

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  
4           and dissolution procedures for special districts;  
5           providing definitions; requiring the merger or  
6           dissolution of dependent special districts created by  
7           a special act to be effectuated by the Legislature;  
8           providing for the merger or dissolution of inactive  
9           special districts by special act without referenda;  
10          requiring involuntary dissolution procedures for  
11          independent special districts to include referenda;  
12          providing for the dissolution of inactive independent  
13          special districts by special act; providing for local  
14          governments to assume indebtedness of, and receive  
15          title to property owned by, special districts under  
16          certain circumstances; providing for the merger of  
17          certain independent special districts by the  
18          Legislature; providing procedures and requirements for  
19          the voluntary merger of contiguous independent special  
20          districts; limiting the authority of the merged  
21          district to levy and collect revenue until a unified  
22          charter is approved by the Legislature; providing for  
23          the effect of the merger on employees, legal  
24          liabilities, obligations, proceedings, annexation, and  
25          millage calculations; providing for the determination  
26          of certain rights by the governing body of the merged  
27          district; providing that such provisions preempt  
28          certain special acts; providing procedures and

29 requirements for the involuntary merger of independent  
30 special districts; providing exemptions from merger  
31 and dissolution procedures; amending s. 191.014, F.S.;  
32 deleting a provision relating to the conditions under  
33 which the merger of independent special districts or  
34 dependent fire control districts with other special  
35 districts is effective and the conditions under which  
36 a merged district is authorized to increase ad valorem  
37 taxes; amending s. 189.4044, F.S.; revising criteria  
38 by which special districts are declared inactive by a  
39 governing body; authorizing such districts to be  
40 dissolved without a referendum; providing an effective  
41 date.

42  
43 Be It Enacted by the Legislature of the State of Florida:

44  
45 Section 1. Section 189.4042, Florida Statutes, is amended  
46 to read:

47 189.4042 Merger and dissolution procedures.—

48 (1) DEFINITIONS.—As used in this section, the term:

49 (a) "Component independent special district" means an  
50 independent special district that proposes to be merged into a  
51 merged independent district, or an independent special district  
52 as it existed before its merger into the merged independent  
53 district of which it is now a part.

54 (b) "Elector-initiated merger plan" means the merger plan  
55 of two or more independent special districts, a majority of  
56 whose qualified electors have elected to merge, which outlines

57 the terms and agreements for the official merger of the  
58 districts and is finalized and approved by the governing bodies  
59 of the districts pursuant to this section.

60 (c) "Governing body" means the governing body of the  
61 independent special district in which the general legislative,  
62 governmental, or public powers of the district are vested and by  
63 authority of which the official business of the district is  
64 conducted.

65 (d) "Initiative" means the filing of a petition containing  
66 a proposal for a referendum to be placed on the ballot for  
67 election.

68 (e) "Joint merger plan" means the merger plan that is  
69 adopted by resolution of the governing bodies of two or more  
70 independent special districts that outlines the terms and  
71 agreements for the official merger of the districts and that is  
72 finalized and approved by the governing bodies pursuant to this  
73 section.

74 (f) "Merged independent district" means a single  
75 independent special district that results from a successful  
76 merger of two or more independent special districts pursuant to  
77 this section.

78 (g) "Merger" means the combination of two or more  
79 contiguous independent special districts resulting in a newly  
80 created merged independent district that assumes jurisdiction  
81 over all of the component independent special districts.

82 (h) "Merger plan" means a written document that contains  
83 the terms, agreements, and information regarding the merger of  
84 two or more independent special districts.

85           (i) "Proposed elector-initiated merger plan" means a  
 86 written document that contains the terms and information  
 87 regarding the merger of two or more independent special  
 88 districts and that accompanies the petition initiated by the  
 89 qualified electors of the districts but that is not yet  
 90 finalized and approved by the governing bodies of each component  
 91 independent special district pursuant to this section.

92           (j) "Proposed joint merger plan" means a written document  
 93 that contains the terms and information regarding the merger of  
 94 two or more independent special districts and that has been  
 95 prepared pursuant to a resolution of the governing bodies of the  
 96 districts but that is not yet finalized and approved by the  
 97 governing bodies of each component independent special district  
 98 pursuant to this section.

99           (k) "Qualified elector" means an individual at least 18  
 100 years of age who is a citizen of the United States, a permanent  
 101 resident of this state, and a resident of the district who  
 102 registers with the supervisor of elections of a county within  
 103 which the district lands are located when the registration books  
 104 are open.

105           (2) ~~(1)~~ MERGER OR DISSOLUTION OF A DEPENDENT SPECIAL  
 106 DISTRICT.—

107           (a) The merger or dissolution of a dependent special  
 108 district ~~districts~~ may be effectuated by an ordinance of the  
 109 general-purpose local governmental entity wherein the  
 110 geographical area of the district or districts is located.  
 111 However, a county may not dissolve a special district that is  
 112 dependent to a municipality or vice versa, or a dependent

113 district created by special act.

