

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION \_\_\_\_\_ (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER \_\_\_\_\_

1 Committee/Subcommittee hearing bill: Finance & Tax Subcommittee  
2 Representative Metz offered the following:

3  
4 **Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:

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

8 (1) Part I, consisting of sections 189.01, 189.011,  
9 189.012, 189.013, 189.014, 189.015, 189.016, 189.017, 189.018,  
10 and 189.019, Florida Statutes, as created by this act, and  
11 entitled "General Provisions."

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

15 (3) Part III, consisting of sections 189.03, 189.031,  
16 189.0311, 189.033, 189.034, and 189.035, Florida Statutes, as

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17 created by this act, and entitled "Independent Special  
18 Districts."

19 (4) Part IV, consisting of sections 189.04, 189.041, and  
20 189.042, Florida Statutes, as created by this act, and entitled  
21 "Elections."

22 (5) Part V, consisting of sections 189.05, 189.051,  
23 189.052, 189.053, 189.054, and 189.055, Florida Statutes, as  
24 created by this act, and entitled "Finance."

25 (6) Part VI, consisting of sections 189.06, 189.061,  
26 189.062, 189.063, 189.064, 189.065, 189.066, 189.067, 189.068,  
27 189.069, and 189.0691, Florida Statutes, as created by this act,  
28 and entitled "Oversight and Accountability."

29 (7) Part VII, consisting of sections 189.07, 189.071,  
30 189.072, 189.073, 189.074, 189.075, 189.076, and 189.0761,  
31 Florida Statutes, as created by this act, and entitled "Merger  
32 and Dissolution."

33 (8) Part VIII, consisting of sections 189.08, 189.081, and  
34 189.082, Florida Statutes, as created by this act, and entitled  
35 "Comprehensive Planning."

36 Section 2. Paragraph (b) of subsection (2) of section  
37 11.40, Florida Statutes, is amended to read:

38 11.40 Legislative Auditing Committee.—

39 (2) Following notification by the Auditor General, the  
40 Department of Financial Services, or the Division of Bond  
41 Finance of the State Board of Administration of the failure of a  
42 local governmental entity, district school board, charter

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43 school, or charter technical career center to comply with the  
44 applicable provisions within s. 11.45(5)-(7), s. 218.32(1), ~~or~~  
45 s. 218.38, or s. 218.503(3), the Legislative Auditing Committee  
46 may schedule a hearing to determine if the entity should be  
47 subject to further state action. If the committee determines  
48 that the entity should be subject to further state action, the  
49 committee shall:

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

51 1. A special act, notify the President of the Senate, the  
52 Speaker of the House of Representatives, the standing committees  
53 of the Senate and the House of Representatives charged with  
54 special district oversight as determined by the presiding  
55 officers of each respective chamber, the legislators who  
56 represent a portion of the geographical jurisdiction of the  
57 special district and the Department of Economic Opportunity that  
58 the special district pursuant to s. 189.034(2) has failed to  
59 comply with the law. Upon receipt of notification, the  
60 Department of Economic Opportunity shall proceed pursuant to s.  
61 189.062 or s. 189.067. If the special district remains in  
62 noncompliance after the process set forth in s. 189.034(3), the  
63 Legislative Auditing Committee may request the department to  
64 proceed pursuant to s. 189.067(3) ~~s. 189.4044 or s. 189.421.~~

65 2. A local ordinance, notify the chair or equivalent of  
66 the local general-purpose government pursuant to s. 189.035(1)  
67 and the Department of Economic Opportunity that the special  
68 district has failed to comply with the law. Upon receipt of

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69 notification, the department shall proceed pursuant to s.  
70 189.062 or s. 189.067. If the special district remains in  
71 noncompliance after the process set forth in s. 189.035(2) or if  
72 a public hearing has not been held within 6 months, the  
73 Legislative Auditing Committee may request the department to  
74 proceed pursuant to s. 189.067(3).

75 3. Any manner other than a special act or local ordinance,  
76 notify the Department of Economic Opportunity that the special  
77 district has failed to comply with the law. Upon receipt of  
78 notification, the department shall proceed pursuant to s.  
79 189.062 or s. 189.067(3).

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

82 112.312 Definitions.—As used in this part and for purposes  
83 of the provisions of s. 8, Art. II of the State Constitution,  
84 unless the context otherwise requires:

85 (2) "Agency" means any state, regional, county, local, or  
86 municipal government entity of this state, whether executive,  
87 judicial, or legislative; any department, division, bureau,  
88 commission, authority, or political subdivision of this state  
89 therein; ~~or~~ any public school, community college, or state  
90 university; or any special district as defined in s. 189.012.

91 Section 4. Section 112.511, Florida Statutes, is created  
92 to read:

93 112.511 Members of special district governing bodies;  
94 suspension; removal from office.—

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

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

104       Section 5. Subsections (1), (4), and (6) of section  
105 125.901, Florida Statutes, are amended to read:

106       125.901 Children's services; independent special district;  
107 council; powers, duties, and functions; public records  
108 exemption.—

109       (1) Each county may by ordinance create an independent  
110 special district, as defined in ss. 189.012 ~~189.403(3)~~ and  
111 200.001(8)(e), to provide funding for children's services  
112 throughout the county in accordance with this section. The  
113 boundaries of such district shall be coterminous with the  
114 boundaries of the county. The county governing body shall obtain  
115 approval, by a majority vote of those electors voting on the  
116 question, to annually levy ad valorem taxes which shall not  
117 exceed the maximum millage rate authorized by this section. Any  
118 district created pursuant to the provisions of this subsection  
119 shall be required to levy and fix millage subject to the  
120 provisions of s. 200.065. Once such millage is approved by the

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121 electorate, the district shall not be required to seek approval  
122 of the electorate in future years to levy the previously  
123 approved millage.

124 (a) The governing body ~~board~~ of the district shall be a  
125 council on children's services, which may also be known as a  
126 juvenile welfare board or similar name as established in the  
127 ordinance by the county governing body. Such council shall  
128 consist of 10 members, including: the superintendent of schools;  
129 a local school board member; the district administrator from the  
130 appropriate district of the Department of Children and Family  
131 Services, or his or her designee who is a member of the Senior  
132 Management Service or of the Selected Exempt Service; one member  
133 of the county governing body; and the judge assigned to juvenile  
134 cases who shall sit as a voting member of the board, except that  
135 said judge shall not vote or participate in the setting of ad  
136 valorem taxes under this section. If there is more than one  
137 judge assigned to juvenile cases in a county, the chief judge  
138 shall designate one of said juvenile judges to serve on the  
139 board. The remaining five members shall be appointed by the  
140 Governor, and shall, to the extent possible, represent the  
141 demographic diversity of the population of the county. After  
142 soliciting recommendations from the public, the county governing  
143 body shall submit to the Governor the names of at least three  
144 persons for each vacancy occurring among the five members  
145 appointed by the Governor, and the Governor shall appoint  
146 members to the council from the candidates nominated by the

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147 county governing body. The Governor shall make a selection  
148 within a 45-day period or request a new list of candidates. All  
149 members appointed by the Governor shall have been residents of  
150 the county for the previous 24-month period. Such members shall  
151 be appointed for 4-year terms, except that the length of the  
152 terms of the initial appointees shall be adjusted to stagger the  
153 terms. The Governor may remove a member for cause or upon the  
154 written petition of the county governing body. If any of the  
155 members of the council required to be appointed by the Governor  
156 under the provisions of this subsection shall resign, die, or be  
157 removed from office, the vacancy thereby created shall, as soon  
158 as practicable, be filled by appointment by the Governor, using  
159 the same method as the original appointment, and such  
160 appointment to fill a vacancy shall be for the unexpired term of  
161 the person who resigns, dies, or is removed from office.

162 (b) However, any county as defined in s. 125.011(1) may  
163 instead have a governing body ~~board~~ consisting of 33 members,  
164 including: the superintendent of schools; two representatives of  
165 public postsecondary education institutions located in the  
166 county; the county manager or the equivalent county officer; the  
167 district administrator from the appropriate district of the  
168 Department of Children and Family Services, or the  
169 administrator's designee who is a member of the Senior  
170 Management Service or the Selected Exempt Service; the director  
171 of the county health department or the director's designee; the  
172 state attorney for the county or the state attorney's designee;

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173 the chief judge assigned to juvenile cases, or another juvenile  
174 judge who is the chief judge's designee and who shall sit as a  
175 voting member of the board, except that the judge may not vote  
176 or participate in setting ad valorem taxes under this section;  
177 an individual who is selected by the board of the local United  
178 Way or its equivalent; a member of a locally recognized faith-  
179 based coalition, selected by that coalition; a member of the  
180 local chamber of commerce, selected by that chamber or, if more  
181 than one chamber exists within the county, a person selected by  
182 a coalition of the local chambers; a member of the early  
183 learning coalition, selected by that coalition; a representative  
184 of a labor organization or union active in the county; a member  
185 of a local alliance or coalition engaged in cross-system  
186 planning for health and social service delivery in the county,  
187 selected by that alliance or coalition; a member of the local  
188 Parent-Teachers Association/Parent-Teacher-Student Association,  
189 selected by that association; a youth representative selected by  
190 the local school system's student government; a local school  
191 board member appointed by the chair of the school board; the  
192 mayor of the county or the mayor's designee; one member of the  
193 county governing body, appointed by the chair of that body; a  
194 member of the state Legislature who represents residents of the  
195 county, ~~selected by the chair of the local legislative~~  
196 ~~delegation~~; an elected official representing the residents of a  
197 municipality in the county, selected by the county municipal  
198 league; and 4 members-at-large, appointed to the council by the

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Published On: 3/31/2014 6:13:11 PM



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199 majority of sitting council members. The remaining 7 members  
200 shall be appointed by the Governor in accordance with procedures  
201 set forth in paragraph (a), except that the Governor may remove  
202 a member for cause or upon the written petition of the council.  
203 Appointments by the Governor must, to the extent reasonably  
204 possible, represent the geographic and demographic diversity of  
205 the population of the county. Members who are appointed to the  
206 council by reason of their position are not subject to the  
207 length of terms and limits on consecutive terms as provided in  
208 this section. The remaining appointed members of the governing  
209 body ~~board~~ shall be appointed to serve 2-year terms, except that  
210 those members appointed by the Governor shall be appointed to  
211 serve 4-year terms, and the youth representative and the  
212 legislative delegate shall be appointed to serve 1-year terms. A  
213 member may be reappointed; however, a member may not serve for  
214 more than three consecutive terms. A member is eligible to be  
215 appointed again after a 2-year hiatus from the council.

216 (c) This subsection does not prohibit a county from  
217 exercising such power as is provided by general or special law  
218 to provide children's services or to create a special district  
219 to provide such services.

220 (4) (a) Any district created pursuant to this section may  
221 be dissolved by a special act of the Legislature, or the county  
222 governing body may by ordinance dissolve the district subject to  
223 the approval of the electorate.

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224 (b)1.a. Notwithstanding paragraph (a), the governing body  
225 of the county shall submit the question of retention or  
226 dissolution of a district with voter-approved taxing authority  
227 to the electorate in the general election according to the  
228 following schedule:

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

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

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

239 b. A referendum by the electorate on or after July 1,  
240 2010, creating a new district with taxing authority may specify  
241 that the district is not subject to reauthorization or may  
242 specify the number of years for which the initial authorization  
243 shall remain effective. If the referendum does not prescribe  
244 terms of reauthorization, the governing body of the county shall  
245 submit the question of retention or dissolution of the district  
246 to the electorate in the general election 12 years after the  
247 initial authorization.

248 2. The governing body ~~board~~ of the district may specify,  
249 and submit to the governing body of the county no later than 9

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250 months before the scheduled election, that the district is not  
251 subsequently subject to reauthorization or may specify the  
252 number of years for which a reauthorization under this paragraph  
253 shall remain effective. If the governing body ~~board~~ of the  
254 district makes such specification and submission, the governing  
255 body of the county shall include that information in the  
256 question submitted to the electorate. If the governing body  
257 ~~board~~ of the district does not specify and submit such  
258 information, the governing body of the county shall resubmit the  
259 question of reauthorization to the electorate every 12 years  
260 after the year prescribed in subparagraph 1. The governing body  
261 ~~board~~ of the district may recommend to the governing body of the  
262 county language for the question submitted to the electorate.

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

265 4. Nothing in this paragraph precludes the governing body  
266 ~~board~~ of a district from requesting that the governing body of  
267 the county submit the question of retention or dissolution of a  
268 district with voter-approved taxing authority to the electorate  
269 at a date earlier than the year prescribed in subparagraph 1. If  
270 the governing body of the county accepts the request and submits  
271 the question to the electorate, the governing body satisfies the  
272 requirement of that subparagraph.

273  
274 If any district is dissolved pursuant to this subsection, each  
275 county must first obligate itself to assume the debts,

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276 liabilities, contracts, and outstanding obligations of the  
277 district within the total millage available to the county  
278 governing body for all county and municipal purposes as provided  
279 for under s. 9, Art. VII of the State Constitution. Any district  
280 may also be dissolved pursuant to s. part VII of chapter 189  
281 ~~189.4042~~.

282 (6) Any district created pursuant to the provisions of  
283 this section shall comply with all other statutory requirements  
284 of general application which relate to the filing of any  
285 financial reports or compliance reports required under part III  
286 of chapter 218, or any other report or documentation required by  
287 law, including the requirements of ss. 189.08, 189.015, and  
288 189.016 ~~189.415, 189.417, and 189.418~~.

289 Section 6. Section 189.401, Florida Statutes, is  
290 transferred, renumbered as section 189.01, Florida Statutes, and  
291 amended to read:

292 189.01 ~~189.401~~ Short title.—This chapter may be cited as  
293 the "Uniform Special District Accountability Act ~~of 1989~~."

294 Section 7. Subsections (1), (6), and (7) of section  
295 189.402, Florida Statutes, are transferred and renumbered as  
296 subsections (1), (2), and (3), respectively, of section 189.011,  
297 Florida Statutes, and present subsection (6) of that section is  
298 amended, to read:

299 189.011 ~~189.402~~ Statement of legislative purpose and  
300 intent.—

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301        (2)~~(6)~~ The Legislature finds that special districts serve  
302 a necessary and useful function by providing services to  
303 residents and property in the state. The Legislature finds  
304 further that special districts operate to serve a public purpose  
305 and that this is best secured by certain minimum standards of  
306 accountability designed to inform the public and appropriate  
307 general-purpose local governments of the status and activities  
308 of special districts. It is the intent of the Legislature that  
309 this public trust be secured by requiring each independent  
310 special district in the state to register and report its  
311 financial and other activities. The Legislature further finds  
312 that failure of an independent special district to comply with  
313 the minimum disclosure requirements set forth in this chapter  
314 may result in action against officers of such district body  
315 ~~board~~.

316        Section 8. Subsection (2) of section 189.402, Florida  
317 Statutes, is transferred, renumbered as section 189.06, Florida  
318 Statutes, and amended to read:

319        189.06 ~~189.402~~ Legislative intent; centralized location  
320 ~~Statement of legislative purpose and intent.-~~

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

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

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327        ~~(2)(b)~~ Improve communication and coordination between  
328 state agencies with respect to required special district  
329 reporting and state monitoring.

330        ~~(3)(e)~~ Improve communication and coordination between  
331 special districts and other local entities with respect to ad  
332 valorem taxation, non-ad valorem assessment collection, special  
333 district elections, and local government comprehensive planning.

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

338        ~~(5)(e)~~ Clarify special district definitions and creation  
339 methods in order to ensure consistent application of those  
340 definitions and creation methods across all levels of  
341 government.

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

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

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

349        Section 9. Subsections (3), (4), (5), and (8) of section  
350 189.402, Florida Statutes, are transferred, renumbered as  
351 subsections (1), (2), (3), and (4), respectively, of section  
352 189.03, Florida Statutes, and amended to read:

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353 189.03 ~~189.402~~ Statement of legislative purpose and  
354 intent; independent special districts.-

355 (1) ~~(3)~~ The Legislature finds that:

356 (a) There is a need for uniform, focused, and fair  
357 procedures in state law to provide a reasonable alternative for  
358 the establishment, powers, operation, and duration of  
359 independent special districts ~~to manage and finance basic~~  
360 ~~capital infrastructure, facilities, and services; and that,~~  
361 ~~based upon a proper and fair determination of applicable facts,~~  
362 ~~an independent special district can constitute a timely,~~  
363 ~~efficient, effective, responsive, and economic way to deliver~~  
364 ~~these basic services, thereby providing a means of solving the~~  
365 ~~state's planning, management, and financing needs for delivery~~  
366 ~~of capital infrastructure, facilities, and services in order to~~  
367 ~~provide for projected growth without overburdening other~~  
368 ~~governments and their taxpayers.~~

369 (b) It is in the public interest that any independent  
370 special district created pursuant to state law not outlive its  
371 usefulness and that the operation of such a district and the  
372 exercise by the district of its powers be consistent with  
373 applicable due process, disclosure, accountability, ethics, and  
374 government-in-the-sunshine requirements which apply both to  
375 governmental entities and to their elected and appointed  
376 officials.

377 ~~(c) It is in the public interest that long-range planning,~~  
378 ~~management, and financing and long-term maintenance, upkeep, and~~

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379 ~~operation of basic services by independent special districts be~~  
380 ~~uniform.~~

381 ~~(2)-(4)~~ It is the policy of this state:

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

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

391 ~~(3)-(5)~~ It is the legislative intent ~~and purpose, based~~  
392 ~~upon, and consistent with, its findings of fact and declarations~~  
393 ~~of policy,~~ to authorize a uniform procedure by general law to  
394 create an independent special district, ~~as an alternative method~~  
395 ~~to manage and finance basic capital infrastructure, facilities,~~  
396 ~~and services. It is further the legislative intent and purpose~~  
397 to provide by general law for the uniform operation, exercise of  
398 power, and procedure for termination of any such independent  
399 special district.

400 ~~(4)-(8)~~ The Legislature finds and declares that:

401 (a) Growth and development issues transcend the boundaries  
402 and responsibilities of individual units of government, and  
403 often no single unit of government can plan or implement



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404 policies to deal with these issues without affecting other units  
405 of government.

406 (b) The provision of capital infrastructure, facilities,  
407 and services for the preservation and enhancement of the quality  
408 of life of the people of this state may require the creation of  
409 multicounty and multijurisdictional districts.

410 Section 10. Section 189.403, Florida Statutes, is  
411 transferred, renumbered as section 189.012, Florida Statutes,  
412 reordered, and amended to read:

413 189.012 ~~189.403~~ Definitions.—As used in this chapter, the  
414 term:

415 (6) ~~(1)~~ "Special district" means a ~~local~~ unit of local  
416 government created for a ~~of~~ special purpose, as opposed to a  
417 general purpose ~~general-purpose~~, which has jurisdiction to  
418 operate ~~government~~ within a limited geographic boundary and is  
419 created by general law, special act, local ordinance, or by rule  
420 of the Governor and Cabinet. ~~The special purpose or purposes of~~  
421 ~~special districts are implemented by specialized functions and~~  
422 ~~related prescribed powers. For the purpose of s. 196.199(1),~~  
423 ~~special districts shall be treated as municipalities.~~ The term  
424 does not include a school district, a community college  
425 district, a special improvement district created pursuant to s.  
426 285.17, a municipal service taxing or benefit unit as specified  
427 in s. 125.01, or a board which provides electrical service and  
428 which is a political subdivision of a municipality or is part of  
429 a municipality.

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

432 (a) The membership of its governing body is identical to  
433 that of the governing body of a single county or a single  
434 municipality.

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

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

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

443

444 This subsection is for purposes of definition only. Nothing in  
445 this subsection confers additional authority upon local  
446 governments not otherwise authorized by the provisions of the  
447 special acts or general acts of local application creating each  
448 special district, as amended.

