

27 | the Department of Economic Opportunity may declare a
28 | special district inactive; requiring the department to
29 | provide notice of a declaration of inactive status to
30 | certain persons and bodies; prohibiting special
31 | districts that are declared inactive from collecting
32 | taxes, fees, or assessments; providing exceptions;
33 | providing for enforcement of the prohibition;
34 | providing for costs of litigation and reasonable
35 | attorney fees under certain conditions; transferring
36 | and renumbering ss. 189.4045 and 189.4047, F.S.;
37 | transferring, renumbering, and amending s. 189.405,
38 | F.S.; revising requirements related to education
39 | programs for new members of special district governing
40 | bodies; amending s. 189.4051, F.S.; revising
41 | definitions; conforming provisions; transferring and
42 | renumbering ss. 189.4065, 189.408, and 189.4085, F.S.;
43 | transferring, renumbering, and amending ss. 189.412
44 | and 189.413, F.S.; renaming the Special District
45 | Information Program the Special District
46 | Accountability Program; revising duties of the Special
47 | District Accountability Program; transferring and
48 | renumbering ss. 189.415, 189.4155, and 189.4156, F.S.;
49 | transferring, renumbering, and amending ss. 189.416,
50 | 189.417, and 189.418, F.S.; conforming provisions and
51 | cross-references; transferring, renumbering, and
52 | amending s. 189.419, F.S.; revising provisions related

53 to the failure of a special district to file certain
54 reports or information; conforming cross-references;
55 transferring and renumbering s. 189.420, F.S.;

56 transferring, renumbering, and amending s. 189.421,
57 F.S.; revising notification requirements; authorizing
58 the department to petition for the enforcement of
59 compliance; deleting provisions related to available
60 remedies for the failure of a special district to
61 disclose required financial reports; transferring and
62 renumbering ss. 189.4221, 189.423, and 189.425, F.S.;

63 transferring, renumbering, and amending s. 189.427,
64 F.S.; making editorial changes; transferring,
65 renumbering, and amending s. 189.428, F.S.; revising
66 the oversight review process for special districts;
67 transferring and renumbering s. 189.429, F.S.;

68 repealing ss. 189.430, 189.431, 189.432, 189.433,
69 189.434, 189.435, 189.436, 189.437, 189.438, 189.439,
70 189.440, 189.441, 189.442, 189.443, and 189.444, F.S.,
71 relating to the Community Improvement Authority Act;
72 creating ss. 189.034 and 189.035, F.S.; requiring the
73 Legislative Auditing Committee to provide notice of
74 the failure of special districts to file certain
75 required reports to certain persons and bodies;
76 authorizing the Legislative Auditing Committee to
77 convene a public hearing; requiring a special district
78 to provide certain information before the public

79 hearing at the request of the Legislative Auditing
 80 Committee or the reviewing entity; providing reporting
 81 requirements for certain public hearings; creating s.
 82 189.055, F.S.; requiring special districts to be
 83 treated as municipalities for certain purposes;
 84 creating s. 189.069, F.S.; requiring special districts
 85 to maintain an official Internet website for certain
 86 purposes; requiring special districts to annually
 87 update and maintain certain information on the
 88 website; requiring special districts to submit the web
 89 address of their respective websites to the
 90 department; requiring that the department's online
 91 list of special districts include a link to the
 92 website of certain special districts; amending ss.
 93 11.45, 100.011, 101.657, 112.061, 112.63, 112.665,
 94 121.021, 121.051, 153.94, 163.08, 165.031, 165.0615,
 95 171.202, 175.032, 190.011, 190.046, 190.049, 191.003,
 96 191.005, 191.013, 191.014, 191.015, 200.001, 218.31,
 97 218.32, 218.37, 255.20, 298.225, 343.922, 348.0004,
 98 373.711, 403.0891, 582.32, and 1013.355, F.S.;

99 conforming cross-references and provisions to changes
 100 made by the act; providing an effective date.

101
 102 Be It Enacted by the Legislature of the State of Florida:

103
 104 Section 1. Chapter 189, Florida Statutes, as amended by

105 this act, is divided into the following parts:

106 (1) Part I, consisting of sections 189.01, 189.011,
 107 189.012, 189.013, 189.014, 189.015, 189.016, 189.017, 189.018,
 108 and 189.019, Florida Statutes, as created by this act, and
 109 entitled "General Provisions."

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

113 (3) Part III, consisting of sections 189.03, 189.031,
 114 189.0311, 189.033, 189.034, and 189.035, Florida Statutes, as
 115 created by this act, and entitled "Independent Special
 116 Districts."

117 (4) Part IV, consisting of sections 189.04, 189.041, and
 118 189.042, Florida Statutes, as created by this act, and entitled
 119 "Elections."

120 (5) Part V, consisting of sections 189.05, 189.051,
 121 189.052, 189.053, 189.054, and 189.055, Florida Statutes, as
 122 created by this act, and entitled "Finance."

123 (6) Part VI, consisting of sections 189.06, 189.061,
 124 189.062, 189.063, 189.064, 189.065, 189.066, 189.067, 189.068,
 125 189.069, and 189.0691, Florida Statutes, as created by this act,
 126 and entitled "Oversight and Accountability."

127 (7) Part VII, consisting of sections 189.07, 189.071,
 128 189.072, 189.073, 189.074, 189.075, 189.076, and 189.0761,
 129 Florida Statutes, as created by this act, and entitled "Merger
 130 and Dissolution."

131 (8) Part VIII, consisting of sections 189.08, 189.081, and
 132 189.082, Florida Statutes, as created by this act, and entitled
 133 "Comprehensive Planning."

134 Section 2. Paragraph (b) of subsection (2) of section
 135 11.40, Florida Statutes, is amended to read:

136 11.40 Legislative Auditing Committee.—

137 (2) Following notification by the Auditor General, the
 138 Department of Financial Services, or the Division of Bond
 139 Finance of the State Board of Administration of the failure of a
 140 local governmental entity, district school board, charter
 141 school, or charter technical career center to comply with the
 142 applicable provisions within s. 11.45(5)-(7), s. 218.32(1), ~~or~~
 143 s. 218.38, or s. 218.503(3), the Legislative Auditing Committee
 144 may schedule a hearing to determine if the entity should be
 145 subject to further state action. If the committee determines
 146 that the entity should be subject to further state action, the
 147 committee shall:

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

149 1. A special act, notify the President of the Senate, the
 150 Speaker of the House of Representatives, the standing committees
 151 of the Senate and the House of Representatives charged with
 152 special district oversight as determined by the presiding
 153 officers of each respective chamber, the legislators who
 154 represent a portion of the geographical jurisdiction of the
 155 special district pursuant to s. 189.034(2) and the Department of
 156 Economic Opportunity that the special district has failed to

157 comply with the law. Upon receipt of notification, the
158 Department of Economic Opportunity shall proceed pursuant to s.
159 189.062 or s. 189.067. If the special district remains in
160 noncompliance after the process set forth in s. 189.034(3), or
161 if a public hearing is not held, the Legislative Auditing
162 Committee may request the department to proceed pursuant to s.
163 189.067(3) ~~s. 189.4044 or s. 189.421.~~

164 2. A local ordinance, notify the chair or equivalent of
165 the local general-purpose government pursuant to s. 189.035(1)
166 and the Department of Economic Opportunity that the special
167 district has failed to comply with the law. Upon receipt of
168 notification, the department shall proceed pursuant to s.
169 189.062 or s. 189.067. If the special district remains in
170 noncompliance after the process set forth in s. 189.034(3), or
171 if a public hearing is not held, the Legislative Auditing
172 Committee may request the department to proceed pursuant to s.
173 189.067(3).

174 3. Any manner other than a special act or local ordinance,
175 notify the Department of Economic Opportunity that the special
176 district has failed to comply with the law. Upon receipt of
177 notification, the department shall proceed pursuant to s.
178 189.062 or s. 189.067(3).

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

181 112.312 Definitions.—As used in this part and for purposes
182 of the provisions of s. 8, Art. II of the State Constitution,

183 unless the context otherwise requires:

184 (2) "Agency" means any state, regional, county, local, or
 185 municipal government entity of this state, whether executive,
 186 judicial, or legislative; any department, division, bureau,
 187 commission, authority, or political subdivision of this state
 188 therein; ~~or~~ any public school, community college, or state
 189 university; or any special district as defined in s. 189.012.

190 Section 4. Section 112.511, Florida Statutes, is created
 191 to read:

192 112.511 Members of special district governing bodies;
 193 suspension; removal from office.-

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

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

203 Section 5. Subsections (1), (4), and (6) of section
 204 125.901, Florida Statutes, are amended to read:

205 125.901 Children's services; independent special district;
 206 council; powers, duties, and functions; public records
 207 exemption.-

208 (1) Each county may by ordinance create an independent

209 special district, as defined in ss. 189.012 ~~189.403(3)~~ and
 210 200.001(8)(e), to provide funding for children's services
 211 throughout the county in accordance with this section. The
 212 boundaries of such district shall be coterminous with the
 213 boundaries of the county. The county governing body shall obtain
 214 approval, by a majority vote of those electors voting on the
 215 question, to annually levy ad valorem taxes which shall not
 216 exceed the maximum millage rate authorized by this section. Any
 217 district created pursuant to the provisions of this subsection
 218 shall be required to levy and fix millage subject to the
 219 provisions of s. 200.065. Once such millage is approved by the
 220 electorate, the district shall not be required to seek approval
 221 of the electorate in future years to levy the previously
 222 approved millage.

223 (a) The governing body ~~board~~ of the district shall be a
 224 council on children's services, which may also be known as a
 225 juvenile welfare board or similar name as established in the
 226 ordinance by the county governing body. Such council shall
 227 consist of 10 members, including: the superintendent of schools;
 228 a local school board member; the district administrator from the
 229 appropriate district of the Department of Children and Family
 230 Services, or his or her designee who is a member of the Senior
 231 Management Service or of the Selected Exempt Service; one member
 232 of the county governing body; and the judge assigned to juvenile
 233 cases who shall sit as a voting member of the board, except that
 234 said judge shall not vote or participate in the setting of ad

235 | valorem taxes under this section. If there is more than one
236 | judge assigned to juvenile cases in a county, the chief judge
237 | shall designate one of said juvenile judges to serve on the
238 | board. The remaining five members shall be appointed by the
239 | Governor, and shall, to the extent possible, represent the
240 | demographic diversity of the population of the county. After
241 | soliciting recommendations from the public, the county governing
242 | body shall submit to the Governor the names of at least three
243 | persons for each vacancy occurring among the five members
244 | appointed by the Governor, and the Governor shall appoint
245 | members to the council from the candidates nominated by the
246 | county governing body. The Governor shall make a selection
247 | within a 45-day period or request a new list of candidates. All
248 | members appointed by the Governor shall have been residents of
249 | the county for the previous 24-month period. Such members shall
250 | be appointed for 4-year terms, except that the length of the
251 | terms of the initial appointees shall be adjusted to stagger the
252 | terms. The Governor may remove a member for cause or upon the
253 | written petition of the county governing body. If any of the
254 | members of the council required to be appointed by the Governor
255 | under the provisions of this subsection shall resign, die, or be
256 | removed from office, the vacancy thereby created shall, as soon
257 | as practicable, be filled by appointment by the Governor, using
258 | the same method as the original appointment, and such
259 | appointment to fill a vacancy shall be for the unexpired term of
260 | the person who resigns, dies, or is removed from office.

261 (b) However, any county as defined in s. 125.011(1) may
262 instead have a governing body ~~board~~ consisting of 33 members,
263 including: the superintendent of schools; two representatives of
264 public postsecondary education institutions located in the
265 county; the county manager or the equivalent county officer; the
266 district administrator from the appropriate district of the
267 Department of Children and Family Services, or the
268 administrator's designee who is a member of the Senior
269 Management Service or the Selected Exempt Service; the director
270 of the county health department or the director's designee; the
271 state attorney for the county or the state attorney's designee;
272 the chief judge assigned to juvenile cases, or another juvenile
273 judge who is the chief judge's designee and who shall sit as a
274 voting member of the board, except that the judge may not vote
275 or participate in setting ad valorem taxes under this section;
276 an individual who is selected by the board of the local United
277 Way or its equivalent; a member of a locally recognized faith-
278 based coalition, selected by that coalition; a member of the
279 local chamber of commerce, selected by that chamber or, if more
280 than one chamber exists within the county, a person selected by
281 a coalition of the local chambers; a member of the early
282 learning coalition, selected by that coalition; a representative
283 of a labor organization or union active in the county; a member
284 of a local alliance or coalition engaged in cross-system
285 planning for health and social service delivery in the county,
286 selected by that alliance or coalition; a member of the local

287 Parent-Teachers Association/Parent-Teacher-Student Association,
288 selected by that association; a youth representative selected by
289 the local school system's student government; a local school
290 board member appointed by the chair of the school board; the
291 mayor of the county or the mayor's designee; one member of the
292 county governing body, appointed by the chair of that body; a
293 member of the state Legislature who represents residents of the
294 county, selected by the chair of the local legislative
295 delegation; an elected official representing the residents of a
296 municipality in the county, selected by the county municipal
297 league; and 4 members-at-large, appointed to the council by the
298 majority of sitting council members. The remaining 7 members
299 shall be appointed by the Governor in accordance with procedures
300 set forth in paragraph (a), except that the Governor may remove
301 a member for cause or upon the written petition of the council.
302 Appointments by the Governor must, to the extent reasonably
303 possible, represent the geographic and demographic diversity of
304 the population of the county. Members who are appointed to the
305 council by reason of their position are not subject to the
306 length of terms and limits on consecutive terms as provided in
307 this section. The remaining appointed members of the governing
308 body ~~board~~ shall be appointed to serve 2-year terms, except that
309 those members appointed by the Governor shall be appointed to
310 serve 4-year terms, and the youth representative and the
311 legislative delegate shall be appointed to serve 1-year terms. A
312 member may be reappointed; however, a member may not serve for

313 more than three consecutive terms. A member is eligible to be
 314 appointed again after a 2-year hiatus from the council.

315 (c) This subsection does not prohibit a county from
 316 exercising such power as is provided by general or special law
 317 to provide children's services or to create a special district
 318 to provide such services.

319 (4) (a) Any district created pursuant to this section may
 320 be dissolved by a special act of the Legislature, or the county
 321 governing body may by ordinance dissolve the district subject to
 322 the approval of the electorate.

323 (b)1.a. Notwithstanding paragraph (a), the governing body
 324 of the county shall submit the question of retention or
 325 dissolution of a district with voter-approved taxing authority
 326 to the electorate in the general election according to the
 327 following schedule:

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

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

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

338 b. A referendum by the electorate on or after July 1,

339 2010, creating a new district with taxing authority may specify
 340 that the district is not subject to reauthorization or may
 341 specify the number of years for which the initial authorization
 342 shall remain effective. If the referendum does not prescribe
 343 terms of reauthorization, the governing body of the county shall
 344 submit the question of retention or dissolution of the district
 345 to the electorate in the general election 12 years after the
 346 initial authorization.

