

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; amending s. 11.40, F.S.; revising duties of  
5 the Legislative Auditing Committee; amending s.  
6 112.312, F.S.; redefining the term "agency" as it  
7 applies to the code of ethics for public officers and  
8 employees to include special districts; creating s.  
9 112.511, F.S.; specifying applicability of procedures  
10 regarding suspension and removal of a member of the  
11 governing body of a special district; amending s.  
12 125.901, F.S.; revising membership criteria;  
13 transferring, renumbering, and amending s. 189.401,  
14 F.S.; revising a short title; transferring,  
15 renumbering, and amending s. 189.402, F.S.; revising a  
16 statement of legislative purpose and intent; making  
17 technical changes; conforming provisions to changes  
18 made by the act; transferring, renumbering, and  
19 amending s. 189.403, F.S.; redefining the term  
20 "special district"; transferring, renumbering, and  
21 amending ss. 189.4031, 189.4035, 189.404, 189.40401,  
22 189.4041, and 189.4042, F.S.; deleting provisions  
23 relating to the application of a special district to  
24 amend its charter; conforming provisions and cross-  
25 references; transferring, renumbering, and amending s.  
26 189.4044, F.S.; revising the circumstances under which

27 | the Department of Economic Opportunity may declare a  
28 | special district inactive; requiring the department to  
29 | provide notice of a declaration of inactive status to  
30 | certain persons and bodies; prohibiting special  
31 | districts that are declared inactive from collecting  
32 | taxes, fees, or assessments; providing exceptions;  
33 | providing for enforcement of the prohibition;  
34 | providing for costs of litigation and reasonable  
35 | attorney fees under certain conditions; transferring  
36 | and renumbering ss. 189.4045 and 189.4047, F.S.;  
37 | transferring, renumbering, and amending s. 189.405,  
38 | F.S.; revising requirements related to education  
39 | programs for new members of special district governing  
40 | bodies; amending s. 189.4051, F.S.; revising  
41 | definitions; conforming provisions; transferring and  
42 | renumbering ss. 189.4065, 189.408, and 189.4085, F.S.;  
43 | transferring, renumbering, and amending ss. 189.412  
44 | and 189.413, F.S.; renaming the Special District  
45 | Information Program the Special District  
46 | Accountability Program; revising duties of the Special  
47 | District Accountability Program; transferring and  
48 | renumbering ss. 189.415, 189.4155, and 189.4156, F.S.;  
49 | transferring, renumbering, and amending ss. 189.416,  
50 | 189.417, and 189.418, F.S.; conforming provisions and  
51 | cross-references; transferring, renumbering, and  
52 | amending s. 189.419, F.S.; revising provisions related

53 to the failure of a special district to file certain  
54 reports or information; conforming cross-references;  
55 transferring and renumbering s. 189.420, F.S.;  
56 transferring, renumbering, and amending s. 189.421,  
57 F.S.; revising notification requirements; deleting  
58 provisions related to available remedies for the  
59 failure of a special district to disclose required  
60 financial reports; transferring and renumbering ss.  
61 189.4221, 189.423, and 189.425, F.S.; transferring,  
62 renumbering, and amending s. 189.427, F.S.; providing  
63 for the deposit of administration fees into the  
64 Operating Trust Fund rather than the Grants and  
65 Donations Trust Fund; transferring, renumbering, and  
66 amending s. 189.428, F.S.; revising the oversight  
67 review process for special districts; transferring and  
68 renumbering s. 189.429, F.S.; repealing ss. 189.430,  
69 189.431, 189.432, 189.433, 189.434, 189.435, 189.436,  
70 189.437, 189.438, 189.439, 189.440, 189.441, 189.442,  
71 189.443, and 189.444, F.S., relating to the Community  
72 Improvement Authority Act; creating ss. 189.034 and  
73 189.035, F.S.; requiring the Legislative Auditing  
74 Committee to provide notice of the failure of special  
75 districts to file certain required reports to certain  
76 persons and bodies; authorizing the Legislative  
77 Auditing Committee to convene a public hearing;  
78 requiring a special district to provide certain

79 information before the public hearing at the request  
80 of the Legislative Auditing Committee or the reviewing  
81 entity; creating s. 189.055, F.S.; requiring special  
82 districts to be treated as municipalities for certain  
83 purposes; creating s. 189.069, F.S.; requiring special  
84 districts to maintain an official Internet website for  
85 certain purposes; requiring special districts to  
86 annually update and maintain certain information on  
87 the website; requiring special districts to submit the  
88 web address of their respective websites to the  
89 department; requiring that the department's online  
90 list of special districts include a link to the  
91 website of certain special districts; creating s.  
92 189.0691, F.S.; providing for the suspension of  
93 special district governing body members by the  
94 Governor under certain conditions; requiring the  
95 Governor and appointing authority to ensure that the  
96 governing body maintains a sufficient number of  
97 members to constitute a quorum; amending ss. 11.45,  
98 100.011, 101.657, 112.061, 112.63, 112.665, 121.021,  
99 121.051, 153.94, 163.08, 165.031, 165.0615, 171.202,  
100 175.032, 190.011, 190.046, 190.049, 191.003, 191.005,  
101 191.013, 191.014, 191.015, 200.001, 218.31, 218.32,  
102 218.37, 255.20, 298.225, 343.922, 348.0004, 373.711,  
103 403.0891, 582.32, and 1013.355, F.S.; conforming  
104 cross-references and provisions to changes made by the

105 act; providing an effective date.

106

107 Be It Enacted by the Legislature of the State of Florida:

108

109 Section 1. Chapter 189, Florida Statutes, as amended by  
 110 this act, is divided into the following parts:

111 (1) Part I, consisting of sections 189.01, 189.011,  
 112 189.012, 189.013, 189.014, 189.015, 189.016, 189.017, 189.018,  
 113 and 189.019, Florida Statutes, as created by this act, and  
 114 entitled "General Provisions."

115 (2) Part II, consisting of sections 189.02 and 189.021,  
 116 Florida Statutes, as created by this act, and entitled  
 117 "Dependent Special Districts."

118 (3) Part III, consisting of sections 189.03, 189.031,  
 119 189.0311, 189.033, 189.034, and 189.035, Florida Statutes, as  
 120 created by this act, and entitled "Independent Special  
 121 Districts."

122 (4) Part IV, consisting of sections 189.04, 189.041, and  
 123 189.042, Florida Statutes, as created by this act, and entitled  
 124 "Elections."

125 (5) Part V, consisting of sections 189.05, 189.051,  
 126 189.052, 189.053, 189.054, and 189.055, Florida Statutes, as  
 127 created by this act, and entitled "Finance."

128 (6) Part VI, consisting of sections 189.06, 189.061,  
 129 189.062, 189.063, 189.064, 189.065, 189.066, 189.067, 189.068,  
 130 189.069, and 189.0691, Florida Statutes, as created by this act,

131 and entitled "Oversight and Accountability."

132 (7) Part VII, consisting of sections 189.07, 189.071,  
 133 189.072, 189.073, 189.074, 189.075, 189.076, and 189.0761,  
 134 Florida Statutes, as created by this act, and entitled "Merger  
 135 and Dissolution."

136 (8) Part VIII, consisting of sections 189.08, 189.081, and  
 137 189.082, Florida Statutes, as created by this act, and entitled  
 138 "Comprehensive Planning."

139 Section 2. Paragraph (b) of subsection (2) of section  
 140 11.40, Florida Statutes, is amended to read:

141 11.40 Legislative Auditing Committee.—

142 (2) Following notification by the Auditor General, the  
 143 Department of Financial Services, or the Division of Bond  
 144 Finance of the State Board of Administration of the failure of a  
 145 local governmental entity, district school board, charter  
 146 school, or charter technical career center to comply with the  
 147 applicable provisions within s. 11.45(5)-(7), s. 218.32(1), or  
 148 s. 218.38, the Legislative Auditing Committee may schedule a  
 149 hearing to determine if the entity should be subject to further  
 150 state action. If the committee determines that the entity should  
 151 be subject to further state action, the committee shall:

152 (b) In the case of a special district created by:

153 1. A special act, notify the President of the Senate, the  
 154 Speaker of the House of Representatives, the standing committees  
 155 of the Senate and the House of Representatives charged with  
 156 special district oversight as determined by the presiding

157 officers of each respective chamber, the legislators who  
 158 represent a portion of the geographical jurisdiction of the  
 159 special district and the Department of Economic Opportunity that  
 160 the special district has failed to comply with the law. Upon  
 161 receipt of notification, the Department of Economic Opportunity  
 162 shall proceed pursuant to s. 189.062 or s. 189.067. If the  
 163 special district remains in noncompliance after the process set  
 164 forth in s. 189.034(3), the Legislative Auditing Committee may  
 165 request the department to proceed pursuant to s. 189.067(3) ~~s.~~  
 166 ~~189.4044 or s. 189.421.~~

167 2. A local ordinance, notify the chair or equivalent of  
 168 the local general-purpose government pursuant to s. 189.034(2)  
 169 and the Department of Economic Opportunity that the special  
 170 district has failed to comply with the law. Upon receipt of  
 171 notification, the department shall proceed pursuant to s.  
 172 189.062 or s. 189.067. If the special district remains in  
 173 noncompliance after the process set forth s. 189.035(3), the  
 174 Legislative Auditing Committee may request the department to  
 175 proceed pursuant to s. 189.067(3).

176 Section 3. Subsection (2) of section 112.312, Florida  
 177 Statutes, is amended to read:

178 112.312 Definitions.—As used in this part and for purposes  
 179 of the provisions of s. 8, Art. II of the State Constitution,  
 180 unless the context otherwise requires:

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

183 judicial, or legislative; any department, division, bureau,  
 184 commission, authority, or political subdivision of this state  
 185 therein; ~~or~~ any public school, community college, or state  
 186 university; or any special district as defined in s. 189.012.

187 Section 4. Section 112.511, Florida Statutes, is created  
 188 to read:

189 112.511 Members of special district governing bodies;  
 190 suspension; removal from office.-

191 (1) A member of the governing body of a special district,  
 192 as defined in s. 189.012, who exercises the powers and duties of  
 193 a state or a county officer, is subject to the Governor's power  
 194 under s. 7(a), Art. IV of the State Constitution to suspend such  
 195 officers.

196 (2) A member of the governing body of a special district,  
 197 as defined in s. 189.012, who exercises powers and duties other  
 198 than that of a state or county officer, is subject to the  
 199 suspension and removal procedures under s. 112.51.

200 Section 5. Subsections (1), (4), and (6) of section  
 201 125.901, Florida Statutes, are amended to read:

202 125.901 Children's services; independent special district;  
 203 council; powers, duties, and functions; public records  
 204 exemption.-

205 (1) Each county may by ordinance create an independent  
 206 special district, as defined in ss. 189.012 ~~189.403(3)~~ and  
 207 200.001(8) (e), to provide funding for children's services  
 208 throughout the county in accordance with this section. The



209 boundaries of such district shall be coterminous with the  
210 boundaries of the county. The county governing body shall obtain  
211 approval, by a majority vote of those electors voting on the  
212 question, to annually levy ad valorem taxes which shall not  
213 exceed the maximum millage rate authorized by this section. Any  
214 district created pursuant to the provisions of this subsection  
215 shall be required to levy and fix millage subject to the  
216 provisions of s. 200.065. Once such millage is approved by the  
217 electorate, the district shall not be required to seek approval  
218 of the electorate in future years to levy the previously  
219 approved millage.

220 (a) The governing body ~~board~~ of the district shall be a  
221 council on children's services, which may also be known as a  
222 juvenile welfare board or similar name as established in the  
223 ordinance by the county governing body. Such council shall  
224 consist of 10 members, including: the superintendent of schools;  
225 a local school board member; the district administrator from the  
226 appropriate district of the Department of Children and Family  
227 Services, or his or her designee who is a member of the Senior  
228 Management Service or of the Selected Exempt Service; one member  
229 of the county governing body; and the judge assigned to juvenile  
230 cases who shall sit as a voting member of the board, except that  
231 said judge shall not vote or participate in the setting of ad  
232 valorem taxes under this section. If there is more than one  
233 judge assigned to juvenile cases in a county, the chief judge  
234 shall designate one of said juvenile judges to serve on the

235 board. The remaining five members shall be appointed by the  
 236 Governor, and shall, to the extent possible, represent the  
 237 demographic diversity of the population of the county. After  
 238 soliciting recommendations from the public, the county governing  
 239 body shall submit to the Governor the names of at least three  
 240 persons for each vacancy occurring among the five members  
 241 appointed by the Governor, and the Governor shall appoint  
 242 members to the council from the candidates nominated by the  
 243 county governing body. The Governor shall make a selection  
 244 within a 45-day period or request a new list of candidates. All  
 245 members appointed by the Governor shall have been residents of  
 246 the county for the previous 24-month period. Such members shall  
 247 be appointed for 4-year terms, except that the length of the  
 248 terms of the initial appointees shall be adjusted to stagger the  
 249 terms. The Governor may remove a member for cause or upon the  
 250 written petition of the county governing body. If any of the  
 251 members of the council required to be appointed by the Governor  
 252 under the provisions of this subsection shall resign, die, or be  
 253 removed from office, the vacancy thereby created shall, as soon  
 254 as practicable, be filled by appointment by the Governor, using  
 255 the same method as the original appointment, and such  
 256 appointment to fill a vacancy shall be for the unexpired term of  
 257 the person who resigns, dies, or is removed from office.

258 (b) However, any county as defined in s. 125.011(1) may  
 259 instead have a governing body ~~board~~ consisting of 33 members,  
 260 including: the superintendent of schools; two representatives of

261 public postsecondary education institutions located in the  
262 county; the county manager or the equivalent county officer; the  
263 district administrator from the appropriate district of the  
264 Department of Children and Family Services, or the  
265 administrator's designee who is a member of the Senior  
266 Management Service or the Selected Exempt Service; the director  
267 of the county health department or the director's designee; the  
268 state attorney for the county or the state attorney's designee;  
269 the chief judge assigned to juvenile cases, or another juvenile  
270 judge who is the chief judge's designee and who shall sit as a  
271 voting member of the board, except that the judge may not vote  
272 or participate in setting ad valorem taxes under this section;  
273 an individual who is selected by the board of the local United  
274 Way or its equivalent; a member of a locally recognized faith-  
275 based coalition, selected by that coalition; a member of the  
276 local chamber of commerce, selected by that chamber or, if more  
277 than one chamber exists within the county, a person selected by  
278 a coalition of the local chambers; a member of the early  
279 learning coalition, selected by that coalition; a representative  
280 of a labor organization or union active in the county; a member  
281 of a local alliance or coalition engaged in cross-system  
282 planning for health and social service delivery in the county,  
283 selected by that alliance or coalition; a member of the local  
284 Parent-Teachers Association/Parent-Teacher-Student Association,  
285 selected by that association; a youth representative selected by  
286 the local school system's student government; a local school

287 board member appointed by the chair of the school board; the  
288 mayor of the county or the mayor's designee; one member of the  
289 county governing body, appointed by the chair of that body; a  
290 member of the state Legislature who represents residents of the  
291 county, ~~selected by the chair of the local legislative~~  
292 ~~delegation~~; an elected official representing the residents of a  
293 municipality in the county, selected by the county municipal  
294 league; and 4 members-at-large, appointed to the council by the  
295 majority of sitting council members. The remaining 7 members  
296 shall be appointed by the Governor in accordance with procedures  
297 set forth in paragraph (a), except that the Governor may remove  
298 a member for cause or upon the written petition of the council.  
299 Appointments by the Governor must, to the extent reasonably  
300 possible, represent the geographic and demographic diversity of  
301 the population of the county. Members who are appointed to the  
302 council by reason of their position are not subject to the  
303 length of terms and limits on consecutive terms as provided in  
304 this section. The remaining appointed members of the governing  
305 body ~~board~~ shall be appointed to serve 2-year terms, except that  
306 those members appointed by the Governor shall be appointed to  
307 serve 4-year terms, and the youth representative and the  
308 legislative delegate shall be appointed to serve 1-year terms. A  
309 member may be reappointed; however, a member may not serve for  
310 more than three consecutive terms. A member is eligible to be  
311 appointed again after a 2-year hiatus from the council.

312 (c) This subsection does not prohibit a county from

313 exercising such power as is provided by general or special law  
 314 to provide children's services or to create a special district  
 315 to provide such services.

316 (4) (a) Any district created pursuant to this section may  
 317 be dissolved by a special act of the Legislature, or the county  
 318 governing body may by ordinance dissolve the district subject to  
 319 the approval of the electorate.

320 (b)1.a. Notwithstanding paragraph (a), the governing body  
 321 of the county shall submit the question of retention or  
 322 dissolution of a district with voter-approved taxing authority  
 323 to the electorate in the general election according to the  
 324 following schedule:

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

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

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

335 b. A referendum by the electorate on or after July 1,  
 336 2010, creating a new district with taxing authority may specify  
 337 that the district is not subject to reauthorization or may  
 338 specify the number of years for which the initial authorization

339 shall remain effective. If the referendum does not prescribe  
340 terms of reauthorization, the governing body of the county shall  
341 submit the question of retention or dissolution of the district  
342 to the electorate in the general election 12 years after the  
343 initial authorization.

344 2. The governing body ~~board~~ of the district may specify,  
345 and submit to the governing body of the county no later than 9  
346 months before the scheduled election, that the district is not  
347 subsequently subject to reauthorization or may specify the  
348 number of years for which a reauthorization under this paragraph  
349 shall remain effective. If the governing body ~~board~~ of the  
350 district makes such specification and submission, the governing  
351 body of the county shall include that information in the  
352 question submitted to the electorate. If the governing body  
353 ~~board~~ of the district does not specify and submit such  
354 information, the governing body of the county shall resubmit the  
355 question of reauthorization to the electorate every 12 years  
356 after the year prescribed in subparagraph 1. The governing body  
357 ~~board~~ of the district may recommend to the governing body of the  
358 county language for the question submitted to the electorate.

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

361 4. Nothing in this paragraph precludes the governing body  
362 ~~board~~ of a district from requesting that the governing body of  
363 the county submit the question of retention or dissolution of a  
364 district with voter-approved taxing authority to the electorate

365 at a date earlier than the year prescribed in subparagraph 1. If  
 366 the governing body of the county accepts the request and submits  
 367 the question to the electorate, the governing body satisfies the  
 368 requirement of that subparagraph.

369  
 370 If any district is dissolved pursuant to this subsection, each  
 371 county must first obligate itself to assume the debts,  
 372 liabilities, contracts, and outstanding obligations of the  
 373 district within the total millage available to the county  
 374 governing body for all county and municipal purposes as provided  
 375 for under s. 9, Art. VII of the State Constitution. Any district  
 376 may also be dissolved pursuant to s. part VII of chapter 189  
 377 ~~189.4042~~.

378 (6) Any district created pursuant to the provisions of  
 379 this section shall comply with all other statutory requirements  
 380 of general application which relate to the filing of any  
 381 financial reports or compliance reports required under part III  
 382 of chapter 218, or any other report or documentation required by  
 383 law, including the requirements of ss. 189.08, 189.015, and  
 384 189.016 ~~189.415, 189.417, and 189.418~~.

385 Section 6. Section 189.401, Florida Statutes, is  
 386 transferred, renumbered as section 189.01, Florida Statutes, and  
 387 amended to read:

388 189.01 ~~189.401~~ Short title.—This chapter may be cited as  
 389 the "Uniform Special District Accountability Act ~~of 1989~~."

390 Section 7. Subsections (1), (6), and (7) of section

391 189.402, Florida Statutes, are transferred and renumbered as  
 392 subsections (1), (2), and (3), respectively, of section 189.011,  
 393 Florida Statutes, and present subsection (6) of that section is  
 394 amended, to read:

395 189.011 ~~189.402~~ Statement of legislative purpose and  
 396 intent.—

397 (2) ~~(6)~~ The Legislature finds that special districts serve  
 398 a necessary and useful function by providing services to  
 399 residents and property in the state. The Legislature finds  
 400 further that special districts operate to serve a public purpose  
 401 and that this is best secured by certain minimum standards of  
 402 accountability designed to inform the public and appropriate  
 403 general-purpose local governments of the status and activities  
 404 of special districts. It is the intent of the Legislature that  
 405 this public trust be secured by requiring each independent  
 406 special district in the state to register and report its  
 407 financial and other activities. The Legislature further finds  
 408 that failure of an independent special district to comply with  
 409 the minimum disclosure requirements set forth in this chapter  
 410 may result in action against officers of such district body  
 411 ~~board~~.

412 Section 8. Subsection (2) of section 189.402, Florida  
 413 Statutes, is transferred, renumbered as section 189.06, Florida  
 414 Statutes, and amended to read:

415 189.06 ~~189.402~~ Legislative intent; centralized location  
 416 ~~Statement of legislative purpose and intent.—~~



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

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

423           (2)~~(b)~~ Improve communication and coordination between  
 424 state agencies with respect to required special district  
 425 reporting and state monitoring.