449 (3) "Independent special district" means a special  
450 district that is not a dependent special district as defined in  
451 subsection (2). A district that includes more than one county is  
452 an independent special district unless the district lies wholly  
453 within the boundaries of a single municipality.

454 (1)~~(4)~~ "Department" means the Department of Economic  
455 Opportunity.

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456        ~~(4)(5)~~ "Local governing authority" means the governing  
457 body of a unit of local general-purpose government. However, if  
458 the special district is a political subdivision of a  
459 municipality, "local governing authority" means the  
460 municipality.

461        ~~(7)(6)~~ "Water management district" for purposes of this  
462 chapter means a special taxing district which is a regional  
463 water management district created and operated pursuant to  
464 chapter 373 or chapter 61-691, Laws of Florida, or a flood  
465 control district created and operated pursuant to chapter 25270,  
466 Laws of Florida, 1949, as modified by s. 373.149.

467        ~~(5)(7)~~ "Public facilities" means major capital  
468 improvements, including, but not limited to, transportation  
469 facilities, sanitary sewer facilities, solid waste facilities,  
470 water management and control facilities, potable water  
471 facilities, alternative water systems, educational facilities,  
472 parks and recreational facilities, health systems and  
473 facilities, and, except for spoil disposal by those ports listed  
474 in s. 311.09(1), spoil disposal sites for maintenance dredging  
475 in waters of the state.

476        Section 11. Subsection (1) of section 189.4031, Florida  
477 Statutes, is transferred and renumbered as section 189.013,  
478 Florida Statutes, and the catchline of that section shall read:  
479 "Special districts; creation, dissolution, and reporting  
480 requirements."

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481 Section 12. Subsection (2) of section 189.4031, Florida  
482 Statutes, is transferred, renumbered as section 189.0311,  
483 Florida Statutes, and amended to read:

484 189.0311 ~~189.4031~~ Independent special districts ~~Special~~  
485 ~~districts; creation, dissolution, and reporting requirements;~~  
486 charter requirements.-

487 ~~(2)~~ Notwithstanding any general law, special act, or  
488 ordinance of a local government to the contrary, any independent  
489 special district charter enacted after September 30, 1989, ~~the~~  
490 ~~effective date of this section~~ shall contain the information  
491 required by s. 189.031(3) ~~189.404(3)~~. Recognizing that the  
492 exclusive charter for a community development district is the  
493 statutory charter contained in ss. 190.006-190.041, community  
494 development districts established after July 1, 1980, pursuant  
495 to the provisions of chapter 190 shall be deemed in compliance  
496 with this requirement.

497 Section 13. Section 189.4035, Florida Statutes, is  
498 transferred and renumbered as section 189.061, Florida Statutes,  
499 and subsections (1), (5), and (6) of that section are amended,  
500 to read:

501 189.061 ~~189.4035~~ ~~Preparation of~~ Official list of special  
502 districts.-

503 (1) The department ~~of Economic Opportunity~~ shall maintain  
504 ~~compile~~ the official list of special districts. The official  
505 list of special districts shall include all special districts in  
506 this state and shall indicate the independent or dependent

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507 status of each district. All special districts on ~~in~~ the list  
508 shall be sorted by county. The definitions in s. 189.012 ~~189.403~~  
509 shall be the criteria for determination of the independent or  
510 dependent status of each special district on the official list.  
511 The status of community development districts shall be  
512 independent on the official list of special districts.

513 (5) The official list of special districts shall be  
514 available on the department's website and must include a link to  
515 the website of each special district that provides web-based  
516 access to the public of the information and documentation  
517 required under s. 189.069.

518 (6) ~~Preparation of~~ The official list of special districts  
519 or the determination of status does not constitute final agency  
520 action pursuant to chapter 120. If the status of a special  
521 district on the official list is inconsistent with the status  
522 submitted by the district, the district may request the  
523 department to issue a declaratory statement setting forth the  
524 requirements necessary to resolve the inconsistency. If  
525 necessary, upon issuance of a declaratory statement by the  
526 department which is not appealed pursuant to chapter 120, the  
527 governing body ~~board~~ of any special district receiving such a  
528 declaratory statement shall apply to the entity which originally  
529 established the district for an amendment to its charter  
530 correcting the specified defects in its original charter. This  
531 amendment shall be for the sole purpose of resolving  
532 inconsistencies between a district charter and the status of a

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533 district as it appears on the official list. Such application  
534 shall occur as follows:

535 ~~(a) In the event a special district was created by a local~~  
536 ~~general-purpose government or state agency and applies for an~~  
537 ~~amendment to its charter to confirm its independence, said~~  
538 ~~application shall be granted as a matter of right. If~~  
539 ~~application by an independent district is not made within 6~~  
540 ~~months of rendition of a declaratory statement, the district~~  
541 ~~shall be deemed dependent and become a political subdivision of~~  
542 ~~the governing body which originally established it by operation~~  
543 ~~of law.~~

544 ~~(b) If the Legislature created a special district, the~~  
545 ~~district shall request, by resolution, an amendment to its~~  
546 ~~charter by the Legislature. Failure to apply to the Legislature~~  
547 ~~for an amendment to its charter during the next regular~~  
548 ~~legislative session following rendition of a declaratory~~  
549 ~~statement or failure of the Legislature to pass a special act~~  
550 ~~shall render the district dependent.~~

551 Section 14. Section 189.404, Florida Statutes, is  
552 transferred and renumbered as section 189.031, Florida Statutes,  
553 and subsection (2) and paragraphs (e), (f), and (g) of  
554 subsection (3) of that section are amended, to read:

555 189.031 ~~189.404~~ Legislative intent for the creation of  
556 independent special districts; special act prohibitions; model  
557 elements and other requirements; general-purpose local  
558 government/Governor and Cabinet creation authorizations.-

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

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

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

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

569 (d) Exempt an independent special district from the  
570 reporting, notice, or public meetings requirements of s.  
571 189.051, s. 189.08, s. 189.015, or s. 189.016 ~~189.4085, s.~~  
572 ~~189.415, s. 189.417, or s. 189.418~~;

573 (e) Create an independent special district for which a  
574 statement has not been submitted to the Legislature that  
575 documents the following:

576 1. The purpose of the proposed district;

577 2. The authority of the proposed district;

578 3. An explanation of why the district is the best  
579 alternative; and

580 4. A resolution or official statement of the governing  
581 body or an appropriate administrator of the local jurisdiction  
582 within which the proposed district is located stating that the  
583 creation of the proposed district is consistent with the  
584 approved local government plans of the local governing body and

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585 that the local government has no objection to the creation of  
586 the proposed district.

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

591 (e) The membership and organization of the governing body  
592 ~~board~~ of the district. If a district created after September 30,  
593 1989, uses a one-acre/one-vote election principle, it shall  
594 provide for a governing body ~~board~~ consisting of five members.  
595 Three members shall constitute a quorum.

596 (f) The maximum compensation of a governing body ~~board~~  
597 member.

598 (g) The administrative duties of the governing body ~~board~~  
599 of the district.

600 Section 15. Section 189.40401, Florida Statutes, is  
601 transferred and renumbered as section 189.033, Florida Statutes.

602 Section 16. Section 189.4041, Florida Statutes, is  
603 transferred and renumbered as section 189.02, Florida Statutes,  
604 and paragraph (e) of subsection (4) of that section is amended,  
605 to read:

606 189.02 ~~189.4041~~ Dependent special districts.—

607 (4) Dependent special districts created by a county or  
608 municipality shall be created by adoption of an ordinance that  
609 includes:



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

612 Section 17. Subsection (1) of section 189.4042, Florida  
613 Statutes, is transferred, renumbered as section 189.07, Florida  
614 Statutes, and amended to read:

615 189.07 ~~189.4042~~ Definitions ~~Merger and dissolution~~  
616 ~~procedures.~~

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

618 (1)(a) "Component independent special district" means an  
619 independent special district that proposes to be merged into a  
620 merged independent district, or an independent special district  
621 as it existed before its merger into the merged independent  
622 district of which it is now a part.

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

629 (3)(e) "Governing body" means the governing body of the  
630 independent special district in which the general legislative,  
631 governmental, or public powers of the district are vested and by  
632 authority of which the official business of the district is  
633 conducted.

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

637        ~~(5)(e)~~ "Joint merger plan" means the merger plan that is  
638 adopted by resolution of the governing bodies of two or more  
639 independent special districts that outlines the terms and  
640 agreements for the official merger of the districts and that is  
641 finalized and approved by the governing bodies pursuant to this  
642 part section.

643        ~~(6)(f)~~ "Merged independent district" means a single  
644 independent special district that results from a successful  
645 merger of two or more independent special districts pursuant to  
646 this part section.

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

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

654        ~~(9)(i)~~ "Proposed elector-initiated merger plan" means a  
655 written document that contains the terms and information  
656 regarding the merger of two or more independent special  
657 districts and that accompanies the petition initiated by the  
658 qualified electors of the districts but that is not yet

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

661 ~~(10)(j)~~ "Proposed joint merger plan" means a written  
662 document that contains the terms and information regarding the  
663 merger of two or more independent special districts and that has  
664 been prepared pursuant to a resolution of the governing bodies  
665 of the districts but that is not yet finalized and approved by  
666 the governing bodies of each component independent special  
667 district pursuant to this part section.

668 ~~(11)(k)~~ "Qualified elector" means an individual at least  
669 18 years of age who is a citizen of the United States, a  
670 permanent resident of this state, and a resident of the district  
671 who registers with the supervisor of elections of a county  
672 within which the district lands are located when the  
673 registration books are open.

674 Section 18. Subsection (2) of section 189.4042, Florida  
675 Statutes, is transferred, renumbered as section 189.071, Florida  
676 Statutes, and amended to read:

677 189.071 ~~189.4042~~ Merger or ~~and~~ dissolution of a dependent  
678 special district procedures.—

679 ~~(2) MERGER OR DISSOLUTION OF A DEPENDENT SPECIAL~~  
680 ~~DISTRICT~~.—

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

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685 not dissolve a special district that is dependent to a  
686 municipality or vice versa, or a dependent district created by  
687 special act.

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

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

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

701 Section 19. Subsection (3) of section 189.4042, Florida  
702 Statutes, is transferred, renumbered as section 189.072, Florida  
703 Statutes, and amended to read:

704 189.072 ~~189.4042~~ Dissolution of an independent special  
705 district Merger and dissolution procedures.—

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

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

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711 independent special district created and operating pursuant to a  
712 special act may be effectuated only by the Legislature unless  
713 otherwise provided by general law.

714 ~~(2)(b)~~ *Other dissolutions.*—

715 (a)1. In order for the Legislature to dissolve an active  
716 independent special district created and operating pursuant to a  
717 special act, the special act dissolving the active independent  
718 special district must be approved by a majority of the resident  
719 electors of the district or, for districts in which a majority  
720 of governing body ~~board~~ members are elected by landowners, a  
721 majority of the landowners voting in the same manner by which  
722 the independent special district's governing body is elected. If  
723 a local general-purpose government passes an ordinance or  
724 resolution in support of the dissolution, the local general-  
725 purpose government must pay any expenses associated with the  
726 referendum required under this paragraph ~~subparagraph~~.

727 (b)2. If an independent special district was created by a  
728 county or municipality by referendum or any other procedure, the  
729 county or municipality that created the district may dissolve  
730 the district pursuant to a referendum or any other procedure by  
731 which the independent special district was created. However, if  
732 the independent special district has ad valorem taxation powers,  
733 the same procedure required to grant the independent special  
734 district ad valorem taxation powers is required to dissolve the  
735 district.

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736        (3)~~(e)~~ *Inactive independent special districts.*—An  
737 independent special district that meets any criteria for being  
738 declared inactive, or that has already been declared inactive,  
739 pursuant to s. 189.062 ~~189.4044~~ may be dissolved by special act  
740 without a referendum. If an inactive independent special  
741 district was created by a county or municipality through a  
742 referendum, the county or municipality that created the district  
743 may dissolve the district after publishing notice as described  
744 in s. 189.062 ~~189.4044~~.

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

748        Section 20. Subsection (4) of section 189.4042, Florida  
749 Statutes, is transferred, renumbered as section 189.073, Florida  
750 Statutes, and amended to read:

751        189.073 ~~189.4042~~ Legislative merger of independent special  
752 districts ~~Merger and dissolution procedures.~~—

753        ~~(4) LEGISLATIVE MERGER OF INDEPENDENT SPECIAL DISTRICTS.~~  
754 The Legislature, by special act, may merge independent special  
755 districts created and operating pursuant to special act.

756        Section 21. Subsection (5) of section 189.4042, Florida  
757 Statutes, is transferred, renumbered as section 189.074, Florida  
758 Statutes, and amended to read:

759        189.074 ~~189.4042~~ Voluntary merger of independent special  
760 districts ~~Merger and dissolution procedures.~~—

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761 ~~(5) VOLUNTARY MERGER OF INDEPENDENT SPECIAL DISTRICTS.~~ Two  
762 or more contiguous independent special districts created by  
763 special act which have similar functions and elected governing  
764 bodies may elect to merge into a single independent district  
765 through the act of merging the component independent special  
766 districts.

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

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

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

772 (2)~~(b)~~ *Joint merger plan by resolution.*—The governing  
773 bodies of two or more contiguous independent special districts  
774 may, by joint resolution, endorse a proposed joint merger plan  
775 to commence proceedings to merge the districts pursuant to this  
776 section subsection.

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

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

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

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

783 4.~~d.~~ The territorial boundaries of the proposed merged  
784 independent district;

785 5.~~e.~~ The governmental organization of the proposed merged  
786 independent district insofar as it concerns elected and

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787 appointed officials and public employees, along with a  
788 transitional plan and schedule for elections and appointments of  
789 officials;

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

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

795 ~~8.h.~~ Each component independent special district's  
796 liabilities and indebtedness, bonded and otherwise, and the  
797 current value thereof;

798 ~~9.i.~~ Terms for the assumption and disposition of existing  
799 assets, liabilities, and indebtedness of each component  
800 independent special district jointly, separately, or in defined  
801 proportions;

802 ~~10.j.~~ Terms for the common administration and uniform  
803 enforcement of existing laws within the proposed merged  
804 independent district;

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

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

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



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812        ~~(b)2.~~ The resolution endorsing the proposed joint merger  
813 plan must be approved by a majority vote of the governing bodies  
814 of each component independent special district and adopted at  
815 least 60 business days before any general or special election on  
816 the proposed joint merger plan.

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

820        ~~1.a.~~ Cause a copy of the proposed joint merger plan, along  
821 with a descriptive summary of the plan, to be displayed and be  
822 readily accessible to the public for inspection in at least  
823 three public places within the territorial limits of each  
824 component independent special district, unless a component  
825 independent special district has fewer than three public places,  
826 in which case the plan must be accessible for inspection in all  
827 public places within the component independent special district;

828        ~~2.b.~~ If applicable, cause the proposed joint merger plan,  
829 along with a descriptive summary of the plan and a reference to  
830 the public places within each component independent special  
831 district where a copy of the merger plan may be examined, to be  
832 displayed on a website maintained by each district or on a  
833 website maintained by the county or municipality in which the  
834 districts are located; and

835        ~~3.e.~~ Arrange for a descriptive summary of the proposed  
836 joint merger plan, and a reference to the public places within  
837 the district where a copy may be examined, to be published in a

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838 newspaper of general circulation within the component  
839 independent special districts at least once each week for 4  
840 successive weeks.

841 ~~(d)4.~~ The governing body of each component independent  
842 special district shall set a time and place for one or more  
843 public hearings on the proposed joint merger plan. Each public  
844 hearing shall be held on a weekday at least 7 business days  
845 after the day the first advertisement is published on the  
846 proposed joint merger plan. The hearing or hearings may be held  
847 jointly or separately by the governing bodies of the component  
848 independent special districts. Any interested person residing in  
849 the respective district shall be given a reasonable opportunity  
850 to be heard on any aspect of the proposed merger at the public  
851 hearing.

852 ~~1.a.~~ Notice of the public hearing addressing the  
853 resolution for the proposed joint merger plan must be published  
854 pursuant to the notice requirements in s. 189.015 ~~189.417~~ and  
855 must provide a descriptive summary of the proposed joint merger  
856 plan and a reference to the public places within the component  
857 independent special districts where a copy of the plan may be  
858 examined.

859 ~~2.b.~~ After the final public hearing, the governing bodies  
860 of each component independent special district may amend the  
861 proposed joint merger plan if the amended version complies with  
862 the notice and public hearing requirements provided in this  
863 section ~~subsection~~. Thereafter, the governing bodies may approve

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864 a final version of the joint merger plan or decline to proceed  
865 further with the merger. Approval by the governing bodies of the  
866 final version of the joint merger plan must occur within 60  
867 business days after the final hearing.

868 (e)5. After the final public hearing, the governing bodies  
869 shall notify the supervisors of elections of the applicable  
870 counties in which district lands are located of the adoption of  
871 the resolution by each governing body. The supervisors of  
872 elections shall schedule a separate referendum for each  
873 component independent special district. The referenda may be  
874 held in each district on the same day, or on different days, but  
875 no more than 20 days apart.

876 1.a. Notice of a referendum on the merger of independent  
877 special districts must be provided pursuant to the notice  
878 requirements in s. 100.342. At a minimum, the notice must  
879 include:

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

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

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

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

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

891 ~~2.b.~~ The referenda must be held in accordance with the  
892 Florida Election Code and may be held pursuant to ss. 101.6101-  
893 101.6107. All costs associated with the referenda shall be borne  
894 by the respective component independent special district.

895 ~~3.e.~~ The ballot question in such referendum placed before  
896 the qualified electors of each component independent special  
897 district to be merged must be in substantially the following  
898 form:

899 "Shall ...(name of component independent special  
900 district)... and ...(name of component independent special  
901 district or districts)... be merged into ...(name of newly  
902 merged independent district)...?"

903  
904 ....YES

905 ....NO"

906  
907 ~~4.d.~~ If the component independent special districts  
908 proposing to merge have disparate millage rates, the ballot  
909 question in the referendum placed before the qualified electors  
910 of each component independent special district must be in  
911 substantially the following form:

912

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913 "Shall ...(name of component independent special  
914 district)... and ...(name of component independent special  
915 district or districts)... be merged into ...(name of newly  
916 merged independent district)... if the voter-approved maximum  
917 millage rate within each independent special district will not  
918 increase absent a subsequent referendum?

919

920 ....YES

921 ....NO"

922

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

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

933 ~~7.g.~~ If the merger is approved by a majority of the votes  
934 cast in each component independent special district, the merged  
935 independent district is created. Upon approval, the merged  
936 independent district shall notify the Special District  
937 Accountability Information Program pursuant to s. 189.016(2)  
938 ~~189.418(2)~~ and the local general-purpose governments in which

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939 any part of the component independent special districts is  
940 situated pursuant to s. 189.016(7) ~~189.418(7)~~.

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

944 ~~(f)6.~~ Component independent special districts merged  
945 pursuant to a joint merger plan by resolution shall continue to  
946 be governed as before the merger until the effective date  
947 specified in the adopted joint merger plan.

948 ~~(3)(e)~~ *Qualified elector-initiated merger plan.*—The  
949 qualified electors of two or more contiguous independent special  
950 districts may commence a merger proceeding by each filing a  
951 petition with the governing body of their respective independent  
952 special district proposing to be merged. The petition must  
953 contain the signatures of at least 40 percent of the qualified  
954 electors of each component independent special district and must  
955 be submitted to the appropriate component independent special  
956 district governing body no later than 1 year after the start of  
957 the qualified elector-initiated merger process.

958 ~~(a)4.~~ The petition must comply with, and be circulated in,  
959 the following form:

## PETITION FOR

## INDEPENDENT SPECIAL DISTRICT MERGER

962 We, the undersigned electors and legal voters of ...(name  
963 of independent special district)..., qualified to vote at the  
964 next general or special election, respectfully petition that

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965 there be submitted to the electors and legal voters of ...(name  
 966 of independent special district or districts proposed to be  
 967 merged)..., for their approval or rejection at a referendum held  
 968 for that purpose, a proposal to merge ...(name of component  
 969 independent special district)... and ...(name of component  
 970 independent special district or districts)....