114 (b) The merger or dissolution of a dependent special  
 115 district created and operating pursuant to a special act may be  
 116 effectuated only by further act of the Legislature unless  
 117 otherwise provided by general law.

118 (c) A dependent special district that meets any criteria  
 119 for being declared inactive, or that has already been declared  
 120 inactive, pursuant to s. 189.4044 may be dissolved or merged by  
 121 special act without a referendum.

122 (d)~~(b)~~ A copy of any ordinance and of any changes to a  
 123 charter affecting the status or boundaries of one or more  
 124 special districts shall be filed with the Special District  
 125 Information Program within 30 days after ~~of~~ such activity.

126 (3)~~(2)~~ DISSOLUTION OF AN INDEPENDENT SPECIAL DISTRICT.-

127 (a) Voluntary dissolution.-The voluntary merger or  
 128 dissolution of an independent special district ~~or a dependent~~  
 129 ~~district~~ created and operating pursuant to a special act may  
 130 ~~only~~ be effectuated only by the Legislature unless otherwise  
 131 provided by general law.

132 (b) Involuntary dissolution.-

133 1. If the Legislature or a local general-purpose  
 134 government seeks to dissolve an active independent special  
 135 district created and operating pursuant to a special act whose  
 136 governing body objects by resolution to the dissolution, the  
 137 dissolution of the active independent special district is not  
 138 effective until a special act of the Legislature is approved by  
 139 a majority of the resident electors of the district or  
 140 landowners voting in the same manner by which the independent

141 special district's governing body is elected. This subparagraph  
142 also applies if an independent special district's governing body  
143 elects to dissolve the district by less than a supermajority  
144 vote of the governing body. The political subdivisions proposing  
145 the involuntary dissolution of an active independent special  
146 district shall be responsible for payment of any expenses  
147 associated with the referendum required under this subparagraph.

148 2. If an independent special district was created by a  
149 county or municipality by referendum or any other procedure, the  
150 county or municipality that created the district may dissolve  
151 the district pursuant to a referendum or any other procedure by  
152 which the independent special district was created. However, if  
153 the independent special district has ad valorem taxation powers,  
154 the same procedure required to grant the independent special  
155 district ad valorem taxation powers is required to dissolve the  
156 district.

157 (c) Inactive independent special districts.—An independent  
158 special district that meets any criteria for being declared  
159 inactive, or that has already been declared inactive, pursuant  
160 to s. 189.4044 may be dissolved by special act without a  
161 referendum. If an inactive independent special district was  
162 created by a county or municipality through a referendum, the  
163 county or municipality that created the district may dissolve  
164 the district after publishing notice as described in s.  
165 189.4044. ~~If an independent district was created by a county or~~  
166 ~~municipality by referendum or any other procedure, the county or~~  
167 ~~municipality that created the district may merge or dissolve the~~  
168 ~~district pursuant to the same procedure by which the independent~~

169 ~~district was created. However, for any independent district that~~  
 170 ~~has ad valorem taxation powers, the same procedure required to~~  
 171 ~~grant such independent district ad valorem taxation powers shall~~  
 172 ~~also be required to dissolve or merge the district.~~

173 (d) Debts and assets.—Financial allocations of the assets  
 174 and indebtedness of a dissolved independent special district  
 175 shall be pursuant to s. 189.4045.

176 (4) LEGISLATIVE MERGER OF INDEPENDENT SPECIAL DISTRICTS.—  
 177 The Legislature may merge independent special districts created  
 178 and operating pursuant to special act.

179 (5) VOLUNTARY MERGER OF INDEPENDENT SPECIAL DISTRICTS.—Two  
 180 or more contiguous independent special districts created by  
 181 special act which have similar functions and elected governing  
 182 bodies may elect to merge into a single independent district  
 183 through the act of merging the component independent special  
 184 districts.

185 (a) Initiation.—Merger proceedings may commence by:

186 1. A joint resolution of the governing bodies of each  
 187 independent special district which endorses a proposed joint  
 188 merger plan; or

189 2. A qualified elector initiative.

190 (b) Joint merger plan by resolution.—The governing bodies  
 191 of two or more contiguous independent special districts may, by  
 192 joint resolution, endorse a proposed joint merger plan to  
 193 commence proceedings to merge the districts pursuant to this  
 194 subsection.

