
1392 a resolution declaring the special district inactive. The  
1393 special district shall be responsible for payment of any  
1394 expenses associated with its dissolution. A special district  
1395 declared inactive pursuant to this subparagraph may be dissolved  
1396 without a referendum.

1397 7. The department independently determines that the  
1398 district is no longer active.

1399 (b) The department, special district, or local general-  
1400 purpose government published a notice of proposed declaration of  
1401 inactive status in a newspaper of general circulation in the  
1402 county or municipality in which the territory of the special  
1403 district is located and sent a copy of such notice by certified  
1404 mail to the registered agent or chair of the governing body

1405 ~~board~~, if any. Such notice must include the name of the special  
1406 district, the law under which it was organized and operating, a  
1407 general description of the territory included in the special  
1408 district, and a statement that any objections must be filed  
1409 pursuant to chapter 120 within 21 days after the publication  
1410 date; and

1411 (3) In the case of a district created by special act of  
1412 the Legislature, the department shall send a notice of  
1413 declaration of inactive status to the chair of the county  
1414 legislative delegation and the Legislative Auditing Committee  
1415 ~~Speaker of the House of Representatives and the President of the~~  
1416 ~~Senate~~. The notice of declaration of inactive status shall  
1417 reference each known special act creating or amending the  
1418 charter of any special district declared to be inactive under  
1419 this section. The declaration of inactive status shall be  
1420 sufficient notice as required by s. 10, Art. III of the State  
1421 Constitution to authorize the Legislature to repeal any special  
1422 laws so reported. In the case of a district created by one or  
1423 more local general-purpose governments, the department shall  
1424 send a notice of declaration of inactive status to the chair of  
1425 the governing body of each local general-purpose government that  
1426 created the district. In the case of a district created by  
1427 interlocal agreement, the department shall send a notice of  
1428 declaration of inactive status to the chair of the governing  
1429 body of each local general-purpose government which entered into  
1430 the interlocal agreement.

1431 (4) The entity that created a special district declared  
 1432 inactive under this section must dissolve the special district  
 1433 by repealing its enabling laws or by other appropriate means.  
 1434 Any special district declared inactive pursuant to subparagraph  
 1435 (1) (a) 6. ~~(1) (a) 5.~~ may be dissolved without a referendum.

1436 (5) A special district declared inactive under this  
 1437 section may not collect taxes, fees, or assessments unless the  
 1438 declaration is:

1439 (a) Withdrawn or revoked by the department; or

1440 (b) Invalidated in proceedings initiated by the special  
 1441 district within 30 days after the date notice of the declaration  
 1442 was provided to the special district governing body, either by  
 1443 an administrative law judge in proceedings under chapter 120 or  
 1444 by petition for writ of certiorari in the circuit court in the  
 1445 judicial circuit having jurisdiction over the geographical  
 1446 boundaries of the special district, or if such boundaries extend  
 1447 beyond the boundaries of a single county, then in a circuit  
 1448 court in and for any such county.

1449  
 1450 If a timely challenge to the declaration is not initiated by the  
 1451 special district, the department may enforce this prohibition in  
 1452 the circuit court in and for Leon County, through injunctive or  
 1453 other relief.

1454 Section 27. Section 189.4045, Florida Statutes, is  
 1455 transferred and renumbered as section 189.076, Florida Statutes.

1456 Section 28. Section 189.4047, Florida Statutes, is



1457 | transferred and renumbered as section 189.021, Florida Statutes.

1458 |       Section 29. Subsections (1), (2), (3), (4), (6), and (7)  
 1459 | of section 189.405, Florida Statutes, are transferred and  
 1460 | renumbered as subsections (1) through (6) of section 189.04,  
 1461 | Florida Statutes, respectively, and present subsection (1),  
 1462 | paragraph (c) of subsection (2), and subsections (3), (4), and  
 1463 | (7) of that section are amended, to read:

1464 |       189.04 ~~189.405~~ Elections; general requirements and  
 1465 | procedures; ~~education programs.~~-

1466 |       (1) If a dependent special district has an elected  
 1467 | governing body ~~board~~, elections shall be conducted by the  
 1468 | supervisor of elections of the county wherein the district is  
 1469 | located in accordance with the Florida Election Code, chapters  
 1470 | 97-106.

1471 |       (2)

1472 |       (c) A candidate for a position on a governing body ~~board~~  
 1473 | of a single-county special district that has its elections  
 1474 | conducted by the supervisor of elections shall qualify for the  
 1475 | office with the county supervisor of elections in whose  
 1476 | jurisdiction the district is located. Elections for governing  
 1477 | body ~~board~~ members elected by registered electors shall be  
 1478 | nonpartisan, except when partisan elections are specified by a  
 1479 | district's charter. Candidates shall qualify as directed by  
 1480 | chapter 99. The qualifying fee shall be remitted to the general  
 1481 | revenue fund of the qualifying officer to help defray the cost  
 1482 | of the election.

1483 (3) (a) If a multicounty special district has a popularly  
 1484 elected governing body ~~board~~, elections for the purpose of  
 1485 electing members to such body ~~board~~ shall conform to the Florida  
 1486 Election Code, chapters 97-106.

1487 (b) With the exception of those districts conducting  
 1488 elections on a one-acre/one-vote basis, qualifying for  
 1489 multicounty special district governing body ~~board~~ positions  
 1490 shall be coordinated by the Department of State. Elections for  
 1491 governing body ~~board~~ members elected by registered electors  
 1492 shall be nonpartisan, except when partisan elections are  
 1493 specified by a district's charter. Candidates shall qualify as  
 1494 directed by chapter 99. The qualifying fee shall be remitted to  
 1495 the Department of State.

1496 (4) With the exception of elections of special district  
 1497 governing body ~~board~~ members conducted on a one-acre/one-vote  
 1498 basis, in any election conducted in a special district the  
 1499 decision made by a majority of those voting shall prevail,  
 1500 except as otherwise specified by law.

1501 ~~(6)-(7)~~ Nothing in this act requires that a special  
 1502 district governed by an appointed body ~~board~~ convert to an  
 1503 elected governing body ~~board~~.

1504 Section 30. Subsection (5) of section 189.405, Florida  
 1505 Statutes, is transferred, renumbered as section 189.063, Florida  
 1506 Statutes, and amended to read:

1507 189.063 Education programs.-

1508 ~~(1)-(5)-(a)~~ The department may provide, contract for, or

1509 assist in conducting education programs, as its budget permits,  
 1510 for all newly elected or appointed members of district governing  
 1511 bodies ~~boards~~. The education programs shall include, but are not  
 1512 limited to, courses on the code of ethics for public officers  
 1513 and employees, public meetings and public records requirements,  
 1514 public finance, and parliamentary procedure. ~~Course content may~~  
 1515 ~~be offered by means of the following: videotapes, live seminars,~~  
 1516 ~~workshops, conferences, teleconferences, computer-based~~  
 1517 ~~training, multimedia presentations, or other available~~  
 1518 ~~instructional methods.~~

1519 (2) ~~(b)~~ An individual district governing body ~~board~~, at its  
 1520 discretion, may bear the costs associated with educating its  
 1521 members. Governing body ~~Board~~ members of districts which have  
 1522 qualified for a zero annual fee for the most recent invoicing  
 1523 period pursuant to s. 189.018 ~~189.427~~ shall not be required to  
 1524 pay a fee for any education program the department provides,  
 1525 contracts for, or assists in conducting.

1526 Section 31. Section 189.4051, Florida Statutes, is  
 1527 transferred, renumbered as section 189.041, Florida Statutes,  
 1528 and amended to read:

1529 189.041 ~~189.4051~~ Elections; special requirements and  
 1530 procedures for districts with governing bodies ~~boards~~ elected on  
 1531 a one-acre/one-vote basis.—

1532 (1) DEFINITIONS.—As used in this section:

1533 (a) "Qualified elector" means any person at least 18 years  
 1534 of age who is a citizen of the United States, a permanent

HB 1237

2014

1535 resident of Florida, and a freeholder or freeholder's spouse and  
1536 resident of the district who registers with the supervisor of  
1537 elections of a county within which the district lands are  
1538 located when the registration books are open.

1539 (b) "Urban area" means a contiguous developed and  
1540 inhabited urban area within a district with a minimum average  
1541 resident population density of at least 1.5 persons per acre as  
1542 defined by the latest official census, special census, or  
1543 population estimate or a minimum density of one single-family  
1544 home per 2.5 acres with access to improved roads or a minimum  
1545 density of one single-family home per 5 acres within a recorded  
1546 plat subdivision. Urban areas shall be designated by the  
1547 governing body ~~board~~ of the district with the assistance of all  
1548 local general-purpose governments having jurisdiction over the  
1549 area within the district.

1550 (c) "Governing body ~~board~~ member" means any duly elected  
1551 member of the governing body ~~board~~ of a special district elected  
1552 pursuant to this section, provided that a body ~~any board~~ member  
1553 elected by popular vote shall be a qualified district elector  
1554 and a body ~~any board~~ member elected on a one-acre/one-vote basis  
1555 shall meet the requirements of s. 298.11 for election to the  
1556 body ~~board~~.

1557 (d) "Contiguous developed urban area" means any reasonably  
1558 compact urban area located entirely within a special district.  
1559 The separation of urban areas by a publicly owned park, right-  
1560 of-way, highway, road, railroad, canal, utility, body of water,

1561 watercourse, or other minor geographical division of a similar  
 1562 nature shall not prevent such areas from being defined as urban  
 1563 areas.

1564 (2) POPULAR ELECTIONS; REFERENDUM; DESIGNATION OF URBAN  
 1565 AREAS.—

1566 (a) Referendum.—

1567 1. A referendum shall be called by the governing body  
 1568 ~~board~~ of a special district where the body ~~board~~ is elected on a  
 1569 one-acre/one-vote basis on the question of whether certain  
 1570 members of a district governing body ~~board~~ should be elected by  
 1571 qualified electors, provided each of the following conditions  
 1572 has been satisfied at least 60 days prior to the general or  
 1573 special election at which the referendum is to be held:

1574 a. The district shall have a total population, according  
 1575 to the latest official state census, a special census, or a  
 1576 population estimate, of at least 500 qualified electors.

1577 b. A petition signed by 10 percent of the qualified  
 1578 electors of the district shall have been filed with the  
 1579 governing body ~~board~~ of the district. The petition shall be  
 1580 submitted to the supervisor of elections of the county or  
 1581 counties in which the lands are located. The supervisor shall,  
 1582 within 30 days after the receipt of the petitions, certify to  
 1583 the governing body ~~board~~ the number of signatures of qualified  
 1584 electors contained on the petition.

1585 2. Upon verification by the supervisor or supervisors of  
 1586 elections of the county or counties within which district lands

HB 1237

2014

1587 are located that 10 percent of the qualified electors of the  
1588 district have petitioned the governing body ~~board~~, a referendum  
1589 election shall be called by the governing body ~~board~~ at the next  
1590 regularly scheduled election of governing body ~~board~~ members  
1591 occurring at least 30 days after verification of the petition or  
1592 within 6 months of verification, whichever is earlier.

1593 3. If the qualified electors approve the election  
1594 procedure described in this subsection, the governing body ~~board~~  
1595 of the district shall be increased to five members and elections  
1596 shall be held pursuant to the criteria described in this  
1597 subsection beginning with the next regularly scheduled election  
1598 of governing body ~~board~~ members or at a special election called  
1599 within 6 months following the referendum and final unappealed  
1600 approval of district urban area maps as provided in paragraph  
1601 (b), whichever is earlier.

1602 4. If the qualified electors of the district disapprove  
1603 the election procedure described in this subsection, elections  
1604 of the members of the governing body ~~board~~ shall continue as  
1605 described by s. 298.12 or the enabling legislation for the  
1606 district. No further referendum on the question shall be held  
1607 for a minimum period of 2 years following the referendum.

1608 (b) Designation of urban areas.—

1609 1. Within 30 days after approval of the election process  
1610 described in this subsection by qualified electors of the  
1611 district, the governing body ~~board~~ shall direct the district  
1612 staff to prepare and present maps of the district describing the

HB 1237

2014

1613 extent and location of all urban areas within the district. Such  
1614 determination shall be based upon the criteria contained within  
1615 paragraph (1) (b).

