



LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/07/2013	.	
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The Committee on Community Affairs (Latvala) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Section 189.4052, Florida Statutes, is created  
to read:

189.4052 Administrative consolidation of independent  
districts.-

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

(a) "Administrative functions" includes, but is not limited  
to:

1. Staffing and personnel.



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13           2. Contracting or purchasing responsibilities and  
14 practices.

15           3. Facilities management.

16           4. Information systems.

17           5. Fleet management.

18           6. Risk management.

19           7. Leasehold interests.

20           (b) "Single-county district" or "district" means an  
21 independent special district that is geographically located  
22 within a single county. The term does not include districts for  
23 airport and aviation facilities established pursuant to chapter  
24 332, children's services districts established pursuant to part  
25 V of chapter 125, community development districts established  
26 pursuant to chapter 190, emergency medical services districts  
27 created by general law or special act, independent special fire  
28 control districts established pursuant to chapter 191, hospital  
29 districts created by general law or special act, port districts  
30 established pursuant to chapter 315, and the Reedy Creek  
31 Improvement District.

32           (2) By September 1, 2013, the department's Special District  
33 Information Program shall notify each county or municipality and  
34 each single-county district of the municipality or county with  
35 which it is required to commence administrative consolidation  
36 under this section.

37           (a) A district that serves an area wholly within the  
38 boundaries of a single municipality shall commence consolidation  
39 with the municipality.

40           (b) A district that serves an area that extends beyond the  
41 boundaries of a single municipality or that serves an



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42 exclusively unincorporated area shall commence consolidation  
43 with the county.

44 (3) Notwithstanding any general law, special act,  
45 ordinance, or charter provision, and except as provided in  
46 paragraph (a), each district shall commence consolidation of  
47 administrative functions with its respective municipality or  
48 county on or before October 1, 2013. The administrative  
49 consolidation shall be managed and directed by the respective  
50 municipality or county and must result in increased efficiencies  
51 and cost savings in the provision of special district services.

52 (a) If the municipality or county determines that it is  
53 demonstrably unable to increase efficiencies or generate cost  
54 savings through administrative consolidation, this subsection  
55 does not apply. The county or municipality shall send a letter  
56 to the Speaker of the House of Representatives and the President  
57 of the Senate demonstrating this determination by March 1, 2014.

58 (b) Except for consolidations determined not to result in  
59 increased efficiencies or cost savings under paragraph (a), all  
60 consolidations must be completed by October 1, 2014.

61 (4) If a single-county district created by special act of  
62 the Legislature fails to comply with subsection (3), the  
63 applicable county or municipality shall send notice of that  
64 failure to the Speaker of the House of Representatives and the  
65 President of the Senate. The notice is sufficient, under s. 10,  
66 Art. III of the State Constitution, to authorize the Legislature  
67 to repeal the district's enabling special act. If a district  
68 created by a county or municipality fails to comply with this  
69 section, the applicable county or municipality may dissolve the  
70 district.



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71           (5) Notwithstanding any general law, special act,  
72 ordinance, or charter provision, upon expiration of the term of  
73 a district governing board member, the applicable municipality  
74 or county shall appoint the member's replacement.

75           (6) Notwithstanding any general law, special act,  
76 ordinance, or charter provision, the district's provision for  
77 life, health, accident, hospitalization, or annuity or  
78 retirement benefits for its officers and employees and their  
79 dependents, if provided, may not exceed the value of comparable  
80 insurance and benefits provided by the district's county or  
81 municipality consolidation partner.

82           (7) Effective with the fiscal year beginning on October 1,  
83 2013, each single-county district shall annually present, at a  
84 duly noticed public meeting, the district's proposed budget,  
85 financial audit report, and any tax levy, fee, or special  
86 assessment to the appropriate county or municipality for review.