195 1. The proposed joint merger plan must specify:

196 a. The name of each component independent special district

- 197 to be merged;
- 198 b. The name of the proposed merged independent district;
- 199 c. The rights, duties, and obligations of the proposed  
 200 merged independent district;
- 201 d. The territorial boundaries of the proposed merged  
 202 independent district;
- 203 e. The governmental organization of the proposed merged  
 204 independent district insofar as it concerns elected and  
 205 appointed officials and public employees, along with a  
 206 transitional plan and schedule for elections and appointments of  
 207 officials;
- 208 f. A fiscal estimate of the potential cost or savings as a  
 209 result of the merger;
- 210 g. Each component independent special district's assets,  
 211 including, but not limited to, real and personal property, and  
 212 the current value thereof;
- 213 h. Each component independent special district's  
 214 liabilities and indebtedness, bonded and otherwise, and the  
 215 current value thereof;
- 216 i. Terms for the assumption and disposition of existing  
 217 assets, liabilities, and indebtedness of each component  
 218 independent special district jointly, separately, or in defined  
 219 proportions;
- 220 j. Terms for the common administration and uniform  
 221 enforcement of existing laws within the proposed merged  
 222 independent district;
- 223 k. The times and places for public hearings on the  
 224 proposed joint merger plan;



225 1. The times and places for a referendum in each component  
 226 independent special district on the proposed joint merger plan,  
 227 along with the referendum language to be presented for approval;  
 228 and

229 m. The effective date of the proposed merger.

230 2. The resolution endorsing the proposed joint merger plan  
 231 must be approved by a majority vote of the governing bodies of  
 232 each component independent special district and adopted at least  
 233 60 business days before any general or special election on the  
 234 proposed joint merger plan.

235 3. Within 5 business days after the governing bodies  
 236 approve the resolution endorsing the proposed joint merger plan,  
 237 the governing bodies must:

238 a. Cause a copy of the proposed joint merger plan, along  
 239 with a descriptive summary of the plan, to be displayed and be  
 240 readily accessible to the public for inspection in at least  
 241 three public places within the territorial limits of each  
 242 component independent special district, unless a component  
 243 independent special district has fewer than three public places,  
 244 in which case the plan must be accessible for inspection in all  
 245 public places within the component independent special district;

246 b. If applicable, cause the proposed joint merger plan,  
 247 along with a descriptive summary of the plan and a reference to  
 248 the public places within each component independent special  
 249 district where a copy of the merger plan may be examined, to be  
 250 displayed on a website maintained by each district or on a  
 251 website maintained by the county or municipality in which the  
 252 districts are located; and

253 c. Arrange for a descriptive summary of the proposed joint  
254 merger plan, and a reference to the public places within the  
255 district where a copy may be examined, to be published in a  
256 newspaper of general circulation within the component  
257 independent special districts at least once each week for 4  
258 successive weeks.

259 4. The governing body of each component independent  
260 special district shall set a time and place for one or more  
261 public hearings on the proposed joint merger plan. Each public  
262 hearing shall be held on a weekday at least 7 business days  
263 after the day the first advertisement is published on the  
264 proposed joint merger plan. The hearing or hearings may be held  
265 jointly or separately by the governing bodies of the component  
266 independent special districts. Any interested person residing in  
267 the respective district shall be given a reasonable opportunity  
268 to be heard on any aspect of the proposed merger at the public  
269 hearing.

270 a. Notice of the public hearing addressing the resolution  
271 for the proposed joint merger plan must be published pursuant to  
272 the notice requirements in s. 189.417 and must provide a  
273 descriptive summary of the proposed joint merger plan and a  
274 reference to the public places within the component independent  
275 special districts where a copy of the plan may be examined.

276 b. After the final public hearing, the governing bodies of  
277 each component independent special district may amend the  
278 proposed joint merger plan if the amended version complies with  
279 the notice and public hearing requirements provided in this  
280 subsection. Thereafter, the governing bodies may approve a final

281 version of the joint merger plan or decline to proceed further  
 282 with the merger. Approval by the governing bodies of the final  
 283 version of the joint merger plan must occur within 60 business  
 284 days after the final hearing.

285 5. After the final public hearing, the governing bodies  
 286 shall notify the supervisors of elections of the applicable  
 287 counties in which district lands are located of the adoption of  
 288 the resolution by each governing body. The supervisors of  
 289 elections shall schedule a separate referendum for each  
 290 component independent special district. The referenda may be  
 291 held in each district on the same day, or on different days, but  
 292 no more than 20 days apart.

293 a. Notice of a referendum on the merger of independent  
 294 special districts must be provided pursuant to the notice  
 295 requirements in s. 100.342. At a minimum, the notice must  
 296 include:

297 (I) A brief summary of the resolution and joint merger  
 298 plan;

299 (II) A statement as to where a copy of the resolution and  
 300 joint merger plan may be examined;

301 (III) The names of the component independent special  
 302 districts to be merged and a description of their territory;

303 (IV) The times and places at which the referendum will be  
 304 held; and

305 (V) Such other matters as may be necessary to call,  
 306 provide for, and give notice of the referendum and to provide  
 307 for the conduct thereof and the canvass of the returns.

308 b. The referenda must be held in accordance with the

309 Florida Election Code and may be held pursuant to ss. 101.6101-  
 310 101.6107. All costs associated with the referenda shall be borne  
 311 by the respective component independent special district.

312 c. The ballot question in such referendum placed before  
 313 the qualified electors of each component independent special  
 314 district to be merged must be in substantially the following  
 315 form:

316  
 317 "Shall (...name of component independent special  
 318 district...) and (...name of component independent special  
 319 district or districts...) be merged into (...name of newly  
 320 merged independent district...)?