1616 2. Within 60 days after approval of the election process  
1617 described in this subsection by qualified electors of the  
1618 district, the maps describing urban areas within the district  
1619 shall be presented to the governing body ~~board~~.

1620 3. Any district landowner or elector may contest the  
1621 accuracy of the urban area maps prepared by the district staff  
1622 within 30 days after submission to the governing body ~~board~~.  
1623 Upon notice of objection to the maps, the governing body ~~board~~  
1624 shall request the county engineer to prepare and present maps of  
1625 the district describing the extent and location of all urban  
1626 areas within the district. Such determination shall be based  
1627 upon the criteria contained within paragraph (1) (b). Within 30  
1628 days after the governing body ~~board~~ request, the county engineer  
1629 shall present the maps to the governing body ~~board~~.

1630 4. Upon presentation of the maps by the county engineer,  
1631 the governing body ~~board~~ shall compare the maps submitted by  
1632 both the district staff and the county engineer and make a  
1633 determination as to which set of maps to adopt. Within 60 days  
1634 after presentation of all such maps, the governing body ~~board~~  
1635 may amend and shall adopt the official maps at a regularly  
1636 scheduled body ~~board~~ meeting.

1637 5. Any district landowner or qualified elector may contest  
1638 the accuracy of the urban area maps adopted by the ~~board~~ within

1639 30 days after adoption by petition to the circuit court with  
 1640 jurisdiction over the district. Accuracy shall be determined  
 1641 pursuant to paragraph (1) (b). Any petitions so filed shall be  
 1642 heard expeditiously, and the maps shall either be approved or  
 1643 approved with necessary amendments to render the maps accurate  
 1644 and shall be certified to the body ~~board~~.

1645 6. Upon adoption by the body ~~board~~ or certification by the  
 1646 court, the district urban area maps shall serve as the official  
 1647 maps for determination of the extent of urban area within the  
 1648 district and the number of governing body ~~board~~ members to be  
 1649 elected by qualified electors and by the one-acre/one-vote  
 1650 principle at the next regularly scheduled election of governing  
 1651 body ~~board~~ members.

1652 7. Upon a determination of the percentage of urban area  
 1653 within the district as compared with total area within the  
 1654 district, the governing body ~~board~~ shall order elections in  
 1655 accordance with the percentages pursuant to paragraph (3) (a).  
 1656 The landowners' meeting date shall be designated by the  
 1657 governing body ~~board~~.

1658 8. The maps shall be updated and readopted every 5 years  
 1659 or sooner in the discretion of the governing body ~~board~~.

1660 (3) GOVERNING BODY ~~BOARD~~.—

1661 (a) Composition of body ~~board~~.—

1662 1. Members of the governing body ~~board~~ of the district  
 1663 shall be elected in accordance with the following determinations  
 1664 of urban area:



1665           a. If urban areas constitute 25 percent or less of the  
1666 district, one governing body ~~board~~ member shall be elected by  
1667 the qualified electors and four governing body ~~board~~ members  
1668 shall be elected in accordance with the one-acre/one-vote  
1669 principle contained within s. 298.11 or the district-enabling  
1670 legislation.

1671           b. If urban areas constitute 26 percent to 50 percent of  
1672 the district, two governing body ~~board~~ members shall be elected  
1673 by the qualified electors and three governing body ~~board~~ members  
1674 shall be elected in accordance with the one-acre/one-vote  
1675 principle contained within s. 298.11 or the district-enabling  
1676 legislation.

1677           c. If urban areas constitute 51 percent to 70 percent of  
1678 the district, three governing body ~~board~~ members shall be  
1679 elected by the qualified electors and two governing body ~~board~~  
1680 members shall be elected in accordance with the one-acre/one-  
1681 vote principle contained within s. 298.11 or the district-  
1682 enabling legislation.

1683           d. If urban areas constitute 71 percent to 90 percent of  
1684 the district, four governing body ~~board~~ members shall be elected  
1685 by the qualified electors and one governing body ~~board~~ member  
1686 shall be elected in accordance with the one-acre/one-vote  
1687 principle contained within s. 298.11 or the district-enabling  
1688 legislation.

1689           e. If urban areas constitute 91 percent or more of the  
1690 district, all governing body ~~board~~ members shall be elected by

1691 the qualified electors.

1692         2. All governing body ~~board~~ members elected by qualified  
1693 electors shall be elected at large.

1694         (b) Term of office.—All governing body ~~board~~ members  
1695 elected by qualified electors shall have a term of 4 years  
1696 except for governing body ~~board~~ members elected at the first  
1697 election and the first landowners' meeting following the  
1698 referendum prescribed in paragraph (2) (a). Governing body ~~board~~  
1699 members elected at the first election and the first landowners'  
1700 meeting following the referendum shall serve as follows:

1701         1. If one governing body ~~board~~ member is elected by the  
1702 qualified electors and four are elected on a one-acre/one-vote  
1703 basis, the governing body ~~board~~ member elected by the qualified  
1704 electors shall be elected for a period of 4 years. Governing  
1705 body ~~board~~ members elected on a one-acre/one-vote basis shall be  
1706 elected for periods of 1, 2, 3, and 4 years, respectively, as  
1707 prescribed by ss. 298.11 and 298.12.

1708         2. If two governing body ~~board~~ members are elected by the  
1709 qualified electors and three are elected on a one-acre/one-vote  
1710 basis, the governing body ~~board~~ members elected by the electors  
1711 shall be elected for a period of 4 years. Governing body ~~board~~  
1712 members elected on a one-acre/one-vote basis shall be elected  
1713 for periods of 1, 2, and 3 years, respectively, as prescribed by  
1714 ss. 298.11 and 298.12.

1715         3. If three governing body ~~board~~ members are elected by  
1716 the qualified electors and two are elected on a one-acre/one-

HB 1237

2014

1717 | vote basis, two of the governing body ~~board~~ members elected by  
1718 | the electors shall be elected for a term of 4 years and the  
1719 | other governing body ~~board~~ member elected by the electors shall  
1720 | be elected for a term of 2 years. Governing body ~~board~~ members  
1721 | elected on a one-acre/one-vote basis shall be elected for terms  
1722 | of 1 and 2 years, respectively, as prescribed by ss. 298.11 and  
1723 | 298.12.

1724 |         4. If four governing body ~~board~~ members are elected by the  
1725 | qualified electors and one is elected on a one-acre/one-vote  
1726 | basis, two of the governing body ~~board~~ members elected by the  
1727 | electors shall be elected for a term of 2 years and the other  
1728 | two for a term of 4 years. The governing body ~~board~~ member  
1729 | elected on a one-acre/one-vote basis shall be elected for a term  
1730 | of 1 year as prescribed by ss. 298.11 and 298.12.

1731 |         5. If five governing body ~~board~~ members are elected by the  
1732 | qualified electors, three shall be elected for a term of 4 years  
1733 | and two for a term of 2 years.

1734 |         6. If any vacancy occurs in a seat occupied by a governing  
1735 | body ~~board~~ member elected by the qualified electors, the  
1736 | remaining members of the governing body ~~board~~ shall, within 45  
1737 | days after the vacancy occurs, appoint a person who would be  
1738 | eligible to hold the office to the unexpired term.

1739 |         (c) Landowners' meetings.—

1740 |             1. An annual landowners' meeting shall be held pursuant to  
1741 | s. 298.11 and at least one governing body ~~board~~ member shall be  
1742 | elected on a one-acre/one-vote basis pursuant to s. 298.12 for

1743 so long as 10 percent or more of the district is not contained  
1744 in an urban area. In the event all district governing body ~~board~~  
1745 members are elected by qualified electors, there shall be no  
1746 further landowners' meetings.

1747 2. At any landowners' meeting called pursuant to this  
1748 section, 50 percent of the district acreage shall not be  
1749 required to constitute a quorum and each governing body ~~board~~  
1750 member shall be elected by a majority of the acreage represented  
1751 either by owner or proxy present and voting at said meeting.

1752 3. All landowners' meetings of districts operating  
1753 pursuant to this section shall be set by the body ~~board~~ within  
1754 the month preceding the month of the election of the governing  
1755 body ~~board~~ members by the electors.

1756 4. Vacancies on the ~~board~~ shall be filled pursuant to s.  
1757 298.12 except as otherwise provided in subparagraph (b)6.

1758 (4) QUALIFICATIONS.—Elections for governing body ~~board~~  
1759 members elected by qualified electors shall be nonpartisan.  
1760 Qualifications shall be pursuant to the Florida Election Code  
1761 and shall occur during the qualifying period established by s.  
1762 99.061. Qualification requirements shall only apply to those  
1763 governing body ~~board~~ member candidates elected by qualified  
1764 electors. Following the first election pursuant to this section,  
1765 elections to the governing body ~~board~~ by qualified electors  
1766 shall occur at the next regularly scheduled election closest in  
1767 time to the expiration date of the term of the elected governing  
1768 body ~~board~~ member. If the next regularly scheduled election is

1769 beyond the normal expiration time for the term of an elected  
 1770 governing body ~~board~~ member, the governing body ~~board~~ member  
 1771 shall hold office until the election of a successor.

1772 (5) Those districts established as single-purpose water  
 1773 control districts, and which continue to act as single-purpose  
 1774 water control districts, pursuant to chapter 298, pursuant to a  
 1775 special act, pursuant to a local government ordinance, or  
 1776 pursuant to a judicial decree, shall be exempt from the  
 1777 provisions of this section. All other independent special  
 1778 districts with governing bodies ~~boards~~ elected on a one-  
 1779 acre/one-vote basis shall be subject to the provisions of this  
 1780 section.

1781 (6) The provisions of this section shall not apply to  
 1782 community development districts established pursuant to chapter  
 1783 190.

1784 Section 32. Section 189.4065, Florida Statutes, is  
 1785 transferred and renumbered as section 189.05, Florida Statutes.

1786 Section 33. Section 189.408, Florida Statutes, is  
 1787 transferred and renumbered as section 189.042, Florida Statutes.

1788 Section 34. Section 189.4085, Florida Statutes, is  
 1789 transferred and renumbered as section 189.051, Florida Statutes.

1790 Section 35. Section 189.412, Florida Statutes, is  
 1791 transferred, renumbered as section 189.064, Florida Statutes,  
 1792 and amended to read:

1793 189.064 ~~189.412~~ Special District Accountability  
 1794 ~~Information~~ Program; duties and responsibilities.—The Special

1795 District Accountability Information Program of the department of  
 1796 ~~Economic Opportunity~~ is created and has the following special  
 1797 duties:

1798 (1) Electronically publishing ~~The collection and~~  
 1799 ~~maintenance of~~ special district noncompliance status reports  
 1800 from the department of ~~Management Services~~, the Department of  
 1801 Financial Services, the Division of Bond Finance of the State  
 1802 Board of Administration, the Auditor General, and the  
 1803 Legislative Auditing Committee, for the reporting required in  
 1804 ss. 112.63, 218.32, 218.38, and 218.39. The noncompliance  
 1805 reports must list those special districts that did not comply  
 1806 with the statutory reporting requirements and be made available  
 1807 to the public electronically.

1808 (2) Maintaining the official ~~maintenance of a~~ master list  
 1809 of ~~independent and dependent~~ special districts ~~which shall be~~  
 1810 ~~available on the department's website.~~

1811 (3) ~~The~~ Publishing and updating of a "Florida Special  
 1812 District Handbook" that contains, at a minimum:

1813 (c) A section that summarizes the reporting requirements  
 1814 applicable to all types of special districts as provided in ss.  
 1815 189.015 and 189.016 ~~189.417 and 189.418.~~

1816 ~~(4) When feasible, securing and maintaining access to~~  
 1817 ~~special district information collected by all state agencies in~~  
 1818 ~~existing or newly created state computer systems.~~

1819 ~~(4)-(5)~~ Coordinating and communicating ~~The facilitation of~~  
 1820 ~~coordination and communication~~ among state agencies regarding

1821 special districts ~~district~~ information.