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

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

434           (5)~~(e)~~ Clarify special district definitions and creation  
 435 methods in order to ensure consistent application of those  
 436 definitions and creation methods across all levels of  
 437 government.

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

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

442           (8)~~(h)~~ Encourage the creation of municipal service taxing

443 units and municipal service benefit units for providing  
 444 municipal services in unincorporated areas of each county.

445 Section 9. Subsections (3), (4), (5), and (8) of section  
 446 189.402, Florida Statutes, are transferred, renumbered as  
 447 subsections (1), (2), (3), and (4), respectively, of section  
 448 189.03, Florida Statutes, and amended to read:

449 189.03 ~~189.402~~ Statement of legislative purpose and  
 450 intent; independent special districts.-

451 (1)~~(3)~~ The Legislature finds that:

452 (a) There is a need for uniform, focused, and fair  
 453 procedures in state law to provide a reasonable alternative for  
 454 the establishment, powers, operation, and duration of  
 455 independent special districts ~~to manage and finance basic~~  
 456 ~~capital infrastructure, facilities, and services; and that,~~  
 457 ~~based upon a proper and fair determination of applicable facts,~~  
 458 ~~an independent special district can constitute a timely,~~  
 459 ~~efficient, effective, responsive, and economic way to deliver~~  
 460 ~~these basic services, thereby providing a means of solving the~~  
 461 ~~state's planning, management, and financing needs for delivery~~  
 462 ~~of capital infrastructure, facilities, and services in order to~~  
 463 ~~provide for projected growth without overburdening other~~  
 464 ~~governments and their taxpayers.~~

465 (b) It is in the public interest that any independent  
 466 special district created pursuant to state law not outlive its  
 467 usefulness and that the operation of such a district and the  
 468 exercise by the district of its powers be consistent with

469 applicable due process, disclosure, accountability, ethics, and  
470 government-in-the-sunshine requirements which apply both to  
471 governmental entities and to their elected and appointed  
472 officials.

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

477 (2)(4) It is the policy of this state:

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

483 (b) That the exercise by any independent special district  
484 of its powers, ~~as set forth by uniform general law~~ comply with  
485 all applicable ~~governmental comprehensive planning~~ laws, rules,  
486 and regulations.

487 (3)(5) It is the legislative intent ~~and purpose, based~~  
488 ~~upon, and consistent with, its findings of fact and declarations~~  
489 ~~of policy,~~ to authorize a uniform procedure by general law to  
490 create an independent special district, ~~as an alternative method~~  
491 ~~to manage and finance basic capital infrastructure, facilities,~~  
492 ~~and services. It is further the legislative intent and purpose~~  
493 to provide by general law for the uniform operation, exercise of  
494 power, and procedure for termination of any such independent

495 special district.

496 ~~(4)-(8)~~ The Legislature finds and declares that:

497 (a) Growth and development issues transcend the boundaries  
 498 and responsibilities of individual units of government, and  
 499 often no single unit of government can plan or implement  
 500 policies to deal with these issues without affecting other units  
 501 of government.

502 (b) The provision of capital infrastructure, facilities,  
 503 and services for the preservation and enhancement of the quality  
 504 of life of the people of this state may require the creation of  
 505 multicounty and multijurisdictional districts.

506 Section 10. Section 189.403, Florida Statutes, is  
 507 transferred, renumbered as section 189.012, Florida Statutes,  
 508 reordered, and amended to read:

509 189.012 ~~189.403~~ Definitions.—As used in this chapter, the  
 510 term:

511 ~~(6)-(1)~~ "Special district" means a ~~local~~ unit of local  
 512 government created for a ~~of~~ special purpose, as opposed to a  
 513 general purpose ~~general-purpose~~, which has jurisdiction to  
 514 operate ~~government~~ within a limited geographic boundary and is,  
 515 created by general law, special act, local ordinance, or by rule  
 516 of the Governor and Cabinet. ~~The special purpose or purposes of~~  
 517 ~~special districts are implemented by specialized functions and~~  
 518 ~~related prescribed powers. For the purpose of s. 196.199(1),~~  
 519 ~~special districts shall be treated as municipalities.~~ The term  
 520 does not include a school district, a community college

521 district, a special improvement district created pursuant to s.  
 522 285.17, a municipal service taxing or benefit unit as specified  
 523 in s. 125.01, or a board which provides electrical service and  
 524 which is a political subdivision of a municipality or is part of  
 525 a municipality.

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

528 (a) The membership of its governing body is identical to  
 529 that of the governing body of a single county or a single  
 530 municipality.

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

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

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

539

540 This subsection is for purposes of definition only. Nothing in  
 541 this subsection confers additional authority upon local  
 542 governments not otherwise authorized by the provisions of the  
 543 special acts or general acts of local application creating each  
 544 special district, as amended.

545 (3) "Independent special district" means a special  
 546 district that is not a dependent special district as defined in

547 subsection (2). A district that includes more than one county is  
 548 an independent special district unless the district lies wholly  
 549 within the boundaries of a single municipality.

550 (1)~~(4)~~ "Department" means the Department of Economic  
 551 Opportunity.

552 (4)~~(5)~~ "Local governing authority" means the governing  
 553 body of a unit of local general-purpose government. However, if  
 554 the special district is a political subdivision of a  
 555 municipality, "local governing authority" means the  
 556 municipality.

557 (7)~~(6)~~ "Water management district" for purposes of this  
 558 chapter means a special taxing district which is a regional  
 559 water management district created and operated pursuant to  
 560 chapter 373 or chapter 61-691, Laws of Florida, or a flood  
 561 control district created and operated pursuant to chapter 25270,  
 562 Laws of Florida, 1949, as modified by s. 373.149.

563 (5)~~(7)~~ "Public facilities" means major capital  
 564 improvements, including, but not limited to, transportation  
 565 facilities, sanitary sewer facilities, solid waste facilities,  
 566 water management and control facilities, potable water  
 567 facilities, alternative water systems, educational facilities,  
 568 parks and recreational facilities, health systems and  
 569 facilities, and, except for spoil disposal by those ports listed  
 570 in s. 311.09(1), spoil disposal sites for maintenance dredging  
 571 in waters of the state.

572 Section 11. Subsection (1) of section 189.4031, Florida

573 Statutes, is transferred and renumbered as section 189.013,  
 574 Florida Statutes, and the catchline of that section shall read:  
 575 "Special districts; creation, dissolution, and reporting  
 576 requirements."

577 Section 12. Subsection (2) of section 189.4031, Florida  
 578 Statutes, is transferred, renumbered as section 189.0311,  
 579 Florida Statutes, and amended to read:

580 189.0311 ~~189.4031~~ Independent special districts ~~Special~~  
 581 ~~districts; creation, dissolution, and reporting requirements;~~  
 582 charter requirements.-

583 ~~(2)~~ Notwithstanding any general law, special act, or  
 584 ordinance of a local government to the contrary, any independent  
 585 special district charter enacted after September 30, 1989, ~~the~~  
 586 ~~effective date of this section~~ shall contain the information  
 587 required by s. 189.031(3) ~~189.404(3)~~. Recognizing that the  
 588 exclusive charter for a community development district is the  
 589 statutory charter contained in ss. 190.006-190.041, community  
 590 development districts established after July 1, 1980, pursuant  
 591 to the provisions of chapter 190 shall be deemed in compliance  
 592 with this requirement.

593 Section 13. Section 189.4035, Florida Statutes, is  
 594 transferred and renumbered as section 189.061, Florida Statutes,  
 595 and subsections (1), (5), and (6) of that section are amended,  
 596 to read:

597 189.061 ~~189.4035~~ ~~Preparation of~~ Official list of special  
 598 districts.-

599 (1) The department ~~of Economic Opportunity~~ shall maintain  
 600 ~~compile~~ the official list of special districts. The official  
 601 list of special districts shall include all special districts in  
 602 this state and shall indicate the independent or dependent  
 603 status of each district. All special districts on ~~in~~ the list  
 604 shall be sorted by county. The definitions in s. 189.012 ~~189.403~~  
 605 shall be the criteria for determination of the independent or  
 606 dependent status of each special district on the official list.  
 607 The status of community development districts shall be  
 608 independent on the official list of special districts.

609 (5) The official list of special districts shall be  
 610 available on the department's website and must include a link to  
 611 the website of each special district that provides web-based  
 612 access to the public of the information and documentation  
 613 required under s. 189.069.

614 (6) ~~Preparation of~~ The official list of special districts  
 615 or the determination of status does not constitute final agency  
 616 action pursuant to chapter 120. If the status of a special  
 617 district on the official list is inconsistent with the status  
 618 submitted by the district, the district may request the  
 619 department to issue a declaratory statement setting forth the  
 620 requirements necessary to resolve the inconsistency. If  
 621 necessary, upon issuance of a declaratory statement by the  
 622 department which is not appealed pursuant to chapter 120, the  
 623 governing body ~~board~~ of any special district receiving such a  
 624 declaratory statement shall apply to the entity which originally



625 established the district for an amendment to its charter  
626 correcting the specified defects in its original charter. This  
627 amendment shall be for the sole purpose of resolving  
628 inconsistencies between a district charter and the status of a  
629 district as it appears on the official list. ~~Such application~~  
630 ~~shall occur as follows:~~

631 ~~(a) In the event a special district was created by a local~~  
632 ~~general-purpose government or state agency and applies for an~~  
633 ~~amendment to its charter to confirm its independence, said~~  
634 ~~application shall be granted as a matter of right. If~~  
635 ~~application by an independent district is not made within 6~~  
636 ~~months of rendition of a declaratory statement, the district~~  
637 ~~shall be deemed dependent and become a political subdivision of~~  
638 ~~the governing body which originally established it by operation~~  
639 ~~of law.~~

640 ~~(b) If the Legislature created a special district, the~~  
641 ~~district shall request, by resolution, an amendment to its~~  
642 ~~charter by the Legislature. Failure to apply to the Legislature~~  
643 ~~for an amendment to its charter during the next regular~~  
644 ~~legislative session following rendition of a declaratory~~  
645 ~~statement or failure of the Legislature to pass a special act~~  
646 ~~shall render the district dependent.~~

647 Section 14. Section 189.404, Florida Statutes, is  
648 transferred and renumbered as section 189.031, Florida Statutes,  
649 and subsection (2) and paragraphs (e), (f), and (g) of  
650 subsection (3) of that section are amended, to read:

651 189.031 ~~189.404~~ Legislative intent for the creation of  
 652 independent special districts; special act prohibitions; model  
 653 elements and other requirements; general-purpose local  
 654 government/Governor and Cabinet creation authorizations.—

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

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

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

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

665 (d) Exempt an independent special district from the  
 666 reporting, notice, or public meetings requirements of s.  
 667 189.051, s. 189.08, s. 189.015, or s. 189.016 ~~189.4085, s.~~  
 668 ~~189.415, s. 189.417, or s. 189.418~~;

669 (e) Create an independent special district for which a  
 670 statement has not been submitted to the Legislature that  
 671 documents the following:

- 672 1. The purpose of the proposed district;
- 673 2. The authority of the proposed district;
- 674 3. An explanation of why the district is the best  
 675 alternative; and
- 676 4. A resolution or official statement of the governing

677 body or an appropriate administrator of the local jurisdiction  
 678 within which the proposed district is located stating that the  
 679 creation of the proposed district is consistent with the  
 680 approved local government plans of the local governing body and  
 681 that the local government has no objection to the creation of  
 682 the proposed district.

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

687 (e) The membership and organization of the governing body  
 688 ~~board~~ of the district. If a district created after September 30,  
 689 1989, uses a one-acre/one-vote election principle, it shall  
 690 provide for a governing body ~~board~~ consisting of five members.  
 691 Three members shall constitute a quorum.

692 (f) The maximum compensation of a governing body ~~board~~  
 693 member.

694 (g) The administrative duties of the governing body ~~board~~  
 695 of the district.

696 Section 15. Section 189.40401, Florida Statutes, is  
 697 transferred and renumbered as section 189.033, Florida Statutes.

698 Section 16. Section 189.4041, Florida Statutes, is  
 699 transferred and renumbered as section 189.02, Florida Statutes,  
 700 and paragraph (e) of subsection (4) of that section is amended,  
 701 to read:

702 189.02 ~~189.4041~~ Dependent special districts.—

703 (4) Dependent special districts created by a county or  
 704 municipality shall be created by adoption of an ordinance that  
 705 includes:

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

708 Section 17. Subsection (1) of section 189.4042, Florida  
 709 Statutes, is transferred, renumbered as section 189.07, Florida  
 710 Statutes, and amended to read:

711 189.07 ~~189.4042~~ Definitions ~~Merger and dissolution~~  
 712 ~~procedures.~~-

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

714 (1)(a) "Component independent special district" means an  
 715 independent special district that proposes to be merged into a  
 716 merged independent district, or an independent special district  
 717 as it existed before its merger into the merged independent  
 718 district of which it is now a part.

719 (2)(b) "Elector-initiated merger plan" means the merger  
 720 plan of two or more independent special districts, a majority of  
 721 whose qualified electors have elected to merge, which outlines  
 722 the terms and agreements for the official merger of the  
 723 districts and is finalized and approved by the governing bodies  
 724 of the districts pursuant to this part ~~section~~.

725 (3)(c) "Governing body" means the governing body of the  
 726 independent special district in which the general legislative,  
 727 governmental, or public powers of the district are vested and by  
 728 authority of which the official business of the district is

729 conducted.

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

733        (5)~~(e)~~ "Joint merger plan" means the merger plan that is  
734 adopted by resolution of the governing bodies of two or more  
735 independent special districts that outlines the terms and  
736 agreements for the official merger of the districts and that is  
737 finalized and approved by the governing bodies pursuant to this  
738 part section.

739        (6)~~(f)~~ "Merged independent district" means a single  
740 independent special district that results from a successful  
741 merger of two or more independent special districts pursuant to  
742 this part section.

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

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

750        (9)~~(i)~~ "Proposed elector-initiated merger plan" means a  
751 written document that contains the terms and information  
752 regarding the merger of two or more independent special  
753 districts and that accompanies the petition initiated by the  
754 qualified electors of the districts but that is not yet

755 finalized and approved by the governing bodies of each component  
 756 independent special district pursuant to this part section.

757 ~~(10)(j)~~ "Proposed joint merger plan" means a written  
 758 document that contains the terms and information regarding the  
 759 merger of two or more independent special districts and that has  
 760 been prepared pursuant to a resolution of the governing bodies  
 761 of the districts but that is not yet finalized and approved by  
 762 the governing bodies of each component independent special  
 763 district pursuant to this part section.

764 ~~(11)(k)~~ "Qualified elector" means an individual at least  
 765 18 years of age who is a citizen of the United States, a  
 766 permanent resident of this state, and a resident of the district  
 767 who registers with the supervisor of elections of a county  
 768 within which the district lands are located when the  
 769 registration books are open.

770 Section 18. Subsection (2) of section 189.4042, Florida  
 771 Statutes, is transferred, renumbered as section 189.071, Florida  
 772 Statutes, and amended to read:

773 189.071 ~~189.4042~~ Merger or ~~and~~ dissolution of a dependent  
 774 special district procedures.—

775 ~~(2) MERCER OR DISSOLUTION OF A DEPENDENT SPECIAL~~  
 776 ~~DISTRICT.—~~

777 ~~(1)(a)~~ The merger or dissolution of a dependent special  
 778 district may be effectuated by an ordinance of the general-  
 779 purpose local governmental entity wherein the geographical area  
 780 of the district or districts is located. However, a county may

781 not dissolve a special district that is dependent to a  
 782 municipality or vice versa, or a dependent district created by  
 783 special act.

784 (2)~~(b)~~ The merger or dissolution of a dependent special  
 785 district created and operating pursuant to a special act may be  
 786 effectuated only by further act of the Legislature unless  
 787 otherwise provided by general law.

788 (3)~~(c)~~ A dependent special district that meets any  
 789 criteria for being declared inactive, or that has already been  
 790 declared inactive, pursuant to s. 189.062 ~~189.4044~~ may be  
 791 dissolved or merged by special act without a referendum.

792 (4)~~(d)~~ A copy of any ordinance and of any changes to a  
 793 charter affecting the status or boundaries of one or more  
 794 special districts shall be filed with the Special District  
 795 Accountability Information ~~Information~~ Program within 30 days after such  
 796 activity.

797 Section 19. Subsection (3) of section 189.4042, Florida  
 798 Statutes, is transferred, renumbered as section 189.072, Florida  
 799 Statutes, and amended to read:

800 189.072 ~~189.4042~~ Dissolution of an independent special  
 801 district ~~Merger and dissolution procedures.~~

802 ~~(3) DISSOLUTION OF AN INDEPENDENT SPECIAL DISTRICT.~~

803 (1)~~(a)~~ *Voluntary dissolution.*—If the governing body ~~board~~  
 804 of an independent special district created and operating  
 805 pursuant to a special act elects, by a majority vote plus one,  
 806 to dissolve the district, the voluntary dissolution of an

807 independent special district created and operating pursuant to a  
 808 special act may be effectuated only by the Legislature unless  
 809 otherwise provided by general law.

810 (2)~~(b)~~ *Other dissolutions.*—

811 (a)~~1.~~ In order for the Legislature to dissolve an active  
 812 independent special district created and operating pursuant to a  
 813 special act, the special act dissolving the active independent  
 814 special district must be approved by a majority of the resident  
 815 electors of the district or, for districts in which a majority  
 816 of governing body ~~board~~ members are elected by landowners, a  
 817 majority of the landowners voting in the same manner by which  
 818 the independent special district's governing body is elected. If  
 819 a local general-purpose government passes an ordinance or  
 820 resolution in support of the dissolution, the local general-  
 821 purpose government must pay any expenses associated with the  
 822 referendum required under this paragraph ~~subparagraph~~.

823 (b)~~2.~~ If an independent special district was created by a  
 824 county or municipality by referendum or any other procedure, the  
 825 county or municipality that created the district may dissolve  
 826 the district pursuant to a referendum or any other procedure by  
 827 which the independent special district was created. However, if  
 828 the independent special district has ad valorem taxation powers,  
 829 the same procedure required to grant the independent special  
 830 district ad valorem taxation powers is required to dissolve the  
 831 district.

832 (3)~~(e)~~ *Inactive independent special districts.*—An



833 independent special district that meets any criteria for being  
 834 declared inactive, or that has already been declared inactive,  
 835 pursuant to s. 189.062 ~~189.4044~~ may be dissolved by special act  
 836 without a referendum. If an inactive independent special  
 837 district was created by a county or municipality through a  
 838 referendum, the county or municipality that created the district  
 839 may dissolve the district after publishing notice as described  
 840 in s. 189.062 ~~189.4044~~.

841 ~~(4)(d)~~ *Debts and assets.*—Financial allocations of the  
 842 assets and indebtedness of a dissolved independent special  
 843 district shall be pursuant to s. 189.076 ~~189.4045~~.

844 Section 20. Subsection (4) of section 189.4042, Florida  
 845 Statutes, is transferred, renumbered as section 189.073, Florida  
 846 Statutes, and amended to read:

847 189.073 ~~189.4042~~ Legislative merger of independent special  
 848 districts ~~Merger and dissolution procedures.~~—

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

852 Section 21. Subsection (5) of section 189.4042, Florida  
 853 Statutes, is transferred, renumbered as section 189.074, Florida  
 854 Statutes, and amended to read:

855 189.074 ~~189.4042~~ Voluntary merger of independent special  
 856 districts ~~Merger and dissolution procedures.~~—

857 ~~(5) VOLUNTARY MERGER OF INDEPENDENT SPECIAL DISTRICTS.~~—Two  
 858 or more contiguous independent special districts created by

859 special act which have similar functions and elected governing  
 860 bodies may elect to merge into a single independent district  
 861 through the act of merging the component independent special  
 862 districts.

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

864 (a)~~1.~~ A joint resolution of the governing bodies of each  
 865 independent special district which endorses a proposed joint  
 866 merger plan; or

867 (b)~~2.~~ A qualified elector initiative.

868 (2)~~(b)~~ *Joint merger plan by resolution.*—The governing  
 869 bodies of two or more contiguous independent special districts  
 870 may, by joint resolution, endorse a proposed joint merger plan  
 871 to commence proceedings to merge the districts pursuant to this  
 872 section ~~subsection~~.