321       YES  
 322       NO"

323  
 324 d. If the component independent special districts  
 325 proposing to merge have disparate millage rates, the ballot  
 326 question in the referendum placed before the qualified electors  
 327 of each component independent special district must be in  
 328 substantially the following form:

329  
 330 "Shall (...name of component independent special  
 331 district...) and (...name of component independent special  
 332 district or districts...) be merged into (...name of newly  
 333 merged independent district...) if the voter-approved maximum  
 334 millage rate within each independent special district will not  
 335 increase absent a subsequent referendum?

336       YES

337 NO"

338  
339 e. In any referendum held pursuant to this subsection, the  
340 ballots shall be counted, returns made and canvassed, and  
341 results certified in the same manner as other elections or  
342 referenda for the component independent special districts.

343 f. The merger may not take effect unless a majority of the  
344 votes cast in each component independent special district are in  
345 favor of the merger. If one of the component districts does not  
346 obtain a majority vote, the referendum fails, and merger does  
347 not take effect.

348 g. If the merger is approved by a majority of the votes  
349 cast in each component independent special district, the merged  
350 independent district is created. Upon approval, the merged  
351 independent district shall notify the Special District  
352 Information Program pursuant to s. 189.418(2) and the local  
353 general-purpose governments in which any part of the component  
354 independent special districts is situated pursuant to s.  
355 189.418(7).

356 h. If the referendum fails, the merger process under this  
357 paragraph may not be initiated for the same purpose within 2  
358 years after the date of the referendum.

359 6. Component independent special districts merged pursuant  
360 to a joint merger plan by resolution shall continue to be  
361 governed as before the merger until the effective date specified  
362 in the adopted joint merger plan.

363 (c) Qualified elector-initiated merger plan.—The qualified  
364 electors of two or more contiguous independent special districts

365 may commence a merger proceeding by each filing a petition with  
 366 the governing body of their respective independent special  
 367 district proposing to be merged. The petition must contain the  
 368 signatures of at least 40 percent of the qualified electors of  
 369 each component independent special district and must be  
 370 submitted to the appropriate component independent special  
 371 district governing body no later than 1 year after the start of  
 372 the qualified elector-initiated merger process.

373 1. The petition must comply with, and be circulated in,  
 374 the following form:

375  
 376 PETITION FOR INDEPENDENT SPECIAL DISTRICT MERGER

377  
 378 We, the undersigned electors and legal voters of (...name  
 379 of independent special district...), qualified to vote at the  
 380 next general or special election, respectfully petition that  
 381 there be submitted to the electors and legal voters of (...name  
 382 of independent special district or districts proposed to be  
 383 merged...), for their approval or rejection at a referendum held  
 384 for that purpose, a proposal to merge (...name of component  
 385 independent special district...) and (...name of component  
 386 independent special district or districts...).

387  
 388 In witness thereof, we have signed our names on the date  
 389 indicated next to our signatures.

390  
 391 Date                      Name (print under signature)                      Home Address  
 392 \_\_\_\_\_



421 of the (...insert number...) electors and legal voters whose  
 422 signatures appear on this petition sheet, who signed the  
 423 petition in my presence and who, being by me duly sworn, each  
 424 for himself or herself, identified himself or herself as the  
 425 same person who signed the petition, and I declare that the  
 426 foregoing information they provided was true."

427  
 428 Date Signature of Witness

429  
 430 c. An alteration or correction of information appearing on  
 431 a petition's signature line, other than an uninitialed signature  
 432 and date, does not invalidate such signature. In matters of  
 433 form, this paragraph shall be liberally construed, not  
 434 inconsistent with substantial compliance thereto and the  
 435 prevention of fraud.

436 d. The appropriately signed petition must be filed with  
 437 the governing body of each component independent special  
 438 district. The petition must be submitted to the supervisors of  
 439 elections of the counties in which the district lands are  
 440 located. The supervisors shall, within 30 business days after  
 441 receipt of the petitions, certify to the governing bodies the  
 442 number of signatures of qualified electors contained on the  
 443 petitions.

444 3. Upon verification by the supervisors of elections of  
 445 the counties within which component independent special district  
 446 lands are located that 40 percent of the qualified electors have  
 447 petitioned for merger and that all such petitions have been  
 448 executed within 1 year after the date of the initiation of the