1822 ~~(6) The conduct of studies relevant to special districts.~~

1823 ~~(5)(7) Providing technical advisory~~ The provision of

1824 assistance ~~related to~~ special districts regarding the and

1825 ~~appropriate in the performance of~~ requirements specified in this

1826 chapter, ~~including assisting with an annual conference sponsored~~

1827 ~~by the Florida Association of Special Districts or its~~

1828 ~~successor.~~

1829 ~~(6)(8)~~ Providing assistance to local general-purpose

1830 governments and ~~certain~~ state agencies in collecting delinquent

1831 reports or information.7

1832 (7) Helping special districts comply with reporting

1833 requirements.7

1834 (8) Declaring special districts inactive ~~when appropriate,~~

1835 ~~and,~~ when directed by the Legislative Auditing Committee or

1836 required by this chapter.7

1837 (9) Initiating enforcement proceedings ~~provisions~~ as

1838 provided in ss. 189.062, 189.066, and 189.067 ~~189.4044, 189.419,~~

1839 ~~and 189.421.~~

1840 Section 36. Section 189.413, Florida Statutes, is

1841 transferred and renumbered as section 189.065, Florida Statutes.

1842 Section 37. Section 189.415, Florida Statutes, is

1843 transferred and renumbered as section 189.08, Florida Statutes.

1844 Section 38. Section 189.4155, Florida Statutes, is

1845 transferred and renumbered as section 189.081, Florida Statutes.

1846 Section 39. Section 189.4156, Florida Statutes, is

1847 transferred and renumbered as section 189.082, Florida Statutes.

1848 Section 40. Section 189.416, Florida Statutes, is  
 1849 transferred and renumbered as section 189.014, Florida Statutes,  
 1850 and subsection (1) of that section is amended, to read:

1851 189.014 ~~189.416~~ Designation of registered office and  
 1852 agent.—

1853 (1) Within 30 days after the first meeting of its  
 1854 governing body ~~board~~, each special district in the state shall  
 1855 designate a registered office and a registered agent and file  
 1856 such information with the local governing authority or  
 1857 authorities and with the department. The registered agent shall  
 1858 be an agent of the district upon whom any process, notice, or  
 1859 demand required or permitted by law to be served upon the  
 1860 district may be served. A registered agent shall be an  
 1861 individual resident of this state whose business address is  
 1862 identical with the registered office of the district. The  
 1863 registered office may be, but need not be, the same as the place  
 1864 of business of the special district.

1865 Section 41. Section 189.417, Florida Statutes, is  
 1866 transferred and renumbered as section 189.015, Florida Statutes,  
 1867 and subsection (1) of that section is amended, to read:

1868 189.015 ~~189.417~~ Meetings; notice; required reports.—

1869 (1) The governing body of each special district shall file  
 1870 quarterly, semiannually, or annually a schedule of its regular  
 1871 meetings with the local governing authority or authorities. The  
 1872 schedule shall include the date, time, and location of each



HB 1237

2014

1873 scheduled meeting. The schedule shall be published quarterly,  
1874 semiannually, or annually in a newspaper of general paid  
1875 circulation in the manner required in this subsection. The  
1876 governing body of an independent special district shall  
1877 advertise the day, time, place, and purpose of any meeting other  
1878 than a regular meeting or any recessed and reconvened meeting of  
1879 the governing body, at least 7 days prior to such meeting, in a  
1880 newspaper of general paid circulation in the county or counties  
1881 in which the special district is located, unless a bona fide  
1882 emergency situation exists, in which case a meeting to deal with  
1883 the emergency may be held as necessary, with reasonable notice,  
1884 so long as it is subsequently ratified by the body ~~board~~. No  
1885 approval of the annual budget shall be granted at an emergency  
1886 meeting. The advertisement shall be placed in that portion of  
1887 the newspaper where legal notices and classified advertisements  
1888 appear. The advertisement shall appear in a newspaper that is  
1889 published at least 5 days a week, unless the only newspaper in  
1890 the county is published fewer than 5 days a week. The newspaper  
1891 selected must be one of general interest and readership in the  
1892 community and not one of limited subject matter, pursuant to  
1893 chapter 50. Any other provision of law to the contrary  
1894 notwithstanding, and except in the case of emergency meetings,  
1895 water management districts may provide reasonable notice of  
1896 public meetings held to evaluate responses to solicitations  
1897 issued by the water management district, by publication in a  
1898 newspaper of general paid circulation in the county where the

1899 principal office of the water management district is located, or  
 1900 in the county or counties where the public work will be  
 1901 performed, no less than 7 days before such meeting.

1902 Section 42. Section 189.418, Florida Statutes, is  
 1903 transferred and renumbered as section 189.016, Florida Statutes,  
 1904 and subsections (2) and (10) of that section are amended, to  
 1905 read:

1906 189.016 ~~189.418~~ Reports; budgets; audits.—

1907 (2) Any amendment, modification, or update of the document  
 1908 by which the district was created, including changes in  
 1909 boundaries, must be filed with the department within 30 days  
 1910 after adoption. The department may initiate proceedings against  
 1911 special districts as provided in s. 189.067 ~~189.421~~ for failure  
 1912 to file the information required by this subsection. However,  
 1913 for the purposes of this section and s. 175.101(1), the  
 1914 boundaries of a district shall be deemed to include an area that  
 1915 has been annexed until the completion of the 4-year period  
 1916 specified in s. 171.093(4) or other mutually agreed upon  
 1917 extension, or when a district is providing services pursuant to  
 1918 an interlocal agreement entered into pursuant to s. 171.093(3).

1919 (10) All reports or information required to be filed with  
 1920 a local general-purpose government or governing authority under  
 1921 ss. 189.08, 189.014, and 189.015 ~~189.415, 189.416, and 189.417~~  
 1922 and subsection (8) of this section must:

1923 (a) If the local general-purpose government or governing  
 1924 authority is a county, be filed with the clerk of the board of

1925 county commissioners.

1926 (b) If the district is a multicounty district, be filed  
1927 with the clerk of the county commission in each county.

1928 (c) If the local general-purpose government or governing  
1929 authority is a municipality, be filed at the place designated by  
1930 the municipal governing body.

1931 Section 43. Section 189.419, Florida Statutes, is  
1932 transferred, renumbered as section 189.066, Florida Statutes,  
1933 and subsections (6) and (7) are added to that section, to read:

1934 189.066 ~~189.419~~ Effect of failure to file certain reports  
1935 or information.—

1936 (1) If an independent special district fails to file the  
1937 reports or information required under s. 189.08, s. 189.014, s.  
1938 189.015, or s. 189.016(9) ~~189.415, s. 189.416, s. 189.417, or s.~~  
1939 ~~189.418(9)~~ with the local general-purpose government or  
1940 governments in which it is located, the person authorized to  
1941 receive and read the reports or information or the local  
1942 general-purpose government shall notify the district's  
1943 registered agent. If requested by the district, the local  
1944 general-purpose government shall grant an extension of up to 30  
1945 days for filing the required reports or information. If the  
1946 governing body of the local general-purpose government or  
1947 governments determines that there has been an unjustified  
1948 failure to file these reports or information, it may notify the  
1949 department, and the department may proceed pursuant to s.  
1950 189.067(1) ~~189.421(1)~~.

1951 (2) If a dependent special district fails to file the  
1952 reports or information required under s. 189.014, s. 189.015, or  
1953 s. 189.016(9) ~~189.416, s. 189.417, or s. 189.418(9)~~ with the  
1954 local governing authority to which it is dependent, the local  
1955 governing authority shall take whatever steps it deems necessary  
1956 to enforce the special district's accountability. Such steps may  
1957 include, as authorized, withholding funds, removing governing  
1958 body ~~board~~ members at will, vetoing the special district's  
1959 budget, conducting the oversight review process set forth in s.  
1960 189.068 ~~189.428~~, or amending, merging, or dissolving the special  
1961 district in accordance with the provisions contained in the  
1962 ordinance that created the dependent special district.

1963 (3) If a special district fails to file the reports or  
1964 information required under s. 218.38 with the appropriate state  
1965 agency, the agency shall notify the department, and the  
1966 department shall send a certified technical assistance letter to  
1967 the special district which summarizes the requirements and  
1968 compels ~~encourages~~ the special district to take steps to prevent  
1969 the noncompliance from reoccurring.

1970 (4) If a special district fails to file the reports or  
1971 information required under s. 112.63 with the appropriate state  
1972 agency, the agency shall notify the department and the  
1973 department shall proceed pursuant to s. 189.067(1) ~~189.421(1)~~.

1974 (5) If a special district fails to file the reports or  
1975 information required under s. 218.32 or s. 218.39 with the  
1976 appropriate state agency or office, the state agency or office

1977 shall notify, and the Legislative Auditing Committee ~~may, notify~~  
 1978 ~~the department and the department shall proceed pursuant to s.~~  
 1979 ~~189.421.~~

1980 (6) If a special district created by special act of the  
 1981 Legislature fails to file the reports or information required  
 1982 under s. 218.32 or s. 218.39 with the appropriate state agency  
 1983 or office, the Legislative Auditing Committee shall notify the  
 1984 department and the chair of the county legislative delegation in  
 1985 writing, pursuant to s. 189.034.

1986 (7) If a special district created by ordinance fails to  
 1987 file the reports or information required under s. 218.32 or s.  
 1988 218.39 with the appropriate state agency or office, the  
 1989 Legislative Auditing Committee shall notify the department and  
 1990 the chair or equivalent of the local general-purpose government  
 1991 that created the district, in writing, pursuant to s. 189.035.

1992 Section 44. Section 189.420, Florida Statutes, is  
 1993 transferred and renumbered as section 189.052, Florida Statutes.

1994 Section 45. Section 189.421, Florida Statutes, is  
 1995 transferred, renumbered as section 189.067, Florida Statutes,  
 1996 and amended to read:

1997 189.067 ~~189.421~~ Failure of district to disclose financial  
 1998 reports.—

1999 (1) (a) If notified pursuant to s. 189.066(1) ~~189.419(1)~~,  
 2000 (4), or (5), the department shall attempt to assist a special  
 2001 district in complying with its financial reporting requirements  
 2002 by sending a certified letter to the special district, and, if

HB 1237

2014

2003 the special district is dependent, sending a copy of that letter  
2004 to the chair of the local governing authority. The letter must  
2005 include a description of the required report, including  
2006 statutory submission deadlines, a contact telephone number for  
2007 technical assistance to help the special district comply, a 60-  
2008 day deadline for filing the required report with the appropriate  
2009 entity, the address where the report must be filed, and an  
2010 explanation of the penalties for noncompliance.

2011 (b) A special district that is unable to meet the 60-day  
2012 reporting deadline must provide written notice to the department  
2013 before the expiration of the deadline stating the reason the  
2014 special district is unable to comply with the deadline, the  
2015 steps the special district is taking to prevent the  
2016 noncompliance from reoccurring, and the estimated date that the  
2017 special district will file the report with the appropriate  
2018 agency. The district's written response does not constitute an  
2019 extension by the department; however, the department shall  
2020 forward the written response to:

2021 1. If the written response refers to the reports required  
2022 under s. 218.32 or s. 218.39, the Legislative Auditing Committee  
2023 for its consideration in determining whether the special  
2024 district should be subject to further state action in accordance  
2025 with s. 11.40(2)(b).

2026 2. If the written response refers to the reports or  
2027 information requirements listed in s. 189.066(1) ~~189.419(1)~~, the  
2028 local general-purpose government or governments for their

2029 consideration in determining whether the oversight review  
 2030 process set forth in s. 189.068 ~~189.428~~ should be undertaken.

2031 3. If the written response refers to the reports or  
 2032 information required under s. 112.63, the Department of  
 2033 Management Services for its consideration in determining whether  
 2034 the special district should be subject to further state action  
 2035 in accordance with s. 112.63(4)(d)2.