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

|     |                         |      |              |
|-----|-------------------------|------|--------------|
| 973 | Date                    | Name | Home Address |
| 974 | (print under signature) |      |              |
| 975 | .....                   |      |              |
| 976 | .....                   |      |              |

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

981 ~~1.a.~~ A statement that is signed by a witness who is a duly  
 982 qualified elector of the respective district shall be accepted  
 983 for all purposes as the equivalent of an affidavit. Such  
 984 statement must be in substantially the following form:

985 "I, ...(name of witness)..., state that I am a duly  
 986 qualified voter of ...(name of independent special district)....  
 987 Each of the ...(insert number)... persons who have signed this  
 988 petition sheet has signed his or her name in my presence on the  
 989 dates indicated above and identified himself or herself to be  
 990 the same person who signed the sheet. I understand that this





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1017 receipt of the petitions, certify to the governing bodies the  
1018 number of signatures of qualified electors contained on the  
1019 petitions.

1020 ~~(c)3.~~ Upon verification by the supervisors of elections of  
1021 the counties within which component independent special district  
1022 lands are located that 40 percent of the qualified electors have  
1023 petitioned for merger and that all such petitions have been  
1024 executed within 1 year after the date of the initiation of the  
1025 qualified-elector merger process, the governing bodies of each  
1026 component independent special district shall meet within 30  
1027 business days to prepare and approve by resolution a proposed  
1028 elector-initiated merger plan. The proposed plan must include:

1029 ~~1.a.~~ The name of each component independent special  
1030 district to be merged;

1031 ~~2.b.~~ The name of the proposed merged independent district;

1032 ~~3.e.~~ The rights, duties, and obligations of the merged  
1033 independent district;

1034 ~~4.d.~~ The territorial boundaries of the proposed merged  
1035 independent district;

1036 ~~5.e.~~ The governmental organization of the proposed merged  
1037 independent district insofar as it concerns elected and  
1038 appointed officials and public employees, along with a  
1039 transitional plan and schedule for elections and appointments of  
1040 officials;

1041 ~~6.f.~~ A fiscal estimate of the potential cost or savings as  
1042 a result of the merger;

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1043 ~~7.g.~~ Each component independent special district's assets,  
1044 including, but not limited to, real and personal property, and  
1045 the current value thereof;

1046 ~~8.h.~~ Each component independent special district's  
1047 liabilities and indebtedness, bonded and otherwise, and the  
1048 current value thereof;

1049 ~~9.i.~~ Terms for the assumption and disposition of existing  
1050 assets, liabilities, and indebtedness of each component  
1051 independent special district, jointly, separately, or in defined  
1052 proportions;

1053 ~~10.j.~~ Terms for the common administration and uniform  
1054 enforcement of existing laws within the proposed merged  
1055 independent district;

1056 ~~11.k.~~ The times and places for public hearings on the  
1057 proposed joint merger plan; and

1058 ~~12.l.~~ The effective date of the proposed merger.

1059 ~~(d)4.~~ The resolution endorsing the proposed elector-  
1060 initiated merger plan must be approved by a majority vote of the  
1061 governing bodies of each component independent special district  
1062 and must be adopted at least 60 business days before any general  
1063 or special election on the proposed elector-initiated plan.

1064 ~~(e)5.~~ Within 5 business days after the governing bodies of  
1065 each component independent special district approve the proposed  
1066 elector-initiated merger plan, the governing bodies shall:

1067 ~~1.a.~~ Cause a copy of the proposed elector-initiated merger  
1068 plan, along with a descriptive summary of the plan, to be

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1069 displayed and be readily accessible to the public for inspection  
1070 in at least three public places within the territorial limits of  
1071 each component independent special district, unless a component  
1072 independent special district has fewer than three public places,  
1073 in which case the plan must be accessible for inspection in all  
1074 public places within the component independent special district;

1075 ~~2.b.~~ If applicable, cause the proposed elector-initiated  
1076 merger plan, along with a descriptive summary of the plan and a  
1077 reference to the public places within each component independent  
1078 special district where a copy of the merger plan may be  
1079 examined, to be displayed on a website maintained by each  
1080 district or otherwise on a website maintained by the county or  
1081 municipality in which the districts are located; and

1082 ~~3.e.~~ Arrange for a descriptive summary of the proposed  
1083 elector-initiated merger plan, and a reference to the public  
1084 places within the district where a copy may be examined, to be  
1085 published in a newspaper of general circulation within the  
1086 component independent special districts at least once each week  
1087 for 4 successive weeks.

1088 ~~(f)6.~~ The governing body of each component independent  
1089 special district shall set a time and place for one or more  
1090 public hearings on the proposed elector-initiated merger plan.  
1091 Each public hearing shall be held on a weekday at least 7  
1092 business days after the day the first advertisement is published  
1093 on the proposed elector-initiated merger plan. The hearing or  
1094 hearings may be held jointly or separately by the governing

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1095 bodies of the component independent special districts. Any  
1096 interested person residing in the respective district shall be  
1097 given a reasonable opportunity to be heard on any aspect of the  
1098 proposed merger at the public hearing.

1099 ~~1.a.~~ Notice of the public hearing on the proposed elector-  
1100 initiated merger plan must be published pursuant to the notice  
1101 requirements in s. 189.015 ~~189.417~~ and must provide a  
1102 descriptive summary of the elector-initiated merger plan and a  
1103 reference to the public places within the component independent  
1104 special districts where a copy of the plan may be examined.

1105 ~~2.b.~~ After the final public hearing, the governing bodies  
1106 of each component independent special district may amend the  
1107 proposed elector-initiated merger plan if the amended version  
1108 complies with the notice and public hearing requirements  
1109 provided in this section ~~subsection~~. The governing bodies must  
1110 approve a final version of the merger plan within 60 business  
1111 days after the final hearing.

1112 ~~(g)7.~~ After the final public hearing, the governing bodies  
1113 shall notify the supervisors of elections of the applicable  
1114 counties in which district lands are located of the adoption of  
1115 the resolution by each governing body. The supervisors of  
1116 elections shall schedule a date for the separate referenda for  
1117 each district. The referenda may be held in each district on the  
1118 same day, or on different days, but no more than 20 days apart.

1119 ~~1.a.~~ Notice of a referendum on the merger of the component  
1120 independent special districts must be provided pursuant to the

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1121 notice requirements in s. 100.342. At a minimum, the notice must  
1122 include:

1123 ~~a.-(I)~~ A brief summary of the resolution and elector-  
1124 initiated merger plan;

1125 ~~b.-(II)~~ A statement as to where a copy of the resolution  
1126 and petition for merger may be examined;

1127 ~~c.-(III)~~ The names of the component independent special  
1128 districts to be merged and a description of their territory;

1129 ~~d.-(IV)~~ The times and places at which the referendum will  
1130 be held; and

1131 ~~e.-(V)~~ Such other matters as may be necessary to call,  
1132 provide for, and give notice of the referendum and to provide  
1133 for the conduct thereof and the canvass of the returns.

1134 ~~2.b.~~ The referenda must be held in accordance with the  
1135 Florida Election Code and may be held pursuant to ss. 101.6101-  
1136 101.6107. All costs associated with the referenda shall be borne  
1137 by the respective component independent special district.

1138 ~~3.e.~~ The ballot question in such referendum placed before  
1139 the qualified electors of each component independent special  
1140 district to be merged must be in substantially the following  
1141 form:

1142 "Shall ...(name of component independent special  
1143 district)... and ...(name of component independent special  
1144 district or districts)... be merged into ...(name of newly  
1145 merged independent district)...?"

1146 ....YES

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1147       ....NO"

1148       ~~4.d.~~ If the component independent special districts  
1149 proposing to merge have disparate millage rates, the ballot  
1150 question in the referendum placed before the qualified electors  
1151 of each component independent special district must be in  
1152 substantially the following form:

1153       "Shall ...(name of component independent special  
1154 district)... and ...(name of component independent special  
1155 district or districts)... be merged into ...(name of newly  
1156 merged independent district)... if the voter-approved maximum  
1157 millage rate within each independent special district will not  
1158 increase absent a subsequent referendum?

1159       ....YES

1160       ....NO"

1161       ~~5.e.~~ In any referendum held pursuant to this section  
1162 ~~subsection~~, the ballots shall be counted, returns made and  
1163 canvassed, and results certified in the same manner as other  
1164 elections or referenda for the component independent special  
1165 districts.

1166       ~~6.f.~~ The merger may not take effect unless a majority of  
1167 the votes cast in each component independent special district  
1168 are in favor of the merger. If one of the component independent  
1169 special districts does not obtain a majority vote, the  
1170 referendum fails, and merger does not take effect.

1171       ~~7.g.~~ If the merger is approved by a majority of the votes  
1172 cast in each component independent special district, the merged

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1173 district shall notify the Special District Accountability  
1174 ~~Information~~ Program pursuant to s. 189.016(2) ~~189.418(2)~~ and the  
1175 local general-purpose governments in which any part of the  
1176 component independent special districts is situated pursuant to  
1177 s. 189.016(7) ~~189.418(7)~~.

1178 ~~8.h.~~ If the referendum fails, the merger process under  
1179 this subsection ~~paragraph~~ may not be initiated for the same  
1180 purpose within 2 years after the date of the referendum.

1181 ~~(h)8.~~ Component independent special districts merged  
1182 pursuant to an elector-initiated merger plan shall continue to  
1183 be governed as before the merger until the effective date  
1184 specified in the adopted elector-initiated merger plan.

1185 ~~(4)(d)~~ *Effective date.*—The effective date of the merger  
1186 shall be as provided in the joint merger plan or elector-  
1187 initiated merger plan, as appropriate, and is not contingent  
1188 upon the future act of the Legislature.

1189 ~~(a)1.~~ However, as soon as practicable, the merged  
1190 independent district shall, at its own expense, submit a unified  
1191 charter for the merged district to the Legislature for approval.  
1192 The unified charter must make the powers of the district  
1193 consistent within the merged independent district and repeal the  
1194 special acts of the districts which existed before the merger.

1195 ~~(b)2.~~ Within 30 business days after the effective date of  
1196 the merger, the merged independent district's governing body, as  
1197 indicated in this section ~~subsection~~, shall hold an

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1198 organizational meeting to implement the provisions of the joint  
1199 merger plan or elector-initiated merger plan, as appropriate.

1200 ~~(5)(e)~~ *Restrictions during transition period.*—Until the  
1201 Legislature formally approves the unified charter pursuant to a  
1202 special act, each component independent special district is  
1203 considered a subunit of the merged independent district subject  
1204 to the following restrictions:

1205 ~~(a)1.~~ During the transition period, the merged independent  
1206 district is limited in its powers and financing capabilities  
1207 within each subunit to those powers that existed within the  
1208 boundaries of each subunit which were previously granted to the  
1209 component independent special district in its existing charter  
1210 before the merger. The merged independent district may not,  
1211 solely by reason of the merger, increase its powers or financing  
1212 capability.

1213 ~~(b)2.~~ During the transition period, the merged independent  
1214 district shall exercise only the legislative authority to levy  
1215 and collect revenues within the boundaries of each subunit which  
1216 was previously granted to the component independent special  
1217 district by its existing charter before the merger, including  
1218 the authority to levy ad valorem taxes, non-ad valorem  
1219 assessments, impact fees, and charges.

1220 ~~1.a.~~ The merged independent district may not, solely by  
1221 reason of the merger or the legislatively approved unified  
1222 charter, increase ad valorem taxes on property within the  
1223 original limits of a subunit beyond the maximum millage rate



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1224 approved by the electors of the component independent special  
1225 district unless the electors of such subunit approve an increase  
1226 at a subsequent referendum of the subunit's electors. Each  
1227 subunit may be considered a separate taxing unit.

1228 ~~2.b.~~ The merged independent district may not, solely by  
1229 reason of the merger, charge non-ad valorem assessments, impact  
1230 fees, or other new fees within a subunit which were not  
1231 otherwise previously authorized to be charged.

1232 ~~(c)3.~~ During the transition period, each component  
1233 independent special district of the merged independent district  
1234 must continue to file all information and reports required under  
1235 this chapter as subunits until the Legislature formally approves  
1236 the unified charter pursuant to a special act.

1237 ~~(d)4.~~ The intent of this part section is to preserve and  
1238 transfer to the merged independent district all authority that  
1239 exists within each subunit and was previously granted by the  
1240 Legislature and, if applicable, by referendum.

1241 ~~(6)(f)~~ *Effect of merger, generally.*—On and after the  
1242 effective date of the merger, the merged independent district  
1243 shall be treated and considered for all purposes as one entity  
1244 under the name and on the terms and conditions set forth in the  
1245 joint merger plan or elector-initiated merger plan, as  
1246 appropriate.

1247 ~~(a)1.~~ All rights, privileges, and franchises of each  
1248 component independent special district and all assets, real and  
1249 personal property, books, records, papers, seals, and equipment,

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1250 as well as other things in action, belonging to each component  
1251 independent special district before the merger shall be deemed  
1252 as transferred to and vested in the merged independent district  
1253 without further act or deed.

1254 (b)2. All property, rights-of-way, and other interests are  
1255 as effectually the property of the merged independent district  
1256 as they were of the component independent special district  
1257 before the merger. The title to real estate, by deed or  
1258 otherwise, under the laws of this state vested in any component  
1259 independent special district before the merger may not be deemed  
1260 to revert or be in any way impaired by reason of the merger.

1261 (c)3. The merged independent district is in all respects  
1262 subject to all obligations and liabilities imposed and possesses  
1263 all the rights, powers, and privileges vested by law in other  
1264 similar entities.

1265 (d)4. Upon the effective date of the merger, the joint  
1266 merger plan or elector-initiated merger plan, as appropriate, is  
1267 subordinate in all respects to the contract rights of all  
1268 holders of any securities or obligations of the component  
1269 independent special districts outstanding at the effective date  
1270 of the merger.

1271 (e)5. The new registration of electors is not necessary as  
1272 a result of the merger, but all elector registrations of the  
1273 component independent special districts shall be transferred to  
1274 the proper registration books of the merged independent

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1275 district, and new registrations shall be made as provided by law  
1276 as if no merger had taken place.

1277 ~~(7)(g)~~ *Governing body of merged independent district.*—

1278 (a)1. From the effective date of the merger until the next  
1279 general election, the governing body of the merged independent  
1280 district shall be comprised of the governing body members of  
1281 each component independent special district, with such members  
1282 serving until the governing body members elected at the next  
1283 general election take office.

1284 (b)2. Beginning with the next general election following  
1285 the effective date of merger, the governing body of the merged  
1286 independent district shall be comprised of five members. The  
1287 office of each governing body member shall be designated by  
1288 seat, which shall be distinguished from other body member seats  
1289 by an assigned numeral: 1, 2, 3, 4, or 5. The governing body  
1290 members that are elected in this initial election following the  
1291 merger shall serve unequal terms of 2 and 4 years in order to  
1292 create staggered membership of the governing body, with:

1293 1.a. Member seats 1, 3, and 5 being designated for 4-year  
1294 terms; and

1295 2.b. Member seats 2 and 4 being designated for 2-year  
1296 terms.

1297 (c)3. In general elections thereafter, all governing body  
1298 members shall serve 4-year terms.

1299 ~~(8)(h)~~ *Effect on employees.*—Except as otherwise provided  
1300 by law and except for those officials and employees protected by

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1301 tenure of office, civil service provisions, or a collective  
1302 bargaining agreement, upon the effective date of merger, all  
1303 appointive offices and positions existing in all component  
1304 independent special districts involved in the merger are subject  
1305 to the terms of the joint merger plan or elector-initiated  
1306 merger plan, as appropriate. Such plan may provide for instances  
1307 in which there are duplications of positions and for other  
1308 matters such as varying lengths of employee contracts, varying  
1309 pay levels or benefits, different civil service regulations in  
1310 the constituent entities, and differing ranks and position  
1311 classifications for similar positions. For those employees who  
1312 are members of a bargaining unit certified by the Public  
1313 Employees Relations Commission, the requirements of chapter 447  
1314 apply.

1315 (9)~~(i)~~ *Effect on debts, liabilities, and obligations.*—  
1316 (a)~~1.~~ All valid and lawful debts and liabilities existing  
1317 against a merged independent district, or which may arise or  
1318 accrue against the merged independent district, which but for  
1319 merger would be valid and lawful debts or liabilities against  
1320 one or more of the component independent special districts, are  
1321 debts against or liabilities of the merged independent district  
1322 and accordingly shall be defrayed and answered to by the merged  
1323 independent district to the same extent, and no further than,  
1324 the component independent special districts would have been  
1325 bound if a merger had not taken place.

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1326        ~~(b)2-~~ The rights of creditors and all liens upon the  
1327 property of any of the component independent special districts  
1328 shall be preserved unimpaired. The respective component  
1329 districts shall be deemed to continue in existence to preserve  
1330 such rights and liens, and all debts, liabilities, and duties of  
1331 any of the component districts attach to the merged independent  
1332 district.

1333        ~~(c)3-~~ All bonds, contracts, and obligations of the  
1334 component independent special districts which exist as legal  
1335 obligations are obligations of the merged independent district,  
1336 and all such obligations shall be issued or entered into by and  
1337 in the name of the merged independent district.

1338        ~~(10)(j)~~ *Effect on actions and proceedings.*—In any action  
1339 or proceeding pending on the effective date of merger to which a  
1340 component independent special district is a party, the merged  
1341 independent district may be substituted in its place, and the  
1342 action or proceeding may be prosecuted to judgment as if merger  
1343 had not taken place. Suits may be brought and maintained against  
1344 a merged independent district in any state court in the same  
1345 manner as against any other independent special district.

1346        ~~(11)(k)~~ *Effect on annexation.*—Chapter 171 continues to  
1347 apply to all annexations by a city within the component  
1348 independent special districts' boundaries after merger occurs.  
1349 Any moneys owed to a component independent special district  
1350 pursuant to s. 171.093, or any interlocal service boundary

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1351 agreement as a result of annexation predating the merger, shall  
1352 be paid to the merged independent district after merger.

1353 ~~(12)(1)~~ *Effect on millage calculations.*—The merged  
1354 independent special district is authorized to continue or  
1355 conclude procedures under chapter 200 on behalf of the component  
1356 independent special districts. The merged independent special  
1357 district shall make the calculations required by chapter 200 for  
1358 each component individual special district separately.

1359 ~~(13)(m)~~ *Determination of rights.*—If any right, title,  
1360 interest, or claim arises out of a merger or by reason thereof  
1361 which is not determinable by reference to this subsection, the  
1362 joint merger plan or elector-initiated merger plan, as  
1363 appropriate, or otherwise under the laws of this state, the  
1364 governing body of the merged independent district may provide  
1365 therefor in a manner conforming to law.

1366 ~~(14)(n)~~ *Exemption.*—This ~~section~~ ~~subsection~~ does not apply  
1367 to independent special districts whose governing bodies are  
1368 elected by district landowners voting the acreage owned within  
1369 the district.

1370 ~~(15)(o)~~ *Preemption.*—This ~~section~~ ~~subsection~~ preempts any  
1371 special act to the contrary.