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

874 1.~~a.~~ The name of each component independent special  
 875 district to be merged;

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

877 3.~~c.~~ The rights, duties, and obligations of the proposed  
 878 merged independent district;

879 4.~~d.~~ The territorial boundaries of the proposed merged  
 880 independent district;

881 5.~~e.~~ The governmental organization of the proposed merged  
 882 independent district insofar as it concerns elected and  
 883 appointed officials and public employees, along with a  
 884 transitional plan and schedule for elections and appointments of

885 officials;

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

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

891 ~~8.h.~~ Each component independent special district's  
892 liabilities and indebtedness, bonded and otherwise, and the  
893 current value thereof;

894 ~~9.i.~~ Terms for the assumption and disposition of existing  
895 assets, liabilities, and indebtedness of each component  
896 independent special district jointly, separately, or in defined  
897 proportions;

898 ~~10.j.~~ Terms for the common administration and uniform  
899 enforcement of existing laws within the proposed merged  
900 independent district;

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

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

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

908 ~~(b)2.~~ The resolution endorsing the proposed joint merger  
909 plan must be approved by a majority vote of the governing bodies  
910 of each component independent special district and adopted at

911 | least 60 business days before any general or special election on  
912 | the proposed joint merger plan.

913 |       ~~(c)3.~~ Within 5 business days after the governing bodies  
914 | approve the resolution endorsing the proposed joint merger plan,  
915 | the governing bodies must:

916 |       ~~1.a.~~ Cause a copy of the proposed joint merger plan, along  
917 | with a descriptive summary of the plan, to be displayed and be  
918 | readily accessible to the public for inspection in at least  
919 | three public places within the territorial limits of each  
920 | component independent special district, unless a component  
921 | independent special district has fewer than three public places,  
922 | in which case the plan must be accessible for inspection in all  
923 | public places within the component independent special district;

924 |       ~~2.b.~~ If applicable, cause the proposed joint merger plan,  
925 | along with a descriptive summary of the plan and a reference to  
926 | the public places within each component independent special  
927 | district where a copy of the merger plan may be examined, to be  
928 | displayed on a website maintained by each district or on a  
929 | website maintained by the county or municipality in which the  
930 | districts are located; and

931 |       ~~3.e.~~ Arrange for a descriptive summary of the proposed  
932 | joint merger plan, and a reference to the public places within  
933 | the district where a copy may be examined, to be published in a  
934 | newspaper of general circulation within the component  
935 | independent special districts at least once each week for 4  
936 | successive weeks.

937        (d)4- The governing body of each component independent  
938 special district shall set a time and place for one or more  
939 public hearings on the proposed joint merger plan. Each public  
940 hearing shall be held on a weekday at least 7 business days  
941 after the day the first advertisement is published on the  
942 proposed joint merger plan. The hearing or hearings may be held  
943 jointly or separately by the governing bodies of the component  
944 independent special districts. Any interested person residing in  
945 the respective district shall be given a reasonable opportunity  
946 to be heard on any aspect of the proposed merger at the public  
947 hearing.

948        1.a- Notice of the public hearing addressing the  
949 resolution for the proposed joint merger plan must be published  
950 pursuant to the notice requirements in s. 189.015 ~~189.417~~ and  
951 must provide a descriptive summary of the proposed joint merger  
952 plan and a reference to the public places within the component  
953 independent special districts where a copy of the plan may be  
954 examined.

955        2.b- After the final public hearing, the governing bodies  
956 of each component independent special district may amend the  
957 proposed joint merger plan if the amended version complies with  
958 the notice and public hearing requirements provided in this  
959 section ~~subsection~~. Thereafter, the governing bodies may approve  
960 a final version of the joint merger plan or decline to proceed  
961 further with the merger. Approval by the governing bodies of the  
962 final version of the joint merger plan must occur within 60

963 business days after the final hearing.

964 (e)~~5.~~ After the final public hearing, the governing bodies  
 965 shall notify the supervisors of elections of the applicable  
 966 counties in which district lands are located of the adoption of  
 967 the resolution by each governing body. The supervisors of  
 968 elections shall schedule a separate referendum for each  
 969 component independent special district. The referenda may be  
 970 held in each district on the same day, or on different days, but  
 971 no more than 20 days apart.

972 1.a. Notice of a referendum on the merger of independent  
 973 special districts must be provided pursuant to the notice  
 974 requirements in s. 100.342. At a minimum, the notice must  
 975 include:

976 a.(I) A brief summary of the resolution and joint merger  
 977 plan;

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

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

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

984 e.(V) Such other matters as may be necessary to call,  
 985 provide for, and give notice of the referendum and to provide  
 986 for the conduct thereof and the canvass of the returns.

987 2.b. The referenda must be held in accordance with the  
 988 Florida Election Code and may be held pursuant to ss. 101.6101-

989 101.6107. All costs associated with the referenda shall be borne  
 990 by the respective component independent special district.

991 ~~3.e.~~ The ballot question in such referendum placed before  
 992 the qualified electors of each component independent special  
 993 district to be merged must be in substantially the following  
 994 form:

995 "Shall ...(name of component independent special  
 996 district)... and ...(name of component independent special  
 997 district or districts)... be merged into ...(name of newly  
 998 merged independent district)...?"

999

1000 ....YES

1001 ....NO"

1002

1003 ~~4.d.~~ If the component independent special districts  
 1004 proposing to merge have disparate millage rates, the ballot  
 1005 question in the referendum placed before the qualified electors  
 1006 of each component independent special district must be in  
 1007 substantially the following form:

1008

1009 "Shall ...(name of component independent special  
 1010 district)... and ...(name of component independent special  
 1011 district or districts)... be merged into ...(name of newly  
 1012 merged independent district)... if the voter-approved maximum  
 1013 millage rate within each independent special district will not  
 1014 increase absent a subsequent referendum?"

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....YES  
....NO"

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

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

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

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

(f)6. Component independent special districts merged



1041 pursuant to a joint merger plan by resolution shall continue to  
 1042 be governed as before the merger until the effective date  
 1043 specified in the adopted joint merger plan.

1044 (3)~~(e)~~ *Qualified elector-initiated merger plan.*—The  
 1045 qualified electors of two or more contiguous independent special  
 1046 districts may commence a merger proceeding by each filing a  
 1047 petition with the governing body of their respective independent  
 1048 special district proposing to be merged. The petition must  
 1049 contain the signatures of at least 40 percent of the qualified  
 1050 electors of each component independent special district and must  
 1051 be submitted to the appropriate component independent special  
 1052 district governing body no later than 1 year after the start of  
 1053 the qualified elector-initiated merger process.

1054 (a)~~1.~~ The petition must comply with, and be circulated in,  
 1055 the following form:

1056 PETITION FOR  
 1057 INDEPENDENT SPECIAL DISTRICT MERGER

1058 We, the undersigned electors and legal voters of ...(name  
 1059 of independent special district)..., qualified to vote at the  
 1060 next general or special election, respectfully petition that  
 1061 there be submitted to the electors and legal voters of ...(name  
 1062 of independent special district or districts proposed to be  
 1063 merged)..., for their approval or rejection at a referendum held  
 1064 for that purpose, a proposal to merge ...(name of component  
 1065 independent special district)... and ...(name of component  
 1066 independent special district or districts)....

1067 In witness thereof, we have signed our names on the date  
1068 indicated next to our signatures.

1069 Date Name Home Address  
1070 (print under signature)

1071 .....  
1072 .....

1073 (b)2. The petition must be validated by a signed statement  
1074 by a witness who is a duly qualified elector of one of the  
1075 component independent special districts, a notary public, or  
1076 another person authorized to take acknowledgments.

1077 1.a. A statement that is signed by a witness who is a duly  
1078 qualified elector of the respective district shall be accepted  
1079 for all purposes as the equivalent of an affidavit. Such  
1080 statement must be in substantially the following form:

1081 "I, ...(name of witness)..., state that I am a duly  
1082 qualified voter of ...(name of independent special district)....  
1083 Each of the ...(insert number)... persons who have signed this  
1084 petition sheet has signed his or her name in my presence on the  
1085 dates indicated above and identified himself or herself to be  
1086 the same person who signed the sheet. I understand that this  
1087 statement will be accepted for all purposes as the equivalent of  
1088 an affidavit and, if it contains a materially false statement,  
1089 shall subject me to the penalties of perjury."

1090 Date Signature of Witness

1091 2.b. A statement that is signed by a notary public or  
1092 another person authorized to take acknowledgments must be in

1093 substantially the following form:

1094 "On the date indicated above before me personally came each  
 1095 of the ...(insert number)... electors and legal voters whose  
 1096 signatures appear on this petition sheet, who signed the  
 1097 petition in my presence and who, being by me duly sworn, each  
 1098 for himself or herself, identified himself or herself as the  
 1099 same person who signed the petition, and I declare that the  
 1100 foregoing information they provided was true."

1101 Date Signature of Witness

1102 3.e. An alteration or correction of information appearing  
 1103 on a petition's signature line, other than an uninitialed  
 1104 signature and date, does not invalidate such signature. In  
 1105 matters of form, this subsection ~~paragraph~~ shall be liberally  
 1106 construed, not inconsistent with substantial compliance thereto  
 1107 and the prevention of fraud.

1108 4.d. The appropriately signed petition must be filed with  
 1109 the governing body of each component independent special  
 1110 district. The petition must be submitted to the supervisors of  
 1111 elections of the counties in which the district lands are  
 1112 located. The supervisors shall, within 30 business days after  
 1113 receipt of the petitions, certify to the governing bodies the  
 1114 number of signatures of qualified electors contained on the  
 1115 petitions.

1116 (c)3. Upon verification by the supervisors of elections of  
 1117 the counties within which component independent special district  
 1118 lands are located that 40 percent of the qualified electors have

1119 petitioned for merger and that all such petitions have been  
 1120 executed within 1 year after the date of the initiation of the  
 1121 qualified-electoral merger process, the governing bodies of each  
 1122 component independent special district shall meet within 30  
 1123 business days to prepare and approve by resolution a proposed  
 1124 electoral-initiated merger plan. The proposed plan must include:

1125     ~~1.a.~~ The name of each component independent special  
 1126 district to be merged;

1127     ~~2.b.~~ The name of the proposed merged independent district;

1128     ~~3.c.~~ The rights, duties, and obligations of the merged  
 1129 independent district;

1130     ~~4.d.~~ The territorial boundaries of the proposed merged  
 1131 independent district;

1132     ~~5.e.~~ The governmental organization of the proposed merged  
 1133 independent district insofar as it concerns elected and  
 1134 appointed officials and public employees, along with a  
 1135 transitional plan and schedule for elections and appointments of  
 1136 officials;

1137     ~~6.f.~~ A fiscal estimate of the potential cost or savings as  
 1138 a result of the merger;

1139     ~~7.g.~~ Each component independent special district's assets,  
 1140 including, but not limited to, real and personal property, and  
 1141 the current value thereof;

1142     ~~8.h.~~ Each component independent special district's  
 1143 liabilities and indebtedness, bonded and otherwise, and the  
 1144 current value thereof;

1145        9.i. Terms for the assumption and disposition of existing  
 1146 assets, liabilities, and indebtedness of each component  
 1147 independent special district, jointly, separately, or in defined  
 1148 proportions;

1149        10.j. Terms for the common administration and uniform  
 1150 enforcement of existing laws within the proposed merged  
 1151 independent district;

1152        11.k. The times and places for public hearings on the  
 1153 proposed joint merger plan; and

1154        12.l. The effective date of the proposed merger.

1155        (d)4. The resolution endorsing the proposed elector-  
 1156 initiated merger plan must be approved by a majority vote of the  
 1157 governing bodies of each component independent special district  
 1158 and must be adopted at least 60 business days before any general  
 1159 or special election on the proposed elector-initiated plan.

1160        (e)5. Within 5 business days after the governing bodies of  
 1161 each component independent special district approve the proposed  
 1162 elector-initiated merger plan, the governing bodies shall:

1163        1.a. Cause a copy of the proposed elector-initiated merger  
 1164 plan, along with a descriptive summary of the plan, to be  
 1165 displayed and be readily accessible to the public for inspection  
 1166 in at least three public places within the territorial limits of  
 1167 each component independent special district, unless a component  
 1168 independent special district has fewer than three public places,  
 1169 in which case the plan must be accessible for inspection in all  
 1170 public places within the component independent special district;

1171        2.b. If applicable, cause the proposed elector-initiated  
1172 merger plan, along with a descriptive summary of the plan and a  
1173 reference to the public places within each component independent  
1174 special district where a copy of the merger plan may be  
1175 examined, to be displayed on a website maintained by each  
1176 district or otherwise on a website maintained by the county or  
1177 municipality in which the districts are located; and

1178        3.e. Arrange for a descriptive summary of the proposed  
1179 elector-initiated merger plan, and a reference to the public  
1180 places within the district where a copy may be examined, to be  
1181 published in a newspaper of general circulation within the  
1182 component independent special districts at least once each week  
1183 for 4 successive weeks.

1184        (f)~~6.~~ The governing body of each component independent  
1185 special district shall set a time and place for one or more  
1186 public hearings on the proposed elector-initiated merger plan.  
1187 Each public hearing shall be held on a weekday at least 7  
1188 business days after the day the first advertisement is published  
1189 on the proposed elector-initiated merger plan. The hearing or  
1190 hearings may be held jointly or separately by the governing  
1191 bodies of the component independent special districts. Any  
1192 interested person residing in the respective district shall be  
1193 given a reasonable opportunity to be heard on any aspect of the  
1194 proposed merger at the public hearing.

1195        1.a. Notice of the public hearing on the proposed elector-  
1196 initiated merger plan must be published pursuant to the notice

1197 requirements in s. 189.015 ~~189.417~~ and must provide a  
 1198 descriptive summary of the elector-initiated merger plan and a  
 1199 reference to the public places within the component independent  
 1200 special districts where a copy of the plan may be examined.

1201 2.b. After the final public hearing, the governing bodies  
 1202 of each component independent special district may amend the  
 1203 proposed elector-initiated merger plan if the amended version  
 1204 complies with the notice and public hearing requirements  
 1205 provided in this section ~~subsection~~. The governing bodies must  
 1206 approve a final version of the merger plan within 60 business  
 1207 days after the final hearing.

1208 (g)7. After the final public hearing, the governing bodies  
 1209 shall notify the supervisors of elections of the applicable  
 1210 counties in which district lands are located of the adoption of  
 1211 the resolution by each governing body. The supervisors of  
 1212 elections shall schedule a date for the separate referenda for  
 1213 each district. The referenda may be held in each district on the  
 1214 same day, or on different days, but no more than 20 days apart.

1215 1.a. Notice of a referendum on the merger of the component  
 1216 independent special districts must be provided pursuant to the  
 1217 notice requirements in s. 100.342. At a minimum, the notice must  
 1218 include:

1219 a.(I) A brief summary of the resolution and elector-  
 1220 initiated merger plan;

1221 b.(II) A statement as to where a copy of the resolution  
 1222 and petition for merger may be examined;

1223           c.~~(III)~~ The names of the component independent special  
 1224 districts to be merged and a description of their territory;  
 1225           d.~~(IV)~~ The times and places at which the referendum will  
 1226 be held; and  
 1227           e.~~(V)~~ Such other matters as may be necessary to call,  
 1228 provide for, and give notice of the referendum and to provide  
 1229 for the conduct thereof and the canvass of the returns.  
 1230           2.b. The referenda must be held in accordance with the  
 1231 Florida Election Code and may be held pursuant to ss. 101.6101-  
 1232 101.6107. All costs associated with the referenda shall be borne  
 1233 by the respective component independent special district.  
 1234           3.e. The ballot question in such referendum placed before  
 1235 the qualified electors of each component independent special  
 1236 district to be merged must be in substantially the following  
 1237 form:  
 1238           "Shall ...(name of component independent special  
 1239 district)... and ...(name of component independent special  
 1240 district or districts)... be merged into ...(name of newly  
 1241 merged independent district)...?  
 1242           ....YES  
 1243           ....NO"  
 1244           4.d. If the component independent special districts  
 1245 proposing to merge have disparate millage rates, the ballot  
 1246 question in the referendum placed before the qualified electors  
 1247 of each component independent special district must be in  
 1248 substantially the following form:



1249 "Shall ...(name of component independent special  
 1250 district)... and ...(name of component independent special  
 1251 district or districts)... be merged into ...(name of newly  
 1252 merged independent district)... if the voter-approved maximum  
 1253 millage rate within each independent special district will not  
 1254 increase absent a subsequent referendum?

1255 ....YES

1256 ....NO"

1257 5.e. In any referendum held pursuant to this section  
 1258 ~~subsection~~, the ballots shall be counted, returns made and  
 1259 canvassed, and results certified in the same manner as other  
 1260 elections or referenda for the component independent special  
 1261 districts.

1262 6.f. The merger may not take effect unless a majority of  
 1263 the votes cast in each component independent special district  
 1264 are in favor of the merger. If one of the component independent  
 1265 special districts does not obtain a majority vote, the  
 1266 referendum fails, and merger does not take effect.

1267 7.g. If the merger is approved by a majority of the votes  
 1268 cast in each component independent special district, the merged  
 1269 district shall notify the Special District Accountability  
 1270 ~~Information~~ Program pursuant to s. 189.016(2) ~~189.418(2)~~ and the  
 1271 local general-purpose governments in which any part of the  
 1272 component independent special districts is situated pursuant to  
 1273 s. 189.016(7) ~~189.418(7)~~.

1274 8.h. If the referendum fails, the merger process under

1275 this subsection ~~paragraph~~ may not be initiated for the same  
1276 purpose within 2 years after the date of the referendum.

1277 (h) ~~8-~~ Component independent special districts merged  
1278 pursuant to an elector-initiated merger plan shall continue to  
1279 be governed as before the merger until the effective date  
1280 specified in the adopted elector-initiated merger plan.

1281 (4) ~~(d)~~ *Effective date.*—The effective date of the merger  
1282 shall be as provided in the joint merger plan or elector-  
1283 initiated merger plan, as appropriate, and is not contingent  
1284 upon the future act of the Legislature.

1285 (a) ~~1-~~ However, as soon as practicable, the merged  
1286 independent district shall, at its own expense, submit a unified  
1287 charter for the merged district to the Legislature for approval.  
1288 The unified charter must make the powers of the district  
1289 consistent within the merged independent district and repeal the  
1290 special acts of the districts which existed before the merger.

1291 (b) ~~2-~~ Within 30 business days after the effective date of  
1292 the merger, the merged independent district's governing body, as  
1293 indicated in this section ~~subsection~~, shall hold an  
1294 organizational meeting to implement the provisions of the joint  
1295 merger plan or elector-initiated merger plan, as appropriate.

1296 (5) ~~(e)~~ *Restrictions during transition period.*—Until the  
1297 Legislature formally approves the unified charter pursuant to a  
1298 special act, each component independent special district is  
1299 considered a subunit of the merged independent district subject  
1300 to the following restrictions:

1301        (a)~~1.~~ During the transition period, the merged independent  
1302 district is limited in its powers and financing capabilities  
1303 within each subunit to those powers that existed within the  
1304 boundaries of each subunit which were previously granted to the  
1305 component independent special district in its existing charter  
1306 before the merger. The merged independent district may not,  
1307 solely by reason of the merger, increase its powers or financing  
1308 capability.

1309        (b)~~2.~~ During the transition period, the merged independent  
1310 district shall exercise only the legislative authority to levy  
1311 and collect revenues within the boundaries of each subunit which  
1312 was previously granted to the component independent special  
1313 district by its existing charter before the merger, including  
1314 the authority to levy ad valorem taxes, non-ad valorem  
1315 assessments, impact fees, and charges.

1316        1.a. The merged independent district may not, solely by  
1317 reason of the merger or the legislatively approved unified  
1318 charter, increase ad valorem taxes on property within the  
1319 original limits of a subunit beyond the maximum millage rate  
1320 approved by the electors of the component independent special  
1321 district unless the electors of such subunit approve an increase  
1322 at a subsequent referendum of the subunit's electors. Each  
1323 subunit may be considered a separate taxing unit.

1324        2.b. The merged independent district may not, solely by  
1325 reason of the merger, charge non-ad valorem assessments, impact  
1326 fees, or other new fees within a subunit which were not

1327 otherwise previously authorized to be charged.

1328        (c)~~3~~. During the transition period, each component  
 1329 independent special district of the merged independent district  
 1330 must continue to file all information and reports required under  
 1331 this chapter as subunits until the Legislature formally approves  
 1332 the unified charter pursuant to a special act.

1333        (d)~~4~~. The intent of this part ~~section~~ is to preserve and  
 1334 transfer to the merged independent district all authority that  
 1335 exists within each subunit and was previously granted by the  
 1336 Legislature and, if applicable, by referendum.

1337        (6)~~(f)~~ *Effect of merger, generally.*—On and after the  
 1338 effective date of the merger, the merged independent district  
 1339 shall be treated and considered for all purposes as one entity  
 1340 under the name and on the terms and conditions set forth in the  
 1341 joint merger plan or elector-initiated merger plan, as  
 1342 appropriate.