2036 (2) Failure of a special district to comply with the  
 2037 actuarial and financial reporting requirements under s. 112.63,  
 2038 s. 218.32, or s. 218.39 after the procedures of subsection (1)  
 2039 are exhausted shall be deemed final action of the special  
 2040 district. The actuarial and financial reporting requirements are  
 2041 declared to be essential requirements of law. Remedy for  
 2042 noncompliance shall be as provided in s. 189.034 ~~by writ of~~  
 2043 ~~certiorari as set forth in subsection (4).~~

2044 ~~(3) Pursuant to s. 11.40(2)(b), the Legislative Auditing~~  
 2045 ~~Committee shall notify the department of those districts that~~  
 2046 ~~fail to file the required reports. If the procedures described~~  
 2047 ~~in subsection (1) have not yet been initiated, the department~~  
 2048 ~~shall initiate such procedures upon receiving the notice from~~  
 2049 ~~the Legislative Auditing Committee. Otherwise, within 60 days~~  
 2050 ~~after receiving such notice, or within 60 days after the~~  
 2051 ~~expiration of the 60-day deadline provided in subsection (1),~~  
 2052 ~~whichever occurs later, the department, notwithstanding the~~  
 2053 ~~provisions of chapter 120, shall file a petition for writ of~~  
 2054 ~~certiorari with the circuit court. Venue for all actions~~

2055 ~~pursuant to this subsection is in Leon County. The court shall~~  
 2056 ~~award the prevailing party attorney's fees and costs unless~~  
 2057 ~~affirmatively waived by all parties. A writ of certiorari shall~~  
 2058 ~~be issued unless a respondent establishes that the notification~~  
 2059 ~~of the Legislative Auditing Committee was issued as a result of~~  
 2060 ~~material error. Proceedings under this subsection are otherwise~~  
 2061 ~~governed by the Rules of Appellate Procedure.~~

2062 ~~(4) Pursuant to s. 112.63(4)(d)2., the Department of~~  
 2063 ~~Management Services may notify the department of those special~~  
 2064 ~~districts that have failed to file the required adjustments,~~  
 2065 ~~additional information, or report or statement after the~~  
 2066 ~~procedures of subsection (1) have been exhausted. Within 60 days~~  
 2067 ~~after receiving such notice or within 60 days after the 60-day~~  
 2068 ~~deadline provided in subsection (1), whichever occurs later, the~~  
 2069 ~~department, notwithstanding chapter 120, shall file a petition~~  
 2070 ~~for writ of certiorari with the circuit court. Venue for all~~  
 2071 ~~actions pursuant to this subsection is in Leon County. The court~~  
 2072 ~~shall award the prevailing party attorney's fees and costs~~  
 2073 ~~unless affirmatively waived by all parties. A writ of certiorari~~  
 2074 ~~shall be issued unless a respondent establishes that the~~  
 2075 ~~notification of the Department of Management Services was issued~~  
 2076 ~~as a result of material error. Proceedings under this subsection~~  
 2077 ~~are otherwise governed by the Rules of Appellate Procedure.~~

2078 Section 46. Section 189.4221, Florida Statutes, is  
 2079 transferred and renumbered as section 189.053, Florida Statutes.

2080 Section 47. Section 189.423, Florida Statutes, is



2081 transferred and renumbered as section 189.054, Florida Statutes.

2082 Section 48. Section 189.425, Florida Statutes, is  
 2083 transferred and renumbered as section 189.017, Florida Statutes.

2084 Section 49. Section 189.427, Florida Statutes, is  
 2085 transferred and renumbered as section 189.018, Florida Statutes,  
 2086 and amended to read:

2087 189.018 ~~189.427~~ Fee schedule; Operating Grants ~~and~~  
 2088 ~~Donations~~ Trust Fund.—The department ~~of Economic Opportunity~~, by  
 2089 rule, shall establish a schedule of fees to pay one-half of the  
 2090 costs incurred by the department in administering this act,  
 2091 except that the fee may not exceed \$175 per district per year.  
 2092 The fees collected under this section shall be deposited in the  
 2093 Operating Grants ~~and Donations~~ Trust Fund, ~~which shall be~~  
 2094 administered by the department ~~of Economic Opportunity~~. Any fee  
 2095 rule must consider factors such as the dependent and independent  
 2096 status of the district and district revenues for the most recent  
 2097 fiscal year as reported to the Department of Financial Services.  
 2098 The department may assess fines of not more than \$25, with an  
 2099 aggregate total not to exceed \$50, as penalties against special  
 2100 districts that fail to remit required fees to the department. It  
 2101 is the intent of the Legislature that general revenue funds will  
 2102 be made available to the department to pay one-half of the cost  
 2103 of administering this act.

2104 Section 50. Section 189.428, Florida Statutes, is  
 2105 transferred, renumbered as section 189.068, Florida Statutes,  
 2106 and is amended, to read:

2107 189.068 ~~189.428~~ Special districts; oversight review  
 2108 process.-

2109 (1) The Legislature finds it to be in the public interest  
 2110 to establish an oversight review process for special districts  
 2111 wherein each special district in the state may be reviewed by  
 2112 the local general-purpose government or the county legislative  
 2113 delegation in which the district exists. The Legislature further  
 2114 finds and determines that such law fulfills an important state  
 2115 interest. It is the intent of the Legislature that the oversight  
 2116 review process shall contribute to informed decisionmaking.  
 2117 These decisions may involve the continuing existence or  
 2118 dissolution of a district, the appropriate future role and focus  
 2119 of a district, improvements in the functioning or delivery of  
 2120 services by a district, and the need for any transition,  
 2121 adjustment, or special implementation periods or provisions. Any  
 2122 final recommendations from the oversight review process that are  
 2123 adopted and implemented by the appropriate level of government  
 2124 shall not be implemented in a manner that would impair the  
 2125 obligation of contracts.

2126 ~~(2) It is the intent of the Legislature that any oversight~~  
 2127 ~~review process be conducted in conjunction with special district~~  
 2128 ~~public facilities reporting and the local government evaluation~~  
 2129 ~~and appraisal report process described in s. 189.415(2).~~

2130 (2)(3) ~~The order in which special districts may be subject~~  
 2131 ~~to oversight review shall be determined by the reviewer and~~  
 2132 ~~shall occur as follows:~~

2133           (a) All independent special districts created by special  
 2134 act of the Legislature may be reviewed by any legislative  
 2135 delegation of a county in which the geographical jurisdiction of  
 2136 the special district exists.

2137           (b)-(a) All dependent special districts may be reviewed by  
 2138 the general-purpose local government to which they are  
 2139 dependent.

2140           ~~(b) All single-county independent special districts may be~~  
 2141 ~~reviewed by a county or municipality in which they are located~~  
 2142 ~~or the government that created the district. Any single-county~~  
 2143 ~~independent district that serves an area greater than the~~  
 2144 ~~boundaries of one general-purpose local government may only be~~  
 2145 ~~reviewed by the county on the county's own initiative or upon~~  
 2146 ~~receipt of a request from any municipality served by the special~~  
 2147 ~~district.~~

2148           ~~(c) All multicounty independent special districts may be~~  
 2149 ~~reviewed by the government that created the district. Any~~  
 2150 ~~general-purpose local governments within the boundaries of a~~  
 2151 ~~multicounty district may prepare a preliminary review of a~~  
 2152 ~~multicounty special district for possible reference or inclusion~~  
 2153 ~~in the full review report.~~

2154           ~~(d) Upon request by the reviewer, any special district~~  
 2155 ~~within all or a portion of the same county as the special~~  
 2156 ~~district being reviewed may prepare a preliminary review of the~~  
 2157 ~~district for possible reference or inclusion in the full~~  
 2158 ~~oversight review report.~~

2159        (3)~~(4)~~ All special districts, governmental entities, and  
2160 state agencies shall cooperate with the Legislature and with any  
2161 general-purpose local government seeking information or  
2162 assistance with the oversight review process and with the  
2163 preparation of an oversight review report.

2164        (4)~~(5)~~ Those conducting the oversight review process  
2165 shall, at a minimum, consider the listed criteria for evaluating  
2166 the special district, but may also consider any additional  
2167 factors relating to the district and its performance. If any of  
2168 the listed criteria does not apply to the special district being  
2169 reviewed, it need not be considered. The criteria to be  
2170 considered by the reviewer include:

2171            (a) The degree to which the service or services offered by  
2172 the special district are essential or contribute to the well-  
2173 being of the community.

2174            (b) The extent of continuing need for the service or  
2175 services currently provided by the special district.

2176            (c) The extent of municipal annexation or incorporation  
2177 activity occurring or likely to occur within the boundaries of  
2178 the special district and its impact on the delivery of services  
2179 by the special district.

2180            (d) Whether there is a less costly alternative method of  
2181 delivering the service or services that would adequately provide  
2182 the district residents with the services provided by the  
2183 district.

2184            (e) Whether transfer of the responsibility for delivery of

2185 the service or services to an entity other than the special  
 2186 district being reviewed could be accomplished without  
 2187 jeopardizing the district's existing contracts, bonds, or  
 2188 outstanding indebtedness.

2189 (f) Whether the Auditor General has notified the  
 2190 Legislative Auditing Committee that the special district's audit  
 2191 report, reviewed pursuant to s. 11.45(7), indicates that the  
 2192 district has met any of the conditions specified in s.  
 2193 218.503(1) or that a deteriorating financial condition exists  
 2194 that may cause a condition described in s. 218.503(1) to occur  
 2195 if actions are not taken to address such condition.

2196 (g) Whether the district is inactive according to the  
 2197 official list of special districts, and whether the district is  
 2198 meeting and discharging its responsibilities as required by its  
 2199 charter, as well as projected increases or decreases in district  
 2200 activity.

2201 (h) Whether the special district has failed to comply with  
 2202 any of the reporting requirements in this chapter, including  
 2203 preparation of the public facilities report.

2204 (i) Whether the special district has designated a  
 2205 registered office and agent as required by s. 189.014 ~~189.416~~,  
 2206 and has complied with all open public records and meeting  
 2207 requirements.

2208 ~~(6) Any special district may at any time provide the~~  
 2209 ~~Legislature and the general-purpose local government conducting~~  
 2210 ~~the review or making decisions based upon the final oversight~~

2211 ~~review report with written responses to any questions, concerns,~~  
 2212 ~~preliminary reports, draft reports, or final reports relating to~~  
 2213 ~~the district.~~

2214 ~~(7) The final report of a reviewing government shall be~~  
 2215 ~~filed with the government that created the district and shall~~  
 2216 ~~serve as the basis for any modification to the district charter~~  
 2217 ~~or dissolution or merger of the district.~~

2218 ~~(8) If legislative dissolution or merger of a district is~~  
 2219 ~~proposed in the final report, the reviewing government shall~~  
 2220 ~~also propose a plan for the merger or dissolution, and the plan~~  
 2221 ~~shall address the following factors in evaluating the proposed~~  
 2222 ~~merger or dissolution:~~

2223 ~~(a) Whether, in light of independent fiscal analysis,~~  
 2224 ~~level-of-service implications, and other public policy~~  
 2225 ~~considerations, the proposed merger or dissolution is the best~~  
 2226 ~~alternative for delivering services and facilities to the~~  
 2227 ~~affected area.~~

2228 ~~(b) Whether the services and facilities to be provided~~  
 2229 ~~pursuant to the merger or dissolution will be compatible with~~  
 2230 ~~the capacity and uses of existing local services and facilities.~~

2231 ~~(c) Whether the merger or dissolution is consistent with~~  
 2232 ~~applicable provisions of the state comprehensive plan, the~~  
 2233 ~~strategic regional policy plan, and the local government~~  
 2234 ~~comprehensive plans of the affected area.~~

2235 ~~(d) Whether the proposed merger adequately provides for~~  
 2236 ~~the assumption of all indebtedness.~~

2237  
 2238 ~~The reviewing government shall consider the report in a public~~  
 2239 ~~hearing held within the jurisdiction of the district. If adopted~~  
 2240 ~~by the governing board of the reviewing government, the request~~  
 2241 ~~for legislative merger or dissolution of the district may~~  
 2242 ~~proceed. The adopted plan shall be filed as an attachment to the~~  
 2243 ~~economic impact statement regarding the proposed special act or~~  
 2244 ~~general act of local application dissolving a district.~~

2245 ~~(9) This section does not apply to a deepwater port listed~~  
 2246 ~~in s. 311.09(1) which is in compliance with a port master plan~~  
 2247 ~~adopted pursuant to s. 163.3178(2)(k), or to an airport~~  
 2248 ~~authority operating in compliance with an airport master plan~~  
 2249 ~~approved by the Federal Aviation Administration, or to any~~  
 2250 ~~special district organized to operate health systems and~~  
 2251 ~~facilities licensed under chapter 395, chapter 400, or chapter~~  
 2252 ~~429.~~

2253 Section 51. Section 189.429, Florida Statutes, is  
 2254 transferred and renumbered as section 189.019, Florida Statutes,  
 2255 and subsection (1) of that section is amended, to read:

2256 189.019 ~~189.429~~ Codification.—

2257 (1) Each district, by December 1, 2004, shall submit to  
 2258 the Legislature a draft codified charter, at its expense, so  
 2259 that its special acts may be codified into a single act for  
 2260 reenactment by the Legislature, if there is more than one  
 2261 special act for the district. The Legislature may adopt a  
 2262 schedule for individual district codification. Any codified act

2263 relating to a district, which act is submitted to the  
 2264 Legislature for reenactment, shall provide for the repeal of all  
 2265 prior special acts of the Legislature relating to the district.  
 2266 The codified act shall be filed with the department pursuant to  
 2267 s. 189.016(2) ~~189.418(2)~~.