1372 Section 22. Subsection (6) of section 189.4042, Florida  
1373 Statutes, is transferred, renumbered as section 189.075, Florida  
1374 Statutes, and amended to read:

1375 189.075 ~~189.4042~~ Involuntary merger of independent special  
1376 districts ~~Merger and dissolution procedures.~~—

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1377 ~~(6) INVOLUNTARY MERGER OF INDEPENDENT SPECIAL DISTRICTS.~~

1378 (1)(a) *Independent special districts created by special*  
1379 *act.*—In order for the Legislature to merge an active independent  
1380 special district or districts created and operating pursuant to  
1381 a special act, the special act merging the active independent  
1382 special district or districts must be approved at separate  
1383 referenda of the impacted local governments by a majority of the  
1384 resident electors or, for districts in which a majority of  
1385 governing body ~~board~~ members are elected by landowners, a  
1386 majority of the landowners voting in the same manner by which  
1387 each independent special district's governing body is elected.  
1388 The special act merging the districts must include a plan of  
1389 merger that addresses transition issues such as the effective  
1390 date of the merger, governance, administration, powers,  
1391 pensions, and assumption of all assets and liabilities. If a  
1392 local general-purpose government passes an ordinance or  
1393 resolution in support of the merger of an active independent  
1394 special district, the local general-purpose government must pay  
1395 any expenses associated with the referendum required under this  
1396 subsection ~~paragraph~~.

1397 (2)(b) *Independent special districts created by a county*  
1398 *or municipality.*—A county or municipality may merge an  
1399 independent special district created by the county or  
1400 municipality pursuant to a referendum or any other procedure by  
1401 which the independent special district was created. However, if  
1402 the independent special district has ad valorem taxation powers,

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1403 the same procedure required to grant the independent special  
1404 district ad valorem taxation powers is required to merge the  
1405 district. The political subdivisions proposing the involuntary  
1406 merger of an active independent special district must pay any  
1407 expenses associated with the referendum required under this  
1408 subsection ~~paragraph~~.

1409 ~~(3)(e)~~ *Inactive independent special districts.*—An  
1410 independent special district that meets any criteria for being  
1411 declared inactive, or that has already been declared inactive,  
1412 pursuant to s. 189.062 ~~189.4044~~ may be merged by special act  
1413 without a referendum.

1414 Section 23. Subsection (7) of section 189.4042, Florida  
1415 Statutes, is transferred and renumbered as section 189.0761,  
1416 Florida Statutes, and amended to read:

1417 189.0761 ~~189.4042~~ ~~Merger and dissolution procedures.~~—

1418 ~~(7)~~ Exemptions.—This part ~~section~~ does not apply to  
1419 community development districts implemented pursuant to chapter  
1420 190 or to water management districts created and operated  
1421 pursuant to chapter 373.

1422 Section 24. Section 189.4044, Florida Statutes, is  
1423 transferred and renumbered as section 189.062, Florida Statutes,  
1424 subsections (1) and (3) of that section are amended, and  
1425 subsections (5) and (6) are added to that section, to read:

1426 189.062 ~~189.4044~~ Special procedures for inactive  
1427 districts.—



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1428 (1) The department shall declare inactive any special  
1429 district in this state by documenting that:

1430 (a) The special district meets one of the following  
1431 criteria:

1432 1. The registered agent of the district, the chair of the  
1433 governing body of the district, or the governing body of the  
1434 appropriate local general-purpose government notifies the  
1435 department in writing that the district has taken no action for  
1436 2 or more years;

1437 2. ~~Following an inquiry from the department,~~ The  
1438 registered agent of the district, the chair of the governing  
1439 body of the district, or the governing body of the appropriate  
1440 local general-purpose government notifies the department in  
1441 writing that the district has not had a governing body ~~board~~ or  
1442 a sufficient number of governing body ~~board~~ members to  
1443 constitute a quorum for 2 or more years;

1444 3. ~~or~~ The registered agent of the district, the chair of  
1445 the governing body of the district, or the governing body of the  
1446 appropriate local general-purpose government fails to respond to  
1447 an the department's inquiry by the department within 21 days;

1448 ~~4.3-~~ The department determines, pursuant to s. 189.067  
1449 ~~189.421~~, that the district has failed to file any of the reports  
1450 listed in s. 189.066 ~~189.419~~;

1451 ~~5.4-~~ The district has not had a registered office and  
1452 agent on file with the department for 1 or more years; ~~or~~

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1453 ~~6.5.~~ The governing body of a special district provides  
1454 documentation to the department that it has unanimously adopted  
1455 a resolution declaring the special district inactive. The  
1456 special district shall be responsible for payment of any  
1457 expenses associated with its dissolution. A special district  
1458 declared inactive pursuant to this subparagraph may be dissolved  
1459 without a referendum; or

1460 (b) The department, special district, or local general-  
1461 purpose government published a notice of proposed declaration of  
1462 inactive status in a newspaper of general circulation in the  
1463 county or municipality in which the territory of the special  
1464 district is located and sent a copy of such notice by certified  
1465 mail to the registered agent or chair of the governing body  
1466 ~~board~~, if any. Such notice must include the name of the special  
1467 district, the law under which it was organized and operating, a  
1468 general description of the territory included in the special  
1469 district, and a statement that any objections must be filed  
1470 pursuant to chapter 120 within 21 days after the publication  
1471 date; and

1472 (c) Twenty-one days have elapsed from the publication date  
1473 of the notice of proposed declaration of inactive status and no  
1474 administrative appeals were filed.

1475 (3) In the case of a district created by special act of  
1476 the Legislature, the department shall send a notice of  
1477 declaration of inactive status to the Speaker of the House of  
1478 Representatives and the President of the Senate, and the

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1479 standing committees of the Senate and the House of  
1480 Representatives charged with special district oversight as  
1481 determined by the presiding officers of each respective chamber  
1482 and the Legislative Auditing Committee. The notice of  
1483 declaration of inactive status shall reference each known  
1484 special act creating or amending the charter of any special  
1485 district declared to be inactive under this section. The  
1486 declaration of inactive status shall be sufficient notice as  
1487 required by s. 10, Art. III of the State Constitution to  
1488 authorize the Legislature to repeal any special laws so  
1489 reported. In the case of a district created by one or more local  
1490 general-purpose governments, the department shall send a notice  
1491 of declaration of inactive status to the chair of the governing  
1492 body of each local general-purpose government that created the  
1493 district. In the case of a district created by interlocal  
1494 agreement, the department shall send a notice of declaration of  
1495 inactive status to the chair of the governing body of each local  
1496 general-purpose government which entered into the interlocal  
1497 agreement.

1498 (5) A special district declared inactive under this  
1499 section may not collect taxes, fees, or assessments unless the  
1500 declaration is:

1501 (a) Withdrawn or revoked by the department; or  
1502 (b) Invalidated in proceedings initiated by the special  
1503 district within 30 days after the date written notice of the  
1504 declaration was provided to the special district governing body

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1505 by physical or electronic delivery, receipt confirmed. The  
1506 special district governing body may initiate proceedings within  
1507 the period authorized in this paragraph by:

1508 1. Filing with the department a petition for an  
1509 administrative hearing pursuant to s. 120.569; or

1510 2. Filing an action for declaratory and injunctive relief  
1511 under chapter 86 in the circuit court of the judicial circuit in  
1512 which the majority of the area of the district is located.

1513 (c) If a timely challenge to the declaration is not  
1514 initiated by the special district governing body, or the  
1515 department prevails in a proceeding initiated under paragraph  
1516 (b), the department may enforce the prohibitions in this  
1517 subsection by filing a petition for enforcement with the circuit  
1518 court in and for Leon County. The petition may request  
1519 declaratory, injunctive, or other equitable relief, including  
1520 the appointment of a receiver, and any forfeiture or other  
1521 remedy provided by law.

1522 (d) The prevailing party shall be awarded costs of  
1523 litigation and reasonable attorney fees in any proceeding  
1524 brought under this subsection.

1525 Section 25. Section 189.4045, Florida Statutes, is  
1526 transferred and renumbered as section 189.076, Florida Statutes.

1527 Section 26. Section 189.4047, Florida Statutes, is  
1528 transferred and renumbered as section 189.021, Florida Statutes.

1529 Section 27. Subsections (1), (2), (3), (4), (6), and (7)  
1530 of section 189.405, Florida Statutes, are transferred and

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1531 renumbered as subsections (1) through (6) of section 189.04,  
1532 Florida Statutes, respectively, and present subsection (1),  
1533 paragraph (c) of present subsection (2), and present subsections  
1534 (3), (4), and (7) of that section are amended, to read:

1535 189.04 ~~189.405~~ Elections; general requirements and  
1536 procedures; ~~education programs.~~

1537 (1) If a dependent special district has an elected  
1538 governing body ~~board~~, elections shall be conducted by the  
1539 supervisor of elections of the county wherein the district is  
1540 located in accordance with the Florida Election Code, chapters  
1541 97-106.

1542 (2)

1543 (c) A candidate for a position on a governing body ~~board~~  
1544 of a single-county special district that has its elections  
1545 conducted by the supervisor of elections shall qualify for the  
1546 office with the county supervisor of elections in whose  
1547 jurisdiction the district is located. Elections for governing  
1548 body ~~board~~ members elected by registered electors shall be  
1549 nonpartisan, except when partisan elections are specified by a  
1550 district's charter. Candidates shall qualify as directed by  
1551 chapter 99. The qualifying fee shall be remitted to the general  
1552 revenue fund of the qualifying officer to help defray the cost  
1553 of the election.

1554 (3) (a) If a multicounty special district has a popularly  
1555 elected governing body ~~board~~, elections for the purpose of

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1556 electing members to such governing body ~~board~~ shall conform to  
1557 the Florida Election Code, chapters 97-106.

1558 (b) With the exception of those districts conducting  
1559 elections on a one-acre/one-vote basis, qualifying for  
1560 multicounty special district governing body ~~board~~ positions  
1561 shall be coordinated by the Department of State. Elections for  
1562 governing body ~~board~~ members elected by registered electors  
1563 shall be nonpartisan, except when partisan elections are  
1564 specified by a district's charter. Candidates shall qualify as  
1565 directed by chapter 99. The qualifying fee shall be remitted to  
1566 the Department of State.

1567 (4) With the exception of elections of special district  
1568 governing body ~~board~~ members conducted on a one-acre/one-vote  
1569 basis, in any election conducted in a special district the  
1570 decision made by a majority of those voting shall prevail,  
1571 except as otherwise specified by law.

1572 ~~(6)-(7)~~ Nothing in this act requires that a special  
1573 district governed by an appointed governing body ~~board~~ convert  
1574 to an elected governing body ~~board~~.

1575 Section 28. Subsection (5) of section 189.405, Florida  
1576 Statutes, is transferred, renumbered as section 189.063, Florida  
1577 Statutes, and amended to read:

1578 189.063 189.405 Education programs for new members of  
1579 district governing bodies Elections; general requirements and  
1580 procedures; education programs.-

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1581        ~~(1)(5)(a)~~ The department may provide, contract for, or  
1582 assist in conducting education programs, as its budget permits,  
1583 for all newly elected or appointed members of district governing  
1584 bodies ~~boards~~. The education programs shall include, but are not  
1585 limited to, courses on the code of ethics for public officers  
1586 and employees, public meetings and public records requirements,  
1587 public finance, and parliamentary procedure. ~~Course content may~~  
1588 ~~be offered by means of the following: videotapes, live seminars,~~  
1589 ~~workshops, conferences, teleconferences, computer-based~~  
1590 ~~training, multimedia presentations, or other available~~  
1591 ~~instructional methods.~~

1592        ~~(2)(b)~~ An individual district governing body ~~board~~, at its  
1593 discretion, may bear the costs associated with educating its  
1594 members. Governing body ~~Board~~ members of districts which have  
1595 qualified for a zero annual fee for the most recent invoicing  
1596 period pursuant to s. 189.018 ~~are 189.427~~ shall not be required  
1597 to pay a fee for any education program the department provides,  
1598 contracts for, or assists in conducting.

1599        Section 29. Section 189.4051, Florida Statutes, is  
1600 transferred, renumbered as section 189.041, Florida Statutes,  
1601 and amended to read:

1602        189.041 ~~189.4051~~ Elections; special requirements and  
1603 procedures for districts with governing bodies ~~boards~~ elected on  
1604 a one-acre/one-vote basis.—

1605        (1) DEFINITIONS.—As used in this section:

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1606 (a) "Qualified elector" means any person at least 18 years  
1607 of age who is a citizen of the United States, a permanent  
1608 resident of Florida, and a freeholder or freeholder's spouse and  
1609 resident of the district who registers with the supervisor of  
1610 elections of a county within which the district lands are  
1611 located when the registration books are open.

1612 (b) "Urban area" means a contiguous developed and  
1613 inhabited urban area within a district with a minimum average  
1614 resident population density of at least 1.5 persons per acre as  
1615 defined by the latest official census, special census, or  
1616 population estimate or a minimum density of one single-family  
1617 home per 2.5 acres with access to improved roads or a minimum  
1618 density of one single-family home per 5 acres within a recorded  
1619 plat subdivision. Urban areas shall be designated by the  
1620 governing body ~~board~~ of the district with the assistance of all  
1621 local general-purpose governments having jurisdiction over the  
1622 area within the district.

1623 (c) "Governing body ~~board~~ member" means any duly elected  
1624 member of the governing body ~~board~~ of a special district elected  
1625 pursuant to this section, provided that a ~~any board~~ member  
1626 elected by popular vote shall be a qualified district elector  
1627 and a ~~any board~~ member elected on a one-acre/one-vote basis  
1628 shall meet the requirements of s. 298.11 for election to the  
1629 governing body ~~board~~.

1630 (d) "Contiguous developed urban area" means any reasonably  
1631 compact urban area located entirely within a special district.



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1632 The separation of urban areas by a publicly owned park, right-  
1633 of-way, highway, road, railroad, canal, utility, body of water,  
1634 watercourse, or other minor geographical division of a similar  
1635 nature shall not prevent such areas from being defined as urban  
1636 areas.

1637 (2) POPULAR ELECTIONS; REFERENDUM; DESIGNATION OF URBAN  
1638 AREAS.—

1639 (a) *Referendum.*—

1640 1. A referendum shall be called by the governing body  
1641 ~~board~~ of a special district where the governing body ~~board~~ is  
1642 elected on a one-acre/one-vote basis on the question of whether  
1643 certain members of a district governing body ~~board~~ should be  
1644 elected by qualified electors, provided each of the following  
1645 conditions has been satisfied at least 60 days before ~~prior to~~  
1646 the general or special election at which the referendum is to be  
1647 held:

1648 a. The district shall have a total population, according  
1649 to the latest official state census, a special census, or a  
1650 population estimate, of at least 500 qualified electors.

1651 b. A petition signed by 10 percent of the qualified  
1652 electors of the district shall have been filed with the  
1653 governing body ~~board~~ of the district. The petition shall be  
1654 submitted to the supervisor of elections of the county or  
1655 counties in which the lands are located. The supervisor shall,  
1656 within 30 days after the receipt of the petitions, certify to

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1657 the governing body ~~board~~ the number of signatures of qualified  
1658 electors contained on the petition.

1659 2. Upon verification by the supervisor or supervisors of  
1660 elections of the county or counties within which district lands  
1661 are located that 10 percent of the qualified electors of the  
1662 district have petitioned the governing body ~~board~~, a referendum  
1663 election shall be called by the governing body ~~board~~ at the next  
1664 regularly scheduled election of governing body ~~board~~ members  
1665 occurring at least 30 days after verification of the petition or  
1666 within 6 months of verification, whichever is earlier.

1667 3. If the qualified electors approve the election  
1668 procedure described in this subsection, the governing body ~~board~~  
1669 of the district shall be increased to five members and elections  
1670 shall be held pursuant to the criteria described in this  
1671 subsection beginning with the next regularly scheduled election  
1672 of governing body ~~board~~ members or at a special election called  
1673 within 6 months following the referendum and final unappealed  
1674 approval of district urban area maps as provided in paragraph  
1675 (b), whichever is earlier.

1676 4. If the qualified electors of the district disapprove  
1677 the election procedure described in this subsection, elections  
1678 of the members of the governing body ~~board~~ shall continue as  
1679 described by s. 298.12 or the enabling legislation for the  
1680 district. No further referendum on the question shall be held  
1681 for a minimum period of 2 years following the referendum.

1682 (b) *Designation of urban areas.*—

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1683 1. Within 30 days after approval of the election process  
1684 described in this subsection by qualified electors of the  
1685 district, the governing body ~~board~~ shall direct the district  
1686 staff to prepare and present maps of the district describing the  
1687 extent and location of all urban areas within the district. Such  
1688 determination shall be based upon the criteria contained within  
1689 paragraph (1) (b).

1690 2. Within 60 days after approval of the election process  
1691 described in this subsection by qualified electors of the  
1692 district, the maps describing urban areas within the district  
1693 shall be presented to the governing body ~~board~~.

1694 3. Any district landowner or elector may contest the  
1695 accuracy of the urban area maps prepared by the district staff  
1696 within 30 days after submission to the governing body ~~board~~.  
1697 Upon notice of objection to the maps, the governing body ~~board~~  
1698 shall request the county engineer to prepare and present maps of  
1699 the district describing the extent and location of all urban  
1700 areas within the district. Such determination shall be based  
1701 upon the criteria contained within paragraph (1) (b). Within 30  
1702 days after the governing body ~~board~~ request, the county engineer  
1703 shall present the maps to the governing body ~~board~~.

1704 4. Upon presentation of the maps by the county engineer,  
1705 the governing body ~~board~~ shall compare the maps submitted by  
1706 both the district staff and the county engineer and make a  
1707 determination as to which set of maps to adopt. Within 60 days  
1708 after presentation of all such maps, the governing body ~~board~~

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1709 may amend and shall adopt the official maps at a regularly  
1710 scheduled meeting of the governing body ~~board meeting~~.

1711 5. Any district landowner or qualified elector may contest  
1712 the accuracy of the urban area maps adopted by the governing  
1713 body ~~board~~ within 30 days after adoption by petition to the  
1714 circuit court with jurisdiction over the district. Accuracy  
1715 shall be determined pursuant to paragraph (1) (b). Any petitions  
1716 so filed shall be heard expeditiously, and the maps shall either  
1717 be approved or approved with necessary amendments to render the  
1718 maps accurate and shall be certified to the governing body  
1719 ~~board~~.

1720 6. Upon adoption by the governing body ~~board~~ or  
1721 certification by the court, the district urban area maps shall  
1722 serve as the official maps for determination of the extent of  
1723 urban area within the district and the number of governing body  
1724 ~~board~~ members to be elected by qualified electors and by the  
1725 one-acre/one-vote principle at the next regularly scheduled  
1726 election of governing body ~~board~~ members.

1727 7. Upon a determination of the percentage of urban area  
1728 within the district as compared with total area within the  
1729 district, the governing body ~~board~~ shall order elections in  
1730 accordance with the percentages pursuant to paragraph (3) (a).  
1731 The landowners' meeting date shall be designated by the  
1732 governing body ~~board~~.

1733 8. The maps shall be updated and readopted every 5 years  
1734 or sooner in the discretion of the governing body ~~board~~.

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1735 (3) GOVERNING BODY BOARD.—

1736 (a) *Composition of board*.—

1737 1. Members of the governing body board of the district  
1738 shall be elected in accordance with the following determinations  
1739 of urban area:

1740 a. If urban areas constitute 25 percent or less of the  
1741 district, one governing body board member shall be elected by  
1742 the qualified electors and four governing body board members  
1743 shall be elected in accordance with the one-acre/one-vote  
1744 principle contained within s. 298.11 or the district-enabling  
1745 legislation.

1746 b. If urban areas constitute 26 percent to 50 percent of  
1747 the district, two governing body board members shall be elected  
1748 by the qualified electors and three governing body board members  
1749 shall be elected in accordance with the one-acre/one-vote  
1750 principle contained within s. 298.11 or the district-enabling  
1751 legislation.

1752 c. If urban areas constitute 51 percent to 70 percent of  
1753 the district, three governing body board members shall be  
1754 elected by the qualified electors and two governing body board  
1755 members shall be elected in accordance with the one-acre/one-  
1756 vote principle contained within s. 298.11 or the district-  
1757 enabling legislation.

