1   A bill to be entitled

2   An act relating to special districts; amending s.

3   189.4042, F.S.; revising provisions relating to merger and

4   dissolution procedures for special districts; requiring

5   certain merger and dissolution procedures to include

6   referenda; providing an exception; providing that such

7   provisions preempt certain special acts; providing for a

8   local government to assume the indebtedness of, and

9   receive the title to property owned by, a special district

10   under certain circumstances; amending s. 189.4044, F.S.;

11   revising dissolution procedures for special districts

12   declared inactive by a governing body; providing an

13   effective date.

14

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

16

17   Section 1. Section 189.4042, Florida Statutes, is amended

18   to read:

19   189.4042 Merger and dissolution procedures.—

20   (1)(a) The merger or dissolution of dependent special

21   districts may be effectuated by an ordinance of the general-

22   purpose local governmental entity wherein the geographical area

23   of the district or districts is located. However, a county may

24   not dissolve a special district that is dependent to a

25   municipality or vice versa, or a dependent district created by

26   special act.

27   (b) A copy of any ordinance and of any changes to a

28   charter affecting the status or boundaries of one or more

29 special districts shall be filed with the Special District

30 Information Program within 30 days of such activity.

31   (2)(a) Unless otherwise provided by general law, the

32 merger or dissolution of ~~an independent special district or~~ a

33 dependent <u>special</u> district created and operating pursuant to a

34 special act may only be effectuated by the Legislature ~~unless~~

35 ~~otherwise provided by general law~~.

36   <u>(b) If a local general-purpose government seeks to</u>

37 <u>dissolve an active independent special district created and</u>

38 <u>operating pursuant to a special act whose board objects by</u>

39 <u>resolution to the dissolution, the dissolution of the active</u>

40 <u>independent special district is not effective until a special</u>

41 <u>act of the Legislature is approved by a majority of the resident</u>

42 <u>electors of the district or landowners voting in the same manner</u>

43 <u>by which the independent special district's governing board is</u>

44 <u>elected. This paragraph also applies if an independent special</u>

45 <u>district's governing board elects to dissolve the district by</u>

46 <u>less than a supermajority vote of the board.</u>

47   <u>(c) If a local general-purpose government seeks to merge</u>

48 <u>an active independent special district or districts created and</u>

49 <u>operating pursuant to a special act whose board or boards object</u>

50 <u>by resolution to the merger, the merger of the active</u>

51 <u>independent special district or districts is not effective until</u>

52 <u>the special act of the Legislature is approved at separate</u>

53 <u>referenda of the impacted local governments by a majority of the</u>

54 <u>resident electors or landowners voting in the same manner by</u>

55 <u>which each independent special district's governing board is</u>

56 <u>elected. The special act shall include a plan of merger that</u>

57 addresses transition issues such as the effective date of the

58 merger, governance, administration, powers, pensions, and

59 assumption of all assets and liabilities.

60   (d) The political subdivisions proposing the involuntary

61 dissolution or merger of an active independent special district

62 shall be responsible for payment of any expenses associated with

63 the referendum required under paragraph (b).

64   (e) Independent and dependent special districts that meet

65 any criteria for being declared inactive, or that have already

66 been declared inactive, pursuant to s. 189.4044 may be dissolved

67 or merged by special act without a referendum.

68   (f) If an inactive independent special district was

69 created by a county or municipality through a referendum, the

70 county or municipality that created the district may dissolve

71 the district after publishing notice as described in s.

72 189.4044. If an independent special district was created by a

73 county or municipality by referendum or any other procedure, the

74 county or municipality that created the district may merge or

75 dissolve the district pursuant to a referendum and any other the

76 same procedure by which the independent district was created. If

77 the However, for any independent special district that has ad

78 valorem taxation powers, the same procedure by which the

79 required to grant such independent district was granted ad

80 valorem taxation powers shall also be followed required to

81 dissolve or merge the district.

82   (g) This subsection preempts any special act to the

83 contrary unless a specific dissolution date of the independent

84 district is provided in the special act.

85   (3) The government formed by merger of an existing

86 independent special district or districts with another

87 government shall assume all indebtedness of, and receive title

88 to all property owned by, the preexisting independent special

89 district or districts.

90   (4) Financial allocations of the assets and indebtedness

91 of a dissolved independent special district shall be pursuant to

92 s. 189.4045.

93   (5)(3) The provisions of This section does shall not apply

94 to community development districts implemented pursuant to

95 chapter 190 or to water management districts created and

96 operated pursuant to chapter 373.

97   Section 2. Subsection (4) of section 189.4044, Florida

98 Statutes, is amended to read:

99   189.4044 Special procedures for inactive districts.—

100   (4) The entity that created a special district declared

101 inactive under this section must dissolve the special district

102 by repealing its enabling laws or by other appropriate means.

103 Notwithstanding this subsection or any other provision of law,

104 if the governing body of a special district unanimously adopts a

105 resolution declaring the district inactive pursuant to

106 paragraphs (1)(b) and (c) and no administrative appeals were

107 timely filed, the special district may be dissolved without a

108 referendum. The special district shall be responsible for

109 payment of any expenses associated with its dissolution.

110   Section 3. This act shall take effect July 1, 2011.