449 qualified-elector merger process, the governing bodies of each  
450 component independent special district shall meet within 30  
451 business days to prepare and approve by resolution a proposed  
452 elector-initiated merger plan. The proposed plan must include:  
453 a. The name of each component independent special district  
454 to be merged;  
455 b. The name of the proposed merged independent district;  
456 c. The rights, duties, and obligations of the merged  
457 independent district;  
458 d. The territorial boundaries of the proposed merged  
459 independent district;  
460 e. The governmental organization of the proposed merged  
461 independent district insofar as it concerns elected and  
462 appointed officials and public employees, along with a  
463 transitional plan and schedule for elections and appointments of  
464 officials;  
465 f. A fiscal estimate of the potential cost or savings as a  
466 result of the merger;  
467 g. Each component independent special district's assets,  
468 including, but not limited to, real and personal property, and  
469 the current value thereof;  
470 h. Each component independent special district's  
471 liabilities and indebtedness, bonded and otherwise, and the  
472 current value thereof;  
473 i. Terms for the assumption and disposition of existing  
474 assets, liabilities, and indebtedness of each component  
475 independent special district, jointly, separately, or in defined  
476 proportions;

477 j. Terms for the common administration and uniform  
478 enforcement of existing laws within the proposed merged  
479 independent district;

480 k. The times and places for public hearings on the  
481 proposed joint merger plan; and

482 1. The effective date of the proposed merger.

483 4. The resolution endorsing the proposed elector-initiated  
484 merger plan must be approved by a majority vote of the governing  
485 bodies of each component independent special district and must  
486 be adopted at least 60 business days before any general or  
487 special election on the proposed elector-initiated plan.

488 5. Within 5 business days after the governing bodies of  
489 each component independent special district approve the proposed  
490 elector-initiated merger plan, the governing bodies shall:

491 a. Cause a copy of the proposed elector-initiated merger  
492 plan, along with a descriptive summary of the plan, to be  
493 displayed and be readily accessible to the public for inspection  
494 in at least three public places within the territorial limits of  
495 each component independent special district, unless a component  
496 independent special district has fewer than three public places,  
497 in which case the plan must be accessible for inspection in all  
498 public places within the component independent special district;

499 b. If applicable, cause the proposed elector-initiated  
500 merger plan, along with a descriptive summary of the plan and a  
501 reference to the public places within each component independent  
502 special district where a copy of the merger plan may be  
503 examined, to be displayed on a website maintained by each  
504 district or otherwise on a website maintained by the county or

505 municipality in which the districts are located; and

506 c. Arrange for a descriptive summary of the proposed  
507 elector-initiated merger plan, and a reference to the public  
508 places within the district where a copy may be examined, to be  
509 published in a newspaper of general circulation within the  
510 component independent special districts at least once each week  
511 for 4 successive weeks.

512 6. The governing body of each component independent  
513 special district shall set a time and place for one or more  
514 public hearings on the proposed elector-initiated merger plan.  
515 Each public hearing shall be held on a weekday at least 7  
516 business days after the day the first advertisement is published  
517 on the proposed elector-initiated merger plan. The hearing or  
518 hearings may be held jointly or separately by the governing  
519 bodies of the component independent special districts. Any  
520 interested person residing in the respective district shall be  
521 given a reasonable opportunity to be heard on any aspect of the  
522 proposed merger at the public hearing.

523 a. Notice of the public hearing on the proposed elector-  
524 initiated merger plan must be published pursuant to the notice  
525 requirements in s. 189.417 and must provide a descriptive  
526 summary of the elector-initiated merger plan and a reference to  
527 the public places within the component independent special  
528 districts where a copy of the plan may be examined.

529 b. After the final public hearing, the governing bodies of  
530 each component independent special district may amend the  
531 proposed elector-initiated merger plan if the amended version  
532 complies with the notice and public hearing requirements

533 provided in this subsection. The governing bodies must approve a  
534 final version of the merger plan within 60 business days after  
535 the final hearing.

536 7. After the final public hearing, the governing bodies  
537 shall notify the supervisors of elections of the applicable  
538 counties in which district lands are located of the adoption of  
539 the resolution by each governing body. The supervisors of  
540 elections shall schedule a date for the separate referenda for  
541 each district. The referenda may be held in each district on the  
542 same day, or on different days, but no more than 20 days apart.

543 a. Notice of a referendum on the merger of the component  
544 independent special districts must be provided pursuant to the  
545 notice requirements in s. 100.342. At a minimum, the notice must  
546 include:

547 (I) A brief summary of the resolution and elector-  
548 initiated merger plan;

549 (II) A statement as to where a copy of the resolution and  
550 petition for merger may be examined;

551 (III) The names of the component independent special  
552 districts to be merged and a description of their territory;

553 (IV) The times and places at which the referendum will be  
554 held; and

555 (V) Such other matters as may be necessary to call,  
556 provide for, and give notice of the referendum and to provide  
557 for the conduct thereof and the canvass of the returns.

558 b. The referenda must be held in accordance with the  
559 Florida Election Code and may be held pursuant to ss. 101.6101-  
560 101.6107. All costs associated with the referenda shall be borne

561 by the respective component independent special district.

562 c. The ballot question in such referendum placed before  
 563 the qualified electors of each component independent special  
 564 district to be merged must be in substantially the following  
 565 form:

566  
 567 "Shall (...name of component independent special  
 568 district...) and (...name of component independent special  
 569 district or districts...) be merged into (...name of newly  
 570 merged independent district...)?