2268 Section 52. Section 189.034, Florida Statutes, is created  
 2269 to read:

2270 189.034 Oversight of special districts created by special  
 2271 act of the Legislature.-

2272 (1) This section applies to any special district created  
 2273 by special act of the Legislature.

2274 (2) In the event that a special district created by  
 2275 special act of the Legislature fails to file required reports  
 2276 with the appropriate state agency pursuant to ss. 218.32 and  
 2277 218.39, the Legislative Auditing Committee or their designee  
 2278 shall provide written notice of the district's noncompliance to  
 2279 the chair of the county legislative delegation in which the  
 2280 geographical boundaries of the jurisdiction of the special  
 2281 district is located or, if the jurisdiction of the special  
 2282 district extends beyond the boundaries of a single county, the  
 2283 to the chairs of the county legislative delegation for each  
 2284 county in which the district has jurisdiction.

2285 (3) The chair of the county legislative delegation shall  
 2286 convene a public hearing on the issue of noncompliance within 6  
 2287 months upon receipt of notice of noncompliance from the  
 2288 Legislative Auditing Committee.



2289 (4) Before the public hearing regarding the special  
 2290 district's noncompliance, the county legislative delegation may  
 2291 request the following:

2292 (a) The district's annual financial report for the prior  
 2293 fiscal year.

2294 (b) The district's audit report for the previous fiscal  
 2295 year.

2296 (c) An annual report for the previous fiscal year  
 2297 providing a detailed review of the performance of the special  
 2298 district including the following information:

2299 1. The mission of the special district.

2300 2. The sources of funding for the special district.

2301 3. A description of the major activities, programs, and  
 2302 initiatives that the special district has undertaken in the most  
 2303 recently completed fiscal year and the benchmarks or criteria  
 2304 under which the success or failure of the district was  
 2305 determined by its governing body.

2306 4. Any challenges or obstacles faced by the special  
 2307 district in fulfilling its mission and related responsibilities.

2308 5. Ways the special district believes it could better  
 2309 fulfill its mission and related responsibilities and a  
 2310 description of the actions that it intends to take during the  
 2311 ensuing fiscal year.

2312 6. Proposed changes to the special act that established  
 2313 the special district and justification for such changes.

2314 7. Any other information reasonably required to provide

2315 the legislative delegations with an accurate understanding of  
2316 the purpose for which the special district exists and how it is  
2317 fulfilling its responsibilities to accomplish that purpose.

2318 8. Any reasons for the district's noncompliance.

2319 9. If the district is currently in compliance and plans to  
2320 correct any recurring issues of noncompliance.

2321 10. Efforts to promote transparency, including maintenance  
2322 of the district's website in accordance with s. 189.069.

2323 Section 53. Section 189.035, Florida Statutes, is created  
2324 to read:

2325 189.035 Oversight of special districts created by local  
2326 ordinance.—

2327 (1) This section applies to any special district created  
2328 by local ordinance.

2329 (2) In the event that a special district created by local  
2330 ordinance fails to file required reports with the appropriate  
2331 state agency pursuant to ss. 218.32 and 218.39, the Legislative  
2332 Auditing Committee or their designee shall provide written  
2333 notice of the district's noncompliance to the chair or  
2334 equivalent of the local general-purpose government.

2335 (3) The chair or equivalent of the local general-purpose  
2336 government shall convene a public hearing on the issue of  
2337 noncompliance within 6 months upon receipt of notice of  
2338 noncompliance from the Legislative Auditing Committee.

2339 (4) Before the public hearing regarding the special  
2340 district's noncompliance, the local general-purpose government

2341 may request the following:

2342 (a) The district's annual financial report for the prior  
2343 fiscal year.

2344 (b) The district's audit report for the previous fiscal  
2345 year.

2346 (c) An annual report for the previous fiscal year  
2347 providing a detailed review of the performance of the special  
2348 district including the following information:

2349 1. The mission of the special district.

2350 2. The sources of funding for the special district.

2351 3. A description of the major activities, programs, and  
2352 initiatives that the special district has undertaken in the most  
2353 recently completed fiscal year and the benchmarks or criteria  
2354 under which the success or failure of the district was  
2355 determined by its governing body.

2356 4. Any challenges or obstacles faced by the special  
2357 district in fulfilling its mission and related responsibilities.

2358 5. Ways the special district believes it could better  
2359 fulfill its mission and related responsibilities and a  
2360 description of the actions that it intends to take during the  
2361 ensuing fiscal year.

2362 6. Proposed changes to the special act that established  
2363 the special district and justification for such changes.

2364 7. Any other information reasonably required to provide  
2365 the legislative delegations with an accurate understanding of  
2366 the purpose for which the special district exists and how it is

2367 fulfilling its responsibilities to accomplish that purpose.

2368 8. Any reasons for the district's noncompliance.

2369 9. If the district is currently in compliance and plans to  
 2370 correct any recurring issues of noncompliance.

2371 10. Efforts to promote transparency, including maintenance  
 2372 of the district's website in accordance with s. 189.069.

2373 Section 54. Section 189.055, Florida Statutes, is created  
 2374 to read:

2375 189.055 Treatment of special districts.—For the purpose of  
 2376 s. 196.199(1), special districts shall be treated as  
 2377 municipalities.

2378 Section 55. Section 189.069, Florida Statutes, is created  
 2379 to read:

2380 189.069 Special districts; required reporting of  
 2381 information; web-based public access.—

2382 (1) (a) Beginning on July 1, 2015, for each fiscal year,  
 2383 all special districts shall annually update and maintain on its  
 2384 official Internet website the information required by this  
 2385 section in accordance with s. 189.418. All special districts  
 2386 shall submit its official Internet website address to the  
 2387 department. The information shall include, at a minimum, the  
 2388 following:

2389 1. The full legal name of the special district.

2390 2. The public purpose of the special district.

2391 3. The name, address, e-mail address and, if applicable,  
 2392 the term and appointing authority for each member of the

2393 governing body of the special district.

2394 4. The fiscal year of the special district.

2395 5. The full text of the special district's charter, the  
2396 date of establishment, the establishing entity, and the statute  
2397 or statutes under which the special district operates, if  
2398 different from the statute or statutes under which it was  
2399 established.

2400 6. The mailing address, e-mail address, telephone number,  
2401 and Internet website uniform resource locator of the special  
2402 district.

2403 7. A description of the boundaries or service area of, and  
2404 the services provided by, the special district.

2405 8. A listing of all taxes, fees or charges imposed and  
2406 collected by the special district, including the rates or  
2407 amounts charged for the fiscal year and the statutory authority  
2408 for the levy of the tax, fee or charge.

2409 9. The primary contact information for the special  
2410 district for purposes of communication from the department.

2411 10. The code of ethics that applies to the special  
2412 district, and whether the special district has adopted  
2413 additional ethics provisions.

2414 11. A listing of all federal, state, and local entities  
2415 that have oversight authority over the special district or to  
2416 which the special district submits reports, data or information.

2417 12. The most recent adopted budget of the special  
2418 district.

2419 13. After the end of each fiscal year, a comparison of the  
 2420 budget to actual revenues and expenditures for each fiscal year.

2421 14. Any completed audit reports for the most recent  
 2422 completed fiscal year, and audit reports required by law or  
 2423 authorized by the governing body of the special district.

2424 15. Any other financial and administrative information  
 2425 required by the department.

2426 (2) The department Internet website listing of all special  
 2427 districts in the state required by s. 189.061 shall include a  
 2428 link for each special district that provides web-based access to  
 2429 the public for all of the information and documentation required  
 2430 to be submitted to the department pursuant to subsection (1).

2431 Section 56. Section 189.0691, Florida Statutes, is created  
 2432 to read:

2433 189.0691 Suspension of special district governing body  
 2434 members.—If a special district violates the requirements of this  
 2435 chapter, the department shall report such violations, and  
 2436 provide all appropriate proof of the violations, to the Governor  
 2437 who may take action against the governing body members of the  
 2438 special district as authorized in s. 112.51.

2439 Section 57. Section 189.430, Florida Statutes, is  
 2440 repealed.

2441 Section 58. Section 189.431, Florida Statutes, is  
 2442 repealed.

2443 Section 59. Section 189.432, Florida Statutes, is  
 2444 repealed.

2445           Section 60. Section 189.433, Florida Statutes, is  
 2446 repealed.

2447           Section 61. Section 189.434, Florida Statutes, is  
 2448 repealed.

2449           Section 62. Section 189.435, Florida Statutes, is  
 2450 repealed.

2451           Section 63. Section 189.436, Florida Statutes, is  
 2452 repealed.

2453           Section 64. Section 189.437, Florida Statutes, is  
 2454 repealed.

2455           Section 65. Section 189.438, Florida Statutes, is  
 2456 repealed.

2457           Section 66. Section 189.439, Florida Statutes, is  
 2458 repealed.

2459           Section 67. Section 189.440, Florida Statutes, is  
 2460 repealed.

2461           Section 68. Section 189.441, Florida Statutes, is  
 2462 repealed.

2463           Section 69. Section 189.442, Florida Statutes, is  
 2464 repealed.

2465           Section 70. Section 189.443, Florida Statutes, is  
 2466 repealed.

2467           Section 71. Section 189.444, Florida Statutes, is  
 2468 repealed.

2469           Section 72. Paragraph (e) of subsection (1) of section  
 2470 11.45, Florida Statutes, is amended to read:

2471 11.45 Definitions; duties; authorities; reports; rules.—

2472 (1) DEFINITIONS.—As used in ss. 11.40-11.51, the term:

2473 (e) "Local governmental entity" means a county agency,  
 2474 municipality, or special district as defined in s. 189.012  
 2475 ~~189.403~~, but does not include any housing authority established  
 2476 under chapter 421.

2477 Section 73. Paragraph (c) of subsection (4) of section  
 2478 100.011, Florida Statutes, is amended to read:

2479 100.011 Opening and closing of polls, all elections;  
 2480 expenses.—

2481 (4)

2482 (c) The provisions of any special law to the contrary  
 2483 notwithstanding, all independent and dependent special district  
 2484 elections, with the exception of community development district  
 2485 elections, shall be conducted in accordance with the  
 2486 requirements of ss. 189.04 and 189.041 ~~189.405 and 189.4051~~.

2487 Section 74. Paragraph (f) of subsection (1) of section  
 2488 101.657, Florida Statutes, is amended to read:

2489 101.657 Early voting.—

2490 (1)

2491 (f) Notwithstanding the requirements of s. 189.04 ~~189.405~~,  
 2492 special districts may provide early voting in any district  
 2493 election not held in conjunction with county or state elections.  
 2494 If a special district provides early voting, it may designate as  
 2495 many sites as necessary and shall conduct its activities in  
 2496 accordance with the provisions of paragraphs (a)-(c). The



2497 supervisor is not required to conduct early voting if it is  
 2498 provided pursuant to this subsection.

