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1 A bill to be entitled  
2 An act relating to review of the Department of Community  
3 Affairs under the Florida Government Accountability Act;  
4 reenacting and amending s. 20.18, F.S., relating to the  
5 establishment of the department and the divisions and  
6 offices thereof, and the powers, duties, and functions of  
7 the Department of Community Affairs and its divisions and  
8 offices; providing rulemaking authority of the department  
9 with respect to the administration of the Front Porch  
10 Florida initiative; requiring ratification of the rules by  
11 the Legislature; amending s. 380.502, F.S.; revising  
12 legislative findings and intent with respect to the  
13 Florida Communities Trust Act; amending s. 380.503, F.S.;  
14 removing a definition; amending s. 380.507, F.S.; revising  
15 powers of the Florida Communities Trust; amending s.  
16 380.508, F.S.; revising guidelines for projects or  
17 activities undertaken, coordinated, or funded by the  
18 Florida Communities Trust to eliminate requirements of the  
19 trust with respect to cooperation with local governments,  
20 state agencies, federal agencies, and nonprofit  
21 organizations to ensure the reservation of lands for  
22 parks, recreation, fish and wildlife habitat, historical  
23 preservation, or scientific study; eliminating provisions  
24 which specify authorized project costs under the Florida  
25 Communities Trust Act and requirements of the trust in  
26 undertaking or coordinating projects or activities  
27 authorized by the act; amending s. 380.510, F.S.; removing  
28 references to loans made by the trust, to conform;

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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29 | amending s. 380.511, F.S.; correcting cross-references;  
30 | repealing ss. 163.455, 163.456, 163.457, 163.458, 163.459,  
31 | 163.460, 163.461, and 163.462, F.S., the Community-Based  
32 | Development Organization Assistance Act; amending s.  
33 | 189.4035, F.S.; revising procedures and requirements with  
34 | respect to the compilation by the Department of Community  
35 | Affairs of an official list of special districts;  
36 | requiring that the official list of special districts be  
37 | made available electronically; amending s. 189.412, F.S.;  
38 | providing for electronic availability of the master list  
39 | of independent and dependent special districts under the  
40 | Special District Information Program of the department;  
41 | providing access requirements; providing for electronic  
42 | publishing and updating of the Florida Special District  
43 | Handbook; amending s. 189.427, F.S.; revising the payment  
44 | of costs of administering the "Uniform Special District  
45 | Accountability Act of 1989"; providing for the type two  
46 | transfer of the Small County Technical Assistance Program  
47 | in the Department of Agriculture and Consumer Services to  
48 | the Department of Community Affairs; reenacting and  
49 | amending s. 163.05, F.S.; providing duties of the  
50 | Secretary of Community Affairs with respect to the Small  
51 | County Technical Assistance Program; amending s. 215.559,  
52 | F.S.; requiring the Department of Community Affairs to  
53 | develop specified hurricane loss mitigation programs in  
54 | consultation with the Division of Emergency Management;  
55 | requiring the department to adopt rules for the  
56 | administration of specified grants; requiring ratification

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57 of the rules by the Legislature; providing for the type  
 58 two transfer of the powers, duties, functions, personnel,  
 59 property, and unexpended balances of appropriations of the  
 60 Hurricane Loss Mitigation Program Advisory Council to the  
 61 Division of Emergency Management of the Department of  
 62 Community Affairs; amending s. 201.15, F.S.; eliminating  
 63 the distribution of excise taxes on documents to the  
 64 Century Commission; providing an effective date.

65  
 66 Be It Enacted by the Legislature of the State of Florida:

67  
 68 Section 1. Section 20.18, Florida Statutes, is reenacted  
 69 and amended to read:

70 20.18 Department of Community Affairs.—There is created a  
 71 Department of Community Affairs.

72 (1) The head of the Department of Community Affairs is the  
 73 Secretary of Community Affairs. The secretary shall be appointed  
 74 by the Governor subject to confirmation by the Senate. The  
 75 secretary shall serve at the pleasure of the Governor.

76 (2) The following units of the Department of Community  
 77 Affairs are established:

78 (a) Division of Emergency Management. The division is a  
 79 separate budget entity and is not subject to control,  
 80 supervision, or direction by the Department of Community Affairs  
 81 in any manner including, but not limited to, personnel,  
 82 purchasing, transactions involving personal property, and  
 83 budgetary matters. The division director shall be appointed by  
 84 the Governor, shall serve at the pleasure of the Governor, and

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85 shall be the agency head of the division for all purposes. The  
86 division shall enter into a service agreement with the  
87 department for professional, technological, and administrative  
88 support services. The division shall collaborate and coordinate  
89 with the department on nonemergency response matters, including,  
90 but not limited to, disaster recovery programs, grant programs,  
91 mitigation programs, and emergency matters related to  
92 comprehensive plans.

93 (b) Division of Housing and Community Development.

94 (c) Division of Community Planning.

95 (3) Unless otherwise provided by law, the Secretary of  
96 Community Affairs shall appoint the directors or executive  
97 directors of any commission or council assigned to the  
98 department, who shall serve at his or her pleasure as provided  
99 for division directors in s. 110.205. The appointment or  
100 termination by the secretary will be done with the advice and  
101 consent of the commission or council; and the director or  
102 executive director may employ, subject to departmental rules and  
103 procedures, such personnel as may be authorized and necessary.