347 2. The governing body ~~board~~ of the district may specify,
 348 and submit to the governing body of the county no later than 9
 349 months before the scheduled election, that the district is not
 350 subsequently subject to reauthorization or may specify the
 351 number of years for which a reauthorization under this paragraph
 352 shall remain effective. If the governing body ~~board~~ of the
 353 district makes such specification and submission, the governing
 354 body of the county shall include that information in the
 355 question submitted to the electorate. If the governing body
 356 ~~board~~ of the district does not specify and submit such
 357 information, the governing body of the county shall resubmit the
 358 question of reauthorization to the electorate every 12 years
 359 after the year prescribed in subparagraph 1. The governing body
 360 ~~board~~ of the district may recommend to the governing body of the
 361 county language for the question submitted to the electorate.

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

364 4. Nothing in this paragraph precludes the governing body

365 ~~board~~ of a district from requesting that the governing body of
366 the county submit the question of retention or dissolution of a
367 district with voter-approved taxing authority to the electorate
368 at a date earlier than the year prescribed in subparagraph 1. If
369 the governing body of the county accepts the request and submits
370 the question to the electorate, the governing body satisfies the
371 requirement of that subparagraph.

372
373 If any district is dissolved pursuant to this subsection, each
374 county must first obligate itself to assume the debts,
375 liabilities, contracts, and outstanding obligations of the
376 district within the total millage available to the county
377 governing body for all county and municipal purposes as provided
378 for under s. 9, Art. VII of the State Constitution. Any district
379 may also be dissolved pursuant to s. part VII of chapter 189
380 ~~189.4042~~.

381 (6) Any district created pursuant to the provisions of
382 this section shall comply with all other statutory requirements
383 of general application which relate to the filing of any
384 financial reports or compliance reports required under part III
385 of chapter 218, or any other report or documentation required by
386 law, including the requirements of ss. 189.08, 189.015, and
387 189.016 ~~189.415, 189.417, and 189.418~~.

388 Section 6. Section 189.401, Florida Statutes, is
389 transferred, renumbered as section 189.01, Florida Statutes, and
390 amended to read:

391 189.01 ~~189.401~~ Short title.—This chapter may be cited as
 392 the "Uniform Special District Accountability Act ~~of 1989.~~"

393 Section 7. Subsections (1), (6), and (7) of section
 394 189.402, Florida Statutes, are transferred and renumbered as
 395 subsections (1), (2), and (3), respectively, of section 189.011,
 396 Florida Statutes, and present subsection (6) of that section is
 397 amended, to read:

398 189.011 ~~189.402~~ Statement of legislative purpose and
 399 intent.—

400 (2) ~~(6)~~ The Legislature finds that special districts serve
 401 a necessary and useful function by providing services to
 402 residents and property in the state. The Legislature finds
 403 further that special districts operate to serve a public purpose
 404 and that this is best secured by certain minimum standards of
 405 accountability designed to inform the public and appropriate
 406 general-purpose local governments of the status and activities
 407 of special districts. It is the intent of the Legislature that
 408 this public trust be secured by requiring each independent
 409 special district in the state to register and report its
 410 financial and other activities. The Legislature further finds
 411 that failure of an independent special district to comply with
 412 the minimum disclosure requirements set forth in this chapter
 413 may result in action against officers of such district body
 414 ~~board~~.

415 Section 8. Subsection (2) of section 189.402, Florida
 416 Statutes, is transferred, renumbered as section 189.06, Florida

417 Statutes, and amended to read:

418 189.06 ~~189.402~~ Legislative intent; centralized location
 419 ~~Statement of legislative purpose and intent.~~

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

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

426 (2) ~~(b)~~ Improve communication and coordination between
 427 state agencies with respect to required special district
 428 reporting and state monitoring.

429 (3) ~~(c)~~ Improve communication and coordination between
 430 special districts and other local entities with respect to ad
 431 valorem taxation, non-ad valorem assessment collection, special
 432 district elections, and local government comprehensive planning.

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

437 (5) ~~(e)~~ Clarify special district definitions and creation
 438 methods in order to ensure consistent application of those
 439 definitions and creation methods across all levels of
 440 government.

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

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

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

448 Section 9. Subsections (3), (4), (5), and (8) of section
 449 189.402, Florida Statutes, are transferred, renumbered as
 450 subsections (1), (2), (3), and (4), respectively, of section
 451 189.03, Florida Statutes, and amended to read:

452 189.03 ~~189.402~~ Statement of legislative purpose and
 453 intent; independent special districts.-

454 (1)~~(3)~~ The Legislature finds that:

455 (a) There is a need for uniform, focused, and fair
 456 procedures in state law to provide a reasonable alternative for
 457 the establishment, powers, operation, and duration of
 458 independent special districts ~~to manage and finance basic~~
 459 ~~capital infrastructure, facilities, and services; and that,~~
 460 ~~based upon a proper and fair determination of applicable facts,~~
 461 ~~an independent special district can constitute a timely,~~
 462 ~~efficient, effective, responsive, and economic way to deliver~~
 463 ~~these basic services, thereby providing a means of solving the~~
 464 ~~state's planning, management, and financing needs for delivery~~
 465 ~~of capital infrastructure, facilities, and services in order to~~
 466 ~~provide for projected growth without overburdening other~~
 467 ~~governments and their taxpayers.~~

468 (b) It is in the public interest that any independent

469 special district created pursuant to state law not outlive its
 470 usefulness and that the operation of such a district and the
 471 exercise by the district of its powers be consistent with
 472 applicable due process, disclosure, accountability, ethics, and
 473 government-in-the-sunshine requirements which apply both to
 474 governmental entities and to their elected and appointed
 475 officials.

476 ~~(c) It is in the public interest that long-range planning,~~
 477 ~~management, and financing and long-term maintenance, upkeep, and~~
 478 ~~operation of basic services by independent special districts be~~
 479 ~~uniform.~~

480 (2)~~(4)~~ It is the policy of this state:

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

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

490 (3)~~(5)~~ It is the legislative intent ~~and purpose, based~~
 491 ~~upon, and consistent with, its findings of fact and declarations~~
 492 ~~of policy,~~ to authorize a uniform procedure by general law to
 493 create an independent special district, ~~as an alternative method~~
 494 ~~to manage and finance basic capital infrastructure, facilities,~~

495 ~~and services. It is further the legislative intent and purpose~~
 496 to provide by general law for the uniform operation, exercise of
 497 power, and procedure for termination of any such independent
 498 special district.

499 ~~(4)-(8)~~ The Legislature finds and declares that:

500 (a) Growth and development issues transcend the boundaries
 501 and responsibilities of individual units of government, and
 502 often no single unit of government can plan or implement
 503 policies to deal with these issues without affecting other units
 504 of government.

505 (b) The provision of capital infrastructure, facilities,
 506 and services for the preservation and enhancement of the quality
 507 of life of the people of this state may require the creation of
 508 multicounty and multijurisdictional districts.

509 Section 10. Section 189.403, Florida Statutes, is
 510 transferred, renumbered as section 189.012, Florida Statutes,
 511 reordered, and amended to read:

512 189.012 ~~189.403~~ Definitions.—As used in this chapter, the
 513 term:

514 ~~(6)-(1)~~ "Special district" means a ~~local~~ unit of local
 515 government created for a ~~of~~ special purpose, as opposed to a
 516 general purpose ~~general-purpose~~, which has jurisdiction to
 517 operate ~~government~~ within a limited geographic boundary and is,
 518 created by general law, special act, local ordinance, or by rule
 519 of the Governor and Cabinet. ~~The special purpose or purposes of~~
 520 ~~special districts are implemented by specialized functions and~~

521 ~~related prescribed powers. For the purpose of s. 196.199(1),~~
 522 ~~special districts shall be treated as municipalities.~~ The term
 523 does not include a school district, a community college
 524 district, a special improvement district created pursuant to s.
 525 285.17, a municipal service taxing or benefit unit as specified
 526 in s. 125.01, or a board which provides electrical service and
 527 which is a political subdivision of a municipality or is part of
 528 a municipality.

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

531 (a) The membership of its governing body is identical to
 532 that of the governing body of a single county or a single
 533 municipality.

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

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

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

542
 543 This subsection is for purposes of definition only. Nothing in
 544 this subsection confers additional authority upon local
 545 governments not otherwise authorized by the provisions of the
 546 special acts or general acts of local application creating each

547 special district, as amended.

548 (3) "Independent special district" means a special
 549 district that is not a dependent special district as defined in
 550 subsection (2). A district that includes more than one county is
 551 an independent special district unless the district lies wholly
 552 within the boundaries of a single municipality.

553 (1)~~(4)~~ "Department" means the Department of Economic
 554 Opportunity.

555 (4)~~(5)~~ "Local governing authority" means the governing
 556 body of a unit of local general-purpose government. However, if
 557 the special district is a political subdivision of a
 558 municipality, "local governing authority" means the
 559 municipality.

560 (7)~~(6)~~ "Water management district" for purposes of this
 561 chapter means a special taxing district which is a regional
 562 water management district created and operated pursuant to
 563 chapter 373 or chapter 61-691, Laws of Florida, or a flood
 564 control district created and operated pursuant to chapter 25270,
 565 Laws of Florida, 1949, as modified by s. 373.149.

566 (5)~~(7)~~ "Public facilities" means major capital
 567 improvements, including, but not limited to, transportation
 568 facilities, sanitary sewer facilities, solid waste facilities,
 569 water management and control facilities, potable water
 570 facilities, alternative water systems, educational facilities,
 571 parks and recreational facilities, health systems and
 572 facilities, and, except for spoil disposal by those ports listed

573 | in s. 311.09(1), spoil disposal sites for maintenance dredging
 574 | in waters of the state.

575 | Section 11. Subsection (1) of section 189.4031, Florida
 576 | Statutes, is transferred and renumbered as section 189.013,
 577 | Florida Statutes, and the catchline of that section shall read:
 578 | "Special districts; creation, dissolution, and reporting
 579 | requirements."

580 | Section 12. Subsection (2) of section 189.4031, Florida
 581 | Statutes, is transferred, renumbered as section 189.0311,
 582 | Florida Statutes, and amended to read:

583 | 189.0311 ~~189.4031~~ Independent special districts ~~Special~~
 584 | ~~districts; creation, dissolution, and reporting requirements;~~
 585 | charter requirements.-

586 | ~~(2)~~ Notwithstanding any general law, special act, or
 587 | ordinance of a local government to the contrary, any independent
 588 | special district charter enacted after September 30, 1989, ~~the~~
 589 | ~~effective date of this section~~ shall contain the information
 590 | required by s. 189.031(3) ~~189.404(3)~~. Recognizing that the
 591 | exclusive charter for a community development district is the
 592 | statutory charter contained in ss. 190.006-190.041, community
 593 | development districts established after July 1, 1980, pursuant
 594 | to the provisions of chapter 190 shall be deemed in compliance
 595 | with this requirement.

596 | Section 13. Section 189.4035, Florida Statutes, is
 597 | transferred and renumbered as section 189.061, Florida Statutes,
 598 | and subsections (1), (5), and (6) of that section are amended,

599 to read:

600 189.061 ~~189.4035~~ ~~Preparation of~~ Official list of special
 601 districts.-

602 (1) The department ~~of Economic Opportunity~~ shall maintain
 603 ~~compile~~ the official list of special districts. The official
 604 list of special districts shall include all special districts in
 605 this state and shall indicate the independent or dependent
 606 status of each district. All special districts on ~~in~~ the list
 607 shall be sorted by county. The definitions in s. 189.012 ~~189.403~~
 608 shall be the criteria for determination of the independent or
 609 dependent status of each special district on the official list.
 610 The status of community development districts shall be
 611 independent on the official list of special districts.

612 (5) The official list of special districts shall be
 613 available on the department's website and must include a link to
 614 the website of each special district that provides web-based
 615 access to the public of the information and documentation
 616 required under s. 189.069.

617 (6) ~~Preparation of~~ The official list of special districts
 618 or the determination of status does not constitute final agency
 619 action pursuant to chapter 120. If the status of a special
 620 district on the official list is inconsistent with the status
 621 submitted by the district, the district may request the
 622 department to issue a declaratory statement setting forth the
 623 requirements necessary to resolve the inconsistency. If
 624 necessary, upon issuance of a declaratory statement by the

625 department which is not appealed pursuant to chapter 120, the
626 governing body ~~board~~ of any special district receiving such a
627 declaratory statement shall apply to the entity which originally
628 established the district for an amendment to its charter
629 correcting the specified defects in its original charter. This
630 amendment shall be for the sole purpose of resolving
631 inconsistencies between a district charter and the status of a
632 district as it appears on the official list. ~~Such application~~
633 ~~shall occur as follows:~~

634 ~~(a) In the event a special district was created by a local~~
635 ~~general purpose government or state agency and applies for an~~
636 ~~amendment to its charter to confirm its independence, said~~
637 ~~application shall be granted as a matter of right. If~~
638 ~~application by an independent district is not made within 6~~
639 ~~months of rendition of a declaratory statement, the district~~
640 ~~shall be deemed dependent and become a political subdivision of~~
641 ~~the governing body which originally established it by operation~~
642 ~~of law.~~

643 ~~(b) If the Legislature created a special district, the~~
644 ~~district shall request, by resolution, an amendment to its~~
645 ~~charter by the Legislature. Failure to apply to the Legislature~~
646 ~~for an amendment to its charter during the next regular~~
647 ~~legislative session following rendition of a declaratory~~
648 ~~statement or failure of the Legislature to pass a special act~~
649 ~~shall render the district dependent.~~

650 Section 14. Section 189.404, Florida Statutes, is

651 transferred and renumbered as section 189.031, Florida Statutes,
 652 and subsection (2) and paragraphs (e), (f), and (g) of
 653 subsection (3) of that section are amended, to read:

654 189.031 ~~189.404~~ Legislative intent for the creation of
 655 independent special districts; special act prohibitions; model
 656 elements and other requirements; general-purpose local
 657 government/Governor and Cabinet creation authorizations.—

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

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

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

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

668 (d) Exempt an independent special district from the
 669 reporting, notice, or public meetings requirements of s.
 670 189.051, s. 189.08, s. 189.015, or s. 189.016 ~~189.4085, s.~~
 671 ~~189.415, s. 189.417, or s. 189.418~~;

672 (e) Create an independent special district for which a
 673 statement has not been submitted to the Legislature that
 674 documents the following:

- 675 1. The purpose of the proposed district;
 676 2. The authority of the proposed district;

677 3. An explanation of why the district is the best
 678 alternative; and

679 4. A resolution or official statement of the governing
 680 body or an appropriate administrator of the local jurisdiction
 681 within which the proposed district is located stating that the
 682 creation of the proposed district is consistent with the
 683 approved local government plans of the local governing body and
 684 that the local government has no objection to the creation of
 685 the proposed district.