2499 Section 75. Paragraph (a) of subsection (14) of section  
 2500 112.061, Florida Statutes, is amended to read:

2501 112.061 Per diem and travel expenses of public officers,  
 2502 employees, and authorized persons.—

2503 (14) APPLICABILITY TO COUNTIES, COUNTY OFFICERS, DISTRICT  
 2504 SCHOOL BOARDS, SPECIAL DISTRICTS, AND METROPOLITAN PLANNING  
 2505 ORGANIZATIONS.—

2506 (a) The following entities may establish rates that vary  
 2507 from the per diem rate provided in paragraph (6) (a), the  
 2508 subsistence rates provided in paragraph (6) (b), or the mileage  
 2509 rate provided in paragraph (7) (d) if those rates are not less  
 2510 than the statutorily established rates that are in effect for  
 2511 the 2005-2006 fiscal year:

2512 1. The governing body of a county by the enactment of an  
 2513 ordinance or resolution;

2514 2. A county constitutional officer, pursuant to s. 1(d),  
 2515 Art. VIII of the State Constitution, by the establishment of  
 2516 written policy;

2517 3. The governing body of a district school board by the  
 2518 adoption of rules;

2519 4. The governing body of a special district, as defined in  
 2520 s. 189.012 ~~189.403(1)~~, except those special districts that are  
 2521 subject to s. 166.021(9), by the enactment of a resolution; or

2522 5. Any metropolitan planning organization created pursuant

2523 to s. 339.175 or any other separate legal or administrative  
 2524 entity created pursuant to s. 339.175 of which a metropolitan  
 2525 planning organization is a member, by the enactment of a  
 2526 resolution.

2527  
 2528 Section 76. Paragraph (d) of subsection (4) of section  
 2529 112.63, Florida Statutes, is amended to read:

2530 112.63 Actuarial reports and statements of actuarial  
 2531 impact; review.—

2532 (4) Upon receipt, pursuant to subsection (2), of an  
 2533 actuarial report, or, pursuant to subsection (3), of a statement  
 2534 of actuarial impact, the Department of Management Services shall  
 2535 acknowledge such receipt, but shall only review and comment on  
 2536 each retirement system's or plan's actuarial valuations at least  
 2537 on a triennial basis.

2538 (d) In the case of an affected special district, the  
 2539 Department of Management Services shall also notify the  
 2540 Department of Economic Opportunity. Upon receipt of  
 2541 notification, the Department of Economic Opportunity shall  
 2542 proceed pursuant to s. 189.067 ~~189.421~~.

2543 1. Failure of a special district to provide a required  
 2544 report or statement, to make appropriate adjustments, or to  
 2545 provide additional material information after the procedures  
 2546 specified in s. 189.067(1) ~~189.421(1)~~ are exhausted shall be  
 2547 deemed final action by the special district.

2548 2. The Department of Management Services may notify the

2549 Department of Economic Opportunity of those special districts  
 2550 that failed to come into compliance. Upon receipt of  
 2551 notification, the Department of Economic Opportunity shall  
 2552 proceed pursuant to s. 189.421(4).

2553 Section 77. Subsection (9) of section 121.021, Florida  
 2554 Statutes, is amended to read:

2555 121.021 Definitions.—The following words and phrases as  
 2556 used in this chapter have the respective meanings set forth  
 2557 unless a different meaning is plainly required by the context:

2558 (9) "Special district" means an independent special  
 2559 district as defined in s. 189.012 ~~189.403(3)~~.

2560 Section 78. Paragraph (b) of subsection (2) of section  
 2561 121.051, Florida Statutes, is amended to read:

2562 121.051 Participation in the system.—

2563 (2) OPTIONAL PARTICIPATION.—

2564 (b)1. The governing body of any municipality, metropolitan  
 2565 planning organization, or special district in the state may  
 2566 elect to participate in the Florida Retirement System upon  
 2567 proper application to the administrator and may cover all of its  
 2568 units as approved by the Secretary of Health and Human Services  
 2569 and the administrator. The department shall adopt rules  
 2570 establishing procedures for the submission of documents  
 2571 necessary for such application. Before being approved for  
 2572 participation in the system, the governing body of a  
 2573 municipality, metropolitan planning organization, or special  
 2574 district that has a local retirement system must submit to the

2575 administrator a certified financial statement showing the  
2576 condition of the local retirement system within 3 months before  
2577 the proposed effective date of membership in the Florida  
2578 Retirement System. The statement must be certified by a  
2579 recognized accounting firm that is independent of the local  
2580 retirement system. All required documents necessary for  
2581 extending Florida Retirement System coverage must be received by  
2582 the department for consideration at least 15 days before the  
2583 proposed effective date of coverage. If the municipality,  
2584 metropolitan planning organization, or special district does not  
2585 comply with this requirement, the department may require that  
2586 the effective date of coverage be changed.

2587         2. A municipality, metropolitan planning organization, or  
2588 special district that has an existing retirement system covering  
2589 the employees in the units that are to be brought under the  
2590 Florida Retirement System may participate only after holding a  
2591 referendum in which all employees in the affected units have the  
2592 right to participate. Only those employees electing coverage  
2593 under the Florida Retirement System by affirmative vote in the  
2594 referendum are eligible for coverage under this chapter, and  
2595 those not participating or electing not to be covered by the  
2596 Florida Retirement System shall remain in their present systems  
2597 and are not eligible for coverage under this chapter. After the  
2598 referendum is held, all future employees are compulsory members  
2599 of the Florida Retirement System.

2600         3. At the time of joining the Florida Retirement System,

HB 1237

2014

2601 the governing body of a municipality, metropolitan planning  
2602 organization, or special district complying with subparagraph 1.  
2603 may elect to provide, or not provide, benefits based on past  
2604 service of officers and employees as described in s. 121.081(1).  
2605 However, if such employer elects to provide past service  
2606 benefits, such benefits must be provided for all officers and  
2607 employees of its covered group.

2608 4. Once this election is made and approved it may not be  
2609 revoked, except pursuant to subparagraphs 5. and 6., and all  
2610 present officers and employees electing coverage and all future  
2611 officers and employees are compulsory members of the Florida  
2612 Retirement System.

2613 5. Subject to subparagraph 6., the governing body of a  
2614 hospital licensed under chapter 395 which is governed by the  
2615 governing body ~~board~~ of a special district as defined in s.  
2616 189.012 ~~189.403~~ or by the board of trustees of a public health  
2617 trust created under s. 154.07, hereinafter referred to as  
2618 "hospital district," and which participates in the Florida  
2619 Retirement System, may elect to cease participation in the  
2620 system with regard to future employees in accordance with the  
2621 following:

2622 a. No more than 30 days and at least 7 days before  
2623 adopting a resolution to partially withdraw from the system and  
2624 establish an alternative retirement plan for future employees, a  
2625 public hearing must be held on the proposed withdrawal and  
2626 proposed alternative plan.

2627           b. From 7 to 15 days before such hearing, notice of intent  
2628 to withdraw, specifying the time and place of the hearing, must  
2629 be provided in writing to employees of the hospital district  
2630 proposing partial withdrawal and must be published in a  
2631 newspaper of general circulation in the area affected, as  
2632 provided by ss. 50.011-50.031. Proof of publication must be  
2633 submitted to the Department of Management Services.

2634           c. The governing body of a hospital district seeking to  
2635 partially withdraw from the system must, before such hearing,  
2636 have an actuarial report prepared and certified by an enrolled  
2637 actuary, as defined in s. 112.625, illustrating the cost to the  
2638 hospital district of providing, through the retirement plan that  
2639 the hospital district is to adopt, benefits for new employees  
2640 comparable to those provided under the system.

2641           d. Upon meeting all applicable requirements of this  
2642 subparagraph, and subject to subparagraph 6., partial withdrawal  
2643 from the system and adoption of the alternative retirement plan  
2644 may be accomplished by resolution duly adopted by the hospital  
2645 district board. The hospital district board must provide written  
2646 notice of such withdrawal to the division by mailing a copy of  
2647 the resolution to the division, postmarked by December 15, 1995.  
2648 The withdrawal shall take effect January 1, 1996.

2649           6. Following the adoption of a resolution under sub-  
2650 subparagraph 5.d., all employees of the withdrawing hospital  
2651 district who were members of the system before January 1, 1996,  
2652 shall remain as members of the system for as long as they are

HB 1237

2014

2653 employees of the hospital district, and all rights, duties, and  
2654 obligations between the hospital district, the system, and the  
2655 employees remain in full force and effect. Any employee who is  
2656 hired or appointed on or after January 1, 1996, may not  
2657 participate in the system, and the withdrawing hospital district  
2658 has no obligation to the system with respect to such employees.

2659 Section 79. Subsections (1), (4), and (6) of section  
2660 125.901, Florida Statutes, are amended to read:

2661 125.901 Children's services; independent special district;  
2662 council; powers, duties, and functions; public records  
2663 exemption.—

2664 (1) Each county may by ordinance create an independent  
2665 special district, as defined in ss. 189.012 ~~189.403(3)~~ and  
2666 200.001(8)(e), to provide funding for children's services  
2667 throughout the county in accordance with this section. The  
2668 boundaries of such district shall be coterminous with the  
2669 boundaries of the county. The county governing body shall obtain  
2670 approval, by a majority vote of those electors voting on the  
2671 question, to annually levy ad valorem taxes which shall not  
2672 exceed the maximum millage rate authorized by this section. Any  
2673 district created pursuant to the provisions of this subsection  
2674 shall be required to levy and fix millage subject to the  
2675 provisions of s. 200.065. Once such millage is approved by the  
2676 electorate, the district shall not be required to seek approval  
2677 of the electorate in future years to levy the previously  
2678 approved millage.

2679 (a) The governing body ~~board~~ of the district shall be a  
 2680 council on children's services, which may also be known as a  
 2681 juvenile welfare board or similar name as established in the  
 2682 ordinance by the county governing body. Such council shall  
 2683 consist of 10 members, including: the superintendent of schools;  
 2684 a local school board member; the district administrator from the  
 2685 appropriate district of the Department of Children and Family  
 2686 Services, or his or her designee who is a member of the Senior  
 2687 Management Service or of the Selected Exempt Service; one member  
 2688 of the county governing body; and the judge assigned to juvenile  
 2689 cases who shall sit as a voting member of the board, except that  
 2690 said judge shall not vote or participate in the setting of ad  
 2691 valorem taxes under this section. If there is more than one  
 2692 judge assigned to juvenile cases in a county, the chief judge  
 2693 shall designate one of said juvenile judges to serve on the  
 2694 board. The remaining five members shall be appointed by the  
 2695 Governor, and shall, to the extent possible, represent the  
 2696 demographic diversity of the population of the county. After  
 2697 soliciting recommendations from the public, the county governing  
 2698 body shall submit to the Governor the names of at least three  
 2699 persons for each vacancy occurring among the five members  
 2700 appointed by the Governor, and the Governor shall appoint  
 2701 members to the council from the candidates nominated by the  
 2702 county governing body. The Governor shall make a selection  
 2703 within a 45-day period or request a new list of candidates. All  
 2704 members appointed by the Governor shall have been residents of



2705 the county for the previous 24-month period. Such members shall  
 2706 be appointed for 4-year terms, except that the length of the  
 2707 terms of the initial appointees shall be adjusted to stagger the  
 2708 terms. The Governor may remove a member for cause or upon the  
 2709 written petition of the county governing body. If any of the  
 2710 members of the council required to be appointed by the Governor  
 2711 under the provisions of this subsection shall resign, die, or be  
 2712 removed from office, the vacancy thereby created shall, as soon  
 2713 as practicable, be filled by appointment by the Governor, using  
 2714 the same method as the original appointment, and such  
 2715 appointment to fill a vacancy shall be for the unexpired term of  
 2716 the person who resigns, dies, or is removed from office.