1758 d. If urban areas constitute 71 percent to 90 percent of  
1759 the district, four governing body board members shall be elected  
1760 by the qualified electors and one governing body board member

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1761 shall be elected in accordance with the one-acre/one-vote  
1762 principle contained within s. 298.11 or the district-enabling  
1763 legislation.

1764 e. If urban areas constitute 91 percent or more of the  
1765 district, all governing body board members shall be elected by  
1766 the qualified electors.

1767 2. All governing body board members elected by qualified  
1768 electors shall be elected at large.

1769 (b) *Term of office.*—All governing body board members  
1770 elected by qualified electors shall have a term of 4 years  
1771 except for governing body board members elected at the first  
1772 election and the first landowners' meeting following the  
1773 referendum prescribed in paragraph (2) (a). Governing body board  
1774 members elected at the first election and the first landowners'  
1775 meeting following the referendum shall serve as follows:

1776 1. If one governing body board member is elected by the  
1777 qualified electors and four are elected on a one-acre/one-vote  
1778 basis, the governing body board member elected by the qualified  
1779 electors shall be elected for a period of 4 years. Governing  
1780 body board members elected on a one-acre/one-vote basis shall be  
1781 elected for periods of 1, 2, 3, and 4 years, respectively, as  
1782 prescribed by ss. 298.11 and 298.12.

1783 2. If two governing body board members are elected by the  
1784 qualified electors and three are elected on a one-acre/one-vote  
1785 basis, the governing body board members elected by the electors  
1786 shall be elected for a period of 4 years. Governing body board

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1787 members elected on a one-acre/one-vote basis shall be elected  
1788 for periods of 1, 2, and 3 years, respectively, as prescribed by  
1789 ss. 298.11 and 298.12.

1790 3. If three governing body ~~board~~ members are elected by  
1791 the qualified electors and two are elected on a one-acre/one-  
1792 vote basis, two of the governing body ~~board~~ members elected by  
1793 the electors shall be elected for a term of 4 years and the  
1794 other governing body ~~board~~ member elected by the electors shall  
1795 be elected for a term of 2 years. Governing body ~~board~~ members  
1796 elected on a one-acre/one-vote basis shall be elected for terms  
1797 of 1 and 2 years, respectively, as prescribed by ss. 298.11 and  
1798 298.12.

1799 4. If four governing body ~~board~~ members are elected by the  
1800 qualified electors and one is elected on a one-acre/one-vote  
1801 basis, two of the governing body ~~board~~ members elected by the  
1802 electors shall be elected for a term of 2 years and the other  
1803 two for a term of 4 years. The governing body ~~board~~ member  
1804 elected on a one-acre/one-vote basis shall be elected for a term  
1805 of 1 year as prescribed by ss. 298.11 and 298.12.

1806 5. If five governing body ~~board~~ members are elected by the  
1807 qualified electors, three shall be elected for a term of 4 years  
1808 and two for a term of 2 years.

1809 6. If any vacancy occurs in a seat occupied by a governing  
1810 body ~~board~~ member elected by the qualified electors, the  
1811 remaining members of the governing body ~~board~~ shall, within 45

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1812 days after the vacancy occurs, appoint a person who would be  
1813 eligible to hold the office to the unexpired term.

1814 (c) *Landowners' meetings.*—

1815 1. An annual landowners' meeting shall be held pursuant to  
1816 s. 298.11 and at least one governing body ~~board~~ member shall be  
1817 elected on a one-acre/one-vote basis pursuant to s. 298.12 for  
1818 so long as 10 percent or more of the district is not contained  
1819 in an urban area. In the event all district governing body ~~board~~  
1820 members are elected by qualified electors, there shall be no  
1821 further landowners' meetings.

1822 2. At any landowners' meeting called pursuant to this  
1823 section, 50 percent of the district acreage shall not be  
1824 required to constitute a quorum and each governing body ~~board~~  
1825 member shall be elected by a majority of the acreage represented  
1826 either by owner or proxy present and voting at said meeting.

1827 3. All landowners' meetings of districts operating  
1828 pursuant to this section shall be set by the governing body  
1829 ~~board~~ within the month preceding the month of the election of  
1830 the governing body ~~board~~ members by the electors.

1831 4. Vacancies on the governing body ~~board~~ shall be filled  
1832 pursuant to s. 298.12 except as otherwise provided in  
1833 subparagraph (b)6.

1834 (4) *QUALIFICATIONS.*—Elections for governing body ~~board~~  
1835 members elected by qualified electors shall be nonpartisan.  
1836 Qualifications shall be pursuant to the Florida Election Code  
1837 and shall occur during the qualifying period established by s.



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1838 99.061. Qualification requirements shall only apply to those  
1839 governing body ~~board~~ member candidates elected by qualified  
1840 electors. Following the first election pursuant to this section,  
1841 elections to the governing body ~~board~~ by qualified electors  
1842 shall occur at the next regularly scheduled election closest in  
1843 time to the expiration date of the term of the elected governing  
1844 body ~~board~~ member. If the next regularly scheduled election is  
1845 beyond the normal expiration time for the term of an elected  
1846 governing body ~~board~~ member, the governing body ~~board~~ member  
1847 shall hold office until the election of a successor.

1848 (5) Those districts established as single-purpose water  
1849 control districts, and which continue to act as single-purpose  
1850 water control districts, pursuant to chapter 298, pursuant to a  
1851 special act, pursuant to a local government ordinance, or  
1852 pursuant to a judicial decree, shall be exempt from the  
1853 provisions of this section. All other independent special  
1854 districts with governing bodies ~~boards~~ elected on a one-  
1855 acre/one-vote basis shall be subject to the provisions of this  
1856 section.

1857 (6) The provisions of this section shall not apply to  
1858 community development districts established pursuant to chapter  
1859 190.

1860 Section 30. Section 189.4065, Florida Statutes, is  
1861 transferred and renumbered as section 189.05, Florida Statutes.

1862 Section 31. Section 189.408, Florida Statutes, is  
1863 transferred and renumbered as section 189.042, Florida Statutes.

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1864 Section 32. Section 189.4085, Florida Statutes, is  
1865 transferred and renumbered as section 189.051, Florida Statutes.

1866 Section 33. Section 189.412, Florida Statutes, is  
1867 transferred and renumbered as section 189.064, Florida Statutes,  
1868 and amended to read:

1869 189.064 189.412 Special District Accountability  
1870 ~~Information~~ Program; duties and responsibilities.—The Special  
1871 District Accountability ~~Information~~ Program of the department ~~of~~  
1872 ~~Economic Opportunity is created and~~ has the following special  
1873 duties:

1874 (1) Electronically publishing ~~The collection and~~  
1875 ~~maintenance of~~ special district noncompliance status reports  
1876 from the department ~~of Management Services,~~ the Department of  
1877 Financial Services, the Division of Bond Finance of the State  
1878 Board of Administration, the Auditor General, and the  
1879 Legislative Auditing Committee, for the reporting required in  
1880 ss. 112.63, 218.32, 218.38, and 218.39. The noncompliance  
1881 reports must list those special districts that did not comply  
1882 with the statutory reporting requirements and be made available  
1883 to the public electronically.

1884 (2) Maintaining the official list of special districts ~~The~~  
1885 ~~maintenance of a master list of independent and dependent~~  
1886 ~~special districts which shall be available on the department's~~  
1887 ~~website.~~

1888 (3) ~~The~~ Publishing and updating of a "Florida Special  
1889 District Handbook" that contains, at a minimum:

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1890 (a) A section that specifies definitions of special  
1891 districts and status distinctions in the statutes.

1892 (b) A section or sections that specify current statutory  
1893 provisions for special district creation, implementation,  
1894 modification, dissolution, and operating procedures.

1895 (c) A section that summarizes the reporting requirements  
1896 applicable to all types of special districts as provided in ss.  
1897 189.015 and 189.016 ~~189.417 and 189.418~~.

1898 ~~(4) When feasible, securing and maintaining access to  
1899 special district information collected by all state agencies in  
1900 existing or newly created state computer systems.~~

1901 ~~(4)(5) Coordinating and communicating The facilitation of  
1902 coordination and communication among state agencies regarding  
1903 special districts ~~district~~ information.~~

1904 ~~(6) The conduct of studies relevant to special districts.~~

1905 ~~(5)(7) Providing technical advisory The provision of  
1906 assistance ~~related to~~ special districts regarding the and  
1907 ~~appropriate in the performance of~~ requirements specified in this  
1908 chapter which may be performed by the department or by a  
1909 qualified third-party vendor pursuant to a contract entered into  
1910 in accordance with applicable bidding requirements, ~~including~~  
1911 ~~assisting with an annual conference sponsored by the Florida~~  
1912 ~~Association of Special Districts or its successor.~~~~

1913 ~~(6)(8) Providing assistance to local general-purpose  
1914 governments and ~~certain~~ state agencies in collecting delinquent  
1915 reports or information.~~

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1916        (7) Helping special districts comply with reporting  
1917 requirements.~~τ~~

1918        (8) Declaring special districts inactive when ~~appropriate,~~  
1919 ~~and, when~~ directed by the Legislative Auditing Committee or  
1920 required by this chapter.τ

1921        (9) Initiating enforcement proceedings ~~provisions~~ as  
1922 provided in ss. 189.062, 189.066, and 189.067 ~~189.4044, 189.419,~~  
1923 ~~and 189.421.~~

1924        Section 34. Section 189.413, Florida Statutes, is  
1925 transferred and renumbered as section 189.065, Florida Statutes,  
1926 and amended to read:

1927        189.065 ~~189.413~~ Special districts; oversight of state  
1928 funds use.—Any state agency administering funding programs for  
1929 which special districts are eligible shall be responsible for  
1930 oversight of the use of such funds by special districts. The  
1931 oversight responsibilities shall include, but not be limited to:

1932        (1) Reporting the existence of the program to the Special  
1933 District Accountability Information ~~Information~~ Program of the department.

1934        (2) Submitting annually a list of special districts  
1935 participating in a state funding program to the Special District  
1936 Accountability Information ~~Information~~ Program of the department. This list  
1937 must indicate the special districts, if any, that are not in  
1938 compliance with state funding program requirements.

1939        Section 35. Section 189.415, Florida Statutes, is  
1940 transferred and renumbered as section 189.08, Florida Statutes.

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1941           Section 36. Section 189.4155, Florida Statutes, is  
1942 transferred and renumbered as section 189.081, Florida Statutes.

1943           Section 37. Section 189.4156, Florida Statutes, is  
1944 transferred and renumbered as section 189.082, Florida Statutes.

1945           Section 38. Section 189.416, Florida Statutes, is  
1946 transferred and renumbered as section 189.014, Florida Statutes,  
1947 and subsection (1) of that section is amended, to read:

1948           189.014 ~~189.416~~ Designation of registered office and  
1949 agent.—

1950           (1) Within 30 days after the first meeting of its  
1951 governing body ~~board~~, each special district in the state shall  
1952 designate a registered office and a registered agent and file  
1953 such information with the local governing authority or  
1954 authorities and with the department. The registered agent shall  
1955 be an agent of the district upon whom any process, notice, or  
1956 demand required or permitted by law to be served upon the  
1957 district may be served. A registered agent shall be an  
1958 individual resident of this state whose business address is  
1959 identical with the registered office of the district. The  
1960 registered office may be, but need not be, the same as the place  
1961 of business of the special district.

1962           Section 39. Section 189.417, Florida Statutes, is  
1963 transferred and renumbered as section 189.015, Florida Statutes,  
1964 and subsection (1) of that section is amended, to read:

1965           189.015 ~~189.417~~ Meetings; notice; required reports.—

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1966 (1) The governing body of each special district shall file  
1967 quarterly, semiannually, or annually a schedule of its regular  
1968 meetings with the local governing authority or authorities. The  
1969 schedule shall include the date, time, and location of each  
1970 scheduled meeting. The schedule shall be published quarterly,  
1971 semiannually, or annually in a newspaper of general paid  
1972 circulation in the manner required in this subsection. The  
1973 governing body of an independent special district shall  
1974 advertise the day, time, place, and purpose of any meeting other  
1975 than a regular meeting or any recessed and reconvened meeting of  
1976 the governing body, at least 7 days before ~~prior to~~ such  
1977 meeting, in a newspaper of general paid circulation in the  
1978 county or counties in which the special district is located,  
1979 unless a bona fide emergency situation exists, in which case a  
1980 meeting to deal with the emergency may be held as necessary,  
1981 with reasonable notice, so long as it is subsequently ratified  
1982 by the governing body ~~board~~. No approval of the annual budget  
1983 shall be granted at an emergency meeting. The advertisement  
1984 shall be placed in that portion of the newspaper where legal  
1985 notices and classified advertisements appear. The advertisement  
1986 shall appear in a newspaper that is published at least 5 days a  
1987 week, unless the only newspaper in the county is published fewer  
1988 than 5 days a week. The newspaper selected must be one of  
1989 general interest and readership in the community and not one of  
1990 limited subject matter, pursuant to chapter 50. Any other  
1991 provision of law to the contrary notwithstanding, and except in

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1237 (2014)

Amendment No. 1

1992 the case of emergency meetings, water management districts may  
1993 provide reasonable notice of public meetings held to evaluate  
1994 responses to solicitations issued by the water management  
1995 district, by publication in a newspaper of general paid  
1996 circulation in the county where the principal office of the  
1997 water management district is located, or in the county or  
1998 counties where the public work will be performed, no less than 7  
1999 days before such meeting.

2000 Section 40. Section 189.418, Florida Statutes, is  
2001 transferred and renumbered as section 189.016, Florida Statutes,  
2002 and subsections (2) and (10) of that section are amended, to  
2003 read:

2004 189.016 ~~189.418~~ Reports; budgets; audits.-

2005 (2) Any amendment, modification, or update of the document  
2006 by which the district was created, including changes in  
2007 boundaries, must be filed with the department within 30 days  
2008 after adoption. The department may initiate proceedings against  
2009 special districts as provided in s. 189.067 ~~189.421~~ for failure  
2010 to file the information required by this subsection. However,  
2011 for the purposes of this section and s. 175.101(1), the  
2012 boundaries of a district shall be deemed to include an area that  
2013 has been annexed until the completion of the 4-year period  
2014 specified in s. 171.093(4) or other mutually agreed upon  
2015 extension, or when a district is providing services pursuant to  
2016 an interlocal agreement entered into pursuant to s. 171.093(3).

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2017 (10) All reports or information required to be filed with  
2018 a local general-purpose government or governing authority under  
2019 ss. 189.08, 189.014, and 189.015 ~~189.415, 189.416, and 189.417~~  
2020 and subsection (8) must:

2021 (a) If the local general-purpose government or governing  
2022 authority is a county, be filed with the clerk of the board of  
2023 county commissioners.

2024 (b) If the district is a multicounty district, be filed  
2025 with the clerk of the county commission in each county.

2026 (c) If the local general-purpose government or governing  
2027 authority is a municipality, be filed at the place designated by  
2028 the municipal governing body.

2029 Section 41. Section 189.419, Florida Statutes, is  
2030 transferred, renumbered as section 189.066, Florida Statutes,  
2031 and amended to read:

2032 189.066 ~~189.419~~ Effect of failure to file certain reports  
2033 or information.—

2034 (1) If an independent special district fails to file the  
2035 reports or information required under s. 189.08, s. 189.014, s.  
2036 189.015, or s. 189.016(9) ~~189.415, s. 189.416, s. 189.417, or s.~~  
2037 ~~189.418(9)~~ with the local general-purpose government or  
2038 governments in which it is located, the person authorized to  
2039 receive and read the reports or information or the local  
2040 general-purpose government shall notify the district's  
2041 registered agent. If requested by the district, the local  
2042 general-purpose government shall grant an extension of up to 30



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2043 days for filing the required reports or information. If the  
2044 governing body of the local general-purpose government or  
2045 governments determines that there has been an unjustified  
2046 failure to file these reports or information, it shall ~~may~~  
2047 notify the department, and the department may proceed pursuant  
2048 to s. 189.067(1) ~~189.421(1)~~.

2049 (2) If a dependent special district fails to file the  
2050 reports or information required under s. 189.014, s. 189.015, or  
2051 s. 189.016(9) ~~189.416, s. 189.417, or s. 189.418(9)~~ with the  
2052 local governing authority to which it is dependent, the local  
2053 governing authority shall take whatever steps it deems necessary  
2054 to enforce the special district's accountability. Such steps may  
2055 include, as authorized, withholding funds, removing governing  
2056 body ~~board~~ members at will, vetoing the special district's  
2057 budget, conducting the oversight review process set forth in s.  
2058 189.068 ~~189.428~~, or amending, merging, or dissolving the special  
2059 district in accordance with the provisions contained in the  
2060 ordinance that created the dependent special district.

2061 (3) If a special district fails to file the reports or  
2062 information required under s. 218.38 with the appropriate state  
2063 agency, the agency shall notify the department, and the  
2064 department shall send a certified technical assistance letter to  
2065 the special district which summarizes the requirements and  
2066 compels ~~encourages~~ the special district to take steps to prevent  
2067 the noncompliance from reoccurring.

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2068 (4) If a special district fails to file the reports or  
2069 information required under s. 112.63 with the appropriate state  
2070 agency, the agency shall notify the department and the  
2071 department shall proceed pursuant to s. 189.067(1) ~~189.421(1)~~.

2072 (5) If a special district fails to file the reports or  
2073 information required under s. 218.32 or s. 218.39 with the  
2074 appropriate state agency or office, the state agency or office  
2075 shall, and the Legislative Auditing Committee may, notify the  
2076 department and the department shall proceed pursuant to s.  
2077 189.067 ~~189.421~~.

2078 Section 42. Section 189.420, Florida Statutes, is  
2079 transferred and renumbered as section 189.052, Florida Statutes.

2080 Section 43. Section 189.421, Florida Statutes, is  
2081 transferred, renumbered as section 189.067, Florida Statutes,  
2082 and amended to read:

2083 189.067 ~~189.421~~ Failure of district to disclose financial  
2084 reports.-

2085 (1)(a) If notified pursuant to s. 189.066(1) ~~189.419(1)~~,  
2086 (4), or (5), the department shall attempt to assist a special  
2087 district in complying with its financial reporting requirements  
2088 by sending a certified letter to the special district, and, if  
2089 the special district is dependent, sending a copy of that letter  
2090 to the chair of the local governing authority. The letter must  
2091 include a description of the required report, including  
2092 statutory submission deadlines, a contact telephone number for  
2093 technical assistance to help the special district comply, a 60-

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2094 day deadline for filing the required report with the appropriate  
2095 entity, the address where the report must be filed, and an  
2096 explanation of the penalties for noncompliance.

2097 (b) A special district that is unable to meet the 60-day  
2098 reporting deadline must provide written notice to the department  
2099 before the expiration of the deadline stating the reason the  
2100 special district is unable to comply with the deadline, the  
2101 steps the special district is taking to prevent the  
2102 noncompliance from reoccurring, and the estimated date that the  
2103 special district will file the report with the appropriate  
2104 agency. The district's written response does not constitute an  
2105 extension by the department; however, the department shall  
2106 forward the written response as follows ~~to~~:

2107 1. If the written response refers to the reports required  
2108 under s. 218.32 or s. 218.39, to the Legislative Auditing  
2109 Committee for its consideration in determining whether the  
2110 special district should be subject to further state action in  
2111 accordance with s. 11.40(2)(b).

2112 2. If the written response refers to the reports or  
2113 information requirements listed in s. 189.066(1) ~~189.419(1)~~, to  
2114 the local general-purpose government or governments for their  
2115 consideration in determining whether the oversight review  
2116 process set forth in s. 189.068 ~~189.428~~ should be undertaken.

2117 3. If the written response refers to the reports or  
2118 information required under s. 112.63, to the Department of  
2119 Management Services for its consideration in determining whether

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2120 the special district should be subject to further state action  
2121 in accordance with s. 112.63(4)(d)2.