104 (4) In addition to its other powers, duties, and  
105 functions, the department shall, under the general supervision  
106 of the secretary and the Interdepartmental Coordinating Council  
107 on Community Services, assist and encourage the development of  
108 state programs by the various departments for the productive use  
109 of human resources, and the department shall work with other  
110 state agencies in order that together they might:

111 (a) Effect the coordination, by the responsible agencies  
112 of the state, of the career and adult educational programs of

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113 the state in order to provide the maximum use and meaningful  
 114 employment of persons completing courses of study from such  
 115 programs;

116 (b) Assist the Department of Commerce in the development  
 117 of employment opportunities; and

118 (c) Improve the enforcement of special district reporting  
 119 requirements and the communication among state agencies that  
 120 receive mandatory reports from special districts.

121 (5) The role of state government required by part I of  
 122 chapter 421 (Housing Authorities Law), chapter 422 (Housing  
 123 Cooperation Law), and chapter 423 (tax exemption of housing  
 124 authorities) is the responsibility of the Department of  
 125 Community Affairs; and the department is the agency of state  
 126 government responsible for the state's role in housing and urban  
 127 development.

128 (6) The Office of Urban Opportunity is created within the  
 129 Department of Community Affairs. The purpose of the office is to  
 130 administer the Front Porch Florida initiative, a comprehensive,  
 131 community-based urban core redevelopment program that enables  
 132 urban core residents to craft solutions to the unique challenges  
 133 of each designated community. The department shall adopt rules  
 134 for the administration of the Front Porch Florida initiative.  
 135 The rules shall not become effective until ratified by the  
 136 Legislature.

137 Section 2. Subsection (3) of section 380.502, Florida  
 138 Statutes, is amended to read:

139 380.502 Legislative findings and intent.—

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140 (3) It is the intent of the Legislature to establish a  
 141 nonregulatory agency that will assist local governments in  
 142 bringing local comprehensive plans into compliance and  
 143 implementing the goals, objectives, and policies of the  
 144 conservation, recreation and open space, and coastal elements of  
 145 local comprehensive plans, or in conserving natural resources  
 146 and resolving land use conflicts by:

147 (a) Responding promptly and creatively to opportunities to  
 148 correct undesirable development patterns, restore degraded  
 149 natural areas, enhance resource values, restore deteriorated or  
 150 deteriorating urban waterfronts, preserve working waterfronts,  
 151 ~~reserve lands for later purchase,~~ participate in and promote the  
 152 use of innovative land acquisition methods, and provide public  
 153 access to surface waters.

154 (b) Providing financial and technical assistance to local  
 155 governments, state agencies, and nonprofit organizations to  
 156 carry out projects and activities and to develop programs  
 157 authorized by this part.

158 (c) Involving local governments and private interests in  
 159 voluntarily resolving land use conflicts and issues.

160 Section 3. Subsection (12) of section 380.503, Florida  
 161 Statutes, is amended, and subsections (13) through (18) of that  
 162 section are renumbered as subsections (12) through (17),  
 163 respectively, to read:

164 380.503 Definitions.—As used in ss. 380.501-380.515,  
 165 unless the context indicates a different meaning or intent:

166 ~~(12) "Site reservation" means temporarily acquiring and~~  
 167 ~~holding areas identified for public use, then transferring the~~

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168 ~~land to an appropriate state agency, local government, or~~  
 169 ~~nonprofit organization for management for public use.~~

170 Section 4. Subsections (2), (3), (6), and (7) of section  
 171 380.507, Florida Statutes, are amended to read:

172 380.507 Powers of the trust.—The trust shall have all the  
 173 powers necessary or convenient to carry out the purposes and  
 174 provisions of this part, including:

175 (2) To undertake, coordinate, or fund activities and  
 176 projects which will help bring local comprehensive plans into  
 177 compliance and help implement the goals, objectives, and  
 178 policies of the conservation, recreation and open space, and  
 179 coastal elements of local comprehensive plans, or which will  
 180 otherwise serve to conserve natural resources and resolve land  
 181 use conflicts, including, but not limited to:

- 182 (a) Redevelopment projects.
- 183 (b) Resource enhancement projects.
- 184 (c) Public access projects.
- 185 (d) Urban waterfront restoration projects.
- 186 ~~(e) Site reservation.~~
- 187 (e)~~(f)~~ Urban greenways and open space projects.
- 188 (f)~~(g)~~ Working waterfronts.

189 (3) To provide technical ~~and financial~~ assistance to local  
 190 governments, state agencies, water management districts,  
 191 regional planning councils, and nonprofit agencies to carry out  
 192 projects and activities and develop programs to achieve the  
 193 purposes of this part.

194 (6) To award grants ~~and make loans~~ to local governments  
 195 and nonprofit organizations for the purposes listed in

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196 subsection (2) and for acquiring fee title and less than fee  
 197 title, such as conservation easements or other interests in  
 198 land, for the purposes of this part.

199 (7) To provide by grant ~~or loan~~ up to the total cost of  
 200 any project approved according to this part, including the local  
 201 share of federally supported projects. The trust may require  
 202 local funding participation in projects. The trust shall  
 203 determine the funding it will provide by considering the total  
 204 amount of funding available for the project, the fiscal  
 205 resources of other project participants, the urgency of the  
 206 project relative to other eligible projects, and other factors  
 207 which the trust shall have prescribed by rule. The trust may  
 208 fund up to 100 percent of any local government land acquisition  
 209 costs, if part of an approved project.