2717 (b) However, any county as defined in s. 125.011(1) may  
 2718 instead have a governing body ~~board~~ consisting of 33 members,  
 2719 including: the superintendent of schools; two representatives of  
 2720 public postsecondary education institutions located in the  
 2721 county; the county manager or the equivalent county officer; the  
 2722 district administrator from the appropriate district of the  
 2723 Department of Children and Family Services, or the  
 2724 administrator's designee who is a member of the Senior  
 2725 Management Service or the Selected Exempt Service; the director  
 2726 of the county health department or the director's designee; the  
 2727 state attorney for the county or the state attorney's designee;  
 2728 the chief judge assigned to juvenile cases, or another juvenile  
 2729 judge who is the chief judge's designee and who shall sit as a  
 2730 voting member of the board, except that the judge may not vote

2731 or participate in setting ad valorem taxes under this section;  
2732 an individual who is selected by the board of the local United  
2733 Way or its equivalent; a member of a locally recognized faith-  
2734 based coalition, selected by that coalition; a member of the  
2735 local chamber of commerce, selected by that chamber or, if more  
2736 than one chamber exists within the county, a person selected by  
2737 a coalition of the local chambers; a member of the early  
2738 learning coalition, selected by that coalition; a representative  
2739 of a labor organization or union active in the county; a member  
2740 of a local alliance or coalition engaged in cross-system  
2741 planning for health and social service delivery in the county,  
2742 selected by that alliance or coalition; a member of the local  
2743 Parent-Teachers Association/Parent-Teacher-Student Association,  
2744 selected by that association; a youth representative selected by  
2745 the local school system's student government; a local school  
2746 board member appointed by the chair of the school board; the  
2747 mayor of the county or the mayor's designee; one member of the  
2748 county governing body, appointed by the chair of that body; a  
2749 member of the state Legislature who represents residents of the  
2750 county, selected by the chair of the local legislative  
2751 delegation; an elected official representing the residents of a  
2752 municipality in the county, selected by the county municipal  
2753 league; and 4 members-at-large, appointed to the council by the  
2754 majority of sitting council members. The remaining 7 members  
2755 shall be appointed by the Governor in accordance with procedures  
2756 set forth in paragraph (a), except that the Governor may remove

2757 a member for cause or upon the written petition of the council.  
2758 Appointments by the Governor must, to the extent reasonably  
2759 possible, represent the geographic and demographic diversity of  
2760 the population of the county. Members who are appointed to the  
2761 council by reason of their position are not subject to the  
2762 length of terms and limits on consecutive terms as provided in  
2763 this section. The remaining appointed members of the governing  
2764 board shall be appointed to serve 2-year terms, except that  
2765 those members appointed by the Governor shall be appointed to  
2766 serve 4-year terms, and the youth representative and the  
2767 legislative delegate shall be appointed to serve 1-year terms. A  
2768 member may be reappointed; however, a member may not serve for  
2769 more than three consecutive terms. A member is eligible to be  
2770 appointed again after a 2-year hiatus from the council.

2771 (c) This subsection does not prohibit a county from  
2772 exercising such power as is provided by general or special law  
2773 to provide children's services or to create a special district  
2774 to provide such services.

2775 (4) (a) Any district created pursuant to this section may  
2776 be dissolved by a special act of the Legislature, or the county  
2777 governing body may by ordinance dissolve the district subject to  
2778 the approval of the electorate.

2779 (b)1.a. Notwithstanding paragraph (a), the governing body  
2780 of the county shall submit the question of retention or  
2781 dissolution of a district with voter-approved taxing authority  
2782 to the electorate in the general election according to the

2783 following schedule:

2784 (I) For a district in existence on July 1, 2010, and  
 2785 serving a county with a population of 400,000 or fewer persons  
 2786 as of that date.....2014.

2787 (II) For a district in existence on July 1, 2010, and  
 2788 serving a county with a population of more than 400,000 but  
 2789 fewer than 2 million persons as of  
 2790 that date.....2016.

2791 (III) For a district in existence on July 1, 2010, and  
 2792 serving a county with a population of 2 million or more persons  
 2793 as of that date.....2020.

2794 b. A referendum by the electorate on or after July 1,  
 2795 2010, creating a new district with taxing authority may specify  
 2796 that the district is not subject to reauthorization or may  
 2797 specify the number of years for which the initial authorization  
 2798 shall remain effective. If the referendum does not prescribe  
 2799 terms of reauthorization, the governing body of the county shall  
 2800 submit the question of retention or dissolution of the district  
 2801 to the electorate in the general election 12 years after the  
 2802 initial authorization.

2803 2. The governing body ~~board~~ of the district may specify,  
 2804 and submit to the governing body of the county no later than 9  
 2805 months before the scheduled election, that the district is not  
 2806 subsequently subject to reauthorization or may specify the  
 2807 number of years for which a reauthorization under this paragraph  
 2808 shall remain effective. If the governing board of the district

2809 makes such specification and submission, the governing body of  
 2810 the county shall include that information in the question  
 2811 submitted to the electorate. If the governing board of the  
 2812 district does not specify and submit such information, the  
 2813 governing body of the county shall resubmit the question of  
 2814 reauthorization to the electorate every 12 years after the year  
 2815 prescribed in subparagraph 1. The governing board of the  
 2816 district may recommend to the governing body of the county  
 2817 language for the question submitted to the electorate.

2818 3. Nothing in this paragraph limits the authority to  
 2819 dissolve a district as provided under paragraph (a).

2820 4. Nothing in this paragraph precludes the governing board  
 2821 of a district from requesting that the governing body of the  
 2822 county submit the question of retention or dissolution of a  
 2823 district with voter-approved taxing authority to the electorate  
 2824 at a date earlier than the year prescribed in subparagraph 1. If  
 2825 the governing body of the county accepts the request and submits  
 2826 the question to the electorate, the governing body satisfies the  
 2827 requirement of that subparagraph.

2828  
 2829 If any district is dissolved pursuant to this subsection, each  
 2830 county must first obligate itself to assume the debts,  
 2831 liabilities, contracts, and outstanding obligations of the  
 2832 district within the total millage available to the county  
 2833 governing body for all county and municipal purposes as provided  
 2834 for under s. 9, Art. VII of the State Constitution. Any district

2835 may also be dissolved pursuant to s. part VII of chapter 189  
 2836 ~~189.4042~~.

2837 (6) Any district created pursuant to the provisions of  
 2838 this section shall comply with all other statutory requirements  
 2839 of general application which relate to the filing of any  
 2840 financial reports or compliance reports required under part III  
 2841 of chapter 218, or any other report or documentation required by  
 2842 law, including the requirements of ss. 189.08, 189.015, 189.016  
 2843 ~~189.415, 189.417, and 189.418~~.

2844 Section 80. Subsection (1) of 153.94, Florida Statutes, is  
 2845 amended to read:

2846 153.94 Applicability of other laws.—Except as expressly  
 2847 provided in this act:

2848 (1) With respect to any wastewater facility privatization  
 2849 contract entered into under this act, a public entity is subject  
 2850 to s. 125.3401, s. 180.301, s. 189.054 ~~189.423~~, or s. 190.0125  
 2851 but is not subject to the requirements of chapter 287.

2852 Section 81. Paragraph (a) of subsection (2) of section  
 2853 163.08, Florida Statutes, is amended to read:

2854 163.08 Supplemental authority for improvements to real  
 2855 property.—

2856 (2) As used in this section, the term:

2857 (a) "Local government" means a county, a municipality, a  
 2858 dependent special district as defined in s. 189.012 ~~189.403~~, or  
 2859 a separate legal entity created pursuant to s. 163.01(7).

2860 Section 82. Subsection (7) of section 165.031, Florida

2861 Statutes, is amended to read:

2862       165.031 Definitions.—The following terms and phrases, when  
 2863 used in this chapter, shall have the meanings ascribed to them  
 2864 in this section, except where the context clearly indicates a  
 2865 different meaning:

2866       (7) "Special district" means a local unit of special  
 2867 government, as defined in s. 189.012 ~~189.403(1)~~. This term  
 2868 includes dependent special districts, as defined in s. 189.012  
 2869 ~~189.403(2)~~, and independent special districts, as defined in s.  
 2870 189.012 ~~189.403(3)~~. All provisions of s. 200.001(8)(d) and (e)  
 2871 shall be considered provisions of this chapter.

2872       Section 83. Paragraph (b) of subsection (1) and  
 2873 subsections (8) and (16) of section 165.0615, Florida Statutes,  
 2874 are amended to read:

2875       165.0615 Municipal conversion of independent special  
 2876 districts upon elector-initiated and approved referendum.—

2877       (1) The qualified electors of an independent special  
 2878 district may commence a municipal conversion proceeding by  
 2879 filing a petition with the governing body of the independent  
 2880 special district proposed to be converted if the district meets  
 2881 all of the following criteria:

2882       (b) It is designated as an improvement district and  
 2883 created pursuant to chapter 298 or is designated as a  
 2884 stewardship district and created pursuant to s. 189.031 ~~189.404~~.

2885       (8) Notice of the final public hearing on the proposed  
 2886 elector-initiated combined municipal incorporation plan must be

2887 published pursuant to the notice requirements in s. 189.015  
 2888 ~~189.417~~ and must provide a descriptive summary of the elector-  
 2889 initiated municipal incorporation plan and a reference to the  
 2890 public places within the independent special district where a  
 2891 copy of the plan may be examined.

2892 (16) If the incorporation plan is approved by a majority  
 2893 of the votes cast in the independent special district, the  
 2894 district shall notify the special district information program  
 2895 pursuant to s. 189.016(2) ~~189.418(2)~~ and the local general-  
 2896 purpose governments in which any part of the independent special  
 2897 district is situated pursuant to s. 189.016(7) ~~189.418(7)~~.

2898 Section 84. Subsection (3) of section 171.202, Florida  
 2899 Statutes, is amended to read:

2900 171.202 Definitions.—As used in this part, the term:

2901 (3) "Independent special district" means an independent  
 2902 special district, as defined in s. 189.012 ~~189.403~~, which  
 2903 provides fire, emergency medical, water, wastewater, or  
 2904 stormwater services.

2905 Section 85. Subsection (16) of section 175.032, Florida  
 2906 Statutes, is amended to read:

2907 175.032 Definitions.—For any municipality, special fire  
 2908 control district, chapter plan, local law municipality, local  
 2909 law special fire control district, or local law plan under this  
 2910 chapter, the following words and phrases have the following  
 2911 meanings:

2912 (16) "Special fire control district" means a special



2913 district, as defined in s. 189.012 ~~189.403(1)~~, established for  
 2914 the purposes of extinguishing fires, protecting life, and  
 2915 protecting property within the incorporated or unincorporated  
 2916 portions of any county or combination of counties, or within any  
 2917 combination of incorporated and unincorporated portions of any  
 2918 county or combination of counties. The term does not include any  
 2919 dependent or independent special district, as defined in s.  
 2920 189.012 ~~189.403(2) and (3)~~, respectively, the employees of which  
 2921 are members of the Florida Retirement System pursuant to s.  
 2922 121.051(1) or (2).

2923 Section 86. Subsection (8) of section 190.046, Florida  
 2924 Statutes, is amended to read:

2925 190.046 Termination, contraction, or expansion of  
 2926 district.—

2927 (8) In the event the district has become inactive pursuant  
 2928 to s. 189.062 ~~189.4044~~, the respective board of county  
 2929 commissioners or city commission shall be informed and it shall  
 2930 take appropriate action.

2931 Section 87. Section 190.049, Florida Statutes, is amended  
 2932 to read:

2933 190.049 Special acts prohibited.—Pursuant to s. 11(a)(21),  
 2934 Art. III of the State Constitution, there shall be no special  
 2935 law or general law of local application creating an independent  
 2936 special district which has the powers enumerated in two or more  
 2937 of the paragraphs contained in s. 190.012, unless such district  
 2938 is created pursuant to the provisions of s. 189.031 ~~189.404~~.

2939 Section 88. Subsection (5) of section 191.003, Florida  
 2940 Statutes, is amended to read:

2941 191.003 Definitions.—As used in this act:

2942 (5) "Independent special fire control district" means an  
 2943 independent special district as defined in s. 189.012 ~~189.403~~,  
 2944 created by special law or general law of local application,  
 2945 providing fire suppression and related activities within the  
 2946 jurisdictional boundaries of the district. The term does not  
 2947 include a municipality, a county, a dependent special district  
 2948 as defined in s. 189.012 ~~189.403~~, a district providing primarily  
 2949 emergency medical services, a community development district  
 2950 established under chapter 190, or any other multiple-power  
 2951 district performing fire suppression and related services in  
 2952 addition to other services.

2953 Section 89. Paragraph (a) of subsection (1) and subsection  
 2954 (8) of section 191.005, Florida Statutes, are amended to read:

2955 191.005 District boards of commissioners; membership,  
 2956 officers, meetings.—

2957 (1)(a) With the exception of districts whose governing  
 2958 boards are appointed collectively by the Governor, the county  
 2959 commission, and any cooperating city within the county, the  
 2960 business affairs of each district shall be conducted and  
 2961 administered by a five-member board. All three-member boards  
 2962 existing on the effective date of this act shall be converted to  
 2963 five-member boards, except those permitted to continue as a  
 2964 three-member board by special act adopted in 1997 or thereafter.