2122 (2) Failure of a special district to comply with the  
2123 actuarial and financial reporting requirements under s. 112.63,  
2124 s. 218.32, or s. 218.39 after the procedures of subsection (1)  
2125 are exhausted shall be deemed final action of the special  
2126 district. The actuarial and financial reporting requirements are  
2127 declared to be essential requirements of law. Remedies ~~Remedy~~  
2128 for noncompliance with ss. 218.32 and 218.39 shall be as  
2129 provided in ss. 189.034 and 189.035. Remedy for noncompliance  
2130 with s. 112.63 shall be ~~by writ of certiorari~~ as set forth in  
2131 subsection (4).

2132 (3) Pursuant to s. 11.40(2)(b), the Legislative Auditing  
2133 Committee may ~~shall~~ notify the department of those districts  
2134 that fail to file the required reports. If the procedures  
2135 described in subsection (1) have not yet been initiated, the  
2136 department shall initiate such procedures upon receiving the  
2137 notice from the Legislative Auditing Committee. Otherwise,  
2138 within 60 days after receiving such notice, or within 60 days  
2139 after the expiration of the 60-day deadline provided in  
2140 subsection (1), whichever occurs later, the department,  
2141 notwithstanding the provisions of chapter 120, shall file a  
2142 petition for enforcement ~~writ of certiorari~~ with the circuit  
2143 court. The petition may request declaratory, injunctive, any  
2144 other equitable relief, or any remedy provided by law. Venue for  
2145 all actions pursuant to this subsection is in Leon County. The

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2146 court shall award the prevailing party reasonable attorney's  
2147 fees and costs unless affirmatively waived by all parties. A  
2148 ~~writ of certiorari shall be issued unless a respondent~~  
2149 ~~establishes that the notification of the Legislative Auditing~~  
2150 ~~Committee was issued as a result of material error. Proceedings~~  
2151 ~~under this subsection are otherwise governed by the Rules of~~  
2152 ~~Appellate Procedure.~~

2153 ~~(4) Pursuant to s. 112.63(4)(d)2., the Department of~~  
2154 ~~Management Services may notify the department of those special~~  
2155 ~~districts that have failed to file the required adjustments,~~  
2156 ~~additional information, or report or statement after the~~  
2157 ~~procedures of subsection (1) have been exhausted. Within 60 days~~  
2158 ~~after receiving such notice or within 60 days after the 60-day~~  
2159 ~~deadline provided in subsection (1), whichever occurs later, the~~  
2160 ~~department, notwithstanding chapter 120, shall file a petition~~  
2161 ~~for writ of certiorari with the circuit court. Venue for all~~  
2162 ~~actions pursuant to this subsection is in Leon County. The court~~  
2163 ~~shall award the prevailing party attorney's fees and costs~~  
2164 ~~unless affirmatively waived by all parties. A writ of certiorari~~  
2165 ~~shall be issued unless a respondent establishes that the~~  
2166 ~~notification of the Department of Management Services was issued~~  
2167 ~~as a result of material error. Proceedings under this subsection~~  
2168 ~~are otherwise governed by the Rules of Appellate Procedure.~~

2169 Section 44. Section 189.4221, Florida Statutes, is  
2170 transferred and renumbered as section 189.053, Florida Statutes.

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2171 Section 45. Section 189.423, Florida Statutes, is  
2172 transferred and renumbered as section 189.054, Florida Statutes.

2173 Section 46. Section 189.425, Florida Statutes, is  
2174 transferred and renumbered as section 189.017, Florida Statutes.

2175 Section 47. Section 189.427, Florida Statutes, is  
2176 transferred and renumbered as section 189.018, Florida Statutes,  
2177 and amended to read:

2178 189.018 ~~189.427~~ Fee schedule; Operating Grants and  
2179 ~~Donations~~ Trust Fund.—The department ~~of Economic Opportunity~~, by  
2180 rule, shall establish a schedule of fees to pay one-half of the  
2181 costs incurred by the department in administering this act,  
2182 except that the fee may not exceed \$175 per district per year.  
2183 The fees collected under this section shall be deposited in the  
2184 Operating Grants and Donations Trust Fund, ~~which shall be~~  
2185 administered by the department ~~of Economic Opportunity~~. Any fee  
2186 rule must consider factors such as the dependent and independent  
2187 status of the district and district revenues for the most recent  
2188 fiscal year as reported to the Department of Financial Services.  
2189 The department may assess fines of not more than \$25, with an  
2190 aggregate total not to exceed \$50, as penalties against special  
2191 districts that fail to remit required fees to the department. It  
2192 is the intent of the Legislature that general revenue funds will  
2193 be made available to the department to pay one-half of the cost  
2194 of administering this act.

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2195 Section 48. Section 189.428, Florida Statutes, is  
2196 transferred and renumbered as section 189.068, Florida Statutes,  
2197 and amended, to read:

2198 189.068 ~~189.428~~ Special districts; oversight review  
2199 process.—

2200 (1) The Legislature finds it to be in the public interest  
2201 to establish an oversight review process for special districts  
2202 wherein each special district in the state may be reviewed by  
2203 the local general-purpose government in which the district  
2204 exists. The Legislature further finds and determines that such  
2205 law fulfills an important state interest. It is the intent of  
2206 the Legislature that the oversight review process shall  
2207 contribute to informed decisionmaking. These decisions may  
2208 involve the continuing existence or dissolution of a district,  
2209 the appropriate future role and focus of a district,  
2210 improvements in the functioning or delivery of services by a  
2211 district, and the need for any transition, adjustment, or  
2212 special implementation periods or provisions. Any final  
2213 recommendations from the oversight review process that are  
2214 adopted and implemented by the appropriate level of government  
2215 shall not be implemented in a manner that would impair the  
2216 obligation of contracts.

2217 ~~(2) It is the intent of the Legislature that any oversight~~  
2218 ~~review process be conducted in conjunction with special district~~  
2219 ~~public facilities reporting and the local government evaluation~~  
2220 ~~and appraisal report process described in s. 189.415(2).~~

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2221 ~~(3) The order in which Special districts may be subject to~~  
2222 ~~oversight review shall be determined by the reviewer and shall~~  
2223 ~~occur as follows:~~

2224 ~~(2)(a) All dependent special districts may be reviewed by~~  
2225 ~~the general-purpose local government to which they are~~  
2226 ~~dependent.~~

2227 ~~(b) All single county independent special districts may be~~  
2228 ~~reviewed by a county or municipality in which they are located~~  
2229 ~~or the government that created the district. Any single county~~  
2230 ~~independent district that serves an area greater than the~~  
2231 ~~boundaries of one general-purpose local government may only be~~  
2232 ~~reviewed by the county on the county's own initiative or upon~~  
2233 ~~receipt of a request from any municipality served by the special~~  
2234 ~~district.~~

2235 ~~(c) All multicounty independent special districts may be~~  
2236 ~~reviewed by the government that created the district. Any~~  
2237 ~~general-purpose local governments within the boundaries of a~~  
2238 ~~multicounty district may prepare a preliminary review of a~~  
2239 ~~multicounty special district for possible reference or inclusion~~  
2240 ~~in the full review report.~~

2241 ~~(d) Upon request by the reviewer, any special district~~  
2242 ~~within all or a portion of the same county as the special~~  
2243 ~~district being reviewed may prepare a preliminary review of the~~  
2244 ~~district for possible reference or inclusion in the full~~  
2245 ~~oversight review report.~~



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2246 ~~(3)~~<sup>(4)</sup> All special districts, governmental entities, and  
2247 state agencies shall cooperate with the Legislature and with any  
2248 general-purpose local government seeking information or  
2249 assistance with the oversight review process and with the  
2250 preparation of an oversight review report.

2251 ~~(4)~~<sup>(5)</sup> Those conducting the oversight review process  
2252 shall, at a minimum, consider the listed criteria for evaluating  
2253 the special district, but may also consider any additional  
2254 factors relating to the district and its performance. If any of  
2255 the listed criteria does not apply to the special district being  
2256 reviewed, it need not be considered. The criteria to be  
2257 considered by the reviewer include:

2258 (a) The degree to which the service or services offered by  
2259 the special district are essential or contribute to the well-  
2260 being of the community.

2261 (b) The extent of continuing need for the service or  
2262 services currently provided by the special district.

2263 (c) The extent of municipal annexation or incorporation  
2264 activity occurring or likely to occur within the boundaries of  
2265 the special district and its impact on the delivery of services  
2266 by the special district.

2267 (d) Whether there is a less costly alternative method of  
2268 delivering the service or services that would adequately provide  
2269 the district residents with the services provided by the  
2270 district.

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2271 (e) Whether transfer of the responsibility for delivery of  
2272 the service or services to an entity other than the special  
2273 district being reviewed could be accomplished without  
2274 jeopardizing the district's existing contracts, bonds, or  
2275 outstanding indebtedness.

2276 (f) Whether the Auditor General has notified the  
2277 Legislative Auditing Committee that the special district's audit  
2278 report, reviewed pursuant to s. 11.45(7), indicates that the  
2279 district has met any of the conditions specified in s.  
2280 218.503(1) or that a deteriorating financial condition exists  
2281 that may cause a condition described in s. 218.503(1) to occur  
2282 if actions are not taken to address such condition.

2283 (g) Whether the district is inactive according to the  
2284 official list of special districts, and whether the district is  
2285 meeting and discharging its responsibilities as required by its  
2286 charter, as well as projected increases or decreases in district  
2287 activity.

2288 (h) Whether the special district has failed to comply with  
2289 any of the reporting requirements in this chapter, including  
2290 preparation of the public facilities report.

2291 (i) Whether the special district has designated a  
2292 registered office and agent as required by s. 189.014 ~~189.416~~,  
2293 and has complied with all open public records and meeting  
2294 requirements.

2295 (5) ~~(6)~~ Any special district may at any time provide the  
2296 Legislature and the general-purpose local government conducting

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2297 the review or making decisions based upon the final oversight  
2298 review report with written responses to any questions, concerns,  
2299 preliminary reports, draft reports, or final reports relating to  
2300 the district.

2301 ~~(7) The final report of a reviewing government shall be~~  
2302 ~~filed with the government that created the district and shall~~  
2303 ~~serve as the basis for any modification to the district charter~~  
2304 ~~or dissolution or merger of the district.~~

2305 ~~(8) If legislative dissolution or merger of a district is~~  
2306 ~~proposed in the final report, the reviewing government shall~~  
2307 ~~also propose a plan for the merger or dissolution, and the plan~~  
2308 ~~shall address the following factors in evaluating the proposed~~  
2309 ~~merger or dissolution:~~

2310 ~~(a) Whether, in light of independent fiscal analysis,~~  
2311 ~~level of service implications, and other public policy~~  
2312 ~~considerations, the proposed merger or dissolution is the best~~  
2313 ~~alternative for delivering services and facilities to the~~  
2314 ~~affected area.~~

2315 ~~(b) Whether the services and facilities to be provided~~  
2316 ~~pursuant to the merger or dissolution will be compatible with~~  
2317 ~~the capacity and uses of existing local services and facilities.~~

2318 ~~(c) Whether the merger or dissolution is consistent with~~  
2319 ~~applicable provisions of the state comprehensive plan, the~~  
2320 ~~strategic regional policy plan, and the local government~~  
2321 ~~comprehensive plans of the affected area.~~

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2322 ~~(d) Whether the proposed merger adequately provides for~~  
2323 ~~the assumption of all indebtedness.~~

2324  
2325 ~~The reviewing government shall consider the report in a public~~  
2326 ~~hearing held within the jurisdiction of the district. If adopted~~  
2327 ~~by the governing board of the reviewing government, the request~~  
2328 ~~for legislative merger or dissolution of the district may~~  
2329 ~~proceed. The adopted plan shall be filed as an attachment to the~~  
2330 ~~economic impact statement regarding the proposed special act or~~  
2331 ~~general act of local application dissolving a district.~~

2332 ~~(6)(9)~~ This section does not apply to a deepwater port  
2333 listed in s. 311.09(1) which is in compliance with a port master  
2334 plan adopted pursuant to s. 163.3178(2)(k), or to an airport  
2335 authority operating in compliance with an airport master plan  
2336 approved by the Federal Aviation Administration, or to any  
2337 special district organized to operate health systems and  
2338 facilities licensed under chapter 395, chapter 400, or chapter  
2339 429.

2340 Section 49. Section 189.429, Florida Statutes, is  
2341 transferred and renumbered as section 189.019, Florida Statutes,  
2342 and subsection (1) of that section is amended, to read:

2343 189.019 ~~189.429~~ Codification.—

2344 (1) Each district, by December 1, 2004, shall submit to  
2345 the Legislature a draft codified charter, at its expense, so  
2346 that its special acts may be codified into a single act for  
2347 reenactment by the Legislature, if there is more than one

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2348 special act for the district. The Legislature may adopt a  
2349 schedule for individual district codification. Any codified act  
2350 relating to a district, which act is submitted to the  
2351 Legislature for reenactment, shall provide for the repeal of all  
2352 prior special acts of the Legislature relating to the district.  
2353 The codified act shall be filed with the department pursuant to  
2354 s. 189.016(2) ~~189.418(2)~~.

2355 Section 50. Sections 189.430, 189.431, 189.432, 189.433,  
2356 189.434, 189.435, 189.436, 189.437, 189.438, 189.439, 189.440,  
2357 189.441, 189.442, 189.443, and 189.444, Florida Statutes, are  
2358 repealed.

2359 Section 51. Section 189.034, Florida Statutes, is created  
2360 to read:

2361 189.034 Oversight of special districts created by special  
2362 act of the Legislature.-

2363 (1) This section applies to any special district created  
2364 by special act of the Legislature.

2365 (2) If a special district fails to file required reports  
2366 or requested information with the appropriate state agency  
2367 pursuant to ss. 11.45(7), 218.32, 218.39, and 218.503(3), with  
2368 the appropriate state agency or office, the Legislative Auditing  
2369 Committee or its designee shall provide written notice of the  
2370 district's noncompliance to the Speaker of the House of  
2371 Representatives, the President of the Senate, the standing  
2372 committees of the Senate and the House of Representatives  
2373 charged with special district oversight as determined by the

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2374 presiding officers of each respective chamber, and the  
2375 legislators who represent a portion of the geographical  
2376 jurisdiction of the special district.

2377 (3) The Legislative Auditing Committee may convene a  
2378 public hearing on the issue of noncompliance, as well as general  
2379 oversight of the district as provided in s. 189.068, at the  
2380 direction of the Speaker of the House of Representatives and the  
2381 President of the Senate.

2382 (4) Before the public hearing as provided in subsection  
2383 (3), the special district shall provide the following  
2384 information at the request of the Legislative Auditing  
2385 Committee:

2386 (a) The district's annual financial report for the prior  
2387 fiscal year.

2388 (b) The district's audit report for the previous fiscal  
2389 year.

2390 (c) An annual report for the previous fiscal year  
2391 providing a detailed review of the performance of the special  
2392 district, including the following information:

2393 1. The purpose of the special district.

2394 2. The sources of funding for the special district.

2395 3. A description of the major activities, programs, and  
2396 initiatives the special district has undertaken in the most  
2397 recently completed fiscal year and the benchmarks or criteria  
2398 under which the success or failure of the district was  
2399 determined by its governing body.

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2400 4. Any challenges or obstacles faced by the special  
2401 district in fulfilling its purpose and related responsibilities.

2402 5. Ways the special district believes it could better  
2403 fulfill its purpose and related responsibilities and a  
2404 description of the actions that it intends to take during the  
2405 ensuing fiscal year.

2406 6. Proposed changes to the special act that established  
2407 the special district and justification for such changes.

2408 7. Any other information reasonably required to provide  
2409 the Legislative Auditing Committee with an accurate  
2410 understanding of the purpose for which the special district  
2411 exists and how it is fulfilling its responsibilities to  
2412 accomplish that purpose.

2413 8. Any reasons for the district's noncompliance.

2414 9. If the district is currently in compliance and plans to  
2415 correct any recurring issues of noncompliance.

2416 10. Efforts to promote transparency, including maintenance  
2417 of the district's website in accordance with s. 189.069.

2418 Section 52. Section 189.035, Florida Statutes, is created  
2419 to read:

2420 189.035 Oversight of special districts created by local  
2421 ordinance.—

2422 (1) If a special district created by local ordinance fails  
2423 to file required reports or requested information under ss.  
2424 11.45(7), 218.32, 218.39, and 218.503(3), with the appropriate  
2425 state agency, the Legislative Auditing Committee or its designee

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2426 shall provide written notice of the district's noncompliance to  
2427 the chair or equivalent of the local general-purpose government.

2428 (2) The chair or equivalent of the local general-purpose  
2429 government may convene a public hearing on the issue of  
2430 noncompliance, as well as general oversight of the special  
2431 district as provided in s. 189.068, within 6 months after  
2432 receipt of notice of noncompliance from the Legislative Auditing  
2433 Committee.

2434 (3) Before the public hearing regarding the special  
2435 district's noncompliance, the local general-purpose government  
2436 may request the following information from the special district:

2437 (a) The district's annual financial report for the  
2438 previous fiscal year.

2439 (b) The district's audit report for the previous fiscal  
2440 year.

2441 (c) An annual report for the previous fiscal year, which  
2442 must provide a detailed review of the performance of the special  
2443 district and include the following information:

2444 1. The purpose of the special district.

2445 2. The sources of funding for the special district.

2446 3. A description of the major activities, programs, and  
2447 initiatives the special district undertook in the most recently  
2448 completed fiscal year and the benchmarks or criteria under which  
2449 the success or failure of the district was determined by its  
2450 governing body.



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2451 4. Any challenges or obstacles faced by the special  
2452 district in fulfilling its purpose and related responsibilities.

2453 5. Ways the special district believes it could better  
2454 fulfill its purpose and related responsibilities and a  
2455 description of the actions that it intends to take during the  
2456 ensuing fiscal year.

2457 6. Proposed changes to the ordinance that established the  
2458 special district and justification for such changes.

2459 7. Any other information reasonably required to provide  
2460 the reviewing entity with an accurate understanding of the  
2461 purpose for which the special district exists and how it is  
2462 fulfilling its responsibilities to accomplish that purpose.

2463 8. Any reasons for the district's noncompliance.

2464 9. Whether the district is currently in compliance.

2465 10. Plans to correct any recurring issues of  
2466 noncompliance.

2467 11. Efforts to promote transparency, including maintenance  
2468 of the district's website in accordance with s. 189.069.

2469 (4) If the local general-purpose government convenes a  
2470 public hearing under this section, it shall provide the  
2471 Department and the Legislative Auditing Committee with a report  
2472 containing its findings and conclusions within 60 days after  
2473 completion of the public hearing.

2474 Section 53. Section 189.055, Florida Statutes, is created  
2475 to read:

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2476 189.055 Treatment of special districts.—For the purpose of  
2477 s. 196.199(1), special districts shall be treated as  
2478 municipalities.

2479 Section 54. Section 189.069, Florida Statutes, is created  
2480 to read:

2481 189.069 Special districts; required reporting of  
2482 information; web-based public access.—

2483 (1) Beginning on October 1, 2015, or by the end of the  
2484 first full fiscal year after its creation, each special district  
2485 shall maintain an official Internet website containing the  
2486 information required by this section in accordance with s.  
2487 189.016. Special districts shall submit their official Internet  
2488 website addresses to the department.

2489 (a) Independent special districts shall maintain a  
2490 separate internet website.

2491 (b) Dependent special districts shall be preeminently  
2492 displayed on the home page of the Internet website of the  
2493 general-purpose government that created the special district  
2494 with a hyperlink to such webpages as are necessary to provide  
2495 the information required by this section. Dependent special  
2496 districts may maintain a separate Internet website providing the  
2497 information required by this section.

2498 (2) (a) A special district shall post the following  
2499 information, at a minimum, on the district's official website:

2500 1. The full legal name of the special district.