210 Section 5. Subsections (4) and (5) of section 380.508,  
 211 Florida Statutes, are amended to read:

212 380.508 Projects; development, review, and approval.—

213 (4) Projects or activities which the trust undertakes,  
 214 coordinates, or funds in any manner shall comply with the  
 215 following guidelines:

216 (a) The purpose of redevelopment projects shall be to  
 217 restore areas which are adversely affected by scattered  
 218 ownership, poor lot layout, inadequate park and open space,  
 219 incompatible land uses, or other conditions which endanger the  
 220 environment or impede orderly development. Grants ~~and loans~~  
 221 awarded for redevelopment projects shall be used for assembling  
 222 parcels of land within redevelopment project areas for the  
 223 redesign of such areas and for the installation of public

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224 improvements required to serve such areas. After redesign and  
225 installation of public improvements, if any, lands in  
226 redevelopment projects, with the exception of lands acquired for  
227 public purposes, shall be conveyed to any person for development  
228 in accordance with a redevelopment project plan approved  
229 according to this part.

230 (b) The purpose of resource enhancement projects shall be  
231 to enhance natural resources which, because of indiscriminate  
232 dredging or filling, improper location of improvements, natural  
233 or human-induced events, or incompatible land uses, have  
234 suffered loss of natural and scenic values. Grants ~~and loans~~  
235 awarded for resource enhancement projects shall be used for the  
236 assembly of parcels of land to improve resource management, for  
237 relocation of improperly located or designed improvements, and  
238 for other corrective measures which will enhance the natural and  
239 scenic character of project areas.

240 (c) The purpose of public access projects shall be to  
241 acquire interests in and initially develop lands which are  
242 suitable for and which will be used for public accessways to  
243 surface waters. The trust shall identify local governments and  
244 nonprofit organizations which will accept responsibility for  
245 maintenance and liability for public accessways which are  
246 located outside the state park system. The trust may lease any  
247 public access site developed under this part to a local  
248 government or nonprofit organization, provided that the  
249 conditions of the lease guarantee public use of the site. The  
250 trust may accept, from any local government or nonprofit  
251 organization, fees collected for providing public access to

252 surface waters. The trust shall expend any such funds it accepts  
 253 only for acquisition, development, and maintenance of such  
 254 public accessways. To the maximum extent possible, the trust  
 255 shall expend such fees in the general area where they are  
 256 collected or in areas where public access to surface waters is  
 257 clearly deficient. The trust may transfer funds, including such  
 258 fees, to a local government or nonprofit organization to acquire  
 259 public access sites. In developing or coordinating public access  
 260 projects, the trust shall ensure that project plans involving  
 261 beach access are consistent with state laws governing beach  
 262 access.

263 (d) The purpose of urban waterfront restoration projects  
 264 shall be to restore deteriorated or deteriorating urban  
 265 waterfronts for public use and enjoyment. Urban waterfront  
 266 restoration projects shall include public access sites.

267 (e) The purpose of working waterfront projects shall be to  
 268 restore and preserve working waterfronts as provided in s.  
 269 380.5105.

270 ~~(f) The trust shall cooperate with local governments,~~  
 271 ~~state agencies, federal agencies, and nonprofit organizations in~~  
 272 ~~ensuring the reservation of lands for parks, recreation, fish~~  
 273 ~~and wildlife habitat, historical preservation, or scientific~~  
 274 ~~study. In the event that any local government, state agency,~~  
 275 ~~federal agency, or nonprofit organization is unable, due to~~  
 276 ~~limited financial resources or other circumstances of a~~  
 277 ~~temporary nature, to acquire a site for the purposes described~~  
 278 ~~in this paragraph, the trust may acquire and hold the site for~~  
 279 ~~subsequent conveyance to the appropriate governmental agency or~~

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280 ~~nonprofit organization. The trust may provide such technical~~  
281 ~~assistance as is required to aid local governments, state and~~  
282 ~~federal agencies, and nonprofit organizations in completing~~  
283 ~~acquisition and related functions. The trust shall not reserve~~  
284 ~~lands acquired in accordance with this paragraph for more than 5~~  
285 ~~years from the time of acquisition. A local government, federal~~  
286 ~~or state agency, or nonprofit organization may acquire the land~~  
287 ~~at any time during this period for public purposes. The purchase~~  
288 ~~price shall be based upon the trust's cost of acquisition, plus~~  
289 ~~administrative and management costs in reserving the land. The~~  
290 ~~payment of this purchase price shall be by money, trust-approved~~  
291 ~~property of an equivalent value, or a combination of money and~~  
292 ~~trust-approved property. If, after the 5-year period, the trust~~  
293 ~~has not sold to a governmental agency or nonprofit organization~~  
294 ~~land acquired for site reservation, the trust shall dispose of~~  
295 ~~such land at fair market value or shall trade it for other land~~  
296 ~~of comparable value which will serve to accomplish the purposes~~  
297 ~~of this part. Any proceeds from the sale of such land shall be~~  
298 ~~deposited in the Florida Communities Trust Fund.~~