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

690 (e) The membership and organization of the governing body
 691 ~~board~~ of the district. If a district created after September 30,
 692 1989, uses a one-acre/one-vote election principle, it shall
 693 provide for a governing body ~~board~~ consisting of five members.
 694 Three members shall constitute a quorum.

695 (f) The maximum compensation of a governing body ~~board~~
 696 member.

697 (g) The administrative duties of the governing body ~~board~~
 698 of the district.

699 Section 15. Section 189.40401, Florida Statutes, is
 700 transferred and renumbered as section 189.033, Florida Statutes.

701 Section 16. Section 189.4041, Florida Statutes, is
 702 transferred and renumbered as section 189.02, Florida Statutes,

703 and paragraph (e) of subsection (4) of that section is amended,
 704 to read:

705 189.02 ~~189.4041~~ Dependent special districts.—

706 (4) Dependent special districts created by a county or
 707 municipality shall be created by adoption of an ordinance that
 708 includes:

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

711 Section 17. Subsection (1) of section 189.4042, Florida
 712 Statutes, is transferred, renumbered as section 189.07, Florida
 713 Statutes, and amended to read:

714 189.07 ~~189.4042~~ Definitions ~~Merger and dissolution~~
 715 ~~procedures~~.—

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

717 (1)(a) "Component independent special district" means an
 718 independent special district that proposes to be merged into a
 719 merged independent district, or an independent special district
 720 as it existed before its merger into the merged independent
 721 district of which it is now a part.

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

728 (3)(e) "Governing body" means the governing body of the

729 independent special district in which the general legislative,
730 governmental, or public powers of the district are vested and by
731 authority of which the official business of the district is
732 conducted.

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

736 (5)~~(e)~~ "Joint merger plan" means the merger plan that is
737 adopted by resolution of the governing bodies of two or more
738 independent special districts that outlines the terms and
739 agreements for the official merger of the districts and that is
740 finalized and approved by the governing bodies pursuant to this
741 part section.

742 (6)~~(f)~~ "Merged independent district" means a single
743 independent special district that results from a successful
744 merger of two or more independent special districts pursuant to
745 this part section.

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

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

753 (9)~~(i)~~ "Proposed elector-initiated merger plan" means a
754 written document that contains the terms and information

755 regarding the merger of two or more independent special
 756 districts and that accompanies the petition initiated by the
 757 qualified electors of the districts but that is not yet
 758 finalized and approved by the governing bodies of each component
 759 independent special district pursuant to this part section.

760 (10)~~(j)~~ "Proposed joint merger plan" means a written
 761 document that contains the terms and information regarding the
 762 merger of two or more independent special districts and that has
 763 been prepared pursuant to a resolution of the governing bodies
 764 of the districts but that is not yet finalized and approved by
 765 the governing bodies of each component independent special
 766 district pursuant to this part section.

767 (11)~~(k)~~ "Qualified elector" means an individual at least
 768 18 years of age who is a citizen of the United States, a
 769 permanent resident of this state, and a resident of the district
 770 who registers with the supervisor of elections of a county
 771 within which the district lands are located when the
 772 registration books are open.

773 Section 18. Subsection (2) of section 189.4042, Florida
 774 Statutes, is transferred, renumbered as section 189.071, Florida
 775 Statutes, and amended to read:

776 189.071 ~~189.4042~~ Merger or ~~and~~ dissolution of a dependent
 777 special district procedures.—

778 ~~(2) MERGER OR DISSOLUTION OF A DEPENDENT SPECIAL~~
 779 ~~DISTRICT.—~~

780 (1)~~(a)~~ The merger or dissolution of a dependent special

781 district may be effectuated by an ordinance of the general-
 782 purpose local governmental entity wherein the geographical area
 783 of the district or districts is located. However, a county may
 784 not dissolve a special district that is dependent to a
 785 municipality or vice versa, or a dependent district created by
 786 special act.

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

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

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

800 Section 19. Subsection (3) of section 189.4042, Florida
 801 Statutes, is transferred, renumbered as section 189.072, Florida
 802 Statutes, and amended to read:

803 189.072 ~~189.4042~~ Dissolution of an independent special
 804 district Merger and dissolution procedures.-

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

806 (1)~~(a)~~ *Voluntary dissolution.*-If the governing body ~~board~~

807 of an independent special district created and operating
 808 pursuant to a special act elects, by a majority vote plus one,
 809 to dissolve the district, the voluntary dissolution of an
 810 independent special district created and operating pursuant to a
 811 special act may be effectuated only by the Legislature unless
 812 otherwise provided by general law.

813 (2) ~~(b)~~ *Other dissolutions.*—

814 (a) ~~1.~~ In order for the Legislature to dissolve an active
 815 independent special district created and operating pursuant to a
 816 special act, the special act dissolving the active independent
 817 special district must be approved by a majority of the resident
 818 electors of the district or, for districts in which a majority
 819 of governing body ~~board~~ members are elected by landowners, a
 820 majority of the landowners voting in the same manner by which
 821 the independent special district's governing body is elected. If
 822 a local general-purpose government passes an ordinance or
 823 resolution in support of the dissolution, the local general-
 824 purpose government must pay any expenses associated with the
 825 referendum required under this paragraph ~~subparagraph~~.

826 (b) ~~2.~~ If an independent special district was created by a
 827 county or municipality by referendum or any other procedure, the
 828 county or municipality that created the district may dissolve
 829 the district pursuant to a referendum or any other procedure by
 830 which the independent special district was created. However, if
 831 the independent special district has ad valorem taxation powers,
 832 the same procedure required to grant the independent special

833 district ad valorem taxation powers is required to dissolve the
 834 district.

835 (3)~~(e)~~ *Inactive independent special districts.*—An
 836 independent special district that meets any criteria for being
 837 declared inactive, or that has already been declared inactive,
 838 pursuant to s. 189.062 ~~189.4044~~ may be dissolved by special act
 839 without a referendum. If an inactive independent special
 840 district was created by a county or municipality through a
 841 referendum, the county or municipality that created the district
 842 may dissolve the district after publishing notice as described
 843 in s. 189.062 ~~189.4044~~.

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

847 Section 20. Subsection (4) of section 189.4042, Florida
 848 Statutes, is transferred, renumbered as section 189.073, Florida
 849 Statutes, and amended to read:

850 189.073 ~~189.4042~~ Legislative merger of independent special
 851 districts ~~Merger and dissolution procedures.~~—

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

855 Section 21. Subsection (5) of section 189.4042, Florida
 856 Statutes, is transferred, renumbered as section 189.074, Florida
 857 Statutes, and amended to read:

858 189.074 ~~189.4042~~ Voluntary merger of independent special

859 districts ~~Merger and dissolution procedures.~~

860 ~~(5) VOLUNTARY MERGER OF INDEPENDENT SPECIAL DISTRICTS.~~ Two
 861 or more contiguous independent special districts created by
 862 special act which have similar functions and elected governing
 863 bodies may elect to merge into a single independent district
 864 through the act of merging the component independent special
 865 districts.

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

867 (a)1. A joint resolution of the governing bodies of each
 868 independent special district which endorses a proposed joint
 869 merger plan; or

870 (b)2. A qualified elector initiative.

871 (2)~~(b)~~ *Joint merger plan by resolution.*—The governing
 872 bodies of two or more contiguous independent special districts
 873 may, by joint resolution, endorse a proposed joint merger plan
 874 to commence proceedings to merge the districts pursuant to this
 875 section ~~subsection~~.

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

877 1.a. The name of each component independent special
 878 district to be merged;

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

880 3.c. The rights, duties, and obligations of the proposed
 881 merged independent district;

882 4.d. The territorial boundaries of the proposed merged
 883 independent district;

884 5.e. The governmental organization of the proposed merged

885 independent district insofar as it concerns elected and
 886 appointed officials and public employees, along with a
 887 transitional plan and schedule for elections and appointments of
 888 officials;

889 6.f. A fiscal estimate of the potential cost or savings as
 890 a result of the merger;

891 7.g. Each component independent special district's assets,
 892 including, but not limited to, real and personal property, and
 893 the current value thereof;

894 8.h. Each component independent special district's
 895 liabilities and indebtedness, bonded and otherwise, and the
 896 current value thereof;

897 9.i. Terms for the assumption and disposition of existing
 898 assets, liabilities, and indebtedness of each component
 899 independent special district jointly, separately, or in defined
 900 proportions;

901 10.j. Terms for the common administration and uniform
 902 enforcement of existing laws within the proposed merged
 903 independent district;

904 11.k. The times and places for public hearings on the
 905 proposed joint merger plan;

906 12.l. The times and places for a referendum in each
 907 component independent special district on the proposed joint
 908 merger plan, along with the referendum language to be presented
 909 for approval; and

910 13.m. The effective date of the proposed merger.

911 (b)2- The resolution endorsing the proposed joint merger
 912 plan must be approved by a majority vote of the governing bodies
 913 of each component independent special district and adopted at
 914 least 60 business days before any general or special election on
 915 the proposed joint merger plan.

916 (c)3- Within 5 business days after the governing bodies
 917 approve the resolution endorsing the proposed joint merger plan,
 918 the governing bodies must:

919 1.a- Cause a copy of the proposed joint merger plan, along
 920 with a descriptive summary of the plan, to be displayed and be
 921 readily accessible to the public for inspection in at least
 922 three public places within the territorial limits of each
 923 component independent special district, unless a component
 924 independent special district has fewer than three public places,
 925 in which case the plan must be accessible for inspection in all
 926 public places within the component independent special district;

927 2.b- If applicable, cause the proposed joint merger plan,
 928 along with a descriptive summary of the plan and a reference to
 929 the public places within each component independent special
 930 district where a copy of the merger plan may be examined, to be
 931 displayed on a website maintained by each district or on a
 932 website maintained by the county or municipality in which the
 933 districts are located; and

934 3.e- Arrange for a descriptive summary of the proposed
 935 joint merger plan, and a reference to the public places within
 936 the district where a copy may be examined, to be published in a

937 newspaper of general circulation within the component
938 independent special districts at least once each week for 4
939 successive weeks.

940 (d)4- The governing body of each component independent
941 special district shall set a time and place for one or more
942 public hearings on the proposed joint merger plan. Each public
943 hearing shall be held on a weekday at least 7 business days
944 after the day the first advertisement is published on the
945 proposed joint merger plan. The hearing or hearings may be held
946 jointly or separately by the governing bodies of the component
947 independent special districts. Any interested person residing in
948 the respective district shall be given a reasonable opportunity
949 to be heard on any aspect of the proposed merger at the public
950 hearing.

951 1.a- Notice of the public hearing addressing the
952 resolution for the proposed joint merger plan must be published
953 pursuant to the notice requirements in s. 189.015 ~~189.417~~ and
954 must provide a descriptive summary of the proposed joint merger
955 plan and a reference to the public places within the component
956 independent special districts where a copy of the plan may be
957 examined.

958 2.b- After the final public hearing, the governing bodies
959 of each component independent special district may amend the
960 proposed joint merger plan if the amended version complies with
961 the notice and public hearing requirements provided in this
962 section ~~subsection~~. Thereafter, the governing bodies may approve

963 a final version of the joint merger plan or decline to proceed
 964 further with the merger. Approval by the governing bodies of the
 965 final version of the joint merger plan must occur within 60
 966 business days after the final hearing.

967 (e)~~5.~~ After the final public hearing, the governing bodies
 968 shall notify the supervisors of elections of the applicable
 969 counties in which district lands are located of the adoption of
 970 the resolution by each governing body. The supervisors of
 971 elections shall schedule a separate referendum for each
 972 component independent special district. The referenda may be
 973 held in each district on the same day, or on different days, but
 974 no more than 20 days apart.

975 1.a.~~1.a.~~ Notice of a referendum on the merger of independent
 976 special districts must be provided pursuant to the notice
 977 requirements in s. 100.342. At a minimum, the notice must
 978 include:

979 a.~~(I)~~ A brief summary of the resolution and joint merger
 980 plan;

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

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

985 d.~~(IV)~~ The times and places at which the referendum will
 986 be held; and

987 e.~~(V)~~ Such other matters as may be necessary to call,
 988 provide for, and give notice of the referendum and to provide

989 for the conduct thereof and the canvass of the returns.

990 ~~2.b.~~ The referenda must be held in accordance with the
 991 Florida Election Code and may be held pursuant to ss. 101.6101-
 992 101.6107. All costs associated with the referenda shall be borne
 993 by the respective component independent special district.

994 ~~3.e.~~ The ballot question in such referendum placed before
 995 the qualified electors of each component independent special
 996 district to be merged must be in substantially the following
 997 form:

998 "Shall ...(name of component independent special
 999 district)... and ...(name of component independent special
 1000 district or districts)... be merged into ...(name of newly
 1001 merged independent district)...?"

- 1002
- 1003YES
- 1004NO"
- 1005

1006 ~~4.d.~~ If the component independent special districts
 1007 proposing to merge have disparate millage rates, the ballot
 1008 question in the referendum placed before the qualified electors
 1009 of each component independent special district must be in
 1010 substantially the following form:

1011

1012 "Shall ...(name of component independent special
 1013 district)... and ...(name of component independent special
 1014 district or districts)... be merged into ...(name of newly

1015 merged independent district)... if the voter-approved maximum
 1016 millage rate within each independent special district will not
 1017 increase absent a subsequent referendum?

1018
 1019 YES
 1020 NO"

1021
 1022 5.e. In any referendum held pursuant to this section
 1023 ~~subsection~~, the ballots shall be counted, returns made and
 1024 canvassed, and results certified in the same manner as other
 1025 elections or referenda for the component independent special
 1026 districts.

1027 6.f. The merger may not take effect unless a majority of
 1028 the votes cast in each component independent special district
 1029 are in favor of the merger. If one of the component districts
 1030 does not obtain a majority vote, the referendum fails, and
 1031 merger does not take effect.

1032 7.g. If the merger is approved by a majority of the votes
 1033 cast in each component independent special district, the merged
 1034 independent district is created. Upon approval, the merged
 1035 independent district shall notify the Special District
 1036 Accountability Information Program pursuant to s. 189.016(2)
 1037 ~~189.418(2)~~ and the local general-purpose governments in which
 1038 any part of the component independent special districts is
 1039 situated pursuant to s. 189.016(7) ~~189.418(7)~~.

1040 8.h. If the referendum fails, the merger process under

1041 this subsection ~~paragraph~~ may not be initiated for the same
 1042 purpose within 2 years after the date of the referendum.

1043 (f) ~~6-~~ Component independent special districts merged
 1044 pursuant to a joint merger plan by resolution shall continue to
 1045 be governed as before the merger until the effective date
 1046 specified in the adopted joint merger plan.