87           Section 2. Subsection (1) of section 189.4035, Florida  
88 Statutes, is amended to read:

89           189.4035 Preparation of official list of special  
90 districts.—

91           (1) The department of ~~Economic Opportunity~~ shall compile  
92 the official list of special districts. The ~~official~~ list must  
93 ~~of special districts shall~~ include all special districts in this  
94 state, ~~and shall~~ indicate the independent or dependent status of  
95 each district, and include the names and contact information of  
96 current special district governing board members. All special  
97 districts in the list must ~~shall~~ be sorted by county. The  
98 definitions in s. 189.403 shall be the criteria for determining  
99 ~~determination of~~ the independent or dependent status of each



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100 special district on the official list. ~~The status of~~ Community  
101 development districts shall be listed as independent districts  
102 on the official list of special districts.

103 Section 3. Subsection (6) is added to section 189.404,  
104 Florida Statutes, to read:

105 189.404 Legislative intent for the creation of independent  
106 special districts; special act prohibitions; model elements and  
107 other requirements; general-purpose local government/Governor  
108 and Cabinet creation authorizations.—

109 (6) TRAVEL AND PER DIEM.—Reimbursement for the travel and  
110 per diem expenses of officers and employees must be consistent  
111 with s. 112.061(6) and (7).

112 Section 4. Subsection (2) of section 189.412, Florida  
113 Statutes, is amended to read:

114 189.412 Special District Information Program; duties and  
115 responsibilities.—The Special District Information Program of  
116 the Department of Economic Opportunity is created and has the  
117 following special duties:

118 (2) The maintenance of a master list of independent and  
119 dependent special districts, which must ~~shall~~ be available on  
120 the department's website and provide a link to each special  
121 district's website.

122 Section 5. Section 189.416, Florida Statutes, is amended to  
123 read:

124 189.416 Designation of registered office and agent;  
125 identification of board members.—

126 (1) Within 30 days after the first meeting of its governing  
127 board, each special district in the state shall designate a  
128 registered office and a registered agent and file such



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129 information with the local governing authority or authorities  
130 and with the department.

131 (a) The registered agent is the ~~shall be an~~ agent of the  
132 district upon whom any process, notice, or demand required or  
133 permitted by law to be served upon the district may be served.  
134 The ~~A~~ registered agent must ~~shall~~ be an individual resident of  
135 this state whose business address is identical with the  
136 registered office of the district. The registered office may be,  
137 but need not be, the same as the place of business of the  
138 special district.

139 (b) ~~(2)~~ The district may change its registered office or  
140 change its registered agent, or both, upon filing such  
141 information with the local governing authority or authorities  
142 and with the department.

143 (2) Each district in existence on July 1, 2013, shall  
144 submit the names and contact information of its board members to  
145 the department for inclusion on the department's official list  
146 of special districts and post the names and information on the  
147 district's respective local governing authority's website by  
148 August 1, 2013. Upon creation of a new district, or if a board  
149 member of a current district is replaced, the district shall  
150 forward the new board member names and contact information to  
151 the department and respective local governing authority within  
152 30 days of appointment.

153 Section 6. Subsection (2) of section 190.008, Florida  
154 Statutes, is amended to read:

155 190.008 Budget; reports and reviews.—

156 (2) ~~(a)~~ On or before each June 15, the district manager  
157 shall prepare a proposed budget for the ensuing fiscal year to



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158 be submitted to the board for board approval. The proposed  
159 budget must ~~shall~~ include, at the direction of the board, an  
160 estimate of all necessary expenditures of the district for the  
161 ensuing fiscal year and an estimate of income to the district  
162 from the taxes, assessments, and other revenues provided under  
163 this chapter in this act. The proposed budget must be posted on  
164 the district's official website at least 2 days before it is  
165 scheduled to be considered at a budget hearing held pursuant to  
166 s. 200.065 or other law.