299  
300 ~~Project costs may include costs of providing parks, open space,~~  
301 ~~public access sites, scenic easements, and other areas and~~  
302 ~~facilities serving the public where such features are part of a~~  
303 ~~project plan approved according to this part. In undertaking or~~  
304 ~~coordinating projects or activities authorized by this part, the~~  
305 ~~trust shall, when appropriate, use and promote the use of~~  
306 ~~creative land acquisition methods, including the acquisition of~~  
307 ~~less than fee interest through, among other methods,~~

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308 ~~conservation easements, transfer of development rights, leases,~~  
 309 ~~and leaseback arrangements. The trust also shall assist local~~  
 310 ~~governments in the use of sound alternative methods of financing~~  
 311 ~~for funding projects and activities authorized by this part. Any~~  
 312 ~~funds over and above eligible project costs, which remain after~~  
 313 ~~completion of a project approved according to this part, shall~~  
 314 ~~be transmitted to the state and deposited in the Florida~~  
 315 ~~Communities Trust Fund.~~

316 (5) The governing body of the trust shall approve  
 317 projects, project plans, and grants, ~~and loans~~ according to  
 318 rules which it shall have adopted and which are consistent with  
 319 the provisions of this part. In reviewing project plans and  
 320 grant ~~and loan~~ applications, the trust shall seek to promote  
 321 excellence of design and shall encourage projects which  
 322 integrate structures into the natural environment.

323 Section 6. Section 380.510, Florida Statutes, is amended  
 324 to read:

325 380.510 Conditions of grants ~~and loans.~~-

326 ~~(1) The trust may seek repayment of funds loaned pursuant~~  
 327 ~~to this part on terms and conditions as it deems appropriate to~~  
 328 ~~carry out the provisions of this part.~~

329 ~~(2) Trust loan applications may include a requirement that~~  
 330 ~~the loan include all reasonable and necessary administrative~~  
 331 ~~costs that the trust incurs in processing and administering the~~  
 332 ~~loan application.~~

333 (1) ~~(3)~~ In the case of a grant ~~or loan~~ for land  
 334 acquisition, agreements shall provide all of the following:

335 (a) The trust shall approve the terms under which the  
 336 interest in land is acquired.

337 (b) The transfer of land acquired with a trust grant ~~or~~  
 338 ~~loan~~ shall be subject to the approval of the trust, and the  
 339 trust shall enter into a new agreement with the transferee,  
 340 containing such covenants, reverter clauses, or other  
 341 restrictions as are sufficient to protect the interest of the  
 342 people of Florida.

343 (c) The interest in land acquired with a ~~loan or~~ grant  
 344 from the trust may not serve as security for any debt the  
 345 grantee ~~or borrower~~ incurs unless the trust approves the  
 346 transaction.

347 (d) If any essential term or condition of a grant ~~or loan~~  
 348 is violated, title to all interest in real property acquired  
 349 with state funds shall be conveyed or revert to the Board of  
 350 Trustees of the Internal Improvement Trust Fund. ~~The trust shall~~  
 351 ~~treat such property in accordance with s. 380.508(4)(f).~~

352 (e) If the existence of a nonprofit organization or local  
 353 government terminates for any reason, title to all interest in  
 354 real property it has acquired with state funds shall be conveyed  
 355 or revert to the Board of Trustees of the Internal Improvement  
 356 Trust Fund, unless the trust negotiates an agreement with  
 357 another local government or nonprofit organization which agrees  
 358 to accept title to all interest in and to manage the property.

359 (f) The term of any grant using funds received from the  
 360 Preservation 2000 Trust Fund, pursuant to s. 259.101(3)(c),  
 361 shall be for a period not to exceed 24 months. The governing  
 362 board of the trust may offer a grant with a shorter term and may

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363 extend a grant beyond 24 months when the grant recipient  
364 demonstrates that significant progress is being made toward  
365 closing the project or that extenuating circumstances warrant an  
366 extension of time. If a local government project which was  
367 awarded a grant is not closed within 24 months and the governing  
368 board of the trust does not grant an extension, the grant  
369 reverts to the trust's unencumbered balance of Preservation 2000  
370 funds to be redistributed to other eligible projects. The local  
371 government may reapply for a grant to fund the project in the  
372 trust's next application cycle.

373

374 Any deed or other instrument of conveyance whereby a nonprofit  
375 organization or local government acquires real property under  
376 this section shall set forth the interest of the state. The  
377 trust shall keep at least one copy of any such instrument and  
378 shall provide at least one copy to the Board of Trustees of the  
379 Internal Improvement Trust Fund.

380 (2)~~(4)~~ The trust shall require in a grant ~~or loan~~  
381 agreement terms sufficient to protect the public interest in any  
382 improvement or development constructed under a grant ~~or loan~~ to  
383 a nonprofit organization or local government. The agreement  
384 shall describe with particularity any real property which is  
385 subject to the agreement, and the trust shall record the  
386 agreement in the county in which the real property is located.

387 (3)~~(5)~~ Any funds the trust collects from a nonprofit  
388 organization or local government under a grant ~~or loan~~ agreement  
389 shall be deposited in the Florida Communities Trust Fund.