1047 (3) ~~(e)~~ *Qualified elector-initiated merger plan.*—The
 1048 qualified electors of two or more contiguous independent special
 1049 districts may commence a merger proceeding by each filing a
 1050 petition with the governing body of their respective independent
 1051 special district proposing to be merged. The petition must
 1052 contain the signatures of at least 40 percent of the qualified
 1053 electors of each component independent special district and must
 1054 be submitted to the appropriate component independent special
 1055 district governing body no later than 1 year after the start of
 1056 the qualified elector-initiated merger process.

1057 (a) ~~1-~~ The petition must comply with, and be circulated in,
 1058 the following form:

PETITION FOR

INDEPENDENT SPECIAL DISTRICT MERGER

1061 We, the undersigned electors and legal voters of ...(name
 1062 of independent special district)..., qualified to vote at the
 1063 next general or special election, respectfully petition that
 1064 there be submitted to the electors and legal voters of ...(name
 1065 of independent special district or districts proposed to be
 1066 merged)..., for their approval or rejection at a referendum held

1067 for that purpose, a proposal to merge ...(name of component
 1068 independent special district)... and ...(name of component
 1069 independent special district or districts)....

1070 In witness thereof, we have signed our names on the date
 1071 indicated next to our signatures.

1072 Date Name Home Address
 1073 (print under signature)

1074
 1075

1076 (b)2. The petition must be validated by a signed statement
 1077 by a witness who is a duly qualified elector of one of the
 1078 component independent special districts, a notary public, or
 1079 another person authorized to take acknowledgments.

1080 1.a. A statement that is signed by a witness who is a duly
 1081 qualified elector of the respective district shall be accepted
 1082 for all purposes as the equivalent of an affidavit. Such
 1083 statement must be in substantially the following form:

1084 "I, ...(name of witness)..., state that I am a duly
 1085 qualified voter of ...(name of independent special district)....
 1086 Each of the ...(insert number)... persons who have signed this
 1087 petition sheet has signed his or her name in my presence on the
 1088 dates indicated above and identified himself or herself to be
 1089 the same person who signed the sheet. I understand that this
 1090 statement will be accepted for all purposes as the equivalent of
 1091 an affidavit and, if it contains a materially false statement,
 1092 shall subject me to the penalties of perjury."

1093 Date Signature of Witness

1094 ~~2.b.~~ A statement that is signed by a notary public or
 1095 another person authorized to take acknowledgments must be in
 1096 substantially the following form:

1097 "On the date indicated above before me personally came each
 1098 of the ...(insert number)... electors and legal voters whose
 1099 signatures appear on this petition sheet, who signed the
 1100 petition in my presence and who, being by me duly sworn, each
 1101 for himself or herself, identified himself or herself as the
 1102 same person who signed the petition, and I declare that the
 1103 foregoing information they provided was true."

1104 Date Signature of Witness

1105 ~~3.e.~~ An alteration or correction of information appearing
 1106 on a petition's signature line, other than an uninitialed
 1107 signature and date, does not invalidate such signature. In
 1108 matters of form, this subsection ~~paragraph~~ shall be liberally
 1109 construed, not inconsistent with substantial compliance thereto
 1110 and the prevention of fraud.

1111 ~~4.d.~~ The appropriately signed petition must be filed with
 1112 the governing body of each component independent special
 1113 district. The petition must be submitted to the supervisors of
 1114 elections of the counties in which the district lands are
 1115 located. The supervisors shall, within 30 business days after
 1116 receipt of the petitions, certify to the governing bodies the
 1117 number of signatures of qualified electors contained on the
 1118 petitions.

1119 (c)~~3.~~ Upon verification by the supervisors of elections of
 1120 the counties within which component independent special district
 1121 lands are located that 40 percent of the qualified electors have
 1122 petitioned for merger and that all such petitions have been
 1123 executed within 1 year after the date of the initiation of the
 1124 qualified-elector merger process, the governing bodies of each
 1125 component independent special district shall meet within 30
 1126 business days to prepare and approve by resolution a proposed
 1127 elector-initiated merger plan. The proposed plan must include:

1128 1.a. The name of each component independent special
 1129 district to be merged;

1130 2.b. The name of the proposed merged independent district;

1131 3.c. The rights, duties, and obligations of the merged
 1132 independent district;

1133 4.d. The territorial boundaries of the proposed merged
 1134 independent district;

1135 5.e. The governmental organization of the proposed merged
 1136 independent district insofar as it concerns elected and
 1137 appointed officials and public employees, along with a
 1138 transitional plan and schedule for elections and appointments of
 1139 officials;

1140 6.f. A fiscal estimate of the potential cost or savings as
 1141 a result of the merger;

1142 7.g. Each component independent special district's assets,
 1143 including, but not limited to, real and personal property, and
 1144 the current value thereof;

1145 8.h. Each component independent special district's
 1146 liabilities and indebtedness, bonded and otherwise, and the
 1147 current value thereof;

1148 9.i. Terms for the assumption and disposition of existing
 1149 assets, liabilities, and indebtedness of each component
 1150 independent special district, jointly, separately, or in defined
 1151 proportions;

1152 10.j. Terms for the common administration and uniform
 1153 enforcement of existing laws within the proposed merged
 1154 independent district;

1155 11.k. The times and places for public hearings on the
 1156 proposed joint merger plan; and

1157 12.l. The effective date of the proposed merger.

1158 (d)4. The resolution endorsing the proposed elector-
 1159 initiated merger plan must be approved by a majority vote of the
 1160 governing bodies of each component independent special district
 1161 and must be adopted at least 60 business days before any general
 1162 or special election on the proposed elector-initiated plan.

1163 (e)5. Within 5 business days after the governing bodies of
 1164 each component independent special district approve the proposed
 1165 elector-initiated merger plan, the governing bodies shall:

1166 1.a. Cause a copy of the proposed elector-initiated merger
 1167 plan, along with a descriptive summary of the plan, to be
 1168 displayed and be readily accessible to the public for inspection
 1169 in at least three public places within the territorial limits of
 1170 each component independent special district, unless a component

1171 independent special district has fewer than three public places,
 1172 in which case the plan must be accessible for inspection in all
 1173 public places within the component independent special district;

1174 2.b. If applicable, cause the proposed elector-initiated
 1175 merger plan, along with a descriptive summary of the plan and a
 1176 reference to the public places within each component independent
 1177 special district where a copy of the merger plan may be
 1178 examined, to be displayed on a website maintained by each
 1179 district or otherwise on a website maintained by the county or
 1180 municipality in which the districts are located; and

1181 3.e. Arrange for a descriptive summary of the proposed
 1182 elector-initiated merger plan, and a reference to the public
 1183 places within the district where a copy may be examined, to be
 1184 published in a newspaper of general circulation within the
 1185 component independent special districts at least once each week
 1186 for 4 successive weeks.

1187 (f)6. The governing body of each component independent
 1188 special district shall set a time and place for one or more
 1189 public hearings on the proposed elector-initiated merger plan.
 1190 Each public hearing shall be held on a weekday at least 7
 1191 business days after the day the first advertisement is published
 1192 on the proposed elector-initiated merger plan. The hearing or
 1193 hearings may be held jointly or separately by the governing
 1194 bodies of the component independent special districts. Any
 1195 interested person residing in the respective district shall be
 1196 given a reasonable opportunity to be heard on any aspect of the

1197 proposed merger at the public hearing.

1198 ~~1.a.~~ Notice of the public hearing on the proposed elector-
 1199 initiated merger plan must be published pursuant to the notice
 1200 requirements in s. 189.015 ~~189.417~~ and must provide a
 1201 descriptive summary of the elector-initiated merger plan and a
 1202 reference to the public places within the component independent
 1203 special districts where a copy of the plan may be examined.

1204 ~~2.b.~~ After the final public hearing, the governing bodies
 1205 of each component independent special district may amend the
 1206 proposed elector-initiated merger plan if the amended version
 1207 complies with the notice and public hearing requirements
 1208 provided in this section ~~subsection~~. The governing bodies must
 1209 approve a final version of the merger plan within 60 business
 1210 days after the final hearing.

1211 ~~(g)7.~~ After the final public hearing, the governing bodies
 1212 shall notify the supervisors of elections of the applicable
 1213 counties in which district lands are located of the adoption of
 1214 the resolution by each governing body. The supervisors of
 1215 elections shall schedule a date for the separate referenda for
 1216 each district. The referenda may be held in each district on the
 1217 same day, or on different days, but no more than 20 days apart.

1218 ~~1.a.~~ Notice of a referendum on the merger of the component
 1219 independent special districts must be provided pursuant to the
 1220 notice requirements in s. 100.342. At a minimum, the notice must
 1221 include:

1222 ~~a.(1)~~ A brief summary of the resolution and elector-

1223 initiated merger plan;

1224 b.~~(II)~~ A statement as to where a copy of the resolution

1225 and petition for merger may be examined;

1226 c.~~(III)~~ The names of the component independent special

1227 districts to be merged and a description of their territory;

1228 d.~~(IV)~~ The times and places at which the referendum will

1229 be held; and

1230 e.~~(V)~~ Such other matters as may be necessary to call,

1231 provide for, and give notice of the referendum and to provide

1232 for the conduct thereof and the canvass of the returns.

1233 2.b. The referenda must be held in accordance with the

1234 Florida Election Code and may be held pursuant to ss. 101.6101-

1235 101.6107. All costs associated with the referenda shall be borne

1236 by the respective component independent special district.

1237 3.e. The ballot question in such referendum placed before

1238 the qualified electors of each component independent special

1239 district to be merged must be in substantially the following

1240 form:

1241 "Shall ...(name of component independent special

1242 district)... and ...(name of component independent special

1243 district or districts)... be merged into ...(name of newly

1244 merged independent district)...?

1245 YES

1246 NO"

1247 4.d. If the component independent special districts

1248 proposing to merge have disparate millage rates, the ballot

1249 question in the referendum placed before the qualified electors
 1250 of each component independent special district must be in
 1251 substantially the following form:

1252 "Shall ... (name of component independent special
 1253 district)... and ... (name of component independent special
 1254 district or districts)... be merged into ... (name of newly
 1255 merged independent district)... if the voter-approved maximum
 1256 millage rate within each independent special district will not
 1257 increase absent a subsequent referendum?

1258YES

1259NO"

1260 5.e. In any referendum held pursuant to this section
 1261 ~~subsection~~, the ballots shall be counted, returns made and
 1262 canvassed, and results certified in the same manner as other
 1263 elections or referenda for the component independent special
 1264 districts.

1265 6.f. The merger may not take effect unless a majority of
 1266 the votes cast in each component independent special district
 1267 are in favor of the merger. If one of the component independent
 1268 special districts does not obtain a majority vote, the
 1269 referendum fails, and merger does not take effect.

1270 7.g. If the merger is approved by a majority of the votes
 1271 cast in each component independent special district, the merged
 1272 district shall notify the Special District Accountability
 1273 ~~Information~~ Program pursuant to s. 189.016(2) ~~189.418(2)~~ and the
 1274 local general-purpose governments in which any part of the

1275 component independent special districts is situated pursuant to
 1276 s. 189.016(7) ~~189.418(7)~~.

1277 ~~8.h.~~ If the referendum fails, the merger process under
 1278 this subsection ~~paragraph~~ may not be initiated for the same
 1279 purpose within 2 years after the date of the referendum.

1280 ~~(h)8.~~ Component independent special districts merged
 1281 pursuant to an elector-initiated merger plan shall continue to
 1282 be governed as before the merger until the effective date
 1283 specified in the adopted elector-initiated merger plan.

1284 ~~(4)(d)~~ *Effective date.*—The effective date of the merger
 1285 shall be as provided in the joint merger plan or elector-
 1286 initiated merger plan, as appropriate, and is not contingent
 1287 upon the future act of the Legislature.

1288 ~~(a)1.~~ However, as soon as practicable, the merged
 1289 independent district shall, at its own expense, submit a unified
 1290 charter for the merged district to the Legislature for approval.
 1291 The unified charter must make the powers of the district
 1292 consistent within the merged independent district and repeal the
 1293 special acts of the districts which existed before the merger.

1294 ~~(b)2.~~ Within 30 business days after the effective date of
 1295 the merger, the merged independent district's governing body, as
 1296 indicated in this section ~~subsection~~, shall hold an
 1297 organizational meeting to implement the provisions of the joint
 1298 merger plan or elector-initiated merger plan, as appropriate.

1299 ~~(5)(e)~~ *Restrictions during transition period.*—Until the
 1300 Legislature formally approves the unified charter pursuant to a

1301 special act, each component independent special district is
1302 considered a subunit of the merged independent district subject
1303 to the following restrictions:

1304 (a)~~1.~~ During the transition period, the merged independent
1305 district is limited in its powers and financing capabilities
1306 within each subunit to those powers that existed within the
1307 boundaries of each subunit which were previously granted to the
1308 component independent special district in its existing charter
1309 before the merger. The merged independent district may not,
1310 solely by reason of the merger, increase its powers or financing
1311 capability.

1312 (b)~~2.~~ During the transition period, the merged independent
1313 district shall exercise only the legislative authority to levy
1314 and collect revenues within the boundaries of each subunit which
1315 was previously granted to the component independent special
1316 district by its existing charter before the merger, including
1317 the authority to levy ad valorem taxes, non-ad valorem
1318 assessments, impact fees, and charges.

1319 1.a. The merged independent district may not, solely by
1320 reason of the merger or the legislatively approved unified
1321 charter, increase ad valorem taxes on property within the
1322 original limits of a subunit beyond the maximum millage rate
1323 approved by the electors of the component independent special
1324 district unless the electors of such subunit approve an increase
1325 at a subsequent referendum of the subunit's electors. Each
1326 subunit may be considered a separate taxing unit.

1327 2.b. The merged independent district may not, solely by
1328 reason of the merger, charge non-ad valorem assessments, impact
1329 fees, or other new fees within a subunit which were not
1330 otherwise previously authorized to be charged.

1331 (c)3. During the transition period, each component
1332 independent special district of the merged independent district
1333 must continue to file all information and reports required under
1334 this chapter as subunits until the Legislature formally approves
1335 the unified charter pursuant to a special act.

1336 (d)4. The intent of this part section is to preserve and
1337 transfer to the merged independent district all authority that
1338 exists within each subunit and was previously granted by the
1339 Legislature and, if applicable, by referendum.

1340 (6)(f) *Effect of merger, generally.*—On and after the
1341 effective date of the merger, the merged independent district
1342 shall be treated and considered for all purposes as one entity
1343 under the name and on the terms and conditions set forth in the
1344 joint merger plan or elector-initiated merger plan, as
1345 appropriate.