571 YES

572 NO"

573  
 574 d. If the component independent special districts  
 575 proposing to merge have disparate millage rates, the ballot  
 576 question in the referendum placed before the qualified electors  
 577 of each component independent special district must be in  
 578 substantially the following form:

579  
 580 "Shall (...name of component independent special  
 581 district...) and (...name of component independent special  
 582 district or districts...) be merged into (...name of newly  
 583 merged independent district...) if the voter-approved maximum  
 584 millage rate within each independent special district will not  
 585 increase absent a subsequent referendum?

586 YES

587 NO"

588

589 e. In any referendum held pursuant to this subsection, the  
590 ballots shall be counted, returns made and canvassed, and  
591 results certified in the same manner as other elections or  
592 referenda for the component independent special districts.

593 f. The merger may not take effect unless a majority of the  
594 votes cast in each component independent special district are in  
595 favor of the merger. If one of the component independent special  
596 districts does not obtain a majority vote, the referendum fails,  
597 and merger does not take effect.

598 g. If the merger is approved by a majority of the votes  
599 cast in each component independent special district, the merged  
600 district shall notify the Special District Information Program  
601 pursuant to s. 189.418(2) and the local general-purpose  
602 governments in which any part of the component independent  
603 special districts is situated pursuant to s. 189.418(7).

604 h. If the referendum fails, the merger process under this  
605 paragraph may not be initiated for the same purpose within 2  
606 years after the date of the referendum.

607 8. Component independent special districts merged pursuant  
608 to an elector-initiated merger plan shall continue to be  
609 governed as before the merger until the effective date specified  
610 in the adopted elector-initiated merger plan.

611 (d) Effective date.—The effective date of the merger shall  
612 be as provided in the joint merger plan or elector-initiated  
613 merger plan, as appropriate, and is not contingent upon the  
614 future act of the Legislature.

615 1. However, as soon as practicable, the merged independent  
616 district shall, at its own expense, submit a unified charter for

617 the merged district to the Legislature for approval. The unified  
618 charter must make the powers of the district consistent within  
619 the merged independent district and repeal the special acts of  
620 the districts which existed before the merger.

621 2. Within 30 business days after the effective date of the  
622 merger, the merged independent district's governing body, as  
623 indicated in this subsection, shall hold an organizational  
624 meeting to implement the provisions of the joint merger plan or  
625 elector-initiated merger plan, as appropriate.

626 (e) Restrictions during transition period.—Until the  
627 Legislature formally approves the unified charter pursuant to a  
628 special act, each component independent special district is  
629 considered a subunit of the merged independent district subject  
630 to the following restrictions:

631 1. During the transition period, the merged independent  
632 district is limited in its powers and financing capabilities  
633 within each subunit to those powers that existed within the  
634 boundaries of each subunit which were previously granted to the  
635 component independent special district in its existing charter  
636 before the merger. The merged independent district may not,  
637 solely by reason of the merger, increase its powers or financing  
638 capability.

639 2. During the transition period, the merged independent  
640 district shall exercise only the legislative authority to levy  
641 and collect revenues within the boundaries of each subunit which  
642 was previously granted to the component independent special  
643 district by its existing charter before the merger, including  
644 the authority to levy ad valorem taxes, non-ad valorem

645 assessments, impact fees, and charges.

646 a. The merged independent district may not, solely by  
647 reason of the merger or the legislatively approved unified  
648 charter, increase ad valorem taxes on property within the  
649 original limits of a subunit beyond the maximum millage rate  
650 approved by the electors of the component independent special  
651 district unless the electors of such subunit approve an increase  
652 at a subsequent referendum of the subunit's electors. Each  
653 subunit may be considered a separate taxing unit.

654 b. The merged independent district may not, solely by  
655 reason of the merger, charge non-ad valorem assessments, impact  
656 fees, or other new fees within a subunit which were not  
657 otherwise previously authorized to be charged.

658 3. During the transition period, each component  
659 independent special district of the merged independent district  
660 must continue to file all information and reports required under  
661 this chapter as subunits until the Legislature formally approves  
662 the unified charter pursuant to a special act.

663 4. The intent of this section is to preserve and transfer  
664 to the merged independent district all authority that exists  
665 within each subunit and was previously granted by the  
666 Legislature and, if applicable, by referendum.

667 (f) Effect of merger, generally.—On and after the  
668 effective date of the merger, the merged independent district  
669 shall be treated and considered for all purposes as one entity  
670 under the name and on the terms and conditions set forth in the  
671 joint merger plan or elector-initiated merger plan, as  
672 appropriate.



673       1. All rights, privileges, and franchises of each  
674 component independent special district and all assets, real and  
675 personal property, books, records, papers, seals, and equipment,  
676 as well as other things in action, belonging to each component  
677 independent special district before the merger shall be deemed  
678 as transferred to and vested in the merged independent district  
679 without further act or deed.