2501 2. The public purpose of the special district.

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2502 3. The name, address, e-mail address, and, if applicable,  
2503 the term and appointing authority for each member of the  
2504 governing body of the special district.

2505 4. The fiscal year of the special district.

2506 5. The full text of the special district's charter, the  
2507 date of establishment, the establishing entity, and the statute  
2508 or statutes under which the special district operates, if  
2509 different from the statute or statutes under which the special  
2510 district was established. Community development districts may  
2511 reference chapter 190, as the uniform charter, but must include  
2512 information relating to any grant of special powers.

2513 6. The mailing address, e-mail address, telephone number,  
2514 and Internet website uniform resource locator of the special  
2515 district.

2516 7. A description of the boundaries or service area of, and  
2517 the services provided by, the special district.

2518 8. A listing of all assessments, taxes, fees, or charges  
2519 imposed and collected by the special district, including the  
2520 rates or amounts charged for the fiscal year and the statutory  
2521 authority for the levy of the tax, fee, or charge.

2522 9. The primary contact information for the special  
2523 district for purposes of communication from the department.

2524 10. A code of ethics adopted by the special district, if  
2525 applicable, and a hyperlink to generally applicable ethics  
2526 provisions.

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2527 11. The budget of each special district, in addition to  
2528 amendments in accordance with s. 189.418.

2529 12. The final, complete audit report for the most recent  
2530 completed fiscal year, and audit reports required by law or  
2531 authorized by the governing body of the special district.

2532 (b) The department's Internet website list of special  
2533 districts in the state required under s. 189.061 shall include a  
2534 link for each special district that provides web-based access to  
2535 the public for all information and documentation required for  
2536 submission to the department pursuant to subsection (1).

2537 Section 55. Paragraph (e) of subsection (1) and paragraph  
2538 (c) of subsection (7) of section 11.45, Florida Statutes, are  
2539 amended to read:

2540 11.45 Definitions; duties; authorities; reports; rules.—

2541 (1) DEFINITIONS.—As used in ss. 11.40-11.51, the term:

2542 (e) "Local governmental entity" means a county agency,  
2543 municipality, or special district as defined in s. 189.012  
2544 ~~189.403~~, but does not include any housing authority established  
2545 under chapter 421.

2546 (7) AUDITOR GENERAL REPORTING REQUIREMENTS.—

2547 (c) The Auditor General shall provide annually a list of  
2548 those special districts which are not in compliance with s.  
2549 218.39 to the Special District Accountability Information  
2550 Program of the Department of Economic Opportunity.

2551 Section 56. Paragraph (c) of subsection (4) of section  
2552 100.011, Florida Statutes, is amended to read:

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2553 100.011 Opening and closing of polls, all elections;  
2554 expenses.—

2555 (4)

2556 (c) The provisions of any special law to the contrary  
2557 notwithstanding, all independent and dependent special district  
2558 elections, with the exception of community development district  
2559 elections, shall be conducted in accordance with the  
2560 requirements of ss. 189.04 and 189.041 ~~189.405 and 189.4051~~.

2561 Section 57. Paragraph (f) of subsection (1) of section  
2562 101.657, Florida Statutes, is amended to read:

2563 101.657 Early voting.—

2564 (1)

2565 (f) Notwithstanding the requirements of s. 189.04 ~~189.405~~,  
2566 special districts may provide early voting in any district  
2567 election not held in conjunction with county or state elections.  
2568 If a special district provides early voting, it may designate as  
2569 many sites as necessary and shall conduct its activities in  
2570 accordance with the provisions of paragraphs (a)-(c). The  
2571 supervisor is not required to conduct early voting if it is  
2572 provided pursuant to this subsection.

2573 Section 58. Paragraph (a) of subsection (14) of section  
2574 112.061, Florida Statutes, is amended to read:

2575 112.061 Per diem and travel expenses of public officers,  
2576 employees, and authorized persons.—

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2577 (14) APPLICABILITY TO COUNTIES, COUNTY OFFICERS, DISTRICT  
2578 SCHOOL BOARDS, SPECIAL DISTRICTS, AND METROPOLITAN PLANNING  
2579 ORGANIZATIONS.—

2580 (a) The following entities may establish rates that vary  
2581 from the per diem rate provided in paragraph (6) (a), the  
2582 subsistence rates provided in paragraph (6) (b), or the mileage  
2583 rate provided in paragraph (7) (d) if those rates are not less  
2584 than the statutorily established rates that are in effect for  
2585 the 2005-2006 fiscal year:

2586 1. The governing body of a county by the enactment of an  
2587 ordinance or resolution;

2588 2. A county constitutional officer, pursuant to s. 1(d),  
2589 Art. VIII of the State Constitution, by the establishment of  
2590 written policy;

2591 3. The governing body of a district school board by the  
2592 adoption of rules;

2593 4. The governing body of a special district, as defined in  
2594 s. 189.012 ~~189.403(1)~~, except those special districts that are  
2595 subject to s. 166.021(9), by the enactment of a resolution; or

2596 5. Any metropolitan planning organization created pursuant  
2597 to s. 339.175 or any other separate legal or administrative  
2598 entity created pursuant to s. 339.175 of which a metropolitan  
2599 planning organization is a member, by the enactment of a  
2600 resolution.

2601 Section 59. Paragraph (d) of subsection (4) of section  
2602 112.63, Florida Statutes, is amended to read:

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2603 112.63 Actuarial reports and statements of actuarial  
2604 impact; review.—

2605 (4) Upon receipt, pursuant to subsection (2), of an  
2606 actuarial report, or, pursuant to subsection (3), of a statement  
2607 of actuarial impact, the Department of Management Services shall  
2608 acknowledge such receipt, but shall only review and comment on  
2609 each retirement system's or plan's actuarial valuations at least  
2610 on a triennial basis.

2611 (d) In the case of an affected special district, the  
2612 Department of Management Services shall also notify the  
2613 Department of Economic Opportunity. Upon receipt of  
2614 notification, the Department of Economic Opportunity shall  
2615 proceed pursuant to s. 189.067 ~~189.421~~.

2616 1. Failure of a special district to provide a required  
2617 report or statement, to make appropriate adjustments, or to  
2618 provide additional material information after the procedures  
2619 specified in s. 189.067(1) ~~189.421(1)~~ are exhausted shall be  
2620 deemed final action by the special district.

2621 2. The Department of Management Services may notify the  
2622 Department of Economic Opportunity of those special districts  
2623 that failed to come into compliance. Upon receipt of  
2624 notification, the Department of Economic Opportunity shall  
2625 proceed pursuant to s. 189.067(4) ~~189.421(4)~~.

2626 Section 60. Subsection (1) of section 112.665, Florida  
2627 Statutes, is amended to read:

2628 112.665 Duties of Department of Management Services.—

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- 2629 (1) The Department of Management Services shall:
- 2630 (a) Gather, catalog, and maintain complete, computerized
- 2631 data information on all public employee retirement systems or
- 2632 plans in the state based upon a review of audits, reports, and
- 2633 other data pertaining to the systems or plans;
- 2634 (b) Receive and comment upon all actuarial reviews of
- 2635 retirement systems or plans maintained by units of local
- 2636 government;
- 2637 (c) Cooperate with local retirement systems or plans on
- 2638 matters of mutual concern and provide technical assistance to
- 2639 units of local government in the assessment and revision of
- 2640 retirement systems or plans;
- 2641 (d) Annually issue, by January 1, a report to the
- 2642 President of the Senate and the Speaker of the House of
- 2643 Representatives, which details division activities, findings,
- 2644 and recommendations concerning all governmental retirement
- 2645 systems. The report may include legislation proposed to carry
- 2646 out such recommendations;
- 2647 (e) Provide a fact sheet for each participating local
- 2648 government defined benefit pension plan which summarizes the
- 2649 plan's actuarial status. The fact sheet should provide a summary
- 2650 of the plan's most current actuarial data, minimum funding
- 2651 requirements as a percentage of pay, and a 5-year history of
- 2652 funded ratios. The fact sheet must include a brief explanation
- 2653 of each element in order to maximize the transparency of the
- 2654 local government plans. The fact sheet must also contain the



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2655 information specified in s. 112.664(1). These documents shall be  
2656 posted on the department's website. Plan sponsors that have  
2657 websites must provide a link to the department's website;

2658 (f) Annually issue, by January 1, a report to the Special  
2659 District Accountability Information ~~Information~~ Program of the Department of  
2660 Economic Opportunity which includes the participation in and  
2661 compliance of special districts with the local government  
2662 retirement system provisions in s. 112.63 and the state-  
2663 administered retirement system provisions specified in part I of  
2664 chapter 121; and

2665 (g) Adopt reasonable rules to administer this part.

2666 Section 61. Subsection (9) of section 121.021, Florida  
2667 Statutes, is amended to read:

2668 121.021 Definitions.—The following words and phrases as  
2669 used in this chapter have the respective meanings set forth  
2670 unless a different meaning is plainly required by the context:

2671 (9) "Special district" means an independent special  
2672 district as defined in s. 189.012 ~~189.403(3)~~.

2673 Section 62. Paragraph (b) of subsection (2) of section  
2674 121.051, Florida Statutes, is amended to read:

2675 121.051 Participation in the system.—

2676 (2) OPTIONAL PARTICIPATION.—

2677 (b)1. The governing body of any municipality, metropolitan  
2678 planning organization, or special district in the state may  
2679 elect to participate in the Florida Retirement System upon  
2680 proper application to the administrator and may cover all of its

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2681 units as approved by the Secretary of Health and Human Services  
2682 and the administrator. The department shall adopt rules  
2683 establishing procedures for the submission of documents  
2684 necessary for such application. Before being approved for  
2685 participation in the system, the governing body of a  
2686 municipality, metropolitan planning organization, or special  
2687 district that has a local retirement system must submit to the  
2688 administrator a certified financial statement showing the  
2689 condition of the local retirement system within 3 months before  
2690 the proposed effective date of membership in the Florida  
2691 Retirement System. The statement must be certified by a  
2692 recognized accounting firm that is independent of the local  
2693 retirement system. All required documents necessary for  
2694 extending Florida Retirement System coverage must be received by  
2695 the department for consideration at least 15 days before the  
2696 proposed effective date of coverage. If the municipality,  
2697 metropolitan planning organization, or special district does not  
2698 comply with this requirement, the department may require that  
2699 the effective date of coverage be changed.

2700 2. A municipality, metropolitan planning organization, or  
2701 special district that has an existing retirement system covering  
2702 the employees in the units that are to be brought under the  
2703 Florida Retirement System may participate only after holding a  
2704 referendum in which all employees in the affected units have the  
2705 right to participate. Only those employees electing coverage  
2706 under the Florida Retirement System by affirmative vote in the

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2707 referendum are eligible for coverage under this chapter, and  
2708 those not participating or electing not to be covered by the  
2709 Florida Retirement System shall remain in their present systems  
2710 and are not eligible for coverage under this chapter. After the  
2711 referendum is held, all future employees are compulsory members  
2712 of the Florida Retirement System.

2713 3. At the time of joining the Florida Retirement System,  
2714 the governing body of a municipality, metropolitan planning  
2715 organization, or special district complying with subparagraph 1.  
2716 may elect to provide, or not provide, benefits based on past  
2717 service of officers and employees as described in s. 121.081(1).  
2718 However, if such employer elects to provide past service  
2719 benefits, such benefits must be provided for all officers and  
2720 employees of its covered group.

2721 4. Once this election is made and approved it may not be  
2722 revoked, except pursuant to subparagraphs 5. and 6., and all  
2723 present officers and employees electing coverage and all future  
2724 officers and employees are compulsory members of the Florida  
2725 Retirement System.

2726 5. Subject to subparagraph 6., the governing body of a  
2727 hospital licensed under chapter 395 which is governed by the  
2728 governing body ~~board~~ of a special district as defined in s.  
2729 189.012 ~~189.403~~ or by the board of trustees of a public health  
2730 trust created under s. 154.07, hereinafter referred to as  
2731 "hospital district," and which participates in the Florida  
2732 Retirement System, may elect to cease participation in the

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2733 system with regard to future employees in accordance with the  
2734 following:

2735 a. No more than 30 days and at least 7 days before  
2736 adopting a resolution to partially withdraw from the system and  
2737 establish an alternative retirement plan for future employees, a  
2738 public hearing must be held on the proposed withdrawal and  
2739 proposed alternative plan.

2740 b. From 7 to 15 days before such hearing, notice of intent  
2741 to withdraw, specifying the time and place of the hearing, must  
2742 be provided in writing to employees of the hospital district  
2743 proposing partial withdrawal and must be published in a  
2744 newspaper of general circulation in the area affected, as  
2745 provided by ss. 50.011-50.031. Proof of publication must be  
2746 submitted to the Department of Management Services.

2747 c. The governing body of a hospital district seeking to  
2748 partially withdraw from the system must, before such hearing,  
2749 have an actuarial report prepared and certified by an enrolled  
2750 actuary, as defined in s. 112.625, illustrating the cost to the  
2751 hospital district of providing, through the retirement plan that  
2752 the hospital district is to adopt, benefits for new employees  
2753 comparable to those provided under the system.

2754 d. Upon meeting all applicable requirements of this  
2755 subparagraph, and subject to subparagraph 6., partial withdrawal  
2756 from the system and adoption of the alternative retirement plan  
2757 may be accomplished by resolution duly adopted by the hospital  
2758 district board. The hospital district board must provide written

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2759 notice of such withdrawal to the division by mailing a copy of  
2760 the resolution to the division, postmarked by December 15, 1995.  
2761 The withdrawal shall take effect January 1, 1996.

2762 6. Following the adoption of a resolution under sub-  
2763 subparagraph 5.d., all employees of the withdrawing hospital  
2764 district who were members of the system before January 1, 1996,  
2765 shall remain as members of the system for as long as they are  
2766 employees of the hospital district, and all rights, duties, and  
2767 obligations between the hospital district, the system, and the  
2768 employees remain in full force and effect. Any employee who is  
2769 hired or appointed on or after January 1, 1996, may not  
2770 participate in the system, and the withdrawing hospital district  
2771 has no obligation to the system with respect to such employees.

2772 Section 63. Subsection (1) of section 153.94, Florida  
2773 Statutes, is amended to read:

2774 153.94 Applicability of other laws.—Except as expressly  
2775 provided in this act:

2776 (1) With respect to any wastewater facility privatization  
2777 contract entered into under this act, a public entity is subject  
2778 to s. 125.3401, s. 180.301, s. 189.054 ~~189.423~~, or s. 190.0125  
2779 but is not subject to the requirements of chapter 287.

2780 Section 64. Paragraph (a) of subsection (2) of section  
2781 163.08, Florida Statutes, is amended to read:

2782 163.08 Supplemental authority for improvements to real  
2783 property.—

2784 (2) As used in this section, the term:

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2785 (a) "Local government" means a county, a municipality, a  
2786 dependent special district as defined in s. 189.012 ~~189.403~~, or  
2787 a separate legal entity created pursuant to s. 163.01(7).

2788 Section 65. Subsection (7) of section 165.031, Florida  
2789 Statutes, is amended to read:

2790 165.031 Definitions.—The following terms and phrases, when  
2791 used in this chapter, shall have the meanings ascribed to them  
2792 in this section, except where the context clearly indicates a  
2793 different meaning:

2794 (7) "Special district" means a local unit of special  
2795 government, as defined in s. 189.012 ~~189.403(1)~~. This term  
2796 includes dependent special districts, as defined in s. 189.012  
2797 ~~189.403(2)~~, and independent special districts, as defined in s.  
2798 189.012 ~~189.403(3)~~. All provisions of s. 200.001(8)(d) and (e)  
2799 shall be considered provisions of this chapter.

2800 Section 66. Paragraph (b) of subsection (1) and  
2801 subsections (8) and (16) of section 165.0615, Florida Statutes,  
2802 are amended to read:

2803 165.0615 Municipal conversion of independent special  
2804 districts upon elector-initiated and approved referendum.—

2805 (1) The qualified electors of an independent special  
2806 district may commence a municipal conversion proceeding by  
2807 filing a petition with the governing body of the independent  
2808 special district proposed to be converted if the district meets  
2809 all of the following criteria:

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2810 (b) It is designated as an improvement district and  
2811 created pursuant to chapter 298 or is designated as a  
2812 stewardship district and created pursuant to s. 189.031 ~~189.404~~.

2813 (8) Notice of the final public hearing on the proposed  
2814 elector-initiated combined municipal incorporation plan must be  
2815 published pursuant to the notice requirements in s. 189.015  
2816 ~~189.417~~ and must provide a descriptive summary of the elector-  
2817 initiated municipal incorporation plan and a reference to the  
2818 public places within the independent special district where a  
2819 copy of the plan may be examined.

2820 (16) If the incorporation plan is approved by a majority  
2821 of the votes cast in the independent special district, the  
2822 district shall notify the special district accountability  
2823 ~~information~~ program pursuant to s. 189.016(2) ~~189.418(2)~~ and the  
2824 local general-purpose governments in which any part of the  
2825 independent special district is situated pursuant to s.  
2826 189.016(7) ~~189.418(7)~~.

2827 Section 67. Subsection (3) of section 171.202, Florida  
2828 Statutes, is amended to read:

2829 171.202 Definitions.—As used in this part, the term:

2830 (3) "Independent special district" means an independent  
2831 special district, as defined in s. 189.012 ~~189.403~~, which  
2832 provides fire, emergency medical, water, wastewater, or  
2833 stormwater services.

2834 Section 68. Subsection (16) of section 175.032, Florida  
2835 Statutes, is amended to read:

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2836 175.032 Definitions.—For any municipality, special fire  
2837 control district, chapter plan, local law municipality, local  
2838 law special fire control district, or local law plan under this  
2839 chapter, the following words and phrases have the following  
2840 meanings:

2841 (16) "Special fire control district" means a special  
2842 district, as defined in s. 189.012 ~~189.403(1)~~, established for  
2843 the purposes of extinguishing fires, protecting life, and  
2844 protecting property within the incorporated or unincorporated  
2845 portions of any county or combination of counties, or within any  
2846 combination of incorporated and unincorporated portions of any  
2847 county or combination of counties. The term does not include any  
2848 dependent or independent special district, as defined in s.  
2849 189.012 ~~189.403(2) and (3)~~, respectively, the employees of which  
2850 are members of the Florida Retirement System pursuant to s.  
2851 121.051(1) or (2).

2852 Section 69. Subsection (6) of section 190.011, Florida  
2853 Statutes, is amended to read:

2854 190.011 General powers.—The district shall have, and the  
2855 body board ~~board~~ may exercise, the following powers:

2856 (6) To maintain an office at such place or places as it  
2857 may designate within a county in which the district is located  
2858 or within the boundaries of a development of regional impact or  
2859 a Florida Quality Development, or a combination of a development  
2860 of regional impact and a Florida Quality Development, which  
2861 includes the district, which office must be reasonably



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2862 accessible to the landowners. Meetings pursuant to s. 189.015(3)  
2863 ~~189.417(3)~~ of a district within the boundaries of a development  
2864 of regional impact or Florida Quality Development, or a  
2865 combination of a development of regional impact and a Florida  
2866 Quality Development, may be held at such office.

2867 Section 70. Subsection (8) of section 190.046, Florida  
2868 Statutes, is amended to read:

2869 190.046 Termination, contraction, or expansion of  
2870 district.—

2871 (8) In the event the district has become inactive pursuant  
2872 to s. 189.062 ~~189.4044~~, the respective board of county  
2873 commissioners or city commission shall be informed and it shall  
2874 take appropriate action.

2875 Section 71. Section 190.049, Florida Statutes, is amended  
2876 to read:

2877 190.049 Special acts prohibited.—Pursuant to s. 11(a)(21),  
2878 Art. III of the State Constitution, there shall be no special  
2879 law or general law of local application creating an independent  
2880 special district which has the powers enumerated in two or more  
2881 of the paragraphs contained in s. 190.012, unless such district  
2882 is created pursuant to the provisions of s. 189.031 ~~189.404~~.