1343        (a)~~1~~. All rights, privileges, and franchises of each  
 1344 component independent special district and all assets, real and  
 1345 personal property, books, records, papers, seals, and equipment,  
 1346 as well as other things in action, belonging to each component  
 1347 independent special district before the merger shall be deemed  
 1348 as transferred to and vested in the merged independent district  
 1349 without further act or deed.

1350        (b)~~2~~. All property, rights-of-way, and other interests are  
 1351 as effectually the property of the merged independent district  
 1352 as they were of the component independent special district

1353 before the merger. The title to real estate, by deed or  
1354 otherwise, under the laws of this state vested in any component  
1355 independent special district before the merger may not be deemed  
1356 to revert or be in any way impaired by reason of the merger.

1357 (c)~~3~~. The merged independent district is in all respects  
1358 subject to all obligations and liabilities imposed and possesses  
1359 all the rights, powers, and privileges vested by law in other  
1360 similar entities.

1361 (d)~~4~~. Upon the effective date of the merger, the joint  
1362 merger plan or elector-initiated merger plan, as appropriate, is  
1363 subordinate in all respects to the contract rights of all  
1364 holders of any securities or obligations of the component  
1365 independent special districts outstanding at the effective date  
1366 of the merger.

1367 (e)~~5~~. The new registration of electors is not necessary as  
1368 a result of the merger, but all elector registrations of the  
1369 component independent special districts shall be transferred to  
1370 the proper registration books of the merged independent  
1371 district, and new registrations shall be made as provided by law  
1372 as if no merger had taken place.

1373 (7)~~(g)~~ *Governing body of merged independent district.*—

1374 (a)~~1~~. From the effective date of the merger until the next  
1375 general election, the governing body of the merged independent  
1376 district shall be comprised of the governing body members of  
1377 each component independent special district, with such members  
1378 serving until the governing body members elected at the next

1379 general election take office.

1380        (b)2- Beginning with the next general election following  
 1381 the effective date of merger, the governing body of the merged  
 1382 independent district shall be comprised of five members. The  
 1383 office of each governing body member shall be designated by  
 1384 seat, which shall be distinguished from other body member seats  
 1385 by an assigned numeral: 1, 2, 3, 4, or 5. The governing body  
 1386 members that are elected in this initial election following the  
 1387 merger shall serve unequal terms of 2 and 4 years in order to  
 1388 create staggered membership of the governing body, with:

1389        1.a- Member seats 1, 3, and 5 being designated for 4-year  
 1390 terms; and

1391        2.b- Member seats 2 and 4 being designated for 2-year  
 1392 terms.

1393        (c)3- In general elections thereafter, all governing body  
 1394 members shall serve 4-year terms.

1395        (8)(h) *Effect on employees.*—Except as otherwise provided  
 1396 by law and except for those officials and employees protected by  
 1397 tenure of office, civil service provisions, or a collective  
 1398 bargaining agreement, upon the effective date of merger, all  
 1399 appointive offices and positions existing in all component  
 1400 independent special districts involved in the merger are subject  
 1401 to the terms of the joint merger plan or elector-initiated  
 1402 merger plan, as appropriate. Such plan may provide for instances  
 1403 in which there are duplications of positions and for other  
 1404 matters such as varying lengths of employee contracts, varying

1405 pay levels or benefits, different civil service regulations in  
 1406 the constituent entities, and differing ranks and position  
 1407 classifications for similar positions. For those employees who  
 1408 are members of a bargaining unit certified by the Public  
 1409 Employees Relations Commission, the requirements of chapter 447  
 1410 apply.

1411 (9)~~(i)~~ *Effect on debts, liabilities, and obligations.—*

1412 (a)~~1.~~ All valid and lawful debts and liabilities existing  
 1413 against a merged independent district, or which may arise or  
 1414 accrue against the merged independent district, which but for  
 1415 merger would be valid and lawful debts or liabilities against  
 1416 one or more of the component independent special districts, are  
 1417 debts against or liabilities of the merged independent district  
 1418 and accordingly shall be defrayed and answered to by the merged  
 1419 independent district to the same extent, and no further than,  
 1420 the component independent special districts would have been  
 1421 bound if a merger had not taken place.

1422 (b)~~2.~~ The rights of creditors and all liens upon the  
 1423 property of any of the component independent special districts  
 1424 shall be preserved unimpaired. The respective component  
 1425 districts shall be deemed to continue in existence to preserve  
 1426 such rights and liens, and all debts, liabilities, and duties of  
 1427 any of the component districts attach to the merged independent  
 1428 district.

1429 (c)~~3.~~ All bonds, contracts, and obligations of the  
 1430 component independent special districts which exist as legal

1431 obligations are obligations of the merged independent district,  
1432 and all such obligations shall be issued or entered into by and  
1433 in the name of the merged independent district.

1434 (10)~~(j)~~ *Effect on actions and proceedings.*—In any action  
1435 or proceeding pending on the effective date of merger to which a  
1436 component independent special district is a party, the merged  
1437 independent district may be substituted in its place, and the  
1438 action or proceeding may be prosecuted to judgment as if merger  
1439 had not taken place. Suits may be brought and maintained against  
1440 a merged independent district in any state court in the same  
1441 manner as against any other independent special district.

1442 (11)~~(k)~~ *Effect on annexation.*—Chapter 171 continues to  
1443 apply to all annexations by a city within the component  
1444 independent special districts' boundaries after merger occurs.  
1445 Any moneys owed to a component independent special district  
1446 pursuant to s. 171.093, or any interlocal service boundary  
1447 agreement as a result of annexation predating the merger, shall  
1448 be paid to the merged independent district after merger.

1449 (12)~~(l)~~ *Effect on millage calculations.*—The merged  
1450 independent special district is authorized to continue or  
1451 conclude procedures under chapter 200 on behalf of the component  
1452 independent special districts. The merged independent special  
1453 district shall make the calculations required by chapter 200 for  
1454 each component individual special district separately.

1455 (13)~~(m)~~ *Determination of rights.*—If any right, title,  
1456 interest, or claim arises out of a merger or by reason thereof



1457 which is not determinable by reference to this subsection, the  
 1458 joint merger plan or elector-initiated merger plan, as  
 1459 appropriate, or otherwise under the laws of this state, the  
 1460 governing body of the merged independent district may provide  
 1461 therefor in a manner conforming to law.

1462 (14)~~(n)~~ *Exemption.*—This section ~~subsection~~ does not apply  
 1463 to independent special districts whose governing bodies are  
 1464 elected by district landowners voting the acreage owned within  
 1465 the district.

1466 (15)~~(o)~~ *Preemption.*—This section ~~subsection~~ preempts any  
 1467 special act to the contrary.

1468 Section 22. Subsection (6) of section 189.4042, Florida  
 1469 Statutes, is transferred, renumbered as section 189.075, Florida  
 1470 Statutes, and amended to read:

1471 189.075 ~~189.4042~~ Involuntary merger of independent special  
 1472 districts ~~Merger and dissolution procedures.~~—

1473 ~~(6) INVOLUNTARY MERGER OF INDEPENDENT SPECIAL DISTRICTS.~~—

1474 (1)~~(a)~~ *Independent special districts created by special*  
 1475 *act.*—In order for the Legislature to merge an active independent  
 1476 special district or districts created and operating pursuant to  
 1477 a special act, the special act merging the active independent  
 1478 special district or districts must be approved at separate  
 1479 referenda of the impacted local governments by a majority of the  
 1480 resident electors or, for districts in which a majority of  
 1481 governing body ~~board~~ members are elected by landowners, a  
 1482 majority of the landowners voting in the same manner by which

1483 each independent special district's governing body is elected.  
 1484 The special act merging the districts must include a plan of  
 1485 merger that addresses transition issues such as the effective  
 1486 date of the merger, governance, administration, powers,  
 1487 pensions, and assumption of all assets and liabilities. If a  
 1488 local general-purpose government passes an ordinance or  
 1489 resolution in support of the merger of an active independent  
 1490 special district, the local general-purpose government must pay  
 1491 any expenses associated with the referendum required under this  
 1492 subsection ~~paragraph~~.

1493 (2) ~~(b)~~ *Independent special districts created by a county*  
 1494 *or municipality.*—A county or municipality may merge an  
 1495 independent special district created by the county or  
 1496 municipality pursuant to a referendum or any other procedure by  
 1497 which the independent special district was created. However, if  
 1498 the independent special district has ad valorem taxation powers,  
 1499 the same procedure required to grant the independent special  
 1500 district ad valorem taxation powers is required to merge the  
 1501 district. The political subdivisions proposing the involuntary  
 1502 merger of an active independent special district must pay any  
 1503 expenses associated with the referendum required under this  
 1504 subsection ~~paragraph~~.

1505 (3) ~~(c)~~ *Inactive independent special districts.*—An  
 1506 independent special district that meets any criteria for being  
 1507 declared inactive, or that has already been declared inactive,  
 1508 pursuant to s. 189.062 ~~189.4044~~ may be merged by special act

1509 without a referendum.

1510 Section 23. Subsection (7) of section 189.4042, Florida  
 1511 Statutes, is transferred and renumbered as section 189.0761,  
 1512 Florida Statutes, and amended to read:

1513 189.0761 ~~189.4042~~ ~~Merger and dissolution procedures.~~

1514 ~~(7)~~ Exemptions.—This part ~~section~~ does not apply to  
 1515 community development districts implemented pursuant to chapter  
 1516 190 or to water management districts created and operated  
 1517 pursuant to chapter 373.

1518 Section 24. Section 189.4044, Florida Statutes, is  
 1519 transferred and renumbered as section 189.062, Florida Statutes,  
 1520 subsections (1) and (3) of that section are amended, and  
 1521 subsections (5) and (6) are added to that section, to read:

1522 189.062 ~~189.4044~~ Special procedures for inactive  
 1523 districts.—

1524 (1) The department shall declare inactive any special  
 1525 district in this state by documenting that:

1526 (a) The special district meets one of the following  
 1527 criteria:

1528 1. The registered agent of the district, the chair of the  
 1529 governing body of the district, or the governing body of the  
 1530 appropriate local general-purpose government notifies the  
 1531 department in writing that the district has taken no action for  
 1532 2 or more years;

1533 2. ~~Following an inquiry from the department,~~ The  
 1534 registered agent of the district, the chair of the governing

1535 body of the district, or the governing body of the appropriate  
 1536 local general-purpose government notifies the department in  
 1537 writing that the district has not had a governing body ~~board~~ or  
 1538 a sufficient number of governing body ~~board~~ members to  
 1539 constitute a quorum for 2 or more years;

1540 3. ~~or~~ The registered agent of the district, the chair of  
 1541 the governing body of the district, or the governing body of the  
 1542 appropriate local general-purpose government fails to respond to  
 1543 an ~~the department's~~ inquiry by the department within 21 days;

1544 4.3. The department determines, pursuant to s. 189.067  
 1545 ~~189.421~~, that the district has failed to file any of the reports  
 1546 listed in s. 189.066 ~~189.419~~;

1547 5.4. The district has not had a registered office and  
 1548 agent on file with the department for 1 or more years;~~or~~

1549 6.5. The governing body of a special district provides  
 1550 documentation to the department that it has unanimously adopted  
 1551 a resolution declaring the special district inactive. The  
 1552 special district shall be responsible for payment of any  
 1553 expenses associated with its dissolution. A special district  
 1554 declared inactive pursuant to this subparagraph may be dissolved  
 1555 without a referendum; or

1556 (b) The department, special district, or local general-  
 1557 purpose government published a notice of proposed declaration of  
 1558 inactive status in a newspaper of general circulation in the  
 1559 county or municipality in which the territory of the special  
 1560 district is located and sent a copy of such notice by certified

1561 mail to the registered agent or chair of the governing body  
1562 ~~board~~, if any. Such notice must include the name of the special  
1563 district, the law under which it was organized and operating, a  
1564 general description of the territory included in the special  
1565 district, and a statement that any objections must be filed  
1566 pursuant to chapter 120 within 21 days after the publication  
1567 date; and

1568 (c) Twenty-one days have elapsed from the publication date  
1569 of the notice of proposed declaration of inactive status and no  
1570 administrative appeals were filed.

1571 (3) In the case of a district created by special act of  
1572 the Legislature, the department shall send a notice of  
1573 declaration of inactive status to the Speaker of the House of  
1574 Representatives and the President of the Senate, and the  
1575 standing committees of the Senate and the House of  
1576 Representatives charged with special district oversight as  
1577 determined by the presiding officers of each respective chamber  
1578 and the Legislative Auditing Committee. The notice of  
1579 declaration of inactive status shall reference each known  
1580 special act creating or amending the charter of any special  
1581 district declared to be inactive under this section. The  
1582 declaration of inactive status shall be sufficient notice as  
1583 required by s. 10, Art. III of the State Constitution to  
1584 authorize the Legislature to repeal any special laws so  
1585 reported. In the case of a district created by one or more local  
1586 general-purpose governments, the department shall send a notice

1587 of declaration of inactive status to the chair of the governing  
 1588 body of each local general-purpose government that created the  
 1589 district. In the case of a district created by interlocal  
 1590 agreement, the department shall send a notice of declaration of  
 1591 inactive status to the chair of the governing body of each local  
 1592 general-purpose government which entered into the interlocal  
 1593 agreement.

1594 (5) A special district declared inactive under this  
 1595 section may not collect taxes, fees, or assessments unless the  
 1596 declaration is:

1597 (a) Withdrawn or revoked by the department; or

1598 (b) Invalidated in proceedings initiated by the special  
 1599 district within 30 days after the date written notice of the  
 1600 declaration was provided to the special district governing body  
 1601 by physical or electronic delivery, receipt confirmed. The  
 1602 special district governing body may initiate proceedings within  
 1603 the period authorized in this paragraph by:

1604 1. Filing with the department a petition for an  
 1605 administrative hearing pursuant to s. 120.569; or

1606 2. Filing an action for declaratory and injunctive relief  
 1607 under chapter 86 in the circuit court of the judicial circuit in  
 1608 which the majority of the area of the district is located.

1609 (c) If a timely challenge to the declaration is not  
 1610 initiated by the special district governing body, or the  
 1611 department prevails in a proceeding initiated under paragraph  
 1612 (b), the department may enforce the prohibitions in this

1613 subsection by filing a petition for enforcement with the circuit  
 1614 court in and for Leon County. The petition may request  
 1615 declaratory, injunctive, or other equitable relief, including  
 1616 the appointment of a receiver, and any forfeiture or other  
 1617 remedy provided by law.

1618 (d) The prevailing party shall be awarded costs of  
 1619 litigation and reasonable attorney fees in any proceeding  
 1620 brought under this subsection.

1621 Section 25. Section 189.4045, Florida Statutes, is  
 1622 transferred and renumbered as section 189.076, Florida Statutes.

1623 Section 26. Section 189.4047, Florida Statutes, is  
 1624 transferred and renumbered as section 189.021, Florida Statutes.

1625 Section 27. Subsections (1), (2), (3), (4), (6), and (7)  
 1626 of section 189.405, Florida Statutes, are transferred and  
 1627 renumbered as subsections (1) through (6) of section 189.04,  
 1628 Florida Statutes, respectively, and present subsection (1),  
 1629 paragraph (c) of present subsection (2), and present subsections  
 1630 (3), (4), and (7) of that section are amended, to read:

1631 189.04 ~~189.405~~ Elections; general requirements and  
 1632 ~~procedures; education programs.~~

1633 (1) If a dependent special district has an elected  
 1634 governing body ~~board~~, elections shall be conducted by the  
 1635 supervisor of elections of the county wherein the district is  
 1636 located in accordance with the Florida Election Code, chapters  
 1637 97-106.

1638 (2)

1639 (c) A candidate for a position on a governing body ~~board~~  
1640 of a single-county special district that has its elections  
1641 conducted by the supervisor of elections shall qualify for the  
1642 office with the county supervisor of elections in whose  
1643 jurisdiction the district is located. Elections for governing  
1644 body ~~board~~ members elected by registered electors shall be  
1645 nonpartisan, except when partisan elections are specified by a  
1646 district's charter. Candidates shall qualify as directed by  
1647 chapter 99. The qualifying fee shall be remitted to the general  
1648 revenue fund of the qualifying officer to help defray the cost  
1649 of the election.

1650 (3) (a) If a multicounty special district has a popularly  
1651 elected governing body ~~board~~, elections for the purpose of  
1652 electing members to such governing body ~~board~~ shall conform to  
1653 the Florida Election Code, chapters 97-106.

1654 (b) With the exception of those districts conducting  
1655 elections on a one-acre/one-vote basis, qualifying for  
1656 multicounty special district governing body ~~board~~ positions  
1657 shall be coordinated by the Department of State. Elections for  
1658 governing body ~~board~~ members elected by registered electors  
1659 shall be nonpartisan, except when partisan elections are  
1660 specified by a district's charter. Candidates shall qualify as  
1661 directed by chapter 99. The qualifying fee shall be remitted to  
1662 the Department of State.

1663 (4) With the exception of elections of special district  
1664 governing body ~~board~~ members conducted on a one-acre/one-vote



1665 basis, in any election conducted in a special district the  
 1666 decision made by a majority of those voting shall prevail,  
 1667 except as otherwise specified by law.

1668 ~~(6)-(7)~~ Nothing in this act requires that a special  
 1669 district governed by an appointed governing body ~~board~~ convert  
 1670 to an elected governing body ~~board~~.

1671 Section 28. Subsection (5) of section 189.405, Florida  
 1672 Statutes, is transferred, renumbered as section 189.063, Florida  
 1673 Statutes, and amended to read:

1674 189.063 ~~189.405~~ Education programs for new members of  
 1675 district governing bodies ~~Elections; general requirements and~~  
 1676 ~~procedures; education programs.-~~

1677 ~~(1)-(5)(a)~~ The department may provide, contract for, or  
 1678 assist in conducting education programs, as its budget permits,  
 1679 for all newly elected or appointed members of district governing  
 1680 bodies ~~boards~~. The education programs shall include, but are not  
 1681 limited to, courses on the code of ethics for public officers  
 1682 and employees, public meetings and public records requirements,  
 1683 public finance, and parliamentary procedure. ~~Course content may~~  
 1684 ~~be offered by means of the following: videotapes, live seminars,~~  
 1685 ~~workshops, conferences, teleconferences, computer-based~~  
 1686 ~~training, multimedia presentations, or other available~~  
 1687 ~~instructional methods.~~

1688 ~~(2)(b)~~ An individual district governing body ~~board~~, at its  
 1689 discretion, may bear the costs associated with educating its  
 1690 members. Governing body ~~Board~~ members of districts which have

1691 qualified for a zero annual fee for the most recent invoicing  
 1692 period pursuant to s. 189.018 are ~~189.427~~ shall not be required  
 1693 to pay a fee for any education program the department provides,  
 1694 contracts for, or assists in conducting.

1695 Section 29. Section 189.4051, Florida Statutes, is  
 1696 transferred, renumbered as section 189.041, Florida Statutes,  
 1697 and amended to read:

1698 189.041 ~~189.4051~~ Elections; special requirements and  
 1699 procedures for districts with governing bodies ~~boards~~ elected on  
 1700 a one-acre/one-vote basis.—

1701 (1) DEFINITIONS.—As used in this section:

1702 (a) "Qualified elector" means any person at least 18 years  
 1703 of age who is a citizen of the United States, a permanent  
 1704 resident of Florida, and a freeholder or freeholder's spouse and  
 1705 resident of the district who registers with the supervisor of  
 1706 elections of a county within which the district lands are  
 1707 located when the registration books are open.

1708 (b) "Urban area" means a contiguous developed and  
 1709 inhabited urban area within a district with a minimum average  
 1710 resident population density of at least 1.5 persons per acre as  
 1711 defined by the latest official census, special census, or  
 1712 population estimate or a minimum density of one single-family  
 1713 home per 2.5 acres with access to improved roads or a minimum  
 1714 density of one single-family home per 5 acres within a recorded  
 1715 plat subdivision. Urban areas shall be designated by the  
 1716 governing body ~~board~~ of the district with the assistance of all

1717 local general-purpose governments having jurisdiction over the  
 1718 area within the district.

1719 (c) "Governing body ~~board~~ member" means any duly elected  
 1720 member of the governing body ~~board~~ of a special district elected  
 1721 pursuant to this section, provided that a ~~any~~ ~~board~~ member  
 1722 elected by popular vote shall be a qualified district elector  
 1723 and a ~~any~~ ~~board~~ member elected on a one-acre/one-vote basis  
 1724 shall meet the requirements of s. 298.11 for election to the  
 1725 governing body ~~board~~.

1726 (d) "Contiguous developed urban area" means any reasonably  
 1727 compact urban area located entirely within a special district.  
 1728 The separation of urban areas by a publicly owned park, right-  
 1729 of-way, highway, road, railroad, canal, utility, body of water,  
 1730 watercourse, or other minor geographical division of a similar  
 1731 nature shall not prevent such areas from being defined as urban  
 1732 areas.