390 ~~(6) Funds the trust loans for land acquisition may, in~~  
 391 ~~part, be used to pay reasonable real estate commission fees.~~

392 (4)~~(7)~~ Any funds received by the trust from the  
 393 Preservation 2000 Trust Fund pursuant to s. 259.101(3)(c) and  
 394 the Florida Forever Trust Fund pursuant to s. 259.105(3)(c)  
 395 shall be held separate and apart from any other funds held by  
 396 the trust and shall be used for the land acquisition purposes of  
 397 this part. In addition to the other conditions set forth in this  
 398 section, the disbursement of Preservation 2000 and Florida  
 399 Forever funds from the trust shall be subject to the following  
 400 conditions:

401 (a) The administration and use of any funds received by  
 402 the trust from the Preservation 2000 Trust Fund and the Florida  
 403 Forever Trust Fund shall be subject to such terms and conditions  
 404 imposed thereon by the agency of the state responsible for the  
 405 bonds, the proceeds of which are deposited in the Preservation  
 406 2000 Trust Fund and the Florida Forever Trust Fund, including  
 407 restrictions imposed to ensure that the interest on any such  
 408 bonds issued by the state as tax-exempt bonds will not be  
 409 included in the gross income of the holders of such bonds for  
 410 federal income tax purposes.

411 (b) All deeds or leases with respect to any real property  
 412 acquired with funds received by the trust from the Preservation  
 413 2000 Trust Fund shall contain such covenants and restrictions as  
 414 are sufficient to ensure that the use of such real property at  
 415 all times complies with s. 375.051 and s. 9, Art. XII of the  
 416 State Constitution. All deeds or leases with respect to any real  
 417 property acquired with funds received by the trust from the

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418 Florida Forever Trust Fund shall contain such covenants and  
 419 restrictions as are sufficient to ensure that the use of such  
 420 real property at all times complies with s. 11(e), Art. VII of  
 421 the State Constitution. Each deed or lease shall contain a  
 422 reversion, conveyance, or termination clause that will vest  
 423 title in the Board of Trustees of the Internal Improvement Trust  
 424 Fund if any of the covenants or restrictions are violated by the  
 425 titleholder or leaseholder or by some third party with the  
 426 knowledge of the titleholder or leaseholder.

427 Section 7. Subsections (2) and (3) of section 380.511,  
 428 Florida Statutes, are amended to read:

429 380.511 Florida Communities Trust Fund.—

430 (2) The trust may expend any moneys in the Florida  
 431 Communities Trust Fund to acquire land, water areas, and related  
 432 resources; to provide technical assistance to local governments  
 433 to establish transfer of development rights programs within  
 434 their jurisdictions; and to construct, improve, enlarge, extend,  
 435 operate, and maintain capital improvements and facilities in  
 436 accordance with this part, except as limited by s.

437 380.510(4)(7).

438 (3) The trust may disburse moneys in the Florida  
 439 Communities Trust Fund to pay all necessary expenses to carry  
 440 out the purposes of this part, except as limited by s.

441 380.510(4)(7).

442 Section 8. Sections 163.455, 163.456, 163.457, 163.458,  
 443 163.459, 163.460, 163.461, and 163.462, Florida Statutes, are  
 444 repealed.

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445 Section 9. Section 189.4035, Florida Statutes, is amended  
446 to read:

447 189.4035 Preparation of official list of special  
448 districts.—

449 (1) The Department of Community Affairs shall compile the  
450 official list of special districts pursuant to s. 189.412(2).  
451 ~~The official list of special districts shall include all special~~  
452 ~~districts in this state and shall indicate the independent or~~  
453 ~~dependent status of each district.~~ All special districts in the  
454 list shall be sorted by county. The definitions in s. 189.403  
455 shall be the criteria for determination of the independent or  
456 dependent status of each special district on the official list.  
457 The status of community development districts shall be  
458 independent on the official list of special districts.

459 ~~(2) The official list shall be produced by the department~~  
460 ~~after the department has notified each special district that is~~  
461 ~~currently reporting to the department, the Department of~~  
462 ~~Financial Services pursuant to s. 218.32, or the Auditor General~~  
463 ~~pursuant to s. 218.39. Upon notification, each special district~~  
464 ~~shall submit, within 60 days, its determination of its status.~~  
465 ~~The determination submitted by a special district shall be~~  
466 ~~consistent with the status reported in the most recent local~~  
467 ~~government audit of district activities submitted to the Auditor~~  
468 ~~General pursuant to s. 218.39.~~

469 (2)(3) The Department of Financial Services shall provide  
470 the department with a list of entities dependent special  
471 districts reporting pursuant to s. 218.32 that appear to be  
472 special districts but are not included on the ~~for inclusion on~~

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473 ~~the~~ official list of special districts. The Auditor General  
 474 shall provide the department with a list of entities reporting  
 475 pursuant to s. 218.39 that appear to be special districts but  
 476 are not included on the official list of special districts.

477 ~~(3)(4)~~ The department shall contact each entity reported  
 478 pursuant to subsection (2) to determine whether such entity  
 479 meets the definition of a special district pursuant to s.  
 480 189.403. Within 60 days after being contacted by the department,  
 481 each entity shall submit to the department confirmation of its  
 482 status as an independent special district or a dependent special  
 483 district, or acknowledgment that the entity is not a special  
 484 district. If an entity ~~a special district~~ does not submit  
 485 confirmation of its status to the department within the required  
 486 time period, then the department shall have the authority to  
 487 determine the status of the entity ~~said district~~. After such  
 488 determination of status is completed, the department shall  
 489 convey ~~render~~ the determination to an agent of the entity  
 490 ~~special district~~.

