

THE FLORIDA SENATE
2012 SUMMARY OF LEGISLATION PASSED
Committee on Community Affairs

CS/CS/CS/HB 107 — Special Districts

by Economic Affairs Committee; Finance and Tax Committee; Community and Military Affairs Subcommittee; and Rep. Caldwell and others (CS/SB 192 by Budget Subcommittee on Finance and Tax; and Senator Bennett)

This bill creates a new procedure that allows two or more contiguous independent special districts with similar functions and governing bodies to voluntarily merge. The bill allows merger proceedings to be initiated either by joint resolution of the governing bodies of each district or by a petition signed by 40 percent or more of the qualified electors in each district. The independent special districts must adopt a merger plan that outlines the specific components for the proposed merger which shall be subject to a public hearing and a voter referendum.

The bill states that a voluntary merger under the new procedure preempts any special act to the contrary, but that the procedure does not apply to independent special districts whose governing bodies are elected by district landowners voting the acreage owned within the district.

This bill also provides that for voluntary dissolutions of independent special districts operating pursuant to a special act, the dissolution may be effectuated only by the Legislature. For all other dissolutions of independent special districts, a special act dissolving the district must be approved by a referendum. If the district meets the requirements for being considered “inactive,” no referendum is needed.

Statutory provisions addressing the merger of independent special fire control districts are repealed and the Department of Economic Opportunity is authorized to declare a special district inactive if the district’s governing body unanimously adopts a resolution declaring inactivity.

If approved by the Governor, these provisions take effect July 1, 2012.

Vote: Senate 35-0; House 118-0