1733 (2) POPULAR ELECTIONS; REFERENDUM; DESIGNATION OF URBAN  
 1734 AREAS.—

1735 (a) *Referendum*.—

1736 1. A referendum shall be called by the governing body  
 1737 ~~board~~ of a special district where the governing body ~~board~~ is  
 1738 elected on a one-acre/one-vote basis on the question of whether  
 1739 certain members of a district governing body ~~board~~ should be  
 1740 elected by qualified electors, provided each of the following  
 1741 conditions has been satisfied at least 60 days before ~~prior to~~  
 1742 the general or special election at which the referendum is to be

1743 held:

1744           a. The district shall have a total population, according  
 1745 to the latest official state census, a special census, or a  
 1746 population estimate, of at least 500 qualified electors.

1747           b. A petition signed by 10 percent of the qualified  
 1748 electors of the district shall have been filed with the  
 1749 governing body ~~board~~ of the district. The petition shall be  
 1750 submitted to the supervisor of elections of the county or  
 1751 counties in which the lands are located. The supervisor shall,  
 1752 within 30 days after the receipt of the petitions, certify to  
 1753 the governing body ~~board~~ the number of signatures of qualified  
 1754 electors contained on the petition.

1755           2. Upon verification by the supervisor or supervisors of  
 1756 elections of the county or counties within which district lands  
 1757 are located that 10 percent of the qualified electors of the  
 1758 district have petitioned the governing body ~~board~~, a referendum  
 1759 election shall be called by the governing body ~~board~~ at the next  
 1760 regularly scheduled election of governing body ~~board~~ members  
 1761 occurring at least 30 days after verification of the petition or  
 1762 within 6 months of verification, whichever is earlier.

1763           3. If the qualified electors approve the election  
 1764 procedure described in this subsection, the governing body ~~board~~  
 1765 of the district shall be increased to five members and elections  
 1766 shall be held pursuant to the criteria described in this  
 1767 subsection beginning with the next regularly scheduled election  
 1768 of governing body ~~board~~ members or at a special election called

1769 within 6 months following the referendum and final unappealed  
 1770 approval of district urban area maps as provided in paragraph  
 1771 (b), whichever is earlier.

1772 4. If the qualified electors of the district disapprove  
 1773 the election procedure described in this subsection, elections  
 1774 of the members of the governing body ~~board~~ shall continue as  
 1775 described by s. 298.12 or the enabling legislation for the  
 1776 district. No further referendum on the question shall be held  
 1777 for a minimum period of 2 years following the referendum.

1778 (b) *Designation of urban areas.*—

1779 1. Within 30 days after approval of the election process  
 1780 described in this subsection by qualified electors of the  
 1781 district, the governing body ~~board~~ shall direct the district  
 1782 staff to prepare and present maps of the district describing the  
 1783 extent and location of all urban areas within the district. Such  
 1784 determination shall be based upon the criteria contained within  
 1785 paragraph (1) (b).

1786 2. Within 60 days after approval of the election process  
 1787 described in this subsection by qualified electors of the  
 1788 district, the maps describing urban areas within the district  
 1789 shall be presented to the governing body ~~board~~.

1790 3. Any district landowner or elector may contest the  
 1791 accuracy of the urban area maps prepared by the district staff  
 1792 within 30 days after submission to the governing body ~~board~~.  
 1793 Upon notice of objection to the maps, the governing body ~~board~~  
 1794 shall request the county engineer to prepare and present maps of

1795 the district describing the extent and location of all urban  
1796 areas within the district. Such determination shall be based  
1797 upon the criteria contained within paragraph (1)(b). Within 30  
1798 days after the governing body ~~board~~ request, the county engineer  
1799 shall present the maps to the governing body ~~board~~.

1800 4. Upon presentation of the maps by the county engineer,  
1801 the governing body ~~board~~ shall compare the maps submitted by  
1802 both the district staff and the county engineer and make a  
1803 determination as to which set of maps to adopt. Within 60 days  
1804 after presentation of all such maps, the governing body ~~board~~  
1805 may amend and shall adopt the official maps at a regularly  
1806 scheduled meeting of the governing body ~~board meeting~~.

1807 5. Any district landowner or qualified elector may contest  
1808 the accuracy of the urban area maps adopted by the governing  
1809 body ~~board~~ within 30 days after adoption by petition to the  
1810 circuit court with jurisdiction over the district. Accuracy  
1811 shall be determined pursuant to paragraph (1)(b). Any petitions  
1812 so filed shall be heard expeditiously, and the maps shall either  
1813 be approved or approved with necessary amendments to render the  
1814 maps accurate and shall be certified to the governing body  
1815 ~~board~~.

1816 6. Upon adoption by the governing body ~~board~~ or  
1817 certification by the court, the district urban area maps shall  
1818 serve as the official maps for determination of the extent of  
1819 urban area within the district and the number of governing body  
1820 ~~board~~ members to be elected by qualified electors and by the

1821 one-acre/one-vote principle at the next regularly scheduled  
1822 election of governing body board members.

1823 7. Upon a determination of the percentage of urban area  
1824 within the district as compared with total area within the  
1825 district, the governing body board shall order elections in  
1826 accordance with the percentages pursuant to paragraph (3) (a).  
1827 The landowners' meeting date shall be designated by the  
1828 governing body board.

1829 8. The maps shall be updated and readopted every 5 years  
1830 or sooner in the discretion of the governing body board.

1831 (3) GOVERNING BODY BOARD.—

1832 (a) *Composition of board*.—

1833 1. Members of the governing body board of the district  
1834 shall be elected in accordance with the following determinations  
1835 of urban area:

1836 a. If urban areas constitute 25 percent or less of the  
1837 district, one governing body board member shall be elected by  
1838 the qualified electors and four governing body board members  
1839 shall be elected in accordance with the one-acre/one-vote  
1840 principle contained within s. 298.11 or the district-enabling  
1841 legislation.

1842 b. If urban areas constitute 26 percent to 50 percent of  
1843 the district, two governing body board members shall be elected  
1844 by the qualified electors and three governing body board members  
1845 shall be elected in accordance with the one-acre/one-vote  
1846 principle contained within s. 298.11 or the district-enabling

1847 legislation.

1848       c. If urban areas constitute 51 percent to 70 percent of  
1849 the district, three governing body ~~board~~ members shall be  
1850 elected by the qualified electors and two governing body ~~board~~  
1851 members shall be elected in accordance with the one-acre/one-  
1852 vote principle contained within s. 298.11 or the district-  
1853 enabling legislation.

1854       d. If urban areas constitute 71 percent to 90 percent of  
1855 the district, four governing body ~~board~~ members shall be elected  
1856 by the qualified electors and one governing body ~~board~~ member  
1857 shall be elected in accordance with the one-acre/one-vote  
1858 principle contained within s. 298.11 or the district-enabling  
1859 legislation.

1860       e. If urban areas constitute 91 percent or more of the  
1861 district, all governing body ~~board~~ members shall be elected by  
1862 the qualified electors.

1863       2. All governing body ~~board~~ members elected by qualified  
1864 electors shall be elected at large.

1865       (b) *Term of office.*—All governing body ~~board~~ members  
1866 elected by qualified electors shall have a term of 4 years  
1867 except for governing body ~~board~~ members elected at the first  
1868 election and the first landowners' meeting following the  
1869 referendum prescribed in paragraph (2) (a). Governing body ~~board~~  
1870 members elected at the first election and the first landowners'  
1871 meeting following the referendum shall serve as follows:

1872       1. If one governing body ~~board~~ member is elected by the



1873 qualified electors and four are elected on a one-acre/one-vote  
 1874 basis, the governing body ~~board~~ member elected by the qualified  
 1875 electors shall be elected for a period of 4 years. Governing  
 1876 body ~~board~~ members elected on a one-acre/one-vote basis shall be  
 1877 elected for periods of 1, 2, 3, and 4 years, respectively, as  
 1878 prescribed by ss. 298.11 and 298.12.

1879 2. If two governing body ~~board~~ members are elected by the  
 1880 qualified electors and three are elected on a one-acre/one-vote  
 1881 basis, the governing body ~~board~~ members elected by the electors  
 1882 shall be elected for a period of 4 years. Governing body ~~board~~  
 1883 members elected on a one-acre/one-vote basis shall be elected  
 1884 for periods of 1, 2, and 3 years, respectively, as prescribed by  
 1885 ss. 298.11 and 298.12.

1886 3. If three governing body ~~board~~ members are elected by  
 1887 the qualified electors and two are elected on a one-acre/one-  
 1888 vote basis, two of the governing body ~~board~~ members elected by  
 1889 the electors shall be elected for a term of 4 years and the  
 1890 other governing body ~~board~~ member elected by the electors shall  
 1891 be elected for a term of 2 years. Governing body ~~board~~ members  
 1892 elected on a one-acre/one-vote basis shall be elected for terms  
 1893 of 1 and 2 years, respectively, as prescribed by ss. 298.11 and  
 1894 298.12.

1895 4. If four governing body ~~board~~ members are elected by the  
 1896 qualified electors and one is elected on a one-acre/one-vote  
 1897 basis, two of the governing body ~~board~~ members elected by the  
 1898 electors shall be elected for a term of 2 years and the other

1899 two for a term of 4 years. The governing body ~~board~~ member  
1900 elected on a one-acre/one-vote basis shall be elected for a term  
1901 of 1 year as prescribed by ss. 298.11 and 298.12.

1902 5. If five governing body ~~board~~ members are elected by the  
1903 qualified electors, three shall be elected for a term of 4 years  
1904 and two for a term of 2 years.

1905 6. If any vacancy occurs in a seat occupied by a governing  
1906 body ~~board~~ member elected by the qualified electors, the  
1907 remaining members of the governing body ~~board~~ shall, within 45  
1908 days after the vacancy occurs, appoint a person who would be  
1909 eligible to hold the office to the unexpired term.

1910 (c) *Landowners' meetings.*—

1911 1. An annual landowners' meeting shall be held pursuant to  
1912 s. 298.11 and at least one governing body ~~board~~ member shall be  
1913 elected on a one-acre/one-vote basis pursuant to s. 298.12 for  
1914 so long as 10 percent or more of the district is not contained  
1915 in an urban area. In the event all district governing body ~~board~~  
1916 members are elected by qualified electors, there shall be no  
1917 further landowners' meetings.

1918 2. At any landowners' meeting called pursuant to this  
1919 section, 50 percent of the district acreage shall not be  
1920 required to constitute a quorum and each governing body ~~board~~  
1921 member shall be elected by a majority of the acreage represented  
1922 either by owner or proxy present and voting at said meeting.

1923 3. All landowners' meetings of districts operating  
1924 pursuant to this section shall be set by the governing body

1925 ~~board~~ within the month preceding the month of the election of  
 1926 the governing body ~~board~~ members by the electors.

1927 4. Vacancies on the governing body ~~board~~ shall be filled  
 1928 pursuant to s. 298.12 except as otherwise provided in  
 1929 subparagraph (b)6.

1930 (4) QUALIFICATIONS.—Elections for governing body ~~board~~  
 1931 members elected by qualified electors shall be nonpartisan.  
 1932 Qualifications shall be pursuant to the Florida Election Code  
 1933 and shall occur during the qualifying period established by s.  
 1934 99.061. Qualification requirements shall only apply to those  
 1935 governing body ~~board~~ member candidates elected by qualified  
 1936 electors. Following the first election pursuant to this section,  
 1937 elections to the governing body ~~board~~ by qualified electors  
 1938 shall occur at the next regularly scheduled election closest in  
 1939 time to the expiration date of the term of the elected governing  
 1940 body ~~board~~ member. If the next regularly scheduled election is  
 1941 beyond the normal expiration time for the term of an elected  
 1942 governing body ~~board~~ member, the governing body ~~board~~ member  
 1943 shall hold office until the election of a successor.

1944 (5) Those districts established as single-purpose water  
 1945 control districts, and which continue to act as single-purpose  
 1946 water control districts, pursuant to chapter 298, pursuant to a  
 1947 special act, pursuant to a local government ordinance, or  
 1948 pursuant to a judicial decree, shall be exempt from the  
 1949 provisions of this section. All other independent special  
 1950 districts with governing bodies ~~boards~~ elected on a one-

1951 acre/one-vote basis shall be subject to the provisions of this  
 1952 section.

1953 (6) The provisions of this section shall not apply to  
 1954 community development districts established pursuant to chapter  
 1955 190.

1956 Section 30. Section 189.4065, Florida Statutes, is  
 1957 transferred and renumbered as section 189.05, Florida Statutes.

1958 Section 31. Section 189.408, Florida Statutes, is  
 1959 transferred and renumbered as section 189.042, Florida Statutes.

1960 Section 32. Section 189.4085, Florida Statutes, is  
 1961 transferred and renumbered as section 189.051, Florida Statutes.

1962 Section 33. Section 189.412, Florida Statutes, is  
 1963 transferred and renumbered as section 189.064, Florida Statutes,  
 1964 and amended to read:

1965 189.064 ~~189.412~~ Special District Accountability  
 1966 ~~Information~~ Program; duties and responsibilities.—The Special  
 1967 District Accountability ~~Information~~ Program of the department ~~of~~  
 1968 ~~Economic Opportunity~~ is created and has the following special  
 1969 duties:

1970 (1) Electronically publishing ~~The collection and~~  
 1971 ~~maintenance of~~ special district noncompliance status reports  
 1972 from the department ~~of Management Services~~, the Department of  
 1973 Financial Services, the Division of Bond Finance of the State  
 1974 Board of Administration, the Auditor General, and the  
 1975 Legislative Auditing Committee, for the reporting required in  
 1976 ss. 112.63, 218.32, 218.38, and 218.39. The noncompliance

1977 reports must list those special districts that did not comply  
 1978 with the statutory reporting requirements and be made available  
 1979 to the public electronically.

1980 (2) Maintaining the official list of special districts ~~The~~  
 1981 ~~maintenance of a master list of independent and dependent~~  
 1982 ~~special districts which shall be available on the department's~~  
 1983 ~~website.~~

1984 (3) ~~The~~ Publishing and updating of a "Florida Special  
 1985 District Handbook" that contains, at a minimum:

1986 (a) A section that specifies definitions of special  
 1987 districts and status distinctions in the statutes.

1988 (b) A section or sections that specify current statutory  
 1989 provisions for special district creation, implementation,  
 1990 modification, dissolution, and operating procedures.

1991 (c) A section that summarizes the reporting requirements  
 1992 applicable to all types of special districts as provided in ss.  
 1993 189.015 and 189.016 ~~189.417 and 189.418.~~

1994 ~~(4) When feasible, securing and maintaining access to~~  
 1995 ~~special district information collected by all state agencies in~~  
 1996 ~~existing or newly created state computer systems.~~

1997 ~~(4)(5) Coordinating and communicating~~ The facilitation of  
 1998 ~~coordination and communication~~ among state agencies regarding  
 1999 special districts ~~district~~ information.

2000 ~~(6) The conduct of studies relevant to special districts.~~

2001 ~~(5)(7) Providing technical advisory~~ The provision of  
 2002 assistance related to special districts regarding the and

2003 ~~appropriate in the performance of requirements specified in this~~  
 2004 ~~chapter which may be performed by the department or by a~~  
 2005 ~~qualified third-party vendor pursuant to a contract entered into~~  
 2006 ~~in accordance with applicable bidding requirements, including~~  
 2007 ~~assisting with an annual conference sponsored by the Florida~~  
 2008 ~~Association of Special Districts or its successor.~~

2009 (6) ~~(8)~~ Providing assistance to local general-purpose  
 2010 governments and ~~certain~~ state agencies in collecting delinquent  
 2011 reports or information.7

2012 (7) Helping special districts comply with reporting  
 2013 requirements.7

2014 (8) Declaring special districts inactive when ~~appropriate,~~  
 2015 ~~and, when~~ directed by the Legislative Auditing Committee or  
 2016 required by this chapter.7

2017 (9) Initiating enforcement proceedings ~~provisions~~ as  
 2018 provided in ss. 189.062, 189.066, and 189.067 ~~189.4044, 189.419,~~  
 2019 ~~and 189.421.~~

2020 Section 34. Section 189.413, Florida Statutes, is  
 2021 transferred and renumbered as section 189.065, Florida Statutes,  
 2022 and amended to read:

2023 189.065 ~~189.413~~ Special districts; oversight of state  
 2024 funds use.—Any state agency administering funding programs for  
 2025 which special districts are eligible shall be responsible for  
 2026 oversight of the use of such funds by special districts. The  
 2027 oversight responsibilities shall include, but not be limited to:

2028 (1) Reporting the existence of the program to the Special

2029 District Accountability Information ~~Information~~ Program of the department.

2030 (2) Submitting annually a list of special districts  
 2031 participating in a state funding program to the Special District  
 2032 Accountability Information ~~Information~~ Program of the department. This list  
 2033 must indicate the special districts, if any, that are not in  
 2034 compliance with state funding program requirements.

2035 Section 35. Section 189.415, Florida Statutes, is  
 2036 transferred and renumbered as section 189.08, Florida Statutes.

2037 Section 36. Section 189.4155, Florida Statutes, is  
 2038 transferred and renumbered as section 189.081, Florida Statutes.

2039 Section 37. Section 189.4156, Florida Statutes, is  
 2040 transferred and renumbered as section 189.082, Florida Statutes.

2041 Section 38. Section 189.416, Florida Statutes, is  
 2042 transferred and renumbered as section 189.014, Florida Statutes,  
 2043 and subsection (1) of that section is amended, to read:

2044 189.014 ~~189.416~~ Designation of registered office and  
 2045 agent.—

2046 (1) Within 30 days after the first meeting of its  
 2047 governing body ~~board~~, each special district in the state shall  
 2048 designate a registered office and a registered agent and file  
 2049 such information with the local governing authority or  
 2050 authorities and with the department. The registered agent shall  
 2051 be an agent of the district upon whom any process, notice, or  
 2052 demand required or permitted by law to be served upon the  
 2053 district may be served. A registered agent shall be an  
 2054 individual resident of this state whose business address is

2055 identical with the registered office of the district. The  
 2056 registered office may be, but need not be, the same as the place  
 2057 of business of the special district.

2058 Section 39. Section 189.417, Florida Statutes, is  
 2059 transferred and renumbered as section 189.015, Florida Statutes,  
 2060 and subsection (1) of that section is amended, to read:

2061 189.015 ~~189.417~~ Meetings; notice; required reports.—

2062 (1) The governing body of each special district shall file  
 2063 quarterly, semiannually, or annually a schedule of its regular  
 2064 meetings with the local governing authority or authorities. The  
 2065 schedule shall include the date, time, and location of each  
 2066 scheduled meeting. The schedule shall be published quarterly,  
 2067 semiannually, or annually in a newspaper of general paid  
 2068 circulation in the manner required in this subsection. The  
 2069 governing body of an independent special district shall  
 2070 advertise the day, time, place, and purpose of any meeting other  
 2071 than a regular meeting or any recessed and reconvened meeting of  
 2072 the governing body, at least 7 days before ~~prior to~~ such  
 2073 meeting, in a newspaper of general paid circulation in the  
 2074 county or counties in which the special district is located,  
 2075 unless a bona fide emergency situation exists, in which case a  
 2076 meeting to deal with the emergency may be held as necessary,  
 2077 with reasonable notice, so long as it is subsequently ratified  
 2078 by the governing body ~~board~~. No approval of the annual budget  
 2079 shall be granted at an emergency meeting. The advertisement  
 2080 shall be placed in that portion of the newspaper where legal



2081 notices and classified advertisements appear. The advertisement  
2082 shall appear in a newspaper that is published at least 5 days a  
2083 week, unless the only newspaper in the county is published fewer  
2084 than 5 days a week. The newspaper selected must be one of  
2085 general interest and readership in the community and not one of  
2086 limited subject matter, pursuant to chapter 50. Any other  
2087 provision of law to the contrary notwithstanding, and except in  
2088 the case of emergency meetings, water management districts may  
2089 provide reasonable notice of public meetings held to evaluate  
2090 responses to solicitations issued by the water management  
2091 district, by publication in a newspaper of general paid  
2092 circulation in the county where the principal office of the  
2093 water management district is located, or in the county or  
2094 counties where the public work will be performed, no less than 7  
2095 days before such meeting.