491 ~~(4)(5)~~ The official list of special districts shall be  
 492 made available electronically ~~distributed~~ by the department ~~on~~  
 493 ~~October 1 of each year to the President of the Senate, the~~  
 494 ~~Speaker of the House of Representatives, the Auditor General,~~  
 495 ~~the Department of Revenue, the Department of Financial Services,~~  
 496 ~~the Department of Management Services, the State Board of~~  
 497 ~~Administration, counties, municipalities, county property~~  
 498 ~~appraisers, tax collectors, and supervisors of elections and to~~  
 499 all interested parties pursuant to s. 189.412 ~~who request the~~  
 500 ~~list.~~

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501        ~~(5)-(6)~~ The compilation ~~Preparation~~ of the official list of  
502 special districts or the determination of status does not  
503 constitute final agency action pursuant to chapter 120. If ~~the~~  
504 ~~status of~~ a special district on the official list disputes its  
505 status on the official list ~~is inconsistent with the status~~  
506 ~~submitted by the district~~, the district may request the  
507 department to issue a declaratory statement setting forth the  
508 requirements necessary to resolve the inconsistency. If  
509 necessary, upon issuance of a declaratory statement by the  
510 department which is not appealed pursuant to chapter 120, the  
511 governing board of any special district receiving such a  
512 declaratory statement shall apply to the entity which originally  
513 established the district for an amendment to its charter  
514 correcting the specified defects in its original charter. This  
515 amendment shall be for the sole purpose of resolving  
516 inconsistencies between a district charter and the status of a  
517 district as it appears on the official list. Such application  
518 shall occur as follows:

519        (a) In the event a special district was created by a local  
520 general-purpose government or state agency and applies for an  
521 amendment to its charter to confirm its independence, said  
522 application shall be granted as a matter of right. If  
523 application by an independent district is not made within 6  
524 months of rendition of a declaratory statement, the district  
525 shall be deemed dependent and become a political subdivision of  
526 the governing body which originally established it by operation  
527 of law.

528 (b) If the Legislature created a special district, the  
 529 district shall request, by resolution, an amendment to its  
 530 charter by the Legislature. Failure to apply to the Legislature  
 531 for an amendment to its charter during the next regular  
 532 legislative session following rendition of a declaratory  
 533 statement or failure of the Legislature to pass a special act  
 534 shall render the district dependent.

535 Section 10. Subsections (2) and (3) of section 189.412,  
 536 Florida Statutes, are amended to read:

537 189.412 Special District Information Program; duties and  
 538 responsibilities.—The Special District Information Program of  
 539 the Department of Community Affairs is created and has the  
 540 following special duties:

541 (2) The maintenance of a master list of all independent  
 542 and dependent special districts pursuant to s. 189.4035, which  
 543 shall be annually updated and made available electronically on  
 544 the department's website. Such access shall at minimum allow the  
 545 sorting of special districts by county and by dependent or  
 546 independent status ~~distributed to the appropriate officials in~~  
 547 ~~state and local governments.~~

548 (3) The electronic publishing and updating of a "Florida  
 549 Special District Handbook" that contains, at a minimum:

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

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

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555 (c) A section that summarizes the reporting requirements  
556 applicable to all types of special districts as provided in ss.  
557 189.417 and 189.418.

558 Section 11. Section 189.427, Florida Statutes, is amended  
559 to read:

560 189.427 Fee schedule; Operating Trust Fund.—The Department  
561 of Community Affairs, by rule, shall establish a schedule of  
562 fees to pay ~~one-half of~~ the costs incurred by the department in  
563 administering this act, except that the fee may not exceed \$175  
564 per district per year. The fees collected under this section  
565 shall be deposited in the Operating Trust Fund, which shall be  
566 administered by the Department of Community Affairs. Any fee  
567 rule must consider factors such as the dependent and independent  
568 status of the district and district revenues for the most recent  
569 fiscal year as reported to the Department of Financial Services.  
570 The department may assess fines of not more than \$25, with an  
571 aggregate total not to exceed \$50, as penalties against special  
572 districts that fail to remit required fees to the department by  
573 the deadline. ~~It is the intent of the Legislature that general~~  
574 ~~revenue funds will be made available to the department to pay~~  
575 ~~one-half of the cost of administering this act.~~

576 Section 12. All powers, duties, functions, records,  
577 personnel, property; unexpended balances of appropriations,  
578 allocations, or other funds; administrative authority;  
579 administrative rules; pending issues; and existing contracts of  
580 the Small County Technical Assistance Program in the Department  
581 of Agriculture and Consumer Services, as authorized and governed  
582 by s. 163.05, Florida Statutes, are transferred by a type two

583 transfer, as defined in s. 20.06(2), Florida Statutes, to the  
 584 Department of Community Affairs.

585 Section 13. Section 163.05, Florida Statutes, is reenacted  
 586 and amended to read:

587 163.05 Small County Technical Assistance Program.—

588 (1) Among small counties, the Legislature finds that:

589 (a) The percentage of the population of small counties  
 590 residing in the unincorporated areas is relatively high based on  
 591 the United States Decennial Census of 2000.

592 (b) Projected revenue and expenditure trends of the small  
 593 counties indicate that a serious fiscal condition has developed  
 594 that could require a number of small counties to declare  
 595 financial emergencies.

596 (c) Fiscal shortfalls persist even though 12 of the small  
 597 counties levied the maximum ad valorem millage authorized in  
 598 their jurisdictions in 2001 and an additional 15 small counties  
 599 levied between 8 and 10 mills.