1346 (a)1. All rights, privileges, and franchises of each
1347 component independent special district and all assets, real and
1348 personal property, books, records, papers, seals, and equipment,
1349 as well as other things in action, belonging to each component
1350 independent special district before the merger shall be deemed
1351 as transferred to and vested in the merged independent district
1352 without further act or deed.

1353 (b)2- All property, rights-of-way, and other interests are
1354 as effectually the property of the merged independent district
1355 as they were of the component independent special district
1356 before the merger. The title to real estate, by deed or
1357 otherwise, under the laws of this state vested in any component
1358 independent special district before the merger may not be deemed
1359 to revert or be in any way impaired by reason of the merger.

1360 (c)3- The merged independent district is in all respects
1361 subject to all obligations and liabilities imposed and possesses
1362 all the rights, powers, and privileges vested by law in other
1363 similar entities.

1364 (d)4- Upon the effective date of the merger, the joint
1365 merger plan or elector-initiated merger plan, as appropriate, is
1366 subordinate in all respects to the contract rights of all
1367 holders of any securities or obligations of the component
1368 independent special districts outstanding at the effective date
1369 of the merger.

1370 (e)5- The new registration of electors is not necessary as
1371 a result of the merger, but all elector registrations of the
1372 component independent special districts shall be transferred to
1373 the proper registration books of the merged independent
1374 district, and new registrations shall be made as provided by law
1375 as if no merger had taken place.

1376 (7)(g) *Governing body of merged independent district.-*

1377 (a)1- From the effective date of the merger until the next
1378 general election, the governing body of the merged independent

1379 district shall be comprised of the governing body members of
 1380 each component independent special district, with such members
 1381 serving until the governing body members elected at the next
 1382 general election take office.

1383 (b)2. Beginning with the next general election following
 1384 the effective date of merger, the governing body of the merged
 1385 independent district shall be comprised of five members. The
 1386 office of each governing body member shall be designated by
 1387 seat, which shall be distinguished from other body member seats
 1388 by an assigned numeral: 1, 2, 3, 4, or 5. The governing body
 1389 members that are elected in this initial election following the
 1390 merger shall serve unequal terms of 2 and 4 years in order to
 1391 create staggered membership of the governing body, with:

1392 1.a. Member seats 1, 3, and 5 being designated for 4-year
 1393 terms; and

1394 2.b. Member seats 2 and 4 being designated for 2-year
 1395 terms.

1396 (c)3. In general elections thereafter, all governing body
 1397 members shall serve 4-year terms.

1398 (8)(h) *Effect on employees.*—Except as otherwise provided
 1399 by law and except for those officials and employees protected by
 1400 tenure of office, civil service provisions, or a collective
 1401 bargaining agreement, upon the effective date of merger, all
 1402 appointive offices and positions existing in all component
 1403 independent special districts involved in the merger are subject
 1404 to the terms of the joint merger plan or elector-initiated

1405 merger plan, as appropriate. Such plan may provide for instances
 1406 in which there are duplications of positions and for other
 1407 matters such as varying lengths of employee contracts, varying
 1408 pay levels or benefits, different civil service regulations in
 1409 the constituent entities, and differing ranks and position
 1410 classifications for similar positions. For those employees who
 1411 are members of a bargaining unit certified by the Public
 1412 Employees Relations Commission, the requirements of chapter 447
 1413 apply.

1414 (9)~~(i)~~ *Effect on debts, liabilities, and obligations.*—

1415 (a)~~1.~~ All valid and lawful debts and liabilities existing
 1416 against a merged independent district, or which may arise or
 1417 accrue against the merged independent district, which but for
 1418 merger would be valid and lawful debts or liabilities against
 1419 one or more of the component independent special districts, are
 1420 debts against or liabilities of the merged independent district
 1421 and accordingly shall be defrayed and answered to by the merged
 1422 independent district to the same extent, and no further than,
 1423 the component independent special districts would have been
 1424 bound if a merger had not taken place.

1425 (b)~~2.~~ The rights of creditors and all liens upon the
 1426 property of any of the component independent special districts
 1427 shall be preserved unimpaired. The respective component
 1428 districts shall be deemed to continue in existence to preserve
 1429 such rights and liens, and all debts, liabilities, and duties of
 1430 any of the component districts attach to the merged independent

1431 district.

1432 (c)~~3.~~ All bonds, contracts, and obligations of the
1433 component independent special districts which exist as legal
1434 obligations are obligations of the merged independent district,
1435 and all such obligations shall be issued or entered into by and
1436 in the name of the merged independent district.

1437 (10)~~(j)~~ *Effect on actions and proceedings.*—In any action
1438 or proceeding pending on the effective date of merger to which a
1439 component independent special district is a party, the merged
1440 independent district may be substituted in its place, and the
1441 action or proceeding may be prosecuted to judgment as if merger
1442 had not taken place. Suits may be brought and maintained against
1443 a merged independent district in any state court in the same
1444 manner as against any other independent special district.

1445 (11)~~(k)~~ *Effect on annexation.*—Chapter 171 continues to
1446 apply to all annexations by a city within the component
1447 independent special districts' boundaries after merger occurs.
1448 Any moneys owed to a component independent special district
1449 pursuant to s. 171.093, or any interlocal service boundary
1450 agreement as a result of annexation predating the merger, shall
1451 be paid to the merged independent district after merger.

1452 (12)~~(l)~~ *Effect on millage calculations.*—The merged
1453 independent special district is authorized to continue or
1454 conclude procedures under chapter 200 on behalf of the component
1455 independent special districts. The merged independent special
1456 district shall make the calculations required by chapter 200 for

1457 each component individual special district separately.

1458 (13)~~(m)~~ *Determination of rights.*—If any right, title,
 1459 interest, or claim arises out of a merger or by reason thereof
 1460 which is not determinable by reference to this subsection, the
 1461 joint merger plan or elector-initiated merger plan, as
 1462 appropriate, or otherwise under the laws of this state, the
 1463 governing body of the merged independent district may provide
 1464 therefor in a manner conforming to law.

1465 (14)~~(n)~~ *Exemption.*—This section ~~subsection~~ does not apply
 1466 to independent special districts whose governing bodies are
 1467 elected by district landowners voting the acreage owned within
 1468 the district.

1469 (15)~~(o)~~ *Preemption.*—This section ~~subsection~~ preempts any
 1470 special act to the contrary.

1471 Section 22. Subsection (6) of section 189.4042, Florida
 1472 Statutes, is transferred, renumbered as section 189.075, Florida
 1473 Statutes, and amended to read:

1474 189.075 ~~189.4042~~ Involuntary merger of independent special
 1475 districts ~~Merger and dissolution procedures.~~—

1476 ~~(6) INVOLUNTARY MERGER OF INDEPENDENT SPECIAL DISTRICTS.~~—

1477 (1)~~(a)~~ *Independent special districts created by special*
 1478 *act.*—In order for the Legislature to merge an active independent
 1479 special district or districts created and operating pursuant to
 1480 a special act, the special act merging the active independent
 1481 special district or districts must be approved at separate
 1482 referenda of the impacted local governments by a majority of the

1483 resident electors or, for districts in which a majority of
1484 governing body ~~board~~ members are elected by landowners, a
1485 majority of the landowners voting in the same manner by which
1486 each independent special district's governing body is elected.
1487 The special act merging the districts must include a plan of
1488 merger that addresses transition issues such as the effective
1489 date of the merger, governance, administration, powers,
1490 pensions, and assumption of all assets and liabilities. If a
1491 local general-purpose government passes an ordinance or
1492 resolution in support of the merger of an active independent
1493 special district, the local general-purpose government must pay
1494 any expenses associated with the referendum required under this
1495 subsection ~~paragraph~~.

1496 (2) ~~(b)~~ *Independent special districts created by a county*
1497 *or municipality.*—A county or municipality may merge an
1498 independent special district created by the county or
1499 municipality pursuant to a referendum or any other procedure by
1500 which the independent special district was created. However, if
1501 the independent special district has ad valorem taxation powers,
1502 the same procedure required to grant the independent special
1503 district ad valorem taxation powers is required to merge the
1504 district. The political subdivisions proposing the involuntary
1505 merger of an active independent special district must pay any
1506 expenses associated with the referendum required under this
1507 subsection ~~paragraph~~.

1508 (3) ~~(c)~~ *Inactive independent special districts.*—An

1509 independent special district that meets any criteria for being
 1510 declared inactive, or that has already been declared inactive,
 1511 pursuant to s. 189.062 ~~189.4044~~ may be merged by special act
 1512 without a referendum.

1513 Section 23. Subsection (7) of section 189.4042, Florida
 1514 Statutes, is transferred and renumbered as section 189.0761,
 1515 Florida Statutes, and amended to read:

1516 189.0761 ~~189.4042~~ ~~Merger and dissolution procedures.~~

1517 ~~(7)~~ Exemptions.—This part ~~section~~ does not apply to
 1518 community development districts implemented pursuant to chapter
 1519 190 or to water management districts created and operated
 1520 pursuant to chapter 373.

1521 Section 24. Section 189.4044, Florida Statutes, is
 1522 transferred and renumbered as section 189.062, Florida Statutes,
 1523 subsections (1) and (3) of that section are amended, and
 1524 subsections (5) and (6) are added to that section, to read:

1525 189.062 ~~189.4044~~ Special procedures for inactive
 1526 districts.—

1527 (1) The department shall declare inactive any special
 1528 district in this state by documenting that:

1529 (a) The special district meets one of the following
 1530 criteria:

1531 1. The registered agent of the district, the chair of the
 1532 governing body of the district, or the governing body of the
 1533 appropriate local general-purpose government notifies the
 1534 department in writing that the district has taken no action for

1535 2 or more years;

1536 2. ~~Following an inquiry from the department,~~ The
 1537 registered agent of the district, the chair of the governing
 1538 body of the district, or the governing body of the appropriate
 1539 local general-purpose government notifies the department in
 1540 writing that the district has not had a governing body ~~board~~ or
 1541 a sufficient number of governing body ~~board~~ members to
 1542 constitute a quorum for 2 or more years;

1543 3. ~~or~~ The registered agent of the district, the chair of
 1544 the governing body of the district, or the governing body of the
 1545 appropriate local general-purpose government fails to respond to
 1546 an the department's inquiry by the department within 21 days;

1547 ~~4.3.~~ The department determines, pursuant to s. 189.067
 1548 ~~189.421~~, that the district has failed to file any of the reports
 1549 listed in s. 189.066 ~~189.419~~;

1550 ~~5.4.~~ The district has not had a registered office and
 1551 agent on file with the department for 1 or more years; ~~or~~

1552 ~~6.5.~~ The governing body of a special district provides
 1553 documentation to the department that it has unanimously adopted
 1554 a resolution declaring the special district inactive. The
 1555 special district shall be responsible for payment of any
 1556 expenses associated with its dissolution. A special district
 1557 declared inactive pursuant to this subparagraph may be dissolved
 1558 without a referendum; or

1559 (b) The department, special district, or local general-
 1560 purpose government published a notice of proposed declaration of

1561 inactive status in a newspaper of general circulation in the
1562 county or municipality in which the territory of the special
1563 district is located and sent a copy of such notice by certified
1564 mail to the registered agent or chair of the governing body
1565 ~~board~~, if any. Such notice must include the name of the special
1566 district, the law under which it was organized and operating, a
1567 general description of the territory included in the special
1568 district, and a statement that any objections must be filed
1569 pursuant to chapter 120 within 21 days after the publication
1570 date; and

1571 (c) Twenty-one days have elapsed from the publication date
1572 of the notice of proposed declaration of inactive status and no
1573 administrative appeals were filed.

1574 (3) In the case of a district created by special act of
1575 the Legislature, the department shall send a notice of
1576 declaration of inactive status to the Speaker of the House of
1577 Representatives and the President of the Senate, and the
1578 standing committees of the Senate and the House of
1579 Representatives charged with special district oversight as
1580 determined by the presiding officers of each respective chamber
1581 and the Legislative Auditing Committee. The notice of
1582 declaration of inactive status shall reference each known
1583 special act creating or amending the charter of any special
1584 district declared to be inactive under this section. The
1585 declaration of inactive status shall be sufficient notice as
1586 required by s. 10, Art. III of the State Constitution to

1587 authorize the Legislature to repeal any special laws so
1588 reported. In the case of a district created by one or more local
1589 general-purpose governments, the department shall send a notice
1590 of declaration of inactive status to the chair of the governing
1591 body of each local general-purpose government that created the
1592 district. In the case of a district created by interlocal
1593 agreement, the department shall send a notice of declaration of
1594 inactive status to the chair of the governing body of each local
1595 general-purpose government which entered into the interlocal
1596 agreement.

1597 (5) A special district declared inactive under this
1598 section may not collect taxes, fees, or assessments unless the
1599 declaration is:

1600 (a) Withdrawn or revoked by the department; or

1601 (b) Invalidated in proceedings initiated by the special
1602 district within 30 days after the date written notice of the
1603 declaration was provided to the special district governing body
1604 by physical or electronic delivery, receipt confirmed. The
1605 special district governing body may initiate proceedings within
1606 the period authorized in this paragraph by:

1607 1. Filing with the department a petition for an
1608 administrative hearing pursuant to s. 120.569; or

1609 2. Filing an action for declaratory and injunctive relief
1610 under chapter 86 in the circuit court of the judicial circuit in
1611 which the majority of the area of the district is located.

1612 (c) If a timely challenge to the declaration is not

1613 initiated by the special district governing body, or the
 1614 department prevails in a proceeding initiated under paragraph
 1615 (b), the department may enforce the prohibitions in this
 1616 subsection by filing a petition for enforcement with the circuit
 1617 court in and for Leon County. The petition may request
 1618 declaratory, injunctive, or other equitable relief, including
 1619 the appointment of a receiver, and any forfeiture or other
 1620 remedy provided by law.

1621 (d) The prevailing party shall be awarded costs of
 1622 litigation and reasonable attorney fees in any proceeding
 1623 brought under this subsection.

1624 Section 25. Section 189.4045, Florida Statutes, is
 1625 transferred and renumbered as section 189.076, Florida Statutes.

1626 Section 26. Section 189.4047, Florida Statutes, is
 1627 transferred and renumbered as section 189.021, Florida Statutes.

1628 Section 27. Subsections (1), (2), (3), (4), (6), and (7)
 1629 of section 189.405, Florida Statutes, are transferred and
 1630 renumbered as subsections (1) through (6) of section 189.04,
 1631 Florida Statutes, respectively, and present subsection (1),
 1632 paragraph (c) of present subsection (2), and present subsections
 1633 (3), (4), and (7) of that section are amended, to read:

1634 189.04 ~~189.405~~ Elections; general requirements and
 1635 procedures; ~~education programs.~~

1636 (1) If a dependent special district has an elected
 1637 governing body ~~board~~, elections shall be conducted by the
 1638 supervisor of elections of the county wherein the district is

1639 located in accordance with the Florida Election Code, chapters
1640 97-106.