2096 Section 40. Section 189.418, Florida Statutes, is  
2097 transferred and renumbered as section 189.016, Florida Statutes,  
2098 and subsections (2) and (10) of that section are amended, to  
2099 read:

2100 189.016 ~~189.418~~ Reports; budgets; audits.—

2101 (2) Any amendment, modification, or update of the document  
2102 by which the district was created, including changes in  
2103 boundaries, must be filed with the department within 30 days  
2104 after adoption. The department may initiate proceedings against  
2105 special districts as provided in s. 189.067 ~~189.421~~ for failure  
2106 to file the information required by this subsection. However,

2107 for the purposes of this section and s. 175.101(1), the  
 2108 boundaries of a district shall be deemed to include an area that  
 2109 has been annexed until the completion of the 4-year period  
 2110 specified in s. 171.093(4) or other mutually agreed upon  
 2111 extension, or when a district is providing services pursuant to  
 2112 an interlocal agreement entered into pursuant to s. 171.093(3).

2113 (10) All reports or information required to be filed with  
 2114 a local general-purpose government or governing authority under  
 2115 ss. 189.08, 189.014, and 189.015 ~~189.415, 189.416, and 189.417~~  
 2116 and subsection (8) must:

2117 (a) If the local general-purpose government or governing  
 2118 authority is a county, be filed with the clerk of the board of  
 2119 county commissioners.

2120 (b) If the district is a multicounty district, be filed  
 2121 with the clerk of the county commission in each county.

2122 (c) If the local general-purpose government or governing  
 2123 authority is a municipality, be filed at the place designated by  
 2124 the municipal governing body.

2125 Section 41. Section 189.419, Florida Statutes, is  
 2126 transferred, renumbered as section 189.066, Florida Statutes,  
 2127 and amended to read:

2128 189.066 ~~189.419~~ Effect of failure to file certain reports  
 2129 or information.—

2130 (1) If an independent special district fails to file the  
 2131 reports or information required under s. 189.08, s. 189.014, s.  
 2132 189.015, or s. 189.016(9) ~~189.415, s. 189.416, s. 189.417, or s.~~

2133 ~~189.418(9)~~ with the local general-purpose government or  
 2134 governments in which it is located, the person authorized to  
 2135 receive and read the reports or information or the local  
 2136 general-purpose government shall notify the district's  
 2137 registered agent. If requested by the district, the local  
 2138 general-purpose government shall grant an extension of up to 30  
 2139 days for filing the required reports or information. If the  
 2140 governing body of the local general-purpose government or  
 2141 governments determines that there has been an unjustified  
 2142 failure to file these reports or information, it shall ~~may~~  
 2143 notify the department, and the department may proceed pursuant  
 2144 to s. 189.067(1) ~~189.421(1)~~.

2145 (2) If a dependent special district fails to file the  
 2146 reports or information required under s. 189.014, s. 189.015, or  
 2147 s. 189.016(9) ~~189.416, s. 189.417, or s. 189.418(9)~~ with the  
 2148 local governing authority to which it is dependent, the local  
 2149 governing authority shall take whatever steps it deems necessary  
 2150 to enforce the special district's accountability. Such steps may  
 2151 include, as authorized, withholding funds, removing governing  
 2152 body ~~board~~ members at will, vetoing the special district's  
 2153 budget, conducting the oversight review process set forth in s.  
 2154 189.068 ~~189.428~~, or amending, merging, or dissolving the special  
 2155 district in accordance with the provisions contained in the  
 2156 ordinance that created the dependent special district.

2157 (3) If a special district fails to file the reports or  
 2158 information required under s. 218.38 with the appropriate state

2159 agency, the agency shall notify the department, and the  
 2160 department shall send a certified technical assistance letter to  
 2161 the special district which summarizes the requirements and  
 2162 compels ~~encourages~~ the special district to take steps to prevent  
 2163 the noncompliance from reoccurring.

2164 (4) If a special district fails to file the reports or  
 2165 information required under s. 112.63 with the appropriate state  
 2166 agency, the agency shall notify the department and the  
 2167 department shall proceed pursuant to s. 189.067(1) ~~189.421(1)~~.

2168 (5) If a special district fails to file the reports or  
 2169 information required under s. 218.32 or s. 218.39 with the  
 2170 appropriate state agency or office, the state agency or office  
 2171 shall, and the Legislative Auditing Committee may, notify the  
 2172 department and the department shall proceed pursuant to s.  
 2173 189.067 ~~189.421~~.

2174 (6) If a special district created by special act of the  
 2175 Legislature fails to file the reports or information required  
 2176 under s. 218.32 or s. 218.39 with the appropriate state agency  
 2177 or office, the Legislative Auditing Committee shall notify the  
 2178 Speaker of the House of Representatives and the President of the  
 2179 Senate, and the standing committees of the Senate and the House  
 2180 of Representatives charged with special district oversight as  
 2181 determined by the presiding officers of each respective chamber  
 2182 in writing, pursuant to s. 189.034.

2183 (7) If a special district created by ordinance fails to  
 2184 file the reports or information required under s. 218.32 or

2185 218.39 with the appropriate state agency or office, the  
 2186 Legislative Auditing Committee shall notify the department and  
 2187 the chair or equivalent of the local general-purpose government  
 2188 that created the district, in writing, pursuant to s. 189.035.

2189 Section 42. Section 189.420, Florida Statutes, is  
 2190 transferred and renumbered as section 189.052, Florida Statutes.

2191 Section 43. Section 189.421, Florida Statutes, is  
 2192 transferred, renumbered as section 189.067, Florida Statutes,  
 2193 and amended to read:

2194 189.067 ~~189.421~~ Failure of district to disclose financial  
 2195 reports.-

2196 (1) (a) If notified pursuant to s. 189.066(1) ~~189.419(1)~~,  
 2197 (4), or (5), the department shall attempt to assist a special  
 2198 district in complying with its financial reporting requirements  
 2199 by sending a certified letter to the special district, and, if  
 2200 the special district is dependent, sending a copy of that letter  
 2201 to the chair of the local governing authority. The letter must  
 2202 include a description of the required report, including  
 2203 statutory submission deadlines, a contact telephone number for  
 2204 technical assistance to help the special district comply, a 60-  
 2205 day deadline for filing the required report with the appropriate  
 2206 entity, the address where the report must be filed, and an  
 2207 explanation of the penalties for noncompliance.

2208 (b) A special district that is unable to meet the 60-day  
 2209 reporting deadline must provide written notice to the department  
 2210 before the expiration of the deadline stating the reason the

2211 special district is unable to comply with the deadline, the  
 2212 steps the special district is taking to prevent the  
 2213 noncompliance from reoccurring, and the estimated date that the  
 2214 special district will file the report with the appropriate  
 2215 agency. The district's written response does not constitute an  
 2216 extension by the department; however, the department shall  
 2217 forward the written response as follows ~~to~~:

2218 1. If the written response refers to the reports required  
 2219 under s. 218.32 or s. 218.39, to the Legislative Auditing  
 2220 Committee for its consideration in determining whether the  
 2221 special district should be subject to further state action in  
 2222 accordance with s. 11.40(2)(b).

2223 2. If the written response refers to the reports or  
 2224 information requirements listed in s. 189.066(1) ~~189.419(1)~~, to  
 2225 the local general-purpose government or governments for their  
 2226 consideration in determining whether the oversight review  
 2227 process set forth in s. 189.068 ~~189.428~~ should be undertaken.

2228 3. If the written response refers to the reports or  
 2229 information required under s. 112.63, to the Department of  
 2230 Management Services for its consideration in determining whether  
 2231 the special district should be subject to further state action  
 2232 in accordance with s. 112.63(4)(d)2.

2233 (2) Failure of a special district to comply with the  
 2234 actuarial and financial reporting requirements under s. 112.63,  
 2235 s. 218.32, or s. 218.39 after the procedures of subsection (1)  
 2236 are exhausted shall be deemed final action of the special

2237 district. The actuarial and financial reporting requirements are  
 2238 declared to be essential requirements of law. Remedies ~~Remedy~~  
 2239 for noncompliance shall be as provided in ss. 189.034 and s.  
 2240 189.035 ~~by writ of certiorari as set forth in subsection (4).~~

2241 (3) Pursuant to s. 11.40(2)(b), the Legislative Auditing  
 2242 Committee may ~~shall~~ notify the department of those districts  
 2243 that fail to file the required reports. If the procedures  
 2244 described in subsection (1) have not yet been initiated, the  
 2245 department shall initiate such procedures upon receiving the  
 2246 notice from the Legislative Auditing Committee. Otherwise,  
 2247 within 60 days after receiving such notice, or within 60 days  
 2248 after the expiration of the 60-day deadline provided in  
 2249 subsection (1), whichever occurs later, the department,  
 2250 notwithstanding the provisions of chapter 120, shall file a  
 2251 petition for enforcement ~~writ of certiorari~~ with the circuit  
 2252 court. The petition may request declaratory, injunctive, any  
 2253 other equitable relief, or any remedy provided by law. Venue for  
 2254 all actions pursuant to this subsection is in Leon County. The  
 2255 court shall award the prevailing party reasonable attorney's  
 2256 fees and costs unless affirmatively waived by all parties. ~~A~~  
 2257 ~~writ of certiorari shall be issued unless a respondent~~  
 2258 ~~establishes that the notification of the Legislative Auditing~~  
 2259 ~~Committee was issued as a result of material error. Proceedings~~  
 2260 ~~under this subsection are otherwise governed by the Rules of~~  
 2261 ~~Appellate Procedure.~~

2262 (4) ~~Pursuant to s. 112.63(4)(d)2., the Department of~~

2263 ~~Management Services may notify the department of those special~~  
 2264 ~~districts that have failed to file the required adjustments,~~  
 2265 ~~additional information, or report or statement after the~~  
 2266 ~~procedures of subsection (1) have been exhausted. Within 60 days~~  
 2267 ~~after receiving such notice or within 60 days after the 60-day~~  
 2268 ~~deadline provided in subsection (1), whichever occurs later, the~~  
 2269 ~~department, notwithstanding chapter 120, shall file a petition~~  
 2270 ~~for writ of certiorari with the circuit court. Venue for all~~  
 2271 ~~actions pursuant to this subsection is in Leon County. The court~~  
 2272 ~~shall award the prevailing party attorney's fees and costs~~  
 2273 ~~unless affirmatively waived by all parties. A writ of certiorari~~  
 2274 ~~shall be issued unless a respondent establishes that the~~  
 2275 ~~notification of the Department of Management Services was issued~~  
 2276 ~~as a result of material error. Proceedings under this subsection~~  
 2277 ~~are otherwise governed by the Rules of Appellate Procedure.~~

2278       Section 44. Section 189.4221, Florida Statutes, is  
 2279 transferred and renumbered as section 189.053, Florida Statutes.

2280       Section 45. Section 189.423, Florida Statutes, is  
 2281 transferred and renumbered as section 189.054, Florida Statutes.

2282       Section 46. Section 189.425, Florida Statutes, is  
 2283 transferred and renumbered as section 189.017, Florida Statutes.

2284       Section 47. Section 189.427, Florida Statutes, is  
 2285 transferred and renumbered as section 189.018, Florida Statutes,  
 2286 and amended to read:

2287       189.018 189.427 Fee schedule; Operating Grants and  
 2288 Donations Trust Fund.—The department of ~~Economic Opportunity~~, by



2289 rule, shall establish a schedule of fees to pay one-half of the  
 2290 costs incurred by the department in administering this act,  
 2291 except that the fee may not exceed \$175 per district per year.  
 2292 The fees collected under this section shall be deposited in the  
 2293 Operating Grants and Donations Trust Fund, ~~which shall be~~  
 2294 administered by the department ~~of Economic Opportunity~~. Any fee  
 2295 rule must consider factors such as the dependent and independent  
 2296 status of the district and district revenues for the most recent  
 2297 fiscal year as reported to the Department of Financial Services.  
 2298 The department may assess fines of not more than \$25, with an  
 2299 aggregate total not to exceed \$50, as penalties against special  
 2300 districts that fail to remit required fees to the department. It  
 2301 is the intent of the Legislature that general revenue funds will  
 2302 be made available to the department to pay one-half of the cost  
 2303 of administering this act.

2304 Section 48. Section 189.428, Florida Statutes, is  
 2305 transferred and renumbered as section 189.068, Florida Statutes,  
 2306 and amended, to read:

2307 189.068 ~~189.428~~ Special districts; oversight review  
 2308 process.—

2309 (1) The Legislature finds it to be in the public interest  
 2310 to establish an oversight review process for special districts  
 2311 wherein each special district in the state may be reviewed by  
 2312 the local general-purpose government in which the district  
 2313 exists. The Legislature further finds and determines that such  
 2314 law fulfills an important state interest. It is the intent of

2315 the Legislature that the oversight review process shall  
2316 contribute to informed decisionmaking. These decisions may  
2317 involve the continuing existence or dissolution of a district,  
2318 the appropriate future role and focus of a district,  
2319 improvements in the functioning or delivery of services by a  
2320 district, and the need for any transition, adjustment, or  
2321 special implementation periods or provisions. Any final  
2322 recommendations from the oversight review process that are  
2323 adopted and implemented by the appropriate level of government  
2324 shall not be implemented in a manner that would impair the  
2325 obligation of contracts.

2326 ~~(2) It is the intent of the Legislature that any oversight~~  
2327 ~~review process be conducted in conjunction with special district~~  
2328 ~~public facilities reporting and the local government evaluation~~  
2329 ~~and appraisal report process described in s. 189.415(2).~~

2330 ~~(3) The order in which Special districts may be subject to~~  
2331 ~~oversight review shall be determined by the reviewer and shall~~  
2332 ~~occur as follows:~~

2333 (2)(a) All dependent special districts may be reviewed by  
2334 the general-purpose local government to which they are  
2335 dependent.

2336 ~~(b) All single-county independent special districts may be~~  
2337 ~~reviewed by a county or municipality in which they are located~~  
2338 ~~or the government that created the district. Any single-county~~  
2339 ~~independent district that serves an area greater than the~~  
2340 ~~boundaries of one general-purpose local government may only be~~

2341 ~~reviewed by the county on the county's own initiative or upon~~  
2342 ~~receipt of a request from any municipality served by the special~~  
2343 ~~district.~~

2344 ~~(c) All multicounty independent special districts may be~~  
2345 ~~reviewed by the government that created the district. Any~~  
2346 ~~general-purpose local governments within the boundaries of a~~  
2347 ~~multicounty district may prepare a preliminary review of a~~  
2348 ~~multicounty special district for possible reference or inclusion~~  
2349 ~~in the full review report.~~

2350 ~~(d) Upon request by the reviewer, any special district~~  
2351 ~~within all or a portion of the same county as the special~~  
2352 ~~district being reviewed may prepare a preliminary review of the~~  
2353 ~~district for possible reference or inclusion in the full~~  
2354 ~~oversight review report.~~

2355 (3)~~(4)~~ All special districts, governmental entities, and  
2356 state agencies shall cooperate with the Legislature and with any  
2357 general-purpose local government seeking information or  
2358 assistance with the oversight review process and with the  
2359 preparation of an oversight review report.

2360 (4)~~(5)~~ Those conducting the oversight review process  
2361 shall, at a minimum, consider the listed criteria for evaluating  
2362 the special district, but may also consider any additional  
2363 factors relating to the district and its performance. If any of  
2364 the listed criteria does not apply to the special district being  
2365 reviewed, it need not be considered. The criteria to be  
2366 considered by the reviewer include:

2367 (a) The degree to which the service or services offered by  
 2368 the special district are essential or contribute to the well-  
 2369 being of the community.

2370 (b) The extent of continuing need for the service or  
 2371 services currently provided by the special district.

2372 (c) The extent of municipal annexation or incorporation  
 2373 activity occurring or likely to occur within the boundaries of  
 2374 the special district and its impact on the delivery of services  
 2375 by the special district.

2376 (d) Whether there is a less costly alternative method of  
 2377 delivering the service or services that would adequately provide  
 2378 the district residents with the services provided by the  
 2379 district.

2380 (e) Whether transfer of the responsibility for delivery of  
 2381 the service or services to an entity other than the special  
 2382 district being reviewed could be accomplished without  
 2383 jeopardizing the district's existing contracts, bonds, or  
 2384 outstanding indebtedness.

2385 (f) Whether the Auditor General has notified the  
 2386 Legislative Auditing Committee that the special district's audit  
 2387 report, reviewed pursuant to s. 11.45(7), indicates that the  
 2388 district has met any of the conditions specified in s.  
 2389 218.503(1) or that a deteriorating financial condition exists  
 2390 that may cause a condition described in s. 218.503(1) to occur  
 2391 if actions are not taken to address such condition.

2392 (g) Whether the district is inactive according to the

2393 official list of special districts, and whether the district is  
 2394 meeting and discharging its responsibilities as required by its  
 2395 charter, as well as projected increases or decreases in district  
 2396 activity.

2397 (h) Whether the special district has failed to comply with  
 2398 any of the reporting requirements in this chapter, including  
 2399 preparation of the public facilities report.

2400 (i) Whether the special district has designated a  
 2401 registered office and agent as required by s. 189.014 ~~189.416~~,  
 2402 and has complied with all open public records and meeting  
 2403 requirements.

2404 ~~(6) Any special district may at any time provide the~~  
 2405 ~~Legislature and the general purpose local government conducting~~  
 2406 ~~the review or making decisions based upon the final oversight~~  
 2407 ~~review report with written responses to any questions, concerns,~~  
 2408 ~~preliminary reports, draft reports, or final reports relating to~~  
 2409 ~~the district.~~

2410 ~~(7) The final report of a reviewing government shall be~~  
 2411 ~~filed with the government that created the district and shall~~  
 2412 ~~serve as the basis for any modification to the district charter~~  
 2413 ~~or dissolution or merger of the district.~~

2414 ~~(8) If legislative dissolution or merger of a district is~~  
 2415 ~~proposed in the final report, the reviewing government shall~~  
 2416 ~~also propose a plan for the merger or dissolution, and the plan~~  
 2417 ~~shall address the following factors in evaluating the proposed~~  
 2418 ~~merger or dissolution:~~

2419 ~~(a) Whether, in light of independent fiscal analysis,~~  
2420 ~~level of service implications, and other public policy~~  
2421 ~~considerations, the proposed merger or dissolution is the best~~  
2422 ~~alternative for delivering services and facilities to the~~  
2423 ~~affected area.~~

2424 ~~(b) Whether the services and facilities to be provided~~  
2425 ~~pursuant to the merger or dissolution will be compatible with~~  
2426 ~~the capacity and uses of existing local services and facilities.~~

2427 ~~(c) Whether the merger or dissolution is consistent with~~  
2428 ~~applicable provisions of the state comprehensive plan, the~~  
2429 ~~strategic regional policy plan, and the local government~~  
2430 ~~comprehensive plans of the affected area.~~

2431 ~~(d) Whether the proposed merger adequately provides for~~  
2432 ~~the assumption of all indebtedness.~~

2433  
2434 ~~The reviewing government shall consider the report in a public~~  
2435 ~~hearing held within the jurisdiction of the district. If adopted~~  
2436 ~~by the governing board of the reviewing government, the request~~  
2437 ~~for legislative merger or dissolution of the district may~~  
2438 ~~proceed. The adopted plan shall be filed as an attachment to the~~  
2439 ~~economic impact statement regarding the proposed special act or~~  
2440 ~~general act of local application dissolving a district.~~

2441 ~~(9) This section does not apply to a deepwater port listed~~  
2442 ~~in s. 311.09(1) which is in compliance with a port master plan~~  
2443 ~~adopted pursuant to s. 163.3178(2)(k), or to an airport~~  
2444 ~~authority operating in compliance with an airport master plan~~

2445 ~~approved by the Federal Aviation Administration, or to any~~  
 2446 ~~special district organized to operate health systems and~~  
 2447 ~~facilities licensed under chapter 395, chapter 400, or chapter~~  
 2448 ~~429.~~

2449 Section 49. Section 189.429, Florida Statutes, is  
 2450 transferred and renumbered as section 189.019, Florida Statutes,  
 2451 and subsection (1) of that section is amended, to read:

2452 189.019 ~~189.429~~ Codification.—

2453 (1) Each district, by December 1, 2004, shall submit to  
 2454 the Legislature a draft codified charter, at its expense, so  
 2455 that its special acts may be codified into a single act for  
 2456 reenactment by the Legislature, if there is more than one  
 2457 special act for the district. The Legislature may adopt a  
 2458 schedule for individual district codification. Any codified act  
 2459 relating to a district, which act is submitted to the  
 2460 Legislature for reenactment, shall provide for the repeal of all  
 2461 prior special acts of the Legislature relating to the district.  
 2462 The codified act shall be filed with the department pursuant to  
 2463 s. 189.016(2) ~~189.418(2)~~.

2464 Section 50. Sections 189.430, 189.431, 189.432, 189.433,  
 2465 189.434, 189.435, 189.436, 189.437, 189.438, 189.439, 189.440,  
 2466 189.441, 189.442, 189.443, and 189.444, Florida Statutes, are  
 2467 repealed.

2468 Section 51. Section 189.034, Florida Statutes, is created  
 2469 to read:

2470 189.034 Oversight of special districts created by special

2471 act of the Legislature.-

2472 (1) This section applies to any special district created  
2473 by special act of the Legislature.