680       2. All property, rights-of-way, and other interests are as  
681 effectually the property of the merged independent district as  
682 they were of the component independent special district before  
683 the merger. The title to real estate, by deed or otherwise,  
684 under the laws of this state vested in any component independent  
685 special district before the merger may not be deemed to revert  
686 or be in any way impaired by reason of the merger.

687       3. The merged independent district is in all respects  
688 subject to all obligations and liabilities imposed and possesses  
689 all the rights, powers, and privileges vested by law in other  
690 similar entities.

691       4. Upon the effective date of the merger, the joint merger  
692 plan or elector-initiated merger plan, as appropriate, is  
693 subordinate in all respects to the contract rights of all  
694 holders of any securities or obligations of the component  
695 independent special districts outstanding at the effective date  
696 of the merger.

697       5. The new registration of electors is not necessary as a  
698 result of the merger, but all elector registrations of the  
699 component independent special districts shall be transferred to  
700 the proper registration books of the merged independent

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

703 (g) Governing body of merged independent district.—

704 1. From the effective date of the merger until the next  
705 general election, the governing body of the merged independent  
706 district shall be comprised of the governing body members of  
707 each component independent special district, with such members  
708 serving until the governing body members elected at the next  
709 general election take office.

710 2. Beginning with the next general election following the  
711 effective date of merger, the governing body of the merged  
712 independent district shall be comprised of five members. The  
713 office of each governing body member shall be designated by  
714 seat, which shall be distinguished from other body member seats  
715 by an assigned numeral: 1, 2, 3, 4, or 5. The governing body  
716 members that are elected in this initial election following the  
717 merger shall serve unequal terms of 2 and 4 years in order to  
718 create staggered membership of the governing body, with:

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

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

722 3. In general elections thereafter, all governing body  
723 members shall serve 4-year terms.

724 (h) Effect on employees.—Except as otherwise provided by  
725 law and except for those officials and employees protected by  
726 tenure of office, civil service provisions, or a collective  
727 bargaining agreement, upon the effective date of merger, all  
728 appointive offices and positions existing in all component

729 independent special districts involved in the merger are subject  
730 to the terms of the joint merger plan or elector-initiated  
731 merger plan, as appropriate. Such plan may provide for instances  
732 in which there are duplications of positions and for other  
733 matters such as varying lengths of employee contracts, varying  
734 pay levels or benefits, different civil service regulations in  
735 the constituent entities, and differing ranks and position  
736 classifications for similar positions. For those employees who  
737 are members of a bargaining unit certified by the Public  
738 Employees Relations Commission, the requirements of chapter 447  
739 apply.

740 (i) Effect on debts, liabilities, and obligations.—

741 1. All valid and lawful debts and liabilities existing  
742 against a merged independent district, or which may arise or  
743 accrue against the merged independent district, which but for  
744 merger would be valid and lawful debts or liabilities against  
745 one or more of the component independent special districts, are  
746 debts against or liabilities of the merged independent district  
747 and accordingly shall be defrayed and answered to by the merged  
748 independent district to the same extent, and no further than,  
749 the component independent special districts would have been  
750 bound if a merger had not taken place.

751 2. The rights of creditors and all liens upon the property  
752 of any of the component independent special districts shall be  
753 preserved unimpaired. The respective component districts shall  
754 be deemed to continue in existence to preserve such rights and  
755 liens, and all debts, liabilities, and duties of any of the  
756 component districts attach to the merged independent district.

757 3. All bonds, contracts, and obligations of the component  
758 independent special districts which exist as legal obligations  
759 are obligations of the merged independent district, and all such  
760 obligations shall be issued or entered into by and in the name  
761 of the merged independent district.

762 (j) Effect on actions and proceedings.—In any action or  
763 proceeding pending on the effective date of merger to which a  
764 component independent special district is a party, the merged  
765 independent district may be substituted in its place, and the  
766 action or proceeding may be prosecuted to judgment as if merger  
767 had not taken place. Suits may be brought and maintained against  
768 a merged independent district in any state court in the same  
769 manner as against any other independent special district.

770 (k) Effect on annexation.—Chapter 171 continues to apply  
771 to all annexations by a city within the component independent  
772 special districts' boundaries after merger occurs. Any moneys  
773 owed to a component independent special district pursuant to s.  
774 171.093, or any interlocal service boundary agreement as a  
775 result of annexation predating the merger, shall be paid to the  
776 merged independent district after merger.

777 (l) Effect on millage calculations.—The merged independent  
778 special district is authorized to continue or conclude  
779 procedures under chapter 200 on behalf of the component  
780 independent special districts. The merged independent special  
781 district shall make the calculations required by chapter 200 for  
782 each component individual special district separately.

783 (m) Determination of rights.—If any right, title,  
784 interest, or claim arises out of a merger or by reason thereof

785 which is not determinable by reference to this subsection, the  
 786 joint merger plan or elector-initiated merger plan, as  
 787 appropriate, or otherwise under the laws of this state, the  
 788 governing body of the merged independent district may provide  
 789 therefor in a manner conforming to law.