1641 (2)

1642 (c) A candidate for a position on a governing body ~~board~~
1643 of a single-county special district that has its elections
1644 conducted by the supervisor of elections shall qualify for the
1645 office with the county supervisor of elections in whose
1646 jurisdiction the district is located. Elections for governing
1647 body ~~board~~ members elected by registered electors shall be
1648 nonpartisan, except when partisan elections are specified by a
1649 district's charter. Candidates shall qualify as directed by
1650 chapter 99. The qualifying fee shall be remitted to the general
1651 revenue fund of the qualifying officer to help defray the cost
1652 of the election.

1653 (3) (a) If a multicounty special district has a popularly
1654 elected governing body ~~board~~, elections for the purpose of
1655 electing members to such governing body ~~board~~ shall conform to
1656 the Florida Election Code, chapters 97-106.

1657 (b) With the exception of those districts conducting
1658 elections on a one-acre/one-vote basis, qualifying for
1659 multicounty special district governing body ~~board~~ positions
1660 shall be coordinated by the Department of State. Elections for
1661 governing body ~~board~~ members elected by registered electors
1662 shall be nonpartisan, except when partisan elections are
1663 specified by a district's charter. Candidates shall qualify as
1664 directed by chapter 99. The qualifying fee shall be remitted to

1665 the Department of State.

1666 (4) With the exception of elections of special district
 1667 governing body ~~board~~ members conducted on a one-acre/one-vote
 1668 basis, in any election conducted in a special district the
 1669 decision made by a majority of those voting shall prevail,
 1670 except as otherwise specified by law.

1671 (6) ~~(7)~~ Nothing in this act requires that a special
 1672 district governed by an appointed governing body ~~board~~ convert
 1673 to an elected governing body ~~board~~.

1674 Section 28. Subsection (5) of section 189.405, Florida
 1675 Statutes, is transferred, renumbered as section 189.063, Florida
 1676 Statutes, and amended to read:

1677 189.063 ~~189.405~~ Education programs for new members of
 1678 district governing bodies ~~Elections; general requirements and~~
 1679 ~~procedures; education programs.-~~

1680 (1) ~~(5)~~ ~~(a)~~ The department may provide, contract for, or
 1681 assist in conducting education programs, as its budget permits,
 1682 for all newly elected or appointed members of district governing
 1683 bodies ~~boards~~. The education programs shall include, but are not
 1684 limited to, courses on the code of ethics for public officers
 1685 and employees, public meetings and public records requirements,
 1686 public finance, and parliamentary procedure. ~~Course content may~~
 1687 ~~be offered by means of the following: videotapes, live seminars,~~
 1688 ~~workshops, conferences, teleconferences, computer based~~
 1689 ~~training, multimedia presentations, or other available~~
 1690 ~~instructional methods.~~

1691 ~~(2)(b)~~ An individual district governing body ~~board~~, at its
 1692 discretion, may bear the costs associated with educating its
 1693 members. Governing body ~~Board~~ members of districts which have
 1694 qualified for a zero annual fee for the most recent invoicing
 1695 period pursuant to s. 189.018 are ~~189.427~~ shall not be required
 1696 to pay a fee for any education program the department provides,
 1697 contracts for, or assists in conducting.

1698 Section 29. Section 189.4051, Florida Statutes, is
 1699 transferred, renumbered as section 189.041, Florida Statutes,
 1700 and amended to read:

1701 189.041 ~~189.4051~~ Elections; special requirements and
 1702 procedures for districts with governing bodies ~~boards~~ elected on
 1703 a one-acre/one-vote basis.—

1704 (1) DEFINITIONS.—As used in this section:

1705 (a) "Qualified elector" means any person at least 18 years
 1706 of age who is a citizen of the United States, a permanent
 1707 resident of Florida, and a freeholder or freeholder's spouse and
 1708 resident of the district who registers with the supervisor of
 1709 elections of a county within which the district lands are
 1710 located when the registration books are open.

1711 (b) "Urban area" means a contiguous developed and
 1712 inhabited urban area within a district with a minimum average
 1713 resident population density of at least 1.5 persons per acre as
 1714 defined by the latest official census, special census, or
 1715 population estimate or a minimum density of one single-family
 1716 home per 2.5 acres with access to improved roads or a minimum

1717 density of one single-family home per 5 acres within a recorded
 1718 plat subdivision. Urban areas shall be designated by the
 1719 governing body ~~board~~ of the district with the assistance of all
 1720 local general-purpose governments having jurisdiction over the
 1721 area within the district.

1722 (c) "Governing body ~~board~~ member" means any duly elected
 1723 member of the governing body ~~board~~ of a special district elected
 1724 pursuant to this section, provided that a ~~any~~ ~~board~~ member
 1725 elected by popular vote shall be a qualified district elector
 1726 and a ~~any~~ ~~board~~ member elected on a one-acre/one-vote basis
 1727 shall meet the requirements of s. 298.11 for election to the
 1728 governing body ~~board~~.

1729 (d) "Contiguous developed urban area" means any reasonably
 1730 compact urban area located entirely within a special district.
 1731 The separation of urban areas by a publicly owned park, right-
 1732 of-way, highway, road, railroad, canal, utility, body of water,
 1733 watercourse, or other minor geographical division of a similar
 1734 nature shall not prevent such areas from being defined as urban
 1735 areas.

1736 (2) POPULAR ELECTIONS; REFERENDUM; DESIGNATION OF URBAN
 1737 AREAS.—

1738 (a) *Referendum.*—

1739 1. A referendum shall be called by the governing body
 1740 ~~board~~ of a special district where the governing body ~~board~~ is
 1741 elected on a one-acre/one-vote basis on the question of whether
 1742 certain members of a district governing body ~~board~~ should be

1743 | elected by qualified electors, provided each of the following
 1744 | conditions has been satisfied at least 60 days before ~~prior to~~
 1745 | the general or special election at which the referendum is to be
 1746 | held:

1747 | a. The district shall have a total population, according
 1748 | to the latest official state census, a special census, or a
 1749 | population estimate, of at least 500 qualified electors.

1750 | b. A petition signed by 10 percent of the qualified
 1751 | electors of the district shall have been filed with the
 1752 | governing body ~~board~~ of the district. The petition shall be
 1753 | submitted to the supervisor of elections of the county or
 1754 | counties in which the lands are located. The supervisor shall,
 1755 | within 30 days after the receipt of the petitions, certify to
 1756 | the governing body ~~board~~ the number of signatures of qualified
 1757 | electors contained on the petition.

1758 | 2. Upon verification by the supervisor or supervisors of
 1759 | elections of the county or counties within which district lands
 1760 | are located that 10 percent of the qualified electors of the
 1761 | district have petitioned the governing body ~~board~~, a referendum
 1762 | election shall be called by the governing body ~~board~~ at the next
 1763 | regularly scheduled election of governing body ~~board~~ members
 1764 | occurring at least 30 days after verification of the petition or
 1765 | within 6 months of verification, whichever is earlier.

1766 | 3. If the qualified electors approve the election
 1767 | procedure described in this subsection, the governing body ~~board~~
 1768 | of the district shall be increased to five members and elections

1769 shall be held pursuant to the criteria described in this
1770 subsection beginning with the next regularly scheduled election
1771 of governing body ~~board~~ members or at a special election called
1772 within 6 months following the referendum and final unappealed
1773 approval of district urban area maps as provided in paragraph
1774 (b), whichever is earlier.

1775 4. If the qualified electors of the district disapprove
1776 the election procedure described in this subsection, elections
1777 of the members of the governing body ~~board~~ shall continue as
1778 described by s. 298.12 or the enabling legislation for the
1779 district. No further referendum on the question shall be held
1780 for a minimum period of 2 years following the referendum.

1781 (b) *Designation of urban areas.*—

1782 1. Within 30 days after approval of the election process
1783 described in this subsection by qualified electors of the
1784 district, the governing body ~~board~~ shall direct the district
1785 staff to prepare and present maps of the district describing the
1786 extent and location of all urban areas within the district. Such
1787 determination shall be based upon the criteria contained within
1788 paragraph (1) (b).

1789 2. Within 60 days after approval of the election process
1790 described in this subsection by qualified electors of the
1791 district, the maps describing urban areas within the district
1792 shall be presented to the governing body ~~board~~.

1793 3. Any district landowner or elector may contest the
1794 accuracy of the urban area maps prepared by the district staff

1795 within 30 days after submission to the governing body ~~board~~.
1796 Upon notice of objection to the maps, the governing body ~~board~~
1797 shall request the county engineer to prepare and present maps of
1798 the district describing the extent and location of all urban
1799 areas within the district. Such determination shall be based
1800 upon the criteria contained within paragraph (1)(b). Within 30
1801 days after the governing body ~~board~~ request, the county engineer
1802 shall present the maps to the governing body ~~board~~.

1803 4. Upon presentation of the maps by the county engineer,
1804 the governing body ~~board~~ shall compare the maps submitted by
1805 both the district staff and the county engineer and make a
1806 determination as to which set of maps to adopt. Within 60 days
1807 after presentation of all such maps, the governing body ~~board~~
1808 may amend and shall adopt the official maps at a regularly
1809 scheduled meeting of the governing body ~~board meeting~~.

1810 5. Any district landowner or qualified elector may contest
1811 the accuracy of the urban area maps adopted by the governing
1812 body ~~board~~ within 30 days after adoption by petition to the
1813 circuit court with jurisdiction over the district. Accuracy
1814 shall be determined pursuant to paragraph (1)(b). Any petitions
1815 so filed shall be heard expeditiously, and the maps shall either
1816 be approved or approved with necessary amendments to render the
1817 maps accurate and shall be certified to the governing body
1818 ~~board~~.

1819 6. Upon adoption by the governing body ~~board~~ or
1820 certification by the court, the district urban area maps shall

1821 serve as the official maps for determination of the extent of
1822 urban area within the district and the number of governing body
1823 ~~board~~ members to be elected by qualified electors and by the
1824 one-acre/one-vote principle at the next regularly scheduled
1825 election of governing body ~~board~~ members.

1826 7. Upon a determination of the percentage of urban area
1827 within the district as compared with total area within the
1828 district, the governing body ~~board~~ shall order elections in
1829 accordance with the percentages pursuant to paragraph (3) (a).
1830 The landowners' meeting date shall be designated by the
1831 governing body ~~board~~.

1832 8. The maps shall be updated and readopted every 5 years
1833 or sooner in the discretion of the governing body ~~board~~.

1834 (3) GOVERNING BODY ~~BOARD~~.—

1835 (a) *Composition of board*.—

1836 1. Members of the governing body ~~board~~ of the district
1837 shall be elected in accordance with the following determinations
1838 of urban area:

1839 a. If urban areas constitute 25 percent or less of the
1840 district, one governing body ~~board~~ member shall be elected by
1841 the qualified electors and four governing body ~~board~~ members
1842 shall be elected in accordance with the one-acre/one-vote
1843 principle contained within s. 298.11 or the district-enabling
1844 legislation.

1845 b. If urban areas constitute 26 percent to 50 percent of
1846 the district, two governing body ~~board~~ members shall be elected

1847 by the qualified electors and three governing body ~~board~~ members
1848 shall be elected in accordance with the one-acre/one-vote
1849 principle contained within s. 298.11 or the district-enabling
1850 legislation.

1851 c. If urban areas constitute 51 percent to 70 percent of
1852 the district, three governing body ~~board~~ members shall be
1853 elected by the qualified electors and two governing body ~~board~~
1854 members shall be elected in accordance with the one-acre/one-
1855 vote principle contained within s. 298.11 or the district-
1856 enabling legislation.

1857 d. If urban areas constitute 71 percent to 90 percent of
1858 the district, four governing body ~~board~~ members shall be elected
1859 by the qualified electors and one governing body ~~board~~ member
1860 shall be elected in accordance with the one-acre/one-vote
1861 principle contained within s. 298.11 or the district-enabling
1862 legislation.

1863 e. If urban areas constitute 91 percent or more of the
1864 district, all governing body ~~board~~ members shall be elected by
1865 the qualified electors.

1866 2. All governing body ~~board~~ members elected by qualified
1867 electors shall be elected at large.

1868 (b) *Term of office.*—All governing body ~~board~~ members
1869 elected by qualified electors shall have a term of 4 years
1870 except for governing body ~~board~~ members elected at the first
1871 election and the first landowners' meeting following the
1872 referendum prescribed in paragraph (2) (a). Governing body ~~board~~

1873 members elected at the first election and the first landowners'
1874 meeting following the referendum shall serve as follows:

1875 1. If one governing body ~~board~~ member is elected by the
1876 qualified electors and four are elected on a one-acre/one-vote
1877 basis, the governing body ~~board~~ member elected by the qualified
1878 electors shall be elected for a period of 4 years. Governing
1879 body ~~board~~ members elected on a one-acre/one-vote basis shall be
1880 elected for periods of 1, 2, 3, and 4 years, respectively, as
1881 prescribed by ss. 298.11 and 298.12.

1882 2. If two governing body ~~board~~ members are elected by the
1883 qualified electors and three are elected on a one-acre/one-vote
1884 basis, the governing body ~~board~~ members elected by the electors
1885 shall be elected for a period of 4 years. Governing body ~~board~~
1886 members elected on a one-acre/one-vote basis shall be elected
1887 for periods of 1, 2, and 3 years, respectively, as prescribed by
1888 ss. 298.11 and 298.12.

1889 3. If three governing body ~~board~~ members are elected by
1890 the qualified electors and two are elected on a one-acre/one-
1891 vote basis, two of the governing body ~~board~~ members elected by
1892 the electors shall be elected for a term of 4 years and the
1893 other governing body ~~board~~ member elected by the electors shall
1894 be elected for a term of 2 years. Governing body ~~board~~ members
1895 elected on a one-acre/one-vote basis shall be elected for terms
1896 of 1 and 2 years, respectively, as prescribed by ss. 298.11 and
1897 298.12.

1898 4. If four governing body ~~board~~ members are elected by the

1899 qualified electors and one is elected on a one-acre/one-vote
 1900 basis, two of the governing body ~~board~~ members elected by the
 1901 electors shall be elected for a term of 2 years and the other
 1902 two for a term of 4 years. The governing body ~~board~~ member
 1903 elected on a one-acre/one-vote basis shall be elected for a term
 1904 of 1 year as prescribed by ss. 298.11 and 298.12.

1905 5. If five governing body ~~board~~ members are elected by the
 1906 qualified electors, three shall be elected for a term of 4 years
 1907 and two for a term of 2 years.

1908 6. If any vacancy occurs in a seat occupied by a governing
 1909 body ~~board~~ member elected by the qualified electors, the
 1910 remaining members of the governing body ~~board~~ shall, within 45
 1911 days after the vacancy occurs, appoint a person who would be
 1912 eligible to hold the office to the unexpired term.