2474 (2) If a special district fails to file required reports  
2475 or requested information with the appropriate state agency  
2476 pursuant to ss. 11.45(7), 218.32, 218.39, and 218.503(3), with  
2477 the appropriate state agency or office, the Legislative Auditing  
2478 Committee or its designee shall provide written notice of the  
2479 district's noncompliance to the Speaker of the House of  
2480 Representatives, the President of the Senate, the standing  
2481 committees of the Senate and the House of Representatives  
2482 charged with special district oversight as determined by the  
2483 presiding officers of each respective chamber, and the  
2484 legislators who represent a portion of the geographical  
2485 jurisdiction of the special district.

2486 (3) The Legislative Auditing Committee may convene a  
2487 public hearing on the issue of noncompliance, as well as general  
2488 oversight of the district as provided in s. 189.068, at the  
2489 direction of the Speaker of the House of Representatives and the  
2490 President of the Senate.

2491 (4) Before the public hearing as provided in subsection  
2492 (3), the special district shall provide the following  
2493 information at the request of the Legislative Auditing  
2494 Committee:

2495 (a) The district's annual financial report for the prior  
2496 fiscal year.



2497 (b) The district's audit report for the previous fiscal  
2498 year.

2499 (c) An annual report for the previous fiscal year  
2500 providing a detailed review of the performance of the special  
2501 district, including the following information:

2502 1. The purpose of the special district.

2503 2. The sources of funding for the special district.

2504 3. A description of the major activities, programs, and  
2505 initiatives the special district has undertaken in the most  
2506 recently completed fiscal year and the benchmarks or criteria  
2507 under which the success or failure of the district was  
2508 determined by its governing body.

2509 4. Any challenges or obstacles faced by the special  
2510 district in fulfilling its purpose and related responsibilities.

2511 5. Ways the special district believes it could better  
2512 fulfill its purpose and related responsibilities and a  
2513 description of the actions that it intends to take during the  
2514 ensuing fiscal year.

2515 6. Proposed changes to the special act that established  
2516 the special district and justification for such changes.

2517 7. Any other information reasonably required to provide  
2518 the Legislative Auditing Committee with an accurate  
2519 understanding of the purpose for which the special district  
2520 exists and how it is fulfilling its responsibilities to  
2521 accomplish that purpose.

2522 8. Any reasons for the district's noncompliance.

2523 9. If the district is currently in compliance and plans to  
 2524 correct any recurring issues of noncompliance.

2525 10. Efforts to promote transparency, including maintenance  
 2526 of the district's website in accordance with s. 189.069.

2527 Section 52. Section 189.035, Florida Statutes, is created  
 2528 to read:

2529 189.035 Oversight of special districts created by local  
 2530 ordinance.—

2531 (1) If a special district created by local ordinance fails  
 2532 to file required reports or requested information under ss.  
 2533 11.45(7), 218.32, 218.39, and 218.503(3), with the appropriate  
 2534 state agency, the Legislative Auditing Committee or its designee  
 2535 shall provide written notice of the district's noncompliance to  
 2536 the chair or equivalent of the local general-purpose government.

2537 (2) The chair or equivalent of the local general-purpose  
 2538 government may convene a public hearing on the issue of  
 2539 noncompliance within 6 months after receipt of notice of  
 2540 noncompliance from the Legislative Auditing Committee.

2541 (3) Before the public hearing regarding the special  
 2542 district's noncompliance, the local general-purpose government  
 2543 may request the following information from the special district:

2544 (a) The district's annual financial report for the  
 2545 previous fiscal year.

2546 (b) The district's audit report for the previous fiscal  
 2547 year.

2548 (c) An annual report for the previous fiscal year, which

2549 must provide a detailed review of the performance of the special  
 2550 district and include the following information:

- 2551 1. The purpose of the special district.
- 2552 2. The sources of funding for the special district.
- 2553 3. A description of the major activities, programs, and  
 2554 initiatives the special district undertook in the most recently  
 2555 completed fiscal year and the benchmarks or criteria under which  
 2556 the success or failure of the district was determined by its  
 2557 governing body.
- 2558 4. Any challenges or obstacles faced by the special  
 2559 district in fulfilling its purpose and related responsibilities.
- 2560 5. Ways the special district believes it could better  
 2561 fulfill its purpose and related responsibilities and a  
 2562 description of the actions that it intends to take during the  
 2563 ensuing fiscal year.
- 2564 6. Proposed changes to the ordinance that established the  
 2565 special district and justification for such changes.
- 2566 7. Any other information reasonably required to provide  
 2567 the reviewing entity with an accurate understanding of the  
 2568 purpose for which the special district exists and how it is  
 2569 fulfilling its responsibilities to accomplish that purpose.
- 2570 8. Any reasons for the district's noncompliance.
- 2571 9. Whether the district is currently in compliance.
- 2572 10. Plans to correct any recurring issues of  
 2573 noncompliance.
- 2574 11. Efforts to promote transparency, including maintenance

2575 of the district's website in accordance with s. 189.069.

2576 Section 53. Section 189.055, Florida Statutes, is created  
2577 to read:

2578 189.055 Treatment of special districts.—For the purpose of  
2579 s. 196.199(1), special districts shall be treated as  
2580 municipalities.

2581 Section 54. Section 189.069, Florida Statutes, is created  
2582 to read:

2583 189.069 Special districts; required reporting of  
2584 information; web-based public access.—

2585 (1) Beginning on July 1, 2015, each special district shall  
2586 maintain an official Internet website containing the information  
2587 required by this section in accordance with s. 189.016. Special  
2588 districts shall submit their official Internet website addresses  
2589 to the department.

2590 (a) Independent special districts shall maintain a  
2591 separate internet website.

2592 (b) Dependent special districts shall be preeminently  
2593 displayed on the home page of the Internet website of the  
2594 general-purpose government that created the special district  
2595 with a hyperlink to such webpages as are necessary to provide  
2596 the information required by this section. Dependent special  
2597 districts may maintain a separate Internet website providing the  
2598 information required by this section.

2599 (2) (a) A special district shall post the following  
2600 information, at a minimum, on the district's official website:

- 2601        1. The full legal name of the special district.
- 2602        2. The public purpose of the special district.
- 2603        3. The name, address, e-mail address, and, if applicable,  
 2604 the term and appointing authority for each member of the  
 2605 governing body of the special district.
- 2606        4. The fiscal year of the special district.
- 2607        5. The full text of the special district's charter, the  
 2608 date of establishment, the establishing entity, and the statute  
 2609 or statutes under which the special district operates, if  
 2610 different from the statute or statutes under which the special  
 2611 district was established. Community development districts may  
 2612 reference chapter 190, as the uniform charter, but must include  
 2613 information relating to any grant of special powers.
- 2614        6. The mailing address, e-mail address, telephone number,  
 2615 and Internet website uniform resource locator of the special  
 2616 district.
- 2617        7. A description of the boundaries or service area of, and  
 2618 the services provided by, the special district.
- 2619        8. A listing of all taxes, fees, or charges imposed and  
 2620 collected by the special district, including the rates or  
 2621 amounts charged for the fiscal year and the statutory authority  
 2622 for the levy of the tax, fee, or charge.
- 2623        9. The primary contact information for the special  
 2624 district for purposes of communication from the department.
- 2625        10. A code of ethics adopted by the special district, and  
 2626 a hyperlink to generally applicable ethics provisions.

2627 11. The budget of each special district, in addition to  
 2628 amendments in accordance with s. 189.418.

2629 12. The final, complete audit report for the most recent  
 2630 completed fiscal year, and audit reports required by law or  
 2631 authorized by the governing body of the special district.

2632 (b) The department's Internet website list of special  
 2633 districts in the state required under s. 189.061 shall include a  
 2634 link for each special district that provides web-based access to  
 2635 the public for all information and documentation required for  
 2636 submission to the department pursuant to subsection (1).

2637 Section 55. Section 189.0691, Florida Statutes, is created  
 2638 to read:

2639 189.0691 Suspension of special district governing body  
 2640 members.—If, after due notification of noncompliance pursuant to  
 2641 this chapter and expiration of the time allowed for correction,  
 2642 a special district continues to violate the requirements of this  
 2643 chapter, the department shall report such violations, and  
 2644 provide all appropriate proof of the violations, to the  
 2645 Governor, who may take action against a governing body member of  
 2646 the special district as authorized in s. 112.511; however, the  
 2647 Governor and appointing authority shall ensure that the  
 2648 governing body maintains a sufficient number of members to  
 2649 constitute a quorum.

2650 Section 56. Paragraph (e) of subsection (1) and paragraph  
 2651 (c) of subsection (7) of section 11.45, Florida Statutes, are  
 2652 amended to read:

2653 11.45 Definitions; duties; authorities; reports; rules.—

2654 (1) DEFINITIONS.—As used in ss. 11.40-11.51, the term:

2655 (e) "Local governmental entity" means a county agency,  
 2656 municipality, or special district as defined in s. 189.012  
 2657 ~~189.403~~, but does not include any housing authority established  
 2658 under chapter 421.

2659 (7) AUDITOR GENERAL REPORTING REQUIREMENTS.—

2660 (c) The Auditor General shall provide annually a list of  
 2661 those special districts which are not in compliance with s.  
 2662 218.39 to the Special District Accountability Information ~~Information~~  
 2663 Program of the Department of Economic Opportunity.

2664 Section 57. Paragraph (c) of subsection (4) of section  
 2665 100.011, Florida Statutes, is amended to read:

2666 100.011 Opening and closing of polls, all elections;  
 2667 expenses.—

2668 (4)

2669 (c) The provisions of any special law to the contrary  
 2670 notwithstanding, all independent and dependent special district  
 2671 elections, with the exception of community development district  
 2672 elections, shall be conducted in accordance with the  
 2673 requirements of ss. 189.04 and 189.041 ~~189.405 and 189.4051~~.

2674 Section 58. Paragraph (f) of subsection (1) of section  
 2675 101.657, Florida Statutes, is amended to read:

2676 101.657 Early voting.—

2677 (1)

2678 (f) Notwithstanding the requirements of s. 189.04 ~~189.405~~,

2679 special districts may provide early voting in any district  
 2680 election not held in conjunction with county or state elections.  
 2681 If a special district provides early voting, it may designate as  
 2682 many sites as necessary and shall conduct its activities in  
 2683 accordance with the provisions of paragraphs (a)-(c). The  
 2684 supervisor is not required to conduct early voting if it is  
 2685 provided pursuant to this subsection.

2686 Section 59. Paragraph (a) of subsection (14) of section  
 2687 112.061, Florida Statutes, is amended to read:

2688 112.061 Per diem and travel expenses of public officers,  
 2689 employees, and authorized persons.—

2690 (14) APPLICABILITY TO COUNTIES, COUNTY OFFICERS, DISTRICT  
 2691 SCHOOL BOARDS, SPECIAL DISTRICTS, AND METROPOLITAN PLANNING  
 2692 ORGANIZATIONS.—

2693 (a) The following entities may establish rates that vary  
 2694 from the per diem rate provided in paragraph (6) (a), the  
 2695 subsistence rates provided in paragraph (6) (b), or the mileage  
 2696 rate provided in paragraph (7) (d) if those rates are not less  
 2697 than the statutorily established rates that are in effect for  
 2698 the 2005-2006 fiscal year:

2699 1. The governing body of a county by the enactment of an  
 2700 ordinance or resolution;

2701 2. A county constitutional officer, pursuant to s. 1(d),  
 2702 Art. VIII of the State Constitution, by the establishment of  
 2703 written policy;

2704 3. The governing body of a district school board by the



2705 adoption of rules;

2706 4. The governing body of a special district, as defined in  
 2707 s. 189.012 ~~189.403(1)~~, except those special districts that are  
 2708 subject to s. 166.021(9), by the enactment of a resolution; or

2709 5. Any metropolitan planning organization created pursuant  
 2710 to s. 339.175 or any other separate legal or administrative  
 2711 entity created pursuant to s. 339.175 of which a metropolitan  
 2712 planning organization is a member, by the enactment of a  
 2713 resolution.

2714 Section 60. Paragraph (d) of subsection (4) of section  
 2715 112.63, Florida Statutes, is amended to read:

2716 112.63 Actuarial reports and statements of actuarial  
 2717 impact; review.—

2718 (4) Upon receipt, pursuant to subsection (2), of an  
 2719 actuarial report, or, pursuant to subsection (3), of a statement  
 2720 of actuarial impact, the Department of Management Services shall  
 2721 acknowledge such receipt, but shall only review and comment on  
 2722 each retirement system's or plan's actuarial valuations at least  
 2723 on a triennial basis.

2724 (d) In the case of an affected special district, the  
 2725 Department of Management Services shall also notify the  
 2726 Department of Economic Opportunity. Upon receipt of  
 2727 notification, the Department of Economic Opportunity shall  
 2728 proceed pursuant to s. 189.067 ~~189.421~~.

2729 1. Failure of a special district to provide a required  
 2730 report or statement, to make appropriate adjustments, or to

2731 provide additional material information after the procedures  
 2732 specified in s. 189.067(1) ~~189.421(1)~~ are exhausted shall be  
 2733 deemed final action by the special district.

2734 2. The Department of Management Services may notify the  
 2735 Department of Economic Opportunity of those special districts  
 2736 that failed to come into compliance. Upon receipt of  
 2737 notification, the Department of Economic Opportunity shall  
 2738 proceed pursuant to s. 189.067(4) ~~189.421(4)~~.

2739 Section 61. Subsection (1) of section 112.665, Florida  
 2740 Statutes, is amended to read:

2741 112.665 Duties of Department of Management Services.—

2742 (1) The Department of Management Services shall:

2743 (a) Gather, catalog, and maintain complete, computerized  
 2744 data information on all public employee retirement systems or  
 2745 plans in the state based upon a review of audits, reports, and  
 2746 other data pertaining to the systems or plans;

2747 (b) Receive and comment upon all actuarial reviews of  
 2748 retirement systems or plans maintained by units of local  
 2749 government;

2750 (c) Cooperate with local retirement systems or plans on  
 2751 matters of mutual concern and provide technical assistance to  
 2752 units of local government in the assessment and revision of  
 2753 retirement systems or plans;

2754 (d) Annually issue, by January 1, a report to the  
 2755 President of the Senate and the Speaker of the House of  
 2756 Representatives, which details division activities, findings,

2757 and recommendations concerning all governmental retirement  
 2758 systems. The report may include legislation proposed to carry  
 2759 out such recommendations;

2760 (e) Provide a fact sheet for each participating local  
 2761 government defined benefit pension plan which summarizes the  
 2762 plan's actuarial status. The fact sheet should provide a summary  
 2763 of the plan's most current actuarial data, minimum funding  
 2764 requirements as a percentage of pay, and a 5-year history of  
 2765 funded ratios. The fact sheet must include a brief explanation  
 2766 of each element in order to maximize the transparency of the  
 2767 local government plans. The fact sheet must also contain the  
 2768 information specified in s. 112.664(1). These documents shall be  
 2769 posted on the department's website. Plan sponsors that have  
 2770 websites must provide a link to the department's website;

2771 (f) Annually issue, by January 1, a report to the Special  
 2772 District Accountability Information ~~Information~~ Program of the Department of  
 2773 Economic Opportunity which includes the participation in and  
 2774 compliance of special districts with the local government  
 2775 retirement system provisions in s. 112.63 and the state-  
 2776 administered retirement system provisions specified in part I of  
 2777 chapter 121; and

2778 (g) Adopt reasonable rules to administer this part.

2779 Section 62. Subsection (9) of section 121.021, Florida  
 2780 Statutes, is amended to read:

2781 121.021 Definitions.—The following words and phrases as  
 2782 used in this chapter have the respective meanings set forth

2783 unless a different meaning is plainly required by the context:

2784 (9) "Special district" means an independent special  
 2785 district as defined in s. 189.012 ~~189.403(3)~~.

2786 Section 63. Paragraph (b) of subsection (2) of section  
 2787 121.051, Florida Statutes, is amended to read:

2788 121.051 Participation in the system.—

2789 (2) OPTIONAL PARTICIPATION.—

2790 (b)1. The governing body of any municipality, metropolitan  
 2791 planning organization, or special district in the state may  
 2792 elect to participate in the Florida Retirement System upon  
 2793 proper application to the administrator and may cover all of its  
 2794 units as approved by the Secretary of Health and Human Services  
 2795 and the administrator. The department shall adopt rules  
 2796 establishing procedures for the submission of documents  
 2797 necessary for such application. Before being approved for  
 2798 participation in the system, the governing body of a  
 2799 municipality, metropolitan planning organization, or special  
 2800 district that has a local retirement system must submit to the  
 2801 administrator a certified financial statement showing the  
 2802 condition of the local retirement system within 3 months before  
 2803 the proposed effective date of membership in the Florida  
 2804 Retirement System. The statement must be certified by a  
 2805 recognized accounting firm that is independent of the local  
 2806 retirement system. All required documents necessary for  
 2807 extending Florida Retirement System coverage must be received by  
 2808 the department for consideration at least 15 days before the

2809 proposed effective date of coverage. If the municipality,  
2810 metropolitan planning organization, or special district does not  
2811 comply with this requirement, the department may require that  
2812 the effective date of coverage be changed.

2813         2. A municipality, metropolitan planning organization, or  
2814 special district that has an existing retirement system covering  
2815 the employees in the units that are to be brought under the  
2816 Florida Retirement System may participate only after holding a  
2817 referendum in which all employees in the affected units have the  
2818 right to participate. Only those employees electing coverage  
2819 under the Florida Retirement System by affirmative vote in the  
2820 referendum are eligible for coverage under this chapter, and  
2821 those not participating or electing not to be covered by the  
2822 Florida Retirement System shall remain in their present systems  
2823 and are not eligible for coverage under this chapter. After the  
2824 referendum is held, all future employees are compulsory members  
2825 of the Florida Retirement System.

2826         3. At the time of joining the Florida Retirement System,  
2827 the governing body of a municipality, metropolitan planning  
2828 organization, or special district complying with subparagraph 1.  
2829 may elect to provide, or not provide, benefits based on past  
2830 service of officers and employees as described in s. 121.081(1).  
2831 However, if such employer elects to provide past service  
2832 benefits, such benefits must be provided for all officers and  
2833 employees of its covered group.

2834         4. Once this election is made and approved it may not be

2835 | revoked, except pursuant to subparagraphs 5. and 6., and all  
 2836 | present officers and employees electing coverage and all future  
 2837 | officers and employees are compulsory members of the Florida  
 2838 | Retirement System.

2839 |         5. Subject to subparagraph 6., the governing body of a  
 2840 | hospital licensed under chapter 395 which is governed by the  
 2841 | governing body ~~board~~ of a special district as defined in s.  
 2842 | 189.012 ~~189.403~~ or by the board of trustees of a public health  
 2843 | trust created under s. 154.07, hereinafter referred to as  
 2844 | "hospital district," and which participates in the Florida  
 2845 | Retirement System, may elect to cease participation in the  
 2846 | system with regard to future employees in accordance with the  
 2847 | following:

2848 |             a. No more than 30 days and at least 7 days before  
 2849 | adopting a resolution to partially withdraw from the system and  
 2850 | establish an alternative retirement plan for future employees, a  
 2851 | public hearing must be held on the proposed withdrawal and  
 2852 | proposed alternative plan.

2853 |             b. From 7 to 15 days before such hearing, notice of intent  
 2854 | to withdraw, specifying the time and place of the hearing, must  
 2855 | be provided in writing to employees of the hospital district  
 2856 | proposing partial withdrawal and must be published in a  
 2857 | newspaper of general circulation in the area affected, as  
 2858 | provided by ss. 50.011-50.031. Proof of publication must be  
 2859 | submitted to the Department of Management Services.

2860 |             c. The governing body of a hospital district seeking to

2861 partially withdraw from the system must, before such hearing,  
2862 have an actuarial report prepared and certified by an enrolled  
2863 actuary, as defined in s. 112.625, illustrating the cost to the  
2864 hospital district of providing, through the retirement plan that  
2865 the hospital district is to adopt, benefits for new employees  
2866 comparable to those provided under the system.

2867 d. Upon meeting all applicable requirements of this  
2868 subparagraph, and subject to subparagraph 6., partial withdrawal  
2869 from the system and adoption of the alternative retirement plan  
2870 may be accomplished by resolution duly adopted by the hospital  
2871 district board. The hospital district board must provide written  
2872 notice of such withdrawal to the division by mailing a copy of  
2873 the resolution to the division, postmarked by December 15, 1995.  
2874 The withdrawal shall take effect January 1, 1996.