790 (n) Exemption.—This subsection does not apply to  
 791 independent special districts whose governing bodies are elected  
 792 by district landowners voting the acreage owned within the  
 793 district.

794 (o) Preemption.—This subsection preempts any special act  
 795 to the contrary.

796 (6) INVOLUNTARY MERGER OF INDEPENDENT SPECIAL DISTRICTS.—

797 (a) Independent special districts created by special act.—  
 798 If the Legislature or a local general-purpose government seeks  
 799 to merge an active independent special district or districts  
 800 created and operating pursuant to a special act whose governing  
 801 body or governing bodies object by resolution to the merger, the  
 802 merger of the active independent special district or districts  
 803 is not effective until the special act of the Legislature is  
 804 approved at separate referenda of the impacted local governments  
 805 by a majority of the resident electors or landowners voting in  
 806 the same manner by which each independent special district's  
 807 governing body is elected. The special act shall include a plan  
 808 of merger that addresses transition issues such as the effective  
 809 date of the merger, governance, administration, powers,  
 810 pensions, and assumption of all assets and liabilities.

811 (b) Independent special districts created by a county or  
 812 municipality.—A county or municipality may merge an independent

813 special district created by the county or municipality pursuant  
 814 to a referendum or any other procedure by which the independent  
 815 special district was created. However, if the independent  
 816 special district has ad valorem taxation powers, the same  
 817 procedure required to grant the independent special district ad  
 818 valorem taxation powers is required to merge the district.

819 (c) Referendum expenses.—The political subdivisions  
 820 proposing the involuntary merger of an active independent  
 821 special district shall be responsible for payment of any  
 822 expenses associated with the referendum required under this  
 823 subsection.

824 (d) Inactive independent special districts.—An independent  
 825 special district that meets any criteria for being declared  
 826 inactive, or that has already been declared inactive, pursuant  
 827 to s. 189.4044 may be merged by special act without a  
 828 referendum.

829 (7) (3) EXEMPTIONS.—The provisions of This section does  
 830 ~~shall~~ not apply to community development districts implemented  
 831 pursuant to chapter 190 or to water management districts created  
 832 and operated pursuant to chapter 373.

833 Section 2. Section 191.014, Florida Statutes, is amended  
 834 to read:

835 191.014 District creation and, expansion, ~~and merger.~~—

836 (1) New districts may be created only by the Legislature  
 837 under s. 189.404.

838 (2) The boundaries of a district may be modified,  
 839 extended, or enlarged upon approval or ratification by the  
 840 Legislature.

841 ~~(3) The merger of a district with all or portions of other~~  
 842 ~~independent special districts or dependent fire control~~  
 843 ~~districts is effective only upon ratification by the~~  
 844 ~~Legislature. A district may not, solely by reason of a merger~~  
 845 ~~with another governmental entity, increase ad valorem taxes on~~  
 846 ~~property within the original limits of the district beyond the~~  
 847 ~~maximum established by the district's enabling legislation,~~  
 848 ~~unless approved by the electors of the district by referendum.~~

849 Section 3. Paragraph (a) of subsection (1) and subsection  
 850 (4) of section 189.4044, Florida Statutes, are amended to read:

851 189.4044 Special procedures for inactive districts.—

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

854 (a) The special district meets one of the following  
 855 criteria:

856 1. The registered agent of the district, the chair of the  
 857 governing body of the district, or the governing body of the  
 858 appropriate local general-purpose government notifies the  
 859 department in writing that the district has taken no action for  
 860 2 or more years;

861 2. Following an inquiry from the department, the  
 862 registered agent of the district, the chair of the governing  
 863 body of the district, or the governing body of the appropriate  
 864 local general-purpose government notifies the department in  
 865 writing that the district has not had a governing board or a  
 866 sufficient number of governing board members to constitute a  
 867 quorum for 2 or more years or the registered agent of the  
 868 district, the chair of the governing body of the district, or

CS/CS/HB 107

2012

869 the governing body of the appropriate local general-purpose  
 870 government fails to respond to the department's inquiry within  
 871 21 days;

872 3. The department determines, pursuant to s. 189.421, that  
 873 the district has failed to file any of the reports listed in s.  
 874 189.419; ~~or~~

875 4. The district has not had a registered office and agent  
 876 on file with the department for 1 or more years; or

877 5. The governing body of a special district provides  
 878 documentation to the department that it has unanimously adopted  
 879 a resolution declaring the special district inactive. The  
 880 special district shall be responsible for payment of any  
 881 expenses associated with its dissolution.

882 (4) The entity that created a special district declared  
 883 inactive under this section must dissolve the special district  
 884 by repealing its enabling laws or by other appropriate means.  
 885 Any special district declared inactive pursuant to subparagraph  
 886 (1)(a)5. may be dissolved without a referendum.

887 Section 4. This act shall take effect July 1, 2012.