1913 (c) *Landowners' meetings.*—

1914 1. An annual landowners' meeting shall be held pursuant to
 1915 s. 298.11 and at least one governing body ~~board~~ member shall be
 1916 elected on a one-acre/one-vote basis pursuant to s. 298.12 for
 1917 so long as 10 percent or more of the district is not contained
 1918 in an urban area. In the event all district governing body ~~board~~
 1919 members are elected by qualified electors, there shall be no
 1920 further landowners' meetings.

1921 2. At any landowners' meeting called pursuant to this
 1922 section, 50 percent of the district acreage shall not be
 1923 required to constitute a quorum and each governing body ~~board~~
 1924 member shall be elected by a majority of the acreage represented

1925 either by owner or proxy present and voting at said meeting.

1926 3. All landowners' meetings of districts operating
 1927 pursuant to this section shall be set by the governing body
 1928 ~~board~~ within the month preceding the month of the election of
 1929 the governing body ~~board~~ members by the electors.

1930 4. Vacancies on the governing body ~~board~~ shall be filled
 1931 pursuant to s. 298.12 except as otherwise provided in
 1932 subparagraph (b)6.

1933 (4) QUALIFICATIONS.—Elections for governing body ~~board~~
 1934 members elected by qualified electors shall be nonpartisan.
 1935 Qualifications shall be pursuant to the Florida Election Code
 1936 and shall occur during the qualifying period established by s.
 1937 99.061. Qualification requirements shall only apply to those
 1938 governing body ~~board~~ member candidates elected by qualified
 1939 electors. Following the first election pursuant to this section,
 1940 elections to the governing body ~~board~~ by qualified electors
 1941 shall occur at the next regularly scheduled election closest in
 1942 time to the expiration date of the term of the elected governing
 1943 body ~~board~~ member. If the next regularly scheduled election is
 1944 beyond the normal expiration time for the term of an elected
 1945 governing body ~~board~~ member, the governing body ~~board~~ member
 1946 shall hold office until the election of a successor.

1947 (5) Those districts established as single-purpose water
 1948 control districts, and which continue to act as single-purpose
 1949 water control districts, pursuant to chapter 298, pursuant to a
 1950 special act, pursuant to a local government ordinance, or

1951 pursuant to a judicial decree, shall be exempt from the
 1952 provisions of this section. All other independent special
 1953 districts with governing bodies ~~boards~~ elected on a one-
 1954 acre/one-vote basis shall be subject to the provisions of this
 1955 section.

1956 (6) The provisions of this section shall not apply to
 1957 community development districts established pursuant to chapter
 1958 190.

1959 Section 30. Section 189.4065, Florida Statutes, is
 1960 transferred and renumbered as section 189.05, Florida Statutes.

1961 Section 31. Section 189.408, Florida Statutes, is
 1962 transferred and renumbered as section 189.042, Florida Statutes.

1963 Section 32. Section 189.4085, Florida Statutes, is
 1964 transferred and renumbered as section 189.051, Florida Statutes.

1965 Section 33. Section 189.412, Florida Statutes, is
 1966 transferred and renumbered as section 189.064, Florida Statutes,
 1967 and amended to read:

1968 189.064 ~~189.412~~ Special District Accountability
 1969 ~~Information~~ Program; duties and responsibilities.—The Special
 1970 District Accountability ~~Information~~ Program of the department ~~of~~
 1971 ~~Economic Opportunity~~ is created and has the following special
 1972 duties:

1973 (1) Electronically publishing ~~The collection and~~
 1974 ~~maintenance of~~ special district noncompliance status reports
 1975 from the department ~~of Management Services~~, the Department of
 1976 Financial Services, the Division of Bond Finance of the State

1977 Board of Administration, the Auditor General, and the
 1978 Legislative Auditing Committee, for the reporting required in
 1979 ss. 112.63, 218.32, 218.38, and 218.39. The noncompliance
 1980 reports must list those special districts that did not comply
 1981 with the statutory reporting requirements and be made available
 1982 to the public electronically.

1983 (2) Maintaining the official list of special districts ~~The~~
 1984 ~~maintenance of a master list of independent and dependent~~
 1985 ~~special districts which shall be available on the department's~~
 1986 ~~website.~~

1987 (3) ~~The~~ Publishing and updating of a "Florida Special
 1988 District Handbook" that contains, at a minimum:

1989 (a) A section that specifies definitions of special
 1990 districts and status distinctions in the statutes.

1991 (b) A section or sections that specify current statutory
 1992 provisions for special district creation, implementation,
 1993 modification, dissolution, and operating procedures.

1994 (c) A section that summarizes the reporting requirements
 1995 applicable to all types of special districts as provided in ss.
 1996 189.015 and 189.016 ~~189.417 and 189.418.~~

1997 ~~(4) When feasible, securing and maintaining access to~~
 1998 ~~special district information collected by all state agencies in~~
 1999 ~~existing or newly created state computer systems.~~

2000 (4)(5) Coordinating and communicating ~~The facilitation of~~
 2001 ~~coordination and communication~~ among state agencies regarding
 2002 special districts ~~district~~ information.

2003 ~~(6) The conduct of studies relevant to special districts.~~

2004 (5)-(7) Providing technical advisory ~~The provision of~~

2005 assistance ~~related to~~ special districts regarding the and

2006 ~~appropriate in the performance of~~ requirements specified in this

2007 chapter which may be performed by the department or by a

2008 qualified third-party vendor pursuant to a contract entered into

2009 in accordance with applicable bidding requirements, ~~including~~

2010 ~~assisting with an annual conference sponsored by the Florida~~

2011 ~~Association of Special Districts or its successor.~~

2012 ~~(6)-(8)~~ Providing assistance to local general-purpose

2013 governments and ~~certain~~ state agencies in collecting delinquent

2014 reports or information.τ

2015 (7) Helping special districts comply with reporting

2016 requirements.τ

2017 (8) Declaring special districts inactive when ~~appropriate,~~

2018 ~~and, when~~ directed by the Legislative Auditing Committee or

2019 required by this chapter.τ

2020 (9) Initiating enforcement proceedings ~~provisions~~ as

2021 provided in ss. 189.062, 189.066, and 189.067 ~~189.4044, 189.419,~~

2022 ~~and 189.421.~~

2023 Section 34. Section 189.413, Florida Statutes, is

2024 transferred and renumbered as section 189.065, Florida Statutes,

2025 and amended to read:

2026 189.065 ~~189.413~~ Special districts; oversight of state

2027 funds use.—Any state agency administering funding programs for

2028 which special districts are eligible shall be responsible for

2029 oversight of the use of such funds by special districts. The
 2030 oversight responsibilities shall include, but not be limited to:

2031 (1) Reporting the existence of the program to the Special
 2032 District Accountability Information ~~Information~~ Program of the department.

2033 (2) Submitting annually a list of special districts
 2034 participating in a state funding program to the Special District
 2035 Accountability Information ~~Information~~ Program of the department. This list
 2036 must indicate the special districts, if any, that are not in
 2037 compliance with state funding program requirements.

2038 Section 35. Section 189.415, Florida Statutes, is
 2039 transferred and renumbered as section 189.08, Florida Statutes.

2040 Section 36. Section 189.4155, Florida Statutes, is
 2041 transferred and renumbered as section 189.081, Florida Statutes.

2042 Section 37. Section 189.4156, Florida Statutes, is
 2043 transferred and renumbered as section 189.082, Florida Statutes.

2044 Section 38. Section 189.416, Florida Statutes, is
 2045 transferred and renumbered as section 189.014, Florida Statutes,
 2046 and subsection (1) of that section is amended, to read:

2047 189.014 ~~189.416~~ Designation of registered office and
 2048 agent.—

2049 (1) Within 30 days after the first meeting of its
 2050 governing body ~~board~~, each special district in the state shall
 2051 designate a registered office and a registered agent and file
 2052 such information with the local governing authority or
 2053 authorities and with the department. The registered agent shall
 2054 be an agent of the district upon whom any process, notice, or

2055 demand required or permitted by law to be served upon the
 2056 district may be served. A registered agent shall be an
 2057 individual resident of this state whose business address is
 2058 identical with the registered office of the district. The
 2059 registered office may be, but need not be, the same as the place
 2060 of business of the special district.

2061 Section 39. Section 189.417, Florida Statutes, is
 2062 transferred and renumbered as section 189.015, Florida Statutes,
 2063 and subsection (1) of that section is amended, to read:

2064 189.015 ~~189.417~~ Meetings; notice; required reports.—

2065 (1) The governing body of each special district shall file
 2066 quarterly, semiannually, or annually a schedule of its regular
 2067 meetings with the local governing authority or authorities. The
 2068 schedule shall include the date, time, and location of each
 2069 scheduled meeting. The schedule shall be published quarterly,
 2070 semiannually, or annually in a newspaper of general paid
 2071 circulation in the manner required in this subsection. The
 2072 governing body of an independent special district shall
 2073 advertise the day, time, place, and purpose of any meeting other
 2074 than a regular meeting or any recessed and reconvened meeting of
 2075 the governing body, at least 7 days before ~~prior to~~ such
 2076 meeting, in a newspaper of general paid circulation in the
 2077 county or counties in which the special district is located,
 2078 unless a bona fide emergency situation exists, in which case a
 2079 meeting to deal with the emergency may be held as necessary,
 2080 with reasonable notice, so long as it is subsequently ratified

2081 by the governing body ~~board~~. No approval of the annual budget
 2082 shall be granted at an emergency meeting. The advertisement
 2083 shall be placed in that portion of the newspaper where legal
 2084 notices and classified advertisements appear. The advertisement
 2085 shall appear in a newspaper that is published at least 5 days a
 2086 week, unless the only newspaper in the county is published fewer
 2087 than 5 days a week. The newspaper selected must be one of
 2088 general interest and readership in the community and not one of
 2089 limited subject matter, pursuant to chapter 50. Any other
 2090 provision of law to the contrary notwithstanding, and except in
 2091 the case of emergency meetings, water management districts may
 2092 provide reasonable notice of public meetings held to evaluate
 2093 responses to solicitations issued by the water management
 2094 district, by publication in a newspaper of general paid
 2095 circulation in the county where the principal office of the
 2096 water management district is located, or in the county or
 2097 counties where the public work will be performed, no less than 7
 2098 days before such meeting.

2099 Section 40. Section 189.418, Florida Statutes, is
 2100 transferred and renumbered as section 189.016, Florida Statutes,
 2101 and subsections (2) and (10) of that section are amended, to
 2102 read:

2103 189.016 ~~189.418~~ Reports; budgets; audits.—

2104 (2) Any amendment, modification, or update of the document
 2105 by which the district was created, including changes in
 2106 boundaries, must be filed with the department within 30 days

2107 after adoption. The department may initiate proceedings against
 2108 special districts as provided in s. 189.067 ~~189.421~~ for failure
 2109 to file the information required by this subsection. However,
 2110 for the purposes of this section and s. 175.101(1), the
 2111 boundaries of a district shall be deemed to include an area that
 2112 has been annexed until the completion of the 4-year period
 2113 specified in s. 171.093(4) or other mutually agreed upon
 2114 extension, or when a district is providing services pursuant to
 2115 an interlocal agreement entered into pursuant to s. 171.093(3).

2116 (10) All reports or information required to be filed with
 2117 a local general-purpose government or governing authority under
 2118 ss. 189.08, 189.014, and 189.015 ~~189.415, 189.416, and 189.417~~
 2119 and subsection (8) must:

2120 (a) If the local general-purpose government or governing
 2121 authority is a county, be filed with the clerk of the board of
 2122 county commissioners.

2123 (b) If the district is a multicounty district, be filed
 2124 with the clerk of the county commission in each county.

2125 (c) If the local general-purpose government or governing
 2126 authority is a municipality, be filed at the place designated by
 2127 the municipal governing body.

2128 Section 41. Section 189.419, Florida Statutes, is
 2129 transferred, renumbered as section 189.066, Florida Statutes,
 2130 and amended to read:

2131 189.066 ~~189.419~~ Effect of failure to file certain reports
 2132 or information.—

2133 (1) If an independent special district fails to file the
 2134 reports or information required under s. 189.08, s. 189.014, s.
 2135 189.015, or s. 189.016(9) ~~189.415, s. 189.416, s. 189.417, or s.~~
 2136 ~~189.418(9)~~ with the local general-purpose government or
 2137 governments in which it is located, the person authorized to
 2138 receive and read the reports or information or the local
 2139 general-purpose government shall notify the district's
 2140 registered agent. If requested by the district, the local
 2141 general-purpose government shall grant an extension of up to 30
 2142 days for filing the required reports or information. If the
 2143 governing body of the local general-purpose government or
 2144 governments determines that there has been an unjustified
 2145 failure to file these reports or information, it shall ~~may~~
 2146 notify the department, and the department may proceed pursuant
 2147 to s. 189.067(1) ~~189.421(1)~~.

2148 (2) If a dependent special district fails to file the
 2149 reports or information required under s. 189.014, s. 189.015, or
 2150 s. 189.016(9) ~~189.416, s. 189.417, or s. 189.418(9)~~ with the
 2151 local governing authority to which it is dependent, the local
 2152 governing authority shall take whatever steps it deems necessary
 2153 to enforce the special district's accountability. Such steps may
 2154 include, as authorized, withholding funds, removing governing
 2155 body ~~board~~ members at will, vetoing the special district's
 2156 budget, conducting the oversight review process set forth in s.
 2157 189.068 ~~189.428~~, or amending, merging, or dissolving the special
 2158 district in accordance with the provisions contained in the

2159 ordinance that created the dependent special district.

2160 (3) If a special district fails to file the reports or
 2161 information required under s. 218.38 with the appropriate state
 2162 agency, the agency shall notify the department, and the
 2163 department shall send a certified technical assistance letter to
 2164 the special district which summarizes the requirements and
 2165 compels ~~encourages~~ the special district to take steps to prevent
 2166 the noncompliance from reoccurring.

2167 (4) If a special district fails to file the reports or
 2168 information required under s. 112.63 with the appropriate state
 2169 agency, the agency shall notify the department and the
 2170 department shall proceed pursuant to s. 189.067(1) ~~189.421(1)~~.

2171 (5) If a special district fails to file the reports or
 2172 information required under s. 218.32 or s. 218.39 with the
 2173 appropriate state agency or office, the state agency or office
 2174 shall, and the Legislative Auditing Committee may, notify the
 2175 department and the department shall proceed pursuant to s.
 2176 189.067 ~~189.421~~.

2177 Section 42. Section 189.420, Florida Statutes, is
 2178 transferred and renumbered as section 189.052, Florida Statutes.