2875 6. Following the adoption of a resolution under sub-  
2876 subparagraph 5.d., all employees of the withdrawing hospital  
2877 district who were members of the system before January 1, 1996,  
2878 shall remain as members of the system for as long as they are  
2879 employees of the hospital district, and all rights, duties, and  
2880 obligations between the hospital district, the system, and the  
2881 employees remain in full force and effect. Any employee who is  
2882 hired or appointed on or after January 1, 1996, may not  
2883 participate in the system, and the withdrawing hospital district  
2884 has no obligation to the system with respect to such employees.

2885 Section 64. Subsection (1) of section 153.94, Florida  
2886 Statutes, is amended to read:

2887 153.94 Applicability of other laws.—Except as expressly  
 2888 provided in this act:

2889 (1) With respect to any wastewater facility privatization  
 2890 contract entered into under this act, a public entity is subject  
 2891 to s. 125.3401, s. 180.301, s. 189.054 ~~189.423~~, or s. 190.0125  
 2892 but is not subject to the requirements of chapter 287.

2893 Section 65. Paragraph (a) of subsection (2) of section  
 2894 163.08, Florida Statutes, is amended to read:

2895 163.08 Supplemental authority for improvements to real  
 2896 property.—

2897 (2) As used in this section, the term:

2898 (a) "Local government" means a county, a municipality, a  
 2899 dependent special district as defined in s. 189.012 ~~189.403~~, or  
 2900 a separate legal entity created pursuant to s. 163.01(7).

2901 Section 66. Subsection (7) of section 165.031, Florida  
 2902 Statutes, is amended to read:

2903 165.031 Definitions.—The following terms and phrases, when  
 2904 used in this chapter, shall have the meanings ascribed to them  
 2905 in this section, except where the context clearly indicates a  
 2906 different meaning:

2907 (7) "Special district" means a local unit of special  
 2908 government, as defined in s. 189.012 ~~189.403(1)~~. This term  
 2909 includes dependent special districts, as defined in s. 189.012  
 2910 ~~189.403(2)~~, and independent special districts, as defined in s.  
 2911 189.012 ~~189.403(3)~~. All provisions of s. 200.001(8) (d) and (e)  
 2912 shall be considered provisions of this chapter.



2913 Section 67. Paragraph (b) of subsection (1) and  
 2914 subsections (8) and (16) of section 165.0615, Florida Statutes,  
 2915 are amended to read:

2916 165.0615 Municipal conversion of independent special  
 2917 districts upon elector-initiated and approved referendum.—

2918 (1) The qualified electors of an independent special  
 2919 district may commence a municipal conversion proceeding by  
 2920 filing a petition with the governing body of the independent  
 2921 special district proposed to be converted if the district meets  
 2922 all of the following criteria:

2923 (b) It is designated as an improvement district and  
 2924 created pursuant to chapter 298 or is designated as a  
 2925 stewardship district and created pursuant to s. 189.031 ~~189.404~~.

2926 (8) Notice of the final public hearing on the proposed  
 2927 elector-initiated combined municipal incorporation plan must be  
 2928 published pursuant to the notice requirements in s. 189.015  
 2929 ~~189.417~~ and must provide a descriptive summary of the elector-  
 2930 initiated municipal incorporation plan and a reference to the  
 2931 public places within the independent special district where a  
 2932 copy of the plan may be examined.

2933 (16) If the incorporation plan is approved by a majority  
 2934 of the votes cast in the independent special district, the  
 2935 district shall notify the special district accountability  
 2936 ~~information~~ program pursuant to s. 189.016(2) ~~189.418(2)~~ and the  
 2937 local general-purpose governments in which any part of the  
 2938 independent special district is situated pursuant to s.

2939 189.016(7) ~~189.418(7)~~.

2940 Section 68. Subsection (3) of section 171.202, Florida  
2941 Statutes, is amended to read:

2942 171.202 Definitions.—As used in this part, the term:

2943 (3) "Independent special district" means an independent  
2944 special district, as defined in s. 189.012 ~~189.403~~, which  
2945 provides fire, emergency medical, water, wastewater, or  
2946 stormwater services.

2947 Section 69. Subsection (16) of section 175.032, Florida  
2948 Statutes, is amended to read:

2949 175.032 Definitions.—For any municipality, special fire  
2950 control district, chapter plan, local law municipality, local  
2951 law special fire control district, or local law plan under this  
2952 chapter, the following words and phrases have the following  
2953 meanings:

2954 (16) "Special fire control district" means a special  
2955 district, as defined in s. 189.012 ~~189.403(1)~~, established for  
2956 the purposes of extinguishing fires, protecting life, and  
2957 protecting property within the incorporated or unincorporated  
2958 portions of any county or combination of counties, or within any  
2959 combination of incorporated and unincorporated portions of any  
2960 county or combination of counties. The term does not include any  
2961 dependent or independent special district, as defined in s.  
2962 189.012 ~~189.403(2) and (3)~~, respectively, the employees of which  
2963 are members of the Florida Retirement System pursuant to s.  
2964 121.051(1) or (2).

2965 Section 70. Subsection (6) of section 190.011, Florida  
 2966 Statutes, is amended to read:

2967 190.011 General powers.—The district shall have, and the  
 2968 body ~~board~~ may exercise, the following powers:

2969 (6) To maintain an office at such place or places as it  
 2970 may designate within a county in which the district is located  
 2971 or within the boundaries of a development of regional impact or  
 2972 a Florida Quality Development, or a combination of a development  
 2973 of regional impact and a Florida Quality Development, which  
 2974 includes the district, which office must be reasonably  
 2975 accessible to the landowners. Meetings pursuant to s. 189.015(3)  
 2976 ~~189.417(3)~~ of a district within the boundaries of a development  
 2977 of regional impact or Florida Quality Development, or a  
 2978 combination of a development of regional impact and a Florida  
 2979 Quality Development, may be held at such office.

2980 Section 71. Subsection (8) of section 190.046, Florida  
 2981 Statutes, is amended to read:

2982 190.046 Termination, contraction, or expansion of  
 2983 district.—

2984 (8) In the event the district has become inactive pursuant  
 2985 to s. 189.062 ~~189.4044~~, the respective board of county  
 2986 commissioners or city commission shall be informed and it shall  
 2987 take appropriate action.

2988 Section 72. Section 190.049, Florida Statutes, is amended  
 2989 to read:

2990 190.049 Special acts prohibited.—Pursuant to s. 11(a)(21),

2991 Art. III of the State Constitution, there shall be no special  
 2992 law or general law of local application creating an independent  
 2993 special district which has the powers enumerated in two or more  
 2994 of the paragraphs contained in s. 190.012, unless such district  
 2995 is created pursuant to the provisions of s. 189.031 ~~189.404~~.

2996 Section 73. Subsection (5) of section 191.003, Florida  
 2997 Statutes, is amended to read:

2998 191.003 Definitions.—As used in this act:

2999 (5) "Independent special fire control district" means an  
 3000 independent special district as defined in s. 189.012 ~~189.403~~,  
 3001 created by special law or general law of local application,  
 3002 providing fire suppression and related activities within the  
 3003 jurisdictional boundaries of the district. The term does not  
 3004 include a municipality, a county, a dependent special district  
 3005 as defined in s. 189.012 ~~189.403~~, a district providing primarily  
 3006 emergency medical services, a community development district  
 3007 established under chapter 190, or any other multiple-power  
 3008 district performing fire suppression and related services in  
 3009 addition to other services.

3010 Section 74. Paragraph (a) of subsection (1) and subsection  
 3011 (8) of section 191.005, Florida Statutes, are amended to read:

3012 191.005 District boards of commissioners; membership,  
 3013 officers, meetings.—

3014 (1)(a) With the exception of districts whose governing  
 3015 boards are appointed collectively by the Governor, the county  
 3016 commission, and any cooperating city within the county, the

3017 business affairs of each district shall be conducted and  
3018 administered by a five-member board. All three-member boards  
3019 existing on the effective date of this act shall be converted to  
3020 five-member boards, except those permitted to continue as a  
3021 three-member board by special act adopted in 1997 or thereafter.  
3022 The board shall be elected in nonpartisan elections by the  
3023 electors of the district. Except as provided in this act, such  
3024 elections shall be held at the time and in the manner prescribed  
3025 by law for holding general elections in accordance with s.  
3026 189.04(2)(a) ~~189.405(2)(a)~~ and (3), and each member shall be  
3027 elected for a term of 4 years and serve until the member's  
3028 successor assumes office. Candidates for the board of a district  
3029 shall qualify as directed by chapter 99.

3030 (8) All meetings of the board shall be open to the public  
3031 consistent with chapter 286, s. 189.015 ~~189.417~~, and other  
3032 applicable general laws.

3033 Section 75. Subsection (2) of section 191.013, Florida  
3034 Statutes, is amended to read:

3035 191.013 Intergovernmental coordination.—

3036 (2) Each independent special fire control district shall  
3037 adopt a 5-year plan to identify the facilities, equipment,  
3038 personnel, and revenue needed by the district during that 5-year  
3039 period. The plan shall be updated in accordance with s. 189.08  
3040 ~~189.415~~ and shall satisfy the requirement for a public  
3041 facilities report required by s. 189.08(2) ~~189.415(2)~~.

3042 Section 76. Subsection (1) of section 191.014, Florida

3043 Statutes, is amended to read:

3044 191.014 District creation and expansion.—

3045 (1) New districts may be created only by the Legislature  
3046 under s. 189.031 ~~189.404~~.

3047 Section 77. Section 191.015, Florida Statutes, is amended  
3048 to read:

3049 191.015 Codification.—Each fire control district existing  
3050 on the effective date of this section, by December 1, 2004,  
3051 shall submit to the Legislature a draft codified charter, at its  
3052 expense, so that its special acts may be codified into a single  
3053 act for reenactment by the Legislature, if there is more than  
3054 one special act for the district. The Legislature may adopt a  
3055 schedule for individual district codification. Any codified act  
3056 relating to a district, which act is submitted to the  
3057 Legislature for reenactment, shall provide for the repeal of all  
3058 prior special acts of the Legislature relating to the district.  
3059 The codified act shall be filed with the Department of Economic  
3060 Opportunity pursuant to s. 189.016(2) ~~189.418(2)~~.

3061 Section 78. Paragraphs (c), (d), and (e) of subsection (8)  
3062 of section 200.001, Florida Statutes, are amended to read:

3063 200.001 Millages; definitions and general provisions.—

3064 (8)

3065 (c) "Special district" means a special district as defined  
3066 in s. 189.012 ~~189.403(1)~~.

3067 (d) "Dependent special district" means a dependent special  
3068 district as defined in s. 189.012 ~~189.403(2)~~. Dependent special

3069 district millage, when added to the millage of the governing  
 3070 body to which it is dependent, shall not exceed the maximum  
 3071 millage applicable to such governing body.

3072 (e) "Independent special district" means an independent  
 3073 special district as defined in s. 189.012 ~~189.403(3)~~, with the  
 3074 exception of a downtown development authority established prior  
 3075 to the effective date of the 1968 State Constitution as an  
 3076 independent body, either appointed or elected, regardless of  
 3077 whether or not the budget is approved by the local governing  
 3078 body, if the district levies a millage authorized as of the  
 3079 effective date of the 1968 State Constitution. Independent  
 3080 special district millage shall not be levied in excess of a  
 3081 millage amount authorized by general law and approved by vote of  
 3082 the electors pursuant to s. 9(b), Art. VII of the State  
 3083 Constitution, except for those independent special districts  
 3084 levying millage for water management purposes as provided in  
 3085 that section and municipal service taxing units as specified in  
 3086 s. 125.01(1)(q) and (r). However, independent special district  
 3087 millage authorized as of the date the 1968 State Constitution  
 3088 became effective need not be so approved, pursuant to s. 2, Art.  
 3089 XII of the State Constitution.

3090 Section 79. Subsections (1), (5), (6), and (7) of section  
 3091 218.31, Florida Statutes, are amended to read:

3092 218.31 Definitions.—As used in this part, except where the  
 3093 context clearly indicates a different meaning:

3094 (1) "Local governmental entity" means a county agency, a

3095 municipality, or a special district as defined in s. 189.012  
 3096 ~~189.403~~. For purposes of s. 218.32, the term also includes a  
 3097 housing authority created under chapter 421.

3098 (5) "Special district" means a special district as defined  
 3099 in s. 189.012 ~~189.403(1)~~.

3100 (6) "Dependent special district" means a dependent special  
 3101 district as defined in s. 189.012 ~~189.403(2)~~.

3102 (7) "Independent special district" means an independent  
 3103 special district as defined in s. 189.012 ~~189.403(3)~~.

3104 Section 80. Paragraph (a) and (f) of subsection (1) and  
 3105 subsection (2) of section 218.32, Florida Statutes, are amended  
 3106 to read:

3107 218.32 Annual financial reports; local governmental  
 3108 entities.—

3109 (1)(a) Each local governmental entity that is determined  
 3110 to be a reporting entity, as defined by generally accepted  
 3111 accounting principles, and each independent special district as  
 3112 defined in s. 189.012 ~~189.403~~, shall submit to the department a  
 3113 copy of its annual financial report for the previous fiscal year  
 3114 in a format prescribed by the department. The annual financial  
 3115 report must include a list of each local governmental entity  
 3116 included in the report and each local governmental entity that  
 3117 failed to provide financial information as required by paragraph  
 3118 (b). The chair of the governing body and the chief financial  
 3119 officer of each local governmental entity shall sign the annual  
 3120 financial report submitted pursuant to this subsection attesting



3121 to the accuracy of the information included in the report. The  
 3122 county annual financial report must be a single document that  
 3123 covers each county agency.

3124 (f) If the department does not receive a completed annual  
 3125 financial report from a local governmental entity within the  
 3126 required period, it shall notify the Legislative Auditing  
 3127 Committee and the Special District Accountability ~~Information~~  
 3128 Program of the Department of Economic Opportunity of the  
 3129 entity's failure to comply with the reporting requirements.

3130 (2) The department shall annually by December 1 file a  
 3131 verified report with the Governor, the Legislature, the Auditor  
 3132 General, and the Special District Accountability ~~Information~~  
 3133 Program of the Department of Economic Opportunity showing the  
 3134 revenues, both locally derived and derived from  
 3135 intergovernmental transfers, and the expenditures of each local  
 3136 governmental entity, regional planning council, local government  
 3137 finance commission, and municipal power corporation that is  
 3138 required to submit an annual financial report. The report must  
 3139 include, but is not limited to:

3140 (a) The total revenues and expenditures of each local  
 3141 governmental entity that is a component unit included in the  
 3142 annual financial report of the reporting entity.

3143 (b) The amount of outstanding long-term debt by each local  
 3144 governmental entity. For purposes of this paragraph, the term  
 3145 "long-term debt" means any agreement or series of agreements to  
 3146 pay money, which, at inception, contemplate terms of payment

3147 | exceeding 1 year in duration.

3148 |         Section 81. Paragraph (g) of subsection (1) of section  
3149 | 218.37, Florida Statutes, is amended to read:

3150 |         218.37 Powers and duties of Division of Bond Finance;  
3151 | advisory council.—

3152 |         (1) The Division of Bond Finance of the State Board of  
3153 | Administration, with respect to both general obligation bonds  
3154 | and revenue bonds, shall:

3155 |         (g) By January 1 each year, provide the Special District  
3156 | Accountability ~~Information~~ Program of the Department of Economic  
3157 | Opportunity with a list of special districts that are not in  
3158 | compliance with the requirements in s. 218.38.

3159 |         Section 82. Paragraph (j) of subsection (1) of section  
3160 | 255.20, Florida Statutes, is amended to read:

3161 |         255.20 Local bids and contracts for public construction  
3162 | works; specification of state-produced lumber.—

3163 |         (1) A county, municipality, special district as defined in  
3164 | chapter 189, or other political subdivision of the state seeking  
3165 | to construct or improve a public building, structure, or other  
3166 | public construction works must competitively award to an  
3167 | appropriately licensed contractor each project that is estimated  
3168 | in accordance with generally accepted cost-accounting principles  
3169 | to cost more than \$300,000. For electrical work, the local  
3170 | government must competitively award to an appropriately licensed  
3171 | contractor each project that is estimated in accordance with  
3172 | generally accepted cost-accounting principles to cost more than

3173 \$75,000. As used in this section, the term "competitively award"  
 3174 means to award contracts based on the submission of sealed bids,  
 3175 proposals submitted in response to a request for proposal,  
 3176 proposals submitted in response to a request for qualifications,  
 3177 or proposals submitted for competitive negotiation. This  
 3178 subsection expressly allows contracts for construction  
 3179 management services, design/build contracts, continuation  
 3180 contracts based on unit prices, and any other contract  
 3181 arrangement with a private sector contractor permitted by any  
 3182 applicable municipal or county ordinance, by district  
 3183 resolution, or by state law. For purposes of this section, cost  
 3184 includes the cost of all labor, except inmate labor, and the  
 3185 cost of equipment and materials to be used in the construction  
 3186 of the project. Subject to the provisions of subsection (3), the  
 3187 county, municipality, special district, or other political  
 3188 subdivision may establish, by municipal or county ordinance or  
 3189 special district resolution, procedures for conducting the  
 3190 bidding process.

3191 (j) A county, municipality, special district as defined in  
 3192 s. 189.012 ~~189.403~~, or any other political subdivision of the  
 3193 state that owns or operates a public-use airport as defined in  
 3194 s. 332.004 is exempt from this section when performing repairs  
 3195 or maintenance on the airport's buildings, structures, or public  
 3196 construction works using the local government's own services,  
 3197 employees, and equipment.

3198 Section 83. Subsection (4) of section 298.225, Florida

3199 Statutes, is amended to read:

3200       298.225 Water control plan; plan development and  
3201 amendment.—

3202       (4) Information contained within a district's facilities  
3203 plan prepared pursuant to s. 189.08 ~~189.415~~ which satisfies any  
3204 of the provisions of subsection (3) may be used as part of the  
3205 district water control plan.

3206       Section 84. Subsection (7) of section 343.922, Florida  
3207 Statutes, is amended to read:

3208       343.922 Powers and duties.—

3209       (7) The authority shall comply with all statutory  
3210 requirements of general application which relate to the filing  
3211 of any report or documentation required by law, including the  
3212 requirements of ss. 189.015, 189.016, 189.051, and 189.08  
3213 ~~189.4085, 189.415, 189.417, and 189.418.~~

3214       Section 85. Subsection (5) of section 348.0004, Florida  
3215 Statutes, is amended to read:

3216       348.0004 Purposes and powers.—

3217       (5) Any authority formed pursuant to this act shall comply  
3218 with all statutory requirements of general application which  
3219 relate to the filing of any report or documentation required by  
3220 law, including the requirements of ss. 189.015, 189.016,  
3221 189.051, and 189.08 ~~189.4085, 189.415, 189.417, and 189.418.~~

3222       Section 86. Section 373.711, Florida Statutes, is amended  
3223 to read:

3224       373.711 Technical assistance to local governments.—The

3225 water management districts shall assist local governments in the  
 3226 development and future revision of local government  
 3227 comprehensive plan elements or public facilities report as  
 3228 required by s. 189.08 ~~189.415~~, related to water resource issues.

3229 Section 87. Paragraph (b) of subsection (3) of section  
 3230 403.0891, Florida Statutes, is amended to read:

3231 403.0891 State, regional, and local stormwater management  
 3232 plans and programs.—The department, the water management  
 3233 districts, and local governments shall have the responsibility  
 3234 for the development of mutually compatible stormwater management  
 3235 programs.

3236 (3)

3237 (b) Local governments are encouraged to consult with the  
 3238 water management districts, the Department of Transportation,  
 3239 and the department before adopting or updating their local  
 3240 government comprehensive plan or public facilities report as  
 3241 required by s. 189.08 ~~189.415~~, whichever is applicable.

3242 Section 88. Subsection (1) of section 582.32, Florida  
 3243 Statutes, is amended to read:

3244 582.32 Effect of dissolution.—

3245 (1) Upon issuance of a certificate of dissolution, s.  
 3246 189.076(2) ~~189.4045(2)~~ applies and all land use regulations in  
 3247 effect within such districts are void.

3248 Section 89. Paragraph (a) of subsection (3) of section  
 3249 1013.355, Florida Statutes, is amended to read:

3250 1013.355 Educational facilities benefit districts.—

3251 (3) (a) An educational facilities benefit district may be  
3252 created pursuant to this act and chapters 125, 163, 166, and  
3253 189. An educational facilities benefit district charter may be  
3254 created by a county or municipality by entering into an  
3255 interlocal agreement, as authorized by s. 163.01, with the  
3256 district school board and any local general purpose government  
3257 within whose jurisdiction a portion of the district is located  
3258 and adoption of an ordinance that includes all provisions  
3259 contained within s. 189.02 ~~189.4041~~. The creating entity shall  
3260 be the local general purpose government within whose boundaries  
3261 a majority of the educational facilities benefit district's  
3262 lands are located.

3263 Section 90. This act shall take effect July 1, 2014.