2965 The board shall be elected in nonpartisan elections by the  
 2966 electors of the district. Except as provided in this act, such  
 2967 elections shall be held at the time and in the manner prescribed  
 2968 by law for holding general elections in accordance with s.  
 2969 189.04(2)(a) ~~189.405(2)(a)~~ and (3), and each member shall be  
 2970 elected for a term of 4 years and serve until the member's  
 2971 successor assumes office. Candidates for the board of a district  
 2972 shall qualify as directed by chapter 99.

2973 (8) All meetings of the board shall be open to the public  
 2974 consistent with chapter 286, s. 189.015 ~~189.417~~, and other  
 2975 applicable general laws.

2976 Section 90. Subsection (6) of section 190.011, Florida  
 2977 Statutes, is amended to read:

2978 190.011 General powers.—The district shall have, and the  
 2979 board may exercise, the following powers:

2980 (6) To maintain an office at such place or places as it  
 2981 may designate within a county in which the district is located  
 2982 or within the boundaries of a development of regional impact or  
 2983 a Florida Quality Development, or a combination of a development  
 2984 of regional impact and a Florida Quality Development, which  
 2985 includes the district, which office must be reasonably  
 2986 accessible to the landowners. Meetings pursuant to s. 189.015(3)  
 2987 ~~189.417(3)~~ of a district within the boundaries of a development  
 2988 of regional impact or Florida Quality Development, or a  
 2989 combination of a development of regional impact and a Florida  
 2990 Quality Development, may be held at such office.

2991 Section 91. Subsection (2) of section 191.013, Florida  
 2992 Statutes, is amended to read:

2993 191.013 Intergovernmental coordination.—

2994 (2) Each independent special fire control district shall  
 2995 adopt a 5-year plan to identify the facilities, equipment,  
 2996 personnel, and revenue needed by the district during that 5-year  
 2997 period. The plan shall be updated in accordance with s. 189.08  
 2998 ~~189.415~~ and shall satisfy the requirement for a public  
 2999 facilities report required by s. 189.08(2) ~~189.415(2)~~.

3000 Section 92. Subsection (1) of section 191.014, Florida  
 3001 Statutes, is amended to read:

3002 191.014 District creation and expansion.—

3003 (1) New districts may be created only by the Legislature  
 3004 under s. 189.031 ~~189.404~~.

3005 Section 93. Section 191.015, Florida Statutes, is amended  
 3006 to read:

3007 191.015 Codification.—Each fire control district existing  
 3008 on the effective date of this section, by December 1, 2004,  
 3009 shall submit to the Legislature a draft codified charter, at its  
 3010 expense, so that its special acts may be codified into a single  
 3011 act for reenactment by the Legislature, if there is more than  
 3012 one special act for the district. The Legislature may adopt a  
 3013 schedule for individual district codification. Any codified act  
 3014 relating to a district, which act is submitted to the  
 3015 Legislature for reenactment, shall provide for the repeal of all  
 3016 prior special acts of the Legislature relating to the district.

3017 The codified act shall be filed with the Department of Economic  
 3018 Opportunity pursuant to s. 189.016(2) ~~189.418(2)~~.

3019 Section 94. Paragraphs (c), (d), and (e) of subsection (8)  
 3020 of section 200.001, Florida Statutes, are amended to read:

3021 200.001 Millages; definitions and general provisions.—

3022 (8)

3023 (c) "Special district" means a special district as defined  
 3024 in s. 189.012 ~~189.403(1)~~.

3025 (d) "Dependent special district" means a dependent special  
 3026 district as defined in s. 189.012 ~~189.403(2)~~. Dependent special  
 3027 district millage, when added to the millage of the governing  
 3028 body to which it is dependent, shall not exceed the maximum  
 3029 millage applicable to such governing body.

3030 (e) "Independent special district" means an independent  
 3031 special district as defined in s. 189.012 ~~189.403(3)~~, with the  
 3032 exception of a downtown development authority established prior  
 3033 to the effective date of the 1968 State Constitution as an  
 3034 independent body, either appointed or elected, regardless of  
 3035 whether or not the budget is approved by the local governing  
 3036 body, if the district levies a millage authorized as of the  
 3037 effective date of the 1968 State Constitution. Independent  
 3038 special district millage shall not be levied in excess of a  
 3039 millage amount authorized by general law and approved by vote of  
 3040 the electors pursuant to s. 9(b), Art. VII of the State  
 3041 Constitution, except for those independent special districts  
 3042 levying millage for water management purposes as provided in

3043 that section and municipal service taxing units as specified in  
 3044 s. 125.01(1)(q) and (r). However, independent special district  
 3045 millage authorized as of the date the 1968 State Constitution  
 3046 became effective need not be so approved, pursuant to s. 2, Art.  
 3047 XII of the State Constitution.

3048 Section 95. Subsections (1), (5), (6), and (7) of section  
 3049 218.31, Florida Statutes, are amended to read:

3050 218.31 Definitions.—As used in this part, except where the  
 3051 context clearly indicates a different meaning:

3052 (1) "Local governmental entity" means a county agency, a  
 3053 municipality, or a special district as defined in s. 189.012  
 3054 ~~189.403~~. For purposes of s. 218.32, the term also includes a  
 3055 housing authority created under chapter 421.

3056 (5) "Special district" means a special district as defined  
 3057 in s. 189.012 ~~189.403(1)~~.

3058 (6) "Dependent special district" means a dependent special  
 3059 district as defined in s. 189.012 ~~189.403(2)~~.

3060 (7) "Independent special district" means an independent  
 3061 special district as defined in s. 189.012 ~~189.403(3)~~.

3062 Section 96. Paragraph (a) of subsection (1) of section  
 3063 218.32, Florida Statutes, is amended to read:

3064 218.32 Annual financial reports; local governmental  
 3065 entities.—

3066 (1)(a) Each local governmental entity that is determined  
 3067 to be a reporting entity, as defined by generally accepted  
 3068 accounting principles, and each independent special district as

3069 defined in s. 189.012 ~~189.403~~, shall submit to the department a  
 3070 copy of its annual financial report for the previous fiscal year  
 3071 in a format prescribed by the department. The annual financial  
 3072 report must include a list of each local governmental entity  
 3073 included in the report and each local governmental entity that  
 3074 failed to provide financial information as required by paragraph  
 3075 (b). The chair of the governing body and the chief financial  
 3076 officer of each local governmental entity shall sign the annual  
 3077 financial report submitted pursuant to this subsection attesting  
 3078 to the accuracy of the information included in the report. The  
 3079 county annual financial report must be a single document that  
 3080 covers each county agency.

3081 Section 97. Paragraph (j) of subsection (1) of section  
 3082 255.20, Florida Statutes, is amended to read:

3083 255.20 Local bids and contracts for public construction  
 3084 works; specification of state-produced lumber.—

3085 (1) A county, municipality, special district as defined in  
 3086 chapter 189, or other political subdivision of the state seeking  
 3087 to construct or improve a public building, structure, or other  
 3088 public construction works must competitively award to an  
 3089 appropriately licensed contractor each project that is estimated  
 3090 in accordance with generally accepted cost-accounting principles  
 3091 to cost more than \$300,000. For electrical work, the local  
 3092 government must competitively award to an appropriately licensed  
 3093 contractor each project that is estimated in accordance with  
 3094 generally accepted cost-accounting principles to cost more than

HB 1237

2014

3095 \$75,000. As used in this section, the term "competitively award"  
3096 means to award contracts based on the submission of sealed bids,  
3097 proposals submitted in response to a request for proposal,  
3098 proposals submitted in response to a request for qualifications,  
3099 or proposals submitted for competitive negotiation. This  
3100 subsection expressly allows contracts for construction  
3101 management services, design/build contracts, continuation  
3102 contracts based on unit prices, and any other contract  
3103 arrangement with a private sector contractor permitted by any  
3104 applicable municipal or county ordinance, by district  
3105 resolution, or by state law. For purposes of this section, cost  
3106 includes the cost of all labor, except inmate labor, and the  
3107 cost of equipment and materials to be used in the construction  
3108 of the project. Subject to the provisions of subsection (3), the  
3109 county, municipality, special district, or other political  
3110 subdivision may establish, by municipal or county ordinance or  
3111 special district resolution, procedures for conducting the  
3112 bidding process.

3113 (j) A county, municipality, special district as defined in  
3114 s. 189.012 ~~189.403~~, or any other political subdivision of the  
3115 state that owns or operates a public-use airport as defined in  
3116 s. 332.004 is exempt from this section when performing repairs  
3117 or maintenance on the airport's buildings, structures, or public  
3118 construction works using the local government's own services,  
3119 employees, and equipment.

3120 Section 98. Subsection (4) of section 298.225, Florida



3121 Statutes, is amended to read:

3122       298.225 Water control plan; plan development and  
3123 amendment.—

3124       (4) Information contained within a district's facilities  
3125 plan prepared pursuant to s. 189.08 ~~189.415~~ which satisfies any  
3126 of the provisions of subsection (3) may be used as part of the  
3127 district water control plan.

3128       Section 99. Subsection (7) of section 343.922, Florida  
3129 Statutes, is amended to read:

3130       343.922 Powers and duties.—

3131       (7) The authority shall comply with all statutory  
3132 requirements of general application which relate to the filing  
3133 of any report or documentation required by law, including the  
3134 requirements of ss. 189.015, 189.016, 189.051, and 189.08  
3135 ~~189.4085, 189.415, 189.417, and 189.418.~~

3136       Section 100. Subsection (5) of section 348.0004, Florida  
3137 Statutes, is amended to read:

3138       348.0004 Purposes and powers.—

3139       (5) Any authority formed pursuant to this act shall comply  
3140 with all statutory requirements of general application which  
3141 relate to the filing of any report or documentation required by  
3142 law, including the requirements of ss. 189.015, 189.016,  
3143 189.051, and 189.08 ~~189.4085, 189.415, 189.417, and 189.418.~~

3144       Section 101. Section 373.711, Florida Statutes, is amended  
3145 to read:

3146       373.711 Technical assistance to local governments.—The

3147 water management districts shall assist local governments in the  
 3148 development and future revision of local government  
 3149 comprehensive plan elements or public facilities report as  
 3150 required by s. 189.08 ~~189.415~~, related to water resource issues.

3151 Section 102. Paragraph (b) of subsection (3) of section  
 3152 403.0891, Florida Statutes, is amended to read:

3153 403.0891 State, regional, and local stormwater management  
 3154 plans and programs.—The department, the water management  
 3155 districts, and local governments shall have the responsibility  
 3156 for the development of mutually compatible stormwater management  
 3157 programs.

3158 (3)

3159 (b) Local governments are encouraged to consult with the  
 3160 water management districts, the Department of Transportation,  
 3161 and the department before adopting or updating their local  
 3162 government comprehensive plan or public facilities report as  
 3163 required by s. 189.08 ~~189.415~~, whichever is applicable.

3164 Section 103. Subsection (1) of section 582.32, Florida  
 3165 Statutes, is amended to read:

3166 582.32 Effect of dissolution.—

3167 (1) Upon issuance of a certificate of dissolution, s.  
 3168 189.076(2) ~~189.4045(2)~~ applies and all land use regulations in  
 3169 effect within such districts are void.

3170 Section 104. Paragraph (a) of subsection (3) of section  
 3171 1013.355, Florida Statutes, is amended to read:

3172 1013.355 Educational facilities benefit districts.—

HB 1237

2014

3173 (3) (a) An educational facilities benefit district may be  
3174 created pursuant to this act and chapters 125, 163, 166, and  
3175 189. An educational facilities benefit district charter may be  
3176 created by a county or municipality by entering into an  
3177 interlocal agreement, as authorized by s. 163.01, with the  
3178 district school board and any local general purpose government  
3179 within whose jurisdiction a portion of the district is located  
3180 and adoption of an ordinance that includes all provisions  
3181 contained within s. 189.02 ~~189.4041~~. The creating entity shall  
3182 be the local general purpose government within whose boundaries  
3183 a majority of the educational facilities benefit district's  
3184 lands are located.

3185 Section 105. This act shall take effect July 1, 2014.