167 (a) The board shall consider the proposed budget item by  
168 item and may ~~either~~ approve the budget as proposed by the  
169 district manager or modify the same in part or in whole. If the  
170 board amends the budget, the adopted amendment must be posted on  
171 the official website of the district within 5 days after  
172 adoption. The board shall indicate its approval of the budget by  
173 resolution, which must ~~resolution shall~~ provide for a hearing on  
174 the budget as approved. Notice of the hearing on the budget must  
175 ~~shall~~ be published in a newspaper of general circulation in the  
176 area of the district once a week for 2 consecutive weeks, except  
177 that the first publication must be at least ~~shall be not fewer~~  
178 ~~than~~ 15 days before ~~prior to~~ the date of the hearing. The notice  
179 must also ~~shall further~~ contain a designation of the day, time,  
180 and place of the public hearing. At the time and place  
181 designated in the notice, the board shall hear all objections to  
182 the budget as proposed and may make such changes as the board  
183 deems necessary. At the conclusion of the budget hearing, the  
184 board shall, by resolution, adopt the budget as finally approved  
185 by the board. The budget must ~~shall~~ be adopted before ~~prior to~~  
186 October 1 of each year.



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187 (b) At least 2 weeks before ~~60 days prior to~~ adoption, the  
188 district board shall, at a duly noticed public meeting, present  
189 ~~submit~~ to the local governing authorities having jurisdiction  
190 over the area included in the district: ~~for purposes of~~  
191 ~~disclosure and information only,~~

- 192 1. The proposed annual budget for the ensuing fiscal year;  
193 2. ~~and~~ Any proposed long-term financial plan or program of  
194 the district for future operations;  
195 3. Any financial audit report; and  
196 4. Any tax levy, fee, or special assessment.

197 (c) The local governing authorities may review ~~the proposed~~  
198 ~~annual budget and any long-term financial plan or program~~ and  
199 ~~may~~ submit written comments relating to any of the items  
200 presented pursuant to paragraph (b) to the board for its  
201 assistance and information in adopting its annual budget and  
202 long-term financial plan or program.

203 (d) The final adopted budget must be posted on the  
204 district's official website within 30 days after adoption.

205 (e) If the district does not operate an official website,  
206 the district shall, within a reasonable period of time as  
207 established by the local general-purpose government or  
208 governments in which the district is located, transmit the  
209 proposed budget, adopted amendments, or final adopted budget to  
210 the manager or administrator of the local general-purpose  
211 government. The manager or administrator shall post the proposed  
212 budget, adopted amendments, or final adopted budget on the  
213 website of the local general-purpose government.

214 Section 7. This act shall take effect July 1, 2013.  
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216 ===== T I T L E A M E N D M E N T =====

217 And the title is amended as follows:

218 Delete everything before the enacting clause

219 and insert:

220 A bill to be entitled

221 An act relating to independent special districts;  
222 creating s. 189.4052, F.S.; providing definitions;  
223 requiring certain single-county independent special  
224 districts to administratively consolidate with the  
225 municipality or county in which they are located if  
226 such consolidation will result in increased  
227 efficiencies; providing for the dissolution of the  
228 district for failure to comply; providing that the  
229 municipality or county appoint all future district  
230 board members; limiting the insurance benefits of  
231 district officers and employees to the benefits  
232 provided by the local governing authority to its  
233 officers and employees; requiring the district to make  
234 an annual presentation to the municipality or county;  
235 amending s. 189.4035, F.S.; requiring the official  
236 list of districts to include the names and contact  
237 information of governing board members; amending s.  
238 189.404, F.S.; providing limitations on reimbursement  
239 for travel and per diem for district officers and  
240 employees; amending s. 189.412, F.S.; requiring the  
241 Special District Information Program to provide a link  
242 to each special district website; amending s. 189.416,  
243 F.S.; requiring each district to provide the names of  
244 and contact information for its board members for



245 posting on the local governing authority's website or  
246 the Department of Economic Opportunity's master list  
247 of districts; amending s. 190.008, F.S.; revising the  
248 information that must be presented by a community  
249 development district to the local governing authority  
250 and requiring the information to be provided at a  
251 publicly noticed meeting; requiring a district's  
252 proposed budget, adopted amendments, and final adopted  
253 budget to be posted on its website or the website of  
254 the local general-purpose government; providing an  
255 effective date.