600 (d) State and federal mandates will continue to place  
 601 additional funding demands on small counties.

602 (2) Recognizing the findings in subsection (1), the  
 603 Legislature declares that:

604 (a) The financial difficulties confronting small counties  
 605 require an investment that will facilitate efforts to improve  
 606 the productivity and efficiency of small counties' structures  
 607 and operating procedures.

608 (b) Current and additional revenue enhancements authorized  
 609 by the Legislature should be managed and administered using  
 610 appropriate management practices and expertise.

611 (3) The purpose of this section is to provide technical  
 612 assistance to small counties to enable them to implement  
 613 workable solutions to financial and administrative problems. As  
 614 used in this section, "small county" means a county that has a  
 615 population of 75,000 or less.

616 (4) The Secretary of Community Affairs ~~Commissioner of~~  
 617 ~~Agriculture~~ shall enter into contracts with program providers  
 618 who shall:

619 (a) Be a foundation that meets the requirements for  
 620 nonprofit status under s. 501(c)(3) of the Internal Revenue Code  
 621 with a governing board which includes in its membership county  
 622 commissioners and professional staff of the county.

623 (b) Have substantial and documented experience working  
 624 closely with county governments in providing both educational  
 625 and technical assistance.

626 (c) Use existing resources, services, and information that  
 627 are available from state or local agencies, universities, or the  
 628 private sector.

629 (d) Seek and accept funding from any public or private  
 630 source.

631 (e) Assist small counties in developing alternative  
 632 revenue sources.

633 (f) Provide assistance to small counties in areas such as  
 634 financial management, accounting, investing, purchasing,  
 635 planning and budgeting, debt issuance, public management,  
 636 management systems, computers and information technology,  
 637 economic and community development, and public safety  
 638 management.

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639 (g) Provide for an annual independent financial audit of  
640 the program.

641 (h) In each county served, conduct a needs assessment upon  
642 which the assistance provided for that county will be designed.

643 (5) (a) The Secretary of Community Affairs ~~Commissioner of~~  
644 ~~Agriculture~~ shall issue a request for proposals to provide  
645 assistance to small counties. The request for proposals shall be  
646 required no more frequently than every third year beginning with  
647 fiscal year 2004-2005. All contracts in existence on the  
648 effective date of this act between the Comptroller and any other  
649 party with respect to the Small County Technical Assistance  
650 Program may be accepted by the Secretary of Community Affairs  
651 ~~Commissioner of Agriculture~~ as the party in interest and said  
652 contracts shall remain in full force and effect according to  
653 their terms.

654 (b) The Secretary of Community Affairs ~~Commissioner of~~  
655 ~~Agriculture~~ shall review each contract proposal submitted.

656 (c) The Secretary of Community Affairs ~~Commissioner of~~  
657 ~~Agriculture~~ shall consider the following factors in reviewing  
658 contract proposals:

659 1. The demonstrated capacity of the provider to conduct  
660 needs assessments and implement the program as proposed.

661 2. The number of small counties to be served under the  
662 proposal.

663 3. The cost of the program as specified in a proposed  
664 budget.

665 4. The short-term and long-term benefits of the assistance  
666 to small counties.

667 5. The form and extent to which existing resources,  
 668 services, and information that are available from state and  
 669 local agencies, universities, and the private sector will be  
 670 used by the provider under the contract.

671 (6) A decision of the Secretary of Community Affairs  
 672 ~~Commissioner of Agriculture~~ to award a contract under this  
 673 section is final and shall be in writing.

674 (7) The Secretary of Community Affairs ~~Commissioner of~~  
 675 ~~Agriculture~~ shall provide fiscal oversight to ensure that funds  
 676 expended for the program are used in accordance with the  
 677 contracts entered into pursuant to subsection (4) and shall  
 678 conduct a performance review of the program as may be necessary  
 679 to ensure that the goals and objectives of the program are being  
 680 met.

681 Section 14. Subsections (4) and (5) of section 215.559,  
 682 Florida Statutes, are amended to read:

683 215.559 Hurricane Loss Mitigation Program.—

684 (4) Of moneys provided to the Department of Community  
 685 Affairs in paragraph (2) (a), 10 percent shall be allocated to  
 686 the Florida International University center dedicated to  
 687 hurricane research. The center shall develop a preliminary work  
 688 plan approved by the Division of Emergency Management ~~advisory~~  
 689 ~~council set forth in subsection (5)~~ to eliminate the state and  
 690 local barriers to upgrading existing mobile homes and  
 691 communities, research and develop a program for the recycling of  
 692 existing older mobile homes, and support programs of research  
 693 and development relating to hurricane loss reduction devices and  
 694 techniques for site-built residences. The State University

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695 System also shall consult with the Department of Community  
 696 Affairs and assist the department with the report required under  
 697 subsection (7).