2883 Section 72. Subsection (5) of section 191.003, Florida  
2884 Statutes, is amended to read:

2885 191.003 Definitions.—As used in this act:

2886 (5) "Independent special fire control district" means an  
2887 independent special district as defined in s. 189.012 ~~189.403~~,

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2888 created by special law or general law of local application,  
2889 providing fire suppression and related activities within the  
2890 jurisdictional boundaries of the district. The term does not  
2891 include a municipality, a county, a dependent special district  
2892 as defined in s. 189.012 ~~189.403~~, a district providing primarily  
2893 emergency medical services, a community development district  
2894 established under chapter 190, or any other multiple-power  
2895 district performing fire suppression and related services in  
2896 addition to other services.

2897 Section 73. Paragraph (a) of subsection (1) and subsection  
2898 (8) of section 191.005, Florida Statutes, are amended to read:

2899 191.005 District boards of commissioners; membership,  
2900 officers, meetings.—

2901 (1) (a) With the exception of districts whose governing  
2902 boards are appointed collectively by the Governor, the county  
2903 commission, and any cooperating city within the county, the  
2904 business affairs of each district shall be conducted and  
2905 administered by a five-member board. All three-member boards  
2906 existing on the effective date of this act shall be converted to  
2907 five-member boards, except those permitted to continue as a  
2908 three-member board by special act adopted in 1997 or thereafter.  
2909 The board shall be elected in nonpartisan elections by the  
2910 electors of the district. Except as provided in this act, such  
2911 elections shall be held at the time and in the manner prescribed  
2912 by law for holding general elections in accordance with s.  
2913 189.04(2)(a) ~~189.405(2)(a)~~ and (3), and each member shall be

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2914 | elected for a term of 4 years and serve until the member's  
2915 | successor assumes office. Candidates for the board of a district  
2916 | shall qualify as directed by chapter 99.

2917 | (8) All meetings of the board shall be open to the public  
2918 | consistent with chapter 286, s. 189.015 ~~189.417~~, and other  
2919 | applicable general laws.

2920 | Section 74. Subsection (2) of section 191.013, Florida  
2921 | Statutes, is amended to read:

2922 | 191.013 Intergovernmental coordination.—

2923 | (2) Each independent special fire control district shall  
2924 | adopt a 5-year plan to identify the facilities, equipment,  
2925 | personnel, and revenue needed by the district during that 5-year  
2926 | period. The plan shall be updated in accordance with s. 189.08  
2927 | ~~189.415~~ and shall satisfy the requirement for a public  
2928 | facilities report required by s. 189.08(2) ~~189.415(2)~~.

2929 | Section 75. Subsection (1) of section 191.014, Florida  
2930 | Statutes, is amended to read:

2931 | 191.014 District creation and expansion.—

2932 | (1) New districts may be created only by the Legislature  
2933 | under s. 189.031 ~~189.404~~.

2934 | Section 76. Section 191.015, Florida Statutes, is amended  
2935 | to read:

2936 | 191.015 Codification.—Each fire control district existing  
2937 | on the effective date of this section, by December 1, 2004,  
2938 | shall submit to the Legislature a draft codified charter, at its  
2939 | expense, so that its special acts may be codified into a single

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2940 act for reenactment by the Legislature, if there is more than  
2941 one special act for the district. The Legislature may adopt a  
2942 schedule for individual district codification. Any codified act  
2943 relating to a district, which act is submitted to the  
2944 Legislature for reenactment, shall provide for the repeal of all  
2945 prior special acts of the Legislature relating to the district.  
2946 The codified act shall be filed with the Department of Economic  
2947 Opportunity pursuant to s. 189.016(2) ~~189.418(2)~~.

2948 Section 77. Paragraphs (c), (d), and (e) of subsection (8)  
2949 of section 200.001, Florida Statutes, are amended to read:

2950 200.001 Millages; definitions and general provisions.—

2951 (8)

2952 (c) "Special district" means a special district as defined  
2953 in s. 189.012 ~~189.403(1)~~.

2954 (d) "Dependent special district" means a dependent special  
2955 district as defined in s. 189.012 ~~189.403(2)~~. Dependent special  
2956 district millage, when added to the millage of the governing  
2957 body to which it is dependent, shall not exceed the maximum  
2958 millage applicable to such governing body.

2959 (e) "Independent special district" means an independent  
2960 special district as defined in s. 189.012 ~~189.403(3)~~, with the  
2961 exception of a downtown development authority established prior  
2962 to the effective date of the 1968 State Constitution as an  
2963 independent body, either appointed or elected, regardless of  
2964 whether or not the budget is approved by the local governing  
2965 body, if the district levies a millage authorized as of the

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2966 effective date of the 1968 State Constitution. Independent  
2967 special district millage shall not be levied in excess of a  
2968 millage amount authorized by general law and approved by vote of  
2969 the electors pursuant to s. 9(b), Art. VII of the State  
2970 Constitution, except for those independent special districts  
2971 levying millage for water management purposes as provided in  
2972 that section and municipal service taxing units as specified in  
2973 s. 125.01(1)(q) and (r). However, independent special district  
2974 millage authorized as of the date the 1968 State Constitution  
2975 became effective need not be so approved, pursuant to s. 2, Art.  
2976 XII of the State Constitution.

2977 Section 78. Subsections (1), (5), (6), and (7) of section  
2978 218.31, Florida Statutes, are amended to read:

2979 218.31 Definitions.—As used in this part, except where the  
2980 context clearly indicates a different meaning:

2981 (1) "Local governmental entity" means a county agency, a  
2982 municipality, or a special district as defined in s. 189.012  
2983 ~~189.403~~. For purposes of s. 218.32, the term also includes a  
2984 housing authority created under chapter 421.

2985 (5) "Special district" means a special district as defined  
2986 in s. 189.012 ~~189.403(1)~~.

2987 (6) "Dependent special district" means a dependent special  
2988 district as defined in s. 189.012 ~~189.403(2)~~.

2989 (7) "Independent special district" means an independent  
2990 special district as defined in s. 189.012 ~~189.403(3)~~.

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2991 Section 79. Paragraph (a) and (f) of subsection (1) and  
2992 subsection (2) of section 218.32, Florida Statutes, are amended  
2993 to read:

2994 218.32 Annual financial reports; local governmental  
2995 entities.—

2996 (1)(a) Each local governmental entity that is determined  
2997 to be a reporting entity, as defined by generally accepted  
2998 accounting principles, and each independent special district as  
2999 defined in s. 189.012 ~~189.403~~, shall submit to the department a  
3000 copy of its annual financial report for the previous fiscal year  
3001 in a format prescribed by the department. The annual financial  
3002 report must include a list of each local governmental entity  
3003 included in the report and each local governmental entity that  
3004 failed to provide financial information as required by paragraph  
3005 (b). The chair of the governing body and the chief financial  
3006 officer of each local governmental entity shall sign the annual  
3007 financial report submitted pursuant to this subsection attesting  
3008 to the accuracy of the information included in the report. The  
3009 county annual financial report must be a single document that  
3010 covers each county agency.

3011 (f) If the department does not receive a completed annual  
3012 financial report from a local governmental entity within the  
3013 required period, it shall notify the Legislative Auditing  
3014 Committee and the Special District Accountability ~~Information~~  
3015 Program of the Department of Economic Opportunity of the  
3016 entity's failure to comply with the reporting requirements.

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3017 (2) The department shall annually by December 1 file a  
3018 verified report with the Governor, the Legislature, the Auditor  
3019 General, and the Special District Accountability Information  
3020 Program of the Department of Economic Opportunity showing the  
3021 revenues, both locally derived and derived from  
3022 intergovernmental transfers, and the expenditures of each local  
3023 governmental entity, regional planning council, local government  
3024 finance commission, and municipal power corporation that is  
3025 required to submit an annual financial report. The report must  
3026 include, but is not limited to:

3027 (a) The total revenues and expenditures of each local  
3028 governmental entity that is a component unit included in the  
3029 annual financial report of the reporting entity.

3030 (b) The amount of outstanding long-term debt by each local  
3031 governmental entity. For purposes of this paragraph, the term  
3032 "long-term debt" means any agreement or series of agreements to  
3033 pay money, which, at inception, contemplate terms of payment  
3034 exceeding 1 year in duration.

3035 Section 80. Paragraph (g) of subsection (1) of section  
3036 218.37, Florida Statutes, is amended to read:

3037 218.37 Powers and duties of Division of Bond Finance;  
3038 advisory council.—

3039 (1) The Division of Bond Finance of the State Board of  
3040 Administration, with respect to both general obligation bonds  
3041 and revenue bonds, shall:

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3042 (g) By January 1 each year, provide the Special District  
3043 Accountability Information Program of the Department of Economic  
3044 Opportunity with a list of special districts that are not in  
3045 compliance with the requirements in s. 218.38.

3046 Section 81. Paragraph (j) of subsection (1) of section  
3047 255.20, Florida Statutes, is amended to read:

3048 255.20 Local bids and contracts for public construction  
3049 works; specification of state-produced lumber.—

3050 (1) A county, municipality, special district as defined in  
3051 chapter 189, or other political subdivision of the state seeking  
3052 to construct or improve a public building, structure, or other  
3053 public construction works must competitively award to an  
3054 appropriately licensed contractor each project that is estimated  
3055 in accordance with generally accepted cost-accounting principles  
3056 to cost more than \$300,000. For electrical work, the local  
3057 government must competitively award to an appropriately licensed  
3058 contractor each project that is estimated in accordance with  
3059 generally accepted cost-accounting principles to cost more than  
3060 \$75,000. As used in this section, the term "competitively award"  
3061 means to award contracts based on the submission of sealed bids,  
3062 proposals submitted in response to a request for proposal,  
3063 proposals submitted in response to a request for qualifications,  
3064 or proposals submitted for competitive negotiation. This  
3065 subsection expressly allows contracts for construction  
3066 management services, design/build contracts, continuation  
3067 contracts based on unit prices, and any other contract



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3068 arrangement with a private sector contractor permitted by any  
3069 applicable municipal or county ordinance, by district  
3070 resolution, or by state law. For purposes of this section, cost  
3071 includes the cost of all labor, except inmate labor, and the  
3072 cost of equipment and materials to be used in the construction  
3073 of the project. Subject to the provisions of subsection (3), the  
3074 county, municipality, special district, or other political  
3075 subdivision may establish, by municipal or county ordinance or  
3076 special district resolution, procedures for conducting the  
3077 bidding process.

3078 (j) A county, municipality, special district as defined in  
3079 s. 189.012 ~~189.403~~, or any other political subdivision of the  
3080 state that owns or operates a public-use airport as defined in  
3081 s. 332.004 is exempt from this section when performing repairs  
3082 or maintenance on the airport's buildings, structures, or public  
3083 construction works using the local government's own services,  
3084 employees, and equipment.

3085 Section 82. Subsection (4) of section 298.225, Florida  
3086 Statutes, is amended to read:

3087 298.225 Water control plan; plan development and  
3088 amendment.—

3089 (4) Information contained within a district's facilities  
3090 plan prepared pursuant to s. 189.08 ~~189.415~~ which satisfies any  
3091 of the provisions of subsection (3) may be used as part of the  
3092 district water control plan.

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3093 Section 83. Subsection (7) of section 343.922, Florida  
3094 Statutes, is amended to read:

3095 343.922 Powers and duties.—

3096 (7) The authority shall comply with all statutory  
3097 requirements of general application which relate to the filing  
3098 of any report or documentation required by law, including the  
3099 requirements of ss. 189.015, 189.016, 189.051, and 189.08  
3100 ~~189.4085, 189.415, 189.417, and 189.418.~~

3101 Section 84. Subsection (5) of section 348.0004, Florida  
3102 Statutes, is amended to read:

3103 348.0004 Purposes and powers.—

3104 (5) Any authority formed pursuant to this act shall comply  
3105 with all statutory requirements of general application which  
3106 relate to the filing of any report or documentation required by  
3107 law, including the requirements of ss. 189.015, 189.016,  
3108 189.051, and 189.08 ~~189.4085, 189.415, 189.417, and 189.418.~~

3109 Section 85. Section 373.711, Florida Statutes, is amended  
3110 to read:

3111 373.711 Technical assistance to local governments.—The  
3112 water management districts shall assist local governments in the  
3113 development and future revision of local government  
3114 comprehensive plan elements or public facilities report as  
3115 required by s. 189.08 ~~189.415~~, related to water resource issues.

3116 Section 86. Paragraph (b) of subsection (3) of section  
3117 403.0891, Florida Statutes, is amended to read:

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3118 403.0891 State, regional, and local stormwater management  
3119 plans and programs.—The department, the water management  
3120 districts, and local governments shall have the responsibility  
3121 for the development of mutually compatible stormwater management  
3122 programs.

3123 (3)

3124 (b) Local governments are encouraged to consult with the  
3125 water management districts, the Department of Transportation,  
3126 and the department before adopting or updating their local  
3127 government comprehensive plan or public facilities report as  
3128 required by s. 189.08 ~~189.415~~, whichever is applicable.

3129 Section 87. Subsection (1) of section 582.32, Florida  
3130 Statutes, is amended to read:

3131 582.32 Effect of dissolution.—

3132 (1) Upon issuance of a certificate of dissolution, s.  
3133 189.076(2) ~~189.4045(2)~~ applies and all land use regulations in  
3134 effect within such districts are void.

3135 Section 88. Paragraph (a) of subsection (3) of section  
3136 1013.355, Florida Statutes, is amended to read:

3137 1013.355 Educational facilities benefit districts.—

3138 (3)(a) An educational facilities benefit district may be  
3139 created pursuant to this act and chapters 125, 163, 166, and  
3140 189. An educational facilities benefit district charter may be  
3141 created by a county or municipality by entering into an  
3142 interlocal agreement, as authorized by s. 163.01, with the  
3143 district school board and any local general purpose government

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3144 within whose jurisdiction a portion of the district is located  
3145 and adoption of an ordinance that includes all provisions  
3146 contained within s. 189.02 ~~189.4041~~. The creating entity shall  
3147 be the local general purpose government within whose boundaries  
3148 a majority of the educational facilities benefit district's  
3149 lands are located.

3150 Section 89. This act shall take effect July 1, 2014.

3151

3152 -----

3153 **T I T L E A M E N D M E N T**

3154 Remove everything before the enacting clause and insert:

3155 A bill to be entitled

3156 An act relating to special districts; designating  
3157 parts I-VIII of chapter 189, F.S., relating to special  
3158 districts; amending s. 11.40, F.S.; revising duties of  
3159 the Legislative Auditing Committee; amending s.  
3160 112.312, F.S.; redefining the term "agency" as it  
3161 applies to the code of ethics for public officers and  
3162 employees to include special districts; creating s.  
3163 112.511, F.S.; specifying applicability of procedures  
3164 regarding suspension and removal of a member of the  
3165 governing body of a special district; amending s.  
3166 125.901, F.S.; revising membership criteria;  
3167 transferring, renumbering, and amending s. 189.401,  
3168 F.S.; revising a short title; transferring,  
3169 renumbering, and amending s. 189.402, F.S.; revising a

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3170 statement of legislative purpose and intent; making  
3171 technical changes; conforming provisions to changes  
3172 made by the act; transferring, renumbering, and  
3173 amending s. 189.403, F.S.; redefining the term  
3174 "special district"; transferring, renumbering, and  
3175 amending ss. 189.4031, 189.4035, 189.404, 189.40401,  
3176 189.4041, and 189.4042, F.S.; deleting provisions  
3177 relating to the application of a special district to  
3178 amend its charter; conforming provisions and cross-  
3179 references; transferring, renumbering, and amending s.  
3180 189.4044, F.S.; revising the circumstances under which  
3181 the Department of Economic Opportunity may declare a  
3182 special district inactive; requiring the department to  
3183 provide notice of a declaration of inactive status to  
3184 certain persons and bodies; prohibiting special  
3185 districts that are declared inactive from collecting  
3186 taxes, fees, or assessments; providing exceptions;  
3187 providing for enforcement of the prohibition;  
3188 providing for costs of litigation and reasonable  
3189 attorney fees under certain conditions; transferring  
3190 and renumbering ss. 189.4045 and 189.4047, F.S.;  
3191 transferring, renumbering, and amending s. 189.405,  
3192 F.S.; revising requirements related to education  
3193 programs for new members of special district governing  
3194 bodies; amending s. 189.4051, F.S.; revising  
3195 definitions; conforming provisions; transferring and

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3196 renumbering ss. 189.4065, 189.408, and 189.4085, F.S.;

3197 transferring, renumbering, and amending ss. 189.412

3198 and 189.413, F.S.; renaming the Special District

3199 Information Program the Special District

3200 Accountability Program; revising duties of the Special

3201 District Accountability Program; transferring and

3202 renumbering ss. 189.415, 189.4155, and 189.4156, F.S.;

3203 transferring, renumbering, and amending ss. 189.416,

3204 189.417, and 189.418, F.S.; conforming provisions and

3205 cross-references; transferring, renumbering, and

3206 amending s. 189.419, F.S.; revising provisions related

3207 to the failure of a special district to file certain

3208 reports or information; conforming cross-references;

3209 transferring and renumbering s. 189.420, F.S.;

3210 transferring, renumbering, and amending s. 189.421,

3211 F.S.; revising notification requirements; deleting

3212 provisions related to available remedies for the

3213 failure of a special district to disclose required

3214 financial reports; transferring and renumbering ss.

3215 189.4221, 189.423, and 189.425, F.S.; transferring,

3216 renumbering, and amending s. 189.427, F.S.; providing

3217 for the deposit of administration fees into the

3218 Operating Trust Fund rather than the Grants and

3219 Donations Trust Fund; transferring, renumbering, and

3220 amending s. 189.428, F.S.; revising the oversight

3221 review process for special districts; transferring and

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1237 (2014)

Amendment No. 1

3222 renumbering s. 189.429, F.S.; repealing ss. 189.430,  
3223 189.431, 189.432, 189.433, 189.434, 189.435, 189.436,  
3224 189.437, 189.438, 189.439, 189.440, 189.441, 189.442,  
3225 189.443, and 189.444, F.S., relating to the Community  
3226 Improvement Authority Act; creating ss. 189.034 and  
3227 189.035, F.S.; requiring the Legislative Auditing  
3228 Committee to provide notice of the failure of special  
3229 districts to file certain required reports to certain  
3230 persons and bodies; authorizing the Legislative  
3231 Auditing Committee to convene a public hearing;  
3232 requiring a special district to provide certain  
3233 information before the public hearing at the request  
3234 of the Legislative Auditing Committee or the reviewing  
3235 entity; providing reporting requirements for certain  
3236 public hearings; creating s. 189.055, F.S.; requiring  
3237 special districts to be treated as municipalities for  
3238 certain purposes; creating s. 189.069, F.S.; requiring  
3239 special districts to maintain an official Internet  
3240 website for certain purposes; requiring special  
3241 districts to annually update and maintain certain  
3242 information on the website; requiring special  
3243 districts to submit the web address of their  
3244 respective websites to the department; requiring that  
3245 the department's online list of special districts  
3246 include a link to the website of certain special  
3247 districts; amending ss. 11.45, 100.011, 101.657,

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3248 112.061, 112.63, 112.665, 121.021, 121.051, 153.94,  
3249 163.08, 165.031, 165.0615, 171.202, 175.032, 190.011,  
3250 190.046, 190.049, 191.003, 191.005, 191.013, 191.014,  
3251 191.015, 200.001, 218.31, 218.32, 218.37, 255.20,  
3252 298.225, 343.922, 348.0004, 373.711, 403.0891, 582.32,  
3253 and 1013.355, F.S.; conforming cross-references and  
3254 provisions to changes made by the act; providing an  
3255 effective date.