698 (5) Except for the programs set forth in subsection (4),  
 699 the Department of Community Affairs shall develop the programs  
 700 set forth in this section in consultation with the Division of  
 701 Emergency Management to establish and fund hazard mitigation  
 702 efforts that reduce the state's exposure to hurricane losses.  
 703 The department shall adopt rules for the administration of  
 704 grants provided pursuant this section. The rules shall provide  
 705 for the award of grants based on objective criteria and  
 706 performance measures that include, but are not limited to, the  
 707 reduction of exposure to the Florida Hurricane Catastrophe Fund,  
 708 savings in homeowner's insurance, increased availability of  
 709 homeowner's insurance, and the leveraging of federal and local  
 710 funds. The rules shall not become effective until ratified by  
 711 the Legislature ~~an advisory council consisting of a~~  
 712 ~~representative designated by the Chief Financial Officer, a~~  
 713 ~~representative designated by the Florida Home Builders~~  
 714 ~~Association, a representative designated by the Florida~~  
 715 ~~Insurance Council, a representative designated by the Federation~~  
 716 ~~of Manufactured Home Owners, a representative designated by the~~  
 717 ~~Florida Association of Counties, and a representative designated~~  
 718 ~~by the Florida Manufactured Housing Association.~~

719 Section 15. All powers, duties, functions, records,  
 720 personnel, property; unexpended balances of appropriations,  
 721 allocations, or other funds; administrative authority;  
 722 administrative rules; pending issues; and existing contracts of

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723 the Hurricane Loss Mitigation Program Advisory Council, as  
724 created by s. 215.559(5), Florida Statutes, are transferred by a  
725 type two transfer, as defined in s. 20.06(2), Florida Statutes,  
726 to the Division of Emergency Management of the Department of  
727 Community Affairs.

728 Section 16. Paragraph (c) of subsection (1) of section  
729 201.15, Florida Statutes, as amended by chapter 2009-271, Laws  
730 of Florida, is amended to read:

731 201.15 Distribution of taxes collected.—All taxes  
732 collected under this chapter are subject to the service charge  
733 imposed in s. 215.20(1). Prior to distribution under this  
734 section, the Department of Revenue shall deduct amounts  
735 necessary to pay the costs of the collection and enforcement of  
736 the tax levied by this chapter. Such costs and the service  
737 charge may not be levied against any portion of taxes pledged to  
738 debt service on bonds to the extent that the costs and service  
739 charge are required to pay any amounts relating to the bonds.  
740 After distributions are made pursuant to subsection (1), all of  
741 the costs of the collection and enforcement of the tax levied by  
742 this chapter and the service charge shall be available and  
743 transferred to the extent necessary to pay debt service and any  
744 other amounts payable with respect to bonds authorized before  
745 January 1, 2010, secured by revenues distributed pursuant to  
746 subsection (1). All taxes remaining after deduction of costs and  
747 the service charge shall be distributed as follows:

748 (1) Sixty-three and thirty-one hundredths percent of the  
749 remaining taxes shall be used for the following purposes:

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750 (c) After the required payments under paragraphs (a) and  
751 (b), the remainder shall be paid into the State Treasury to the  
752 credit of:

753 1. The State Transportation Trust Fund in the Department  
754 of Transportation in the amount of the lesser of 38.2 percent of  
755 the remainder or \$541.75 million in each fiscal year, to be used  
756 for the following specified purposes, notwithstanding any other  
757 law to the contrary:

758 a. For the purposes of capital funding for the New Starts  
759 Transit Program, authorized by Title 49, U.S.C. s. 5309 and  
760 specified in s. 341.051, 10 percent of these funds;

761 b. For the purposes of the Small County Outreach Program  
762 specified in s. 339.2818, 5 percent of these funds. Effective  
763 July 1, 2014, the percentage allocated under this sub-  
764 subparagraph shall be increased to 10 percent;

765 c. For the purposes of the Strategic Intermodal System  
766 specified in ss. 339.61, 339.62, 339.63, and 339.64, 75 percent  
767 of these funds after allocating for the New Starts Transit  
768 Program described in sub-subparagraph a. and the Small County  
769 Outreach Program described in sub-subparagraph b.; and

770 d. For the purposes of the Transportation Regional  
771 Incentive Program specified in s. 339.2819, 25 percent of these  
772 funds after allocating for the New Starts Transit Program  
773 described in sub-subparagraph a. and the Small County Outreach  
774 Program described in sub-subparagraph b. Effective July 1, 2014,  
775 the first \$60 million of the funds allocated pursuant to this  
776 sub-subparagraph shall be allocated annually to the Florida Rail  
777 Enterprise for the purposes established in s. 341.303(5).

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778           2. The Grants and Donations Trust Fund in the Department  
 779 of Community Affairs in the amount of the lesser of .23 percent  
 780 of the remainder or \$3.25 million in each fiscal year, ~~with 92~~  
 781 ~~percent~~ to be used to fund technical assistance to local  
 782 governments and school boards on the requirements and  
 783 implementation of this act ~~and the remaining amount to be used~~  
 784 ~~to fund the Century Commission established in s. 163.3247.~~

785           3. The Ecosystem Management and Restoration Trust Fund in  
 786 the amount of the lesser of 2.12 percent of the remainder or \$30  
 787 million in each fiscal year, to be used for the preservation and  
 788 repair of the state's beaches as provided in ss. 161.091-  
 789 161.212.

790           4. General Inspection Trust Fund in the amount of the  
 791 lesser of .02 percent of the remainder or \$300,000 in each  
 792 fiscal year to be used to fund oyster management and restoration  
 793 programs as provided in s. 379.362(3).  
 794

795 Moneys distributed pursuant to this paragraph may not be pledged  
 796 for debt service unless such pledge is approved by referendum of  
 797 the voters.

798           Section 17. This act shall take effect July 1, 2010.