2179 Section 43. Section 189.421, Florida Statutes, is
 2180 transferred, renumbered as section 189.067, Florida Statutes,
 2181 and amended to read:

2182 189.067 ~~189.421~~ Failure of district to disclose financial
 2183 reports.-

2184 (1) (a) If notified pursuant to s. 189.066(1) ~~189.419(1)~~,

2185 (4), or (5), the department shall attempt to assist a special
2186 district in complying with its financial reporting requirements
2187 by sending a certified letter to the special district, and, if
2188 the special district is dependent, sending a copy of that letter
2189 to the chair of the local governing authority. The letter must
2190 include a description of the required report, including
2191 statutory submission deadlines, a contact telephone number for
2192 technical assistance to help the special district comply, a 60-
2193 day deadline for filing the required report with the appropriate
2194 entity, the address where the report must be filed, and an
2195 explanation of the penalties for noncompliance.

2196 (b) A special district that is unable to meet the 60-day
2197 reporting deadline must provide written notice to the department
2198 before the expiration of the deadline stating the reason the
2199 special district is unable to comply with the deadline, the
2200 steps the special district is taking to prevent the
2201 noncompliance from reoccurring, and the estimated date that the
2202 special district will file the report with the appropriate
2203 agency. The district's written response does not constitute an
2204 extension by the department; however, the department shall
2205 forward the written response as follows ~~to~~:

2206 1. If the written response refers to the reports required
2207 under s. 218.32 or s. 218.39, to the Legislative Auditing
2208 Committee for its consideration in determining whether the
2209 special district should be subject to further state action in
2210 accordance with s. 11.40(2)(b).

2211 2. If the written response refers to the reports or
 2212 information requirements listed in s. 189.066(1) ~~189.419(1)~~, to
 2213 the local general-purpose government or governments for their
 2214 consideration in determining whether the oversight review
 2215 process set forth in s. 189.068 ~~189.428~~ should be undertaken.

2216 3. If the written response refers to the reports or
 2217 information required under s. 112.63, to the Department of
 2218 Management Services for its consideration in determining whether
 2219 the special district should be subject to further state action
 2220 in accordance with s. 112.63(4)(d)2.

2221 (2) Failure of a special district to comply with the
 2222 actuarial and financial reporting requirements under s. 112.63,
 2223 s. 218.32, or s. 218.39 after the procedures of subsection (1)
 2224 are exhausted shall be deemed final action of the special
 2225 district. The actuarial and financial reporting requirements are
 2226 declared to be essential requirements of law. Remedies ~~Remedy~~
 2227 for noncompliance with ss. 218.32 and 218.39 shall be as
 2228 provided in ss. 189.034 and 189.035. Remedy for noncompliance
 2229 with s. 112.63 shall be ~~by writ of certiorari~~ as set forth in
 2230 subsection (4).

2231 (3) Pursuant to s. 11.40(2)(b), the Legislative Auditing
 2232 Committee may ~~shall~~ notify the department of those districts
 2233 that fail to file the required reports. If the procedures
 2234 described in subsection (1) have not yet been initiated, the
 2235 department shall initiate such procedures upon receiving the
 2236 notice from the Legislative Auditing Committee. Otherwise,

2237 within 60 days after receiving such notice, or within 60 days
2238 after the expiration of the 60-day deadline provided in
2239 subsection (1), whichever occurs later, the department,
2240 notwithstanding the provisions of chapter 120, shall file a
2241 petition for enforcement ~~writ of certiorari~~ with the circuit
2242 court. The petition may request declaratory, injunctive, any
2243 other equitable relief, or any remedy provided by law. Venue for
2244 all actions pursuant to this subsection is in Leon County. The
2245 court shall award the prevailing party reasonable attorney's
2246 fees and costs unless affirmatively waived by all parties. ~~A~~
2247 ~~writ of certiorari shall be issued unless a respondent~~
2248 ~~establishes that the notification of the Legislative Auditing~~
2249 ~~Committee was issued as a result of material error. Proceedings~~
2250 ~~under this subsection are otherwise governed by the Rules of~~
2251 ~~Appellate Procedure.~~

2252 (4) The department may enforce compliance with s. 112.63
2253 by filing a petition for enforcement with the circuit court in
2254 and for Leon County. The petition may request declaratory,
2255 injunctive, or other equitable relief, including the appointment
2256 of a receiver, and any forfeiture or other remedy provided by
2257 law. ~~Pursuant to s. 112.63(4)(d)2., the Department of Management~~
2258 ~~Services may notify the department of those special districts~~
2259 ~~that have failed to file the required adjustments, additional~~
2260 ~~information, or report or statement after the procedures of~~
2261 ~~subsection (1) have been exhausted. Within 60 days after~~
2262 ~~receiving such notice or within 60 days after the 60-day~~

2263 ~~deadline provided in subsection (1), whichever occurs later, the~~
 2264 ~~department, notwithstanding chapter 120, shall file a petition~~
 2265 ~~for writ of certiorari with the circuit court. Venue for all~~
 2266 ~~actions pursuant to this subsection is in Leon County. The court~~
 2267 ~~shall award the prevailing party attorney's fees and costs~~
 2268 ~~unless affirmatively waived by all parties. A writ of certiorari~~
 2269 ~~shall be issued unless a respondent establishes that the~~
 2270 ~~notification of the Department of Management Services was issued~~
 2271 ~~as a result of material error. Proceedings under this subsection~~
 2272 ~~are otherwise governed by the Rules of Appellate Procedure.~~

2273 Section 44. Section 189.4221, Florida Statutes, is
 2274 transferred and renumbered as section 189.053, Florida Statutes.

2275 Section 45. Section 189.423, Florida Statutes, is
 2276 transferred and renumbered as section 189.054, Florida Statutes.

2277 Section 46. Section 189.425, Florida Statutes, is
 2278 transferred and renumbered as section 189.017, Florida Statutes.

2279 Section 47. Section 189.427, Florida Statutes, is
 2280 transferred and renumbered as section 189.018, Florida Statutes,
 2281 and amended to read:

2282 189.018 ~~189.427~~ Fee schedule; Grants and Donations Trust
 2283 Fund.—The department ~~of Economic Opportunity~~, by rule, shall
 2284 establish a schedule of fees to pay one-half of the costs
 2285 incurred by the department in administering this act, except
 2286 that the fee may not exceed \$175 per district per year. The fees
 2287 collected under this section shall be deposited in the Grants
 2288 and Donations Trust Fund, ~~which shall be administered by the~~

2289 department ~~of Economic Opportunity~~. Any fee rule must consider
 2290 factors such as the dependent and independent status of the
 2291 district and district revenues for the most recent fiscal year
 2292 as reported to the Department of Financial Services. The
 2293 department may assess fines of not more than \$25, with an
 2294 aggregate total not to exceed \$50, as penalties against special
 2295 districts that fail to remit required fees to the department. It
 2296 is the intent of the Legislature that general revenue funds will
 2297 be made available to the department to pay one-half of the cost
 2298 of administering this act.

2299 Section 48. Section 189.428, Florida Statutes, is
 2300 transferred and renumbered as section 189.068, Florida Statutes,
 2301 and amended, to read:

2302 189.068 ~~189.428~~ Special districts; general oversight
 2303 review process.—

2304 (1) The Legislature finds it to be in the public interest
 2305 to establish an oversight review process for special districts
 2306 wherein each special district in the state may be reviewed by
 2307 the local general-purpose government in which the district
 2308 exists. The Legislature further finds and determines that such
 2309 law fulfills an important state interest. It is the intent of
 2310 the Legislature that the oversight review process shall
 2311 contribute to informed decisionmaking. These decisions may
 2312 involve the continuing existence or dissolution of a district,
 2313 the appropriate future role and focus of a district,
 2314 improvements in the functioning or delivery of services by a

2315 district, and the need for any transition, adjustment, or
2316 special implementation periods or provisions. Any final
2317 recommendations from the oversight review process that are
2318 adopted and implemented by the appropriate level of government
2319 shall not be implemented in a manner that would impair the
2320 obligation of contracts.

2321 ~~(2) It is the intent of the Legislature that any oversight~~
2322 ~~review process be conducted in conjunction with special district~~
2323 ~~public facilities reporting and the local government evaluation~~
2324 ~~and appraisal report process described in s. 189.415(2).~~

2325 ~~(3) The order in which Special districts may be subject to~~
2326 ~~oversight review shall be determined by the reviewer and shall~~
2327 ~~occur as follows:~~

2328 (2) (a) All independent special districts created by
2329 special act may be reviewed as directed by the President of the
2330 Senate and the Speaker of the House of Representatives.

2331 (b) All independent special districts created by ordinance
2332 or resolution may be reviewed by the general-purpose government
2333 that enacted the ordinance or resolution.

2334 (c) All dependent special districts may be reviewed by the
2335 general-purpose local government to which they are dependent.

2336 (d) All special districts created by rule of the Governor
2337 and Cabinet may be reviewed as determined by the Governor and
2338 Cabinet.

2339 (e) Except as provided in paragraphs (a)-(d), all other
2340 special districts may be reviewed as directed by the President

2341 of the Senate and the Speaker of the House of Representatives.

2342 ~~(b) All single county independent special districts may be~~
2343 ~~reviewed by a county or municipality in which they are located~~
2344 ~~or the government that created the district. Any single county~~
2345 ~~independent district that serves an area greater than the~~
2346 ~~boundaries of one general-purpose local government may only be~~
2347 ~~reviewed by the county on the county's own initiative or upon~~
2348 ~~receipt of a request from any municipality served by the special~~
2349 ~~district.~~

2350 ~~(c) All multicounty independent special districts may be~~
2351 ~~reviewed by the government that created the district. Any~~
2352 ~~general-purpose local governments within the boundaries of a~~
2353 ~~multicounty district may prepare a preliminary review of a~~
2354 ~~multicounty special district for possible reference or inclusion~~
2355 ~~in the full review report.~~

2356 ~~(d) Upon request by the reviewer, any special district~~
2357 ~~within all or a portion of the same county as the special~~
2358 ~~district being reviewed may prepare a preliminary review of the~~
2359 ~~district for possible reference or inclusion in the full~~
2360 ~~oversight review report.~~

2361 (3)(4) All special districts, governmental entities, and
2362 state agencies shall cooperate with the Legislature and with any
2363 general-purpose local government seeking information or
2364 assistance with the oversight review process and with the
2365 preparation of an oversight review report.

2366 (4)(5) Those conducting the oversight review process

2367 shall, at a minimum, consider the listed criteria for evaluating
2368 the special district, but may also consider any additional
2369 factors relating to the district and its performance. If any of
2370 the listed criteria does not apply to the special district being
2371 reviewed, it need not be considered. The criteria to be
2372 considered by the reviewer include:

2373 (a) The degree to which the service or services offered by
2374 the special district are essential or contribute to the well-
2375 being of the community.

2376 (b) The extent of continuing need for the service or
2377 services currently provided by the special district.

2378 (c) The extent of municipal annexation or incorporation
2379 activity occurring or likely to occur within the boundaries of
2380 the special district and its impact on the delivery of services
2381 by the special district.

2382 (d) Whether there is a less costly alternative method of
2383 delivering the service or services that would adequately provide
2384 the district residents with the services provided by the
2385 district.

2386 (e) Whether transfer of the responsibility for delivery of
2387 the service or services to an entity other than the special
2388 district being reviewed could be accomplished without
2389 jeopardizing the district's existing contracts, bonds, or
2390 outstanding indebtedness.

2391 (f) Whether the Auditor General has notified the
2392 Legislative Auditing Committee that the special district's audit

2393 report, reviewed pursuant to s. 11.45(7), indicates that the
 2394 district has met any of the conditions specified in s.
 2395 218.503(1) or that a deteriorating financial condition exists
 2396 that may cause a condition described in s. 218.503(1) to occur
 2397 if actions are not taken to address such condition.

2398 (g) Whether the district is inactive according to the
 2399 official list of special districts, and whether the district is
 2400 meeting and discharging its responsibilities as required by its
 2401 charter, as well as projected increases or decreases in district
 2402 activity.

2403 (h) Whether the special district has failed to comply with
 2404 any of the reporting requirements in this chapter, including
 2405 preparation of the public facilities report.

2406 (i) Whether the special district has designated a
 2407 registered office and agent as required by s. 189.014 ~~189.416~~,
 2408 and has complied with all open public records and meeting
 2409 requirements.

2410 (5) ~~(6)~~ Any special district may at any time provide the
 2411 Legislature and the general-purpose local government conducting
 2412 the review or making decisions based upon the final oversight
 2413 review report with written responses to any questions, concerns,
 2414 preliminary reports, draft reports, or final reports relating to
 2415 the district.

2416 ~~(7) The final report of a reviewing government shall be~~
 2417 ~~filed with the government that created the district and shall~~
 2418 ~~serve as the basis for any modification to the district charter~~

2419 ~~or dissolution or merger of the district.~~

2420 ~~(8) If legislative dissolution or merger of a district is~~
2421 ~~proposed in the final report, the reviewing government shall~~
2422 ~~also propose a plan for the merger or dissolution, and the plan~~
2423 ~~shall address the following factors in evaluating the proposed~~
2424 ~~merger or dissolution:~~

2425 ~~(a) Whether, in light of independent fiscal analysis,~~
2426 ~~level-of-service implications, and other public policy~~
2427 ~~considerations, the proposed merger or dissolution is the best~~
2428 ~~alternative for delivering services and facilities to the~~
2429 ~~affected area.~~

2430 ~~(b) Whether the services and facilities to be provided~~
2431 ~~pursuant to the merger or dissolution will be compatible with~~
2432 ~~the capacity and uses of existing local services and facilities.~~

2433 ~~(c) Whether the merger or dissolution is consistent with~~
2434 ~~applicable provisions of the state comprehensive plan, the~~
2435 ~~strategic regional policy plan, and the local government~~
2436 ~~comprehensive plans of the affected area.~~

2437 ~~(d) Whether the proposed merger adequately provides for~~
2438 ~~the assumption of all indebtedness.~~

2439
2440 ~~The reviewing government shall consider the report in a public~~
2441 ~~hearing held within the jurisdiction of the district. If adopted~~
2442 ~~by the governing board of the reviewing government, the request~~
2443 ~~for legislative merger or dissolution of the district may~~
2444 ~~proceed. The adopted plan shall be filed as an attachment to the~~

2445 ~~economic impact statement regarding the proposed special act or~~
 2446 ~~general act of local application dissolving a district.~~

2447 (6)~~(9)~~ This section does not apply to a deepwater port
 2448 listed in s. 311.09(1) which is in compliance with a port master
 2449 plan adopted pursuant to s. 163.3178(2)(k), or to an airport
 2450 authority operating in compliance with an airport master plan
 2451 approved by the Federal Aviation Administration, or to any
 2452 special district organized to operate health systems and
 2453 facilities licensed under chapter 395, chapter 400, or chapter
 2454 429.

2455 Section 49. Section 189.429, Florida Statutes, is
 2456 transferred and renumbered as section 189.019, Florida Statutes,
 2457 and subsection (1) of that section is amended, to read:

2458 189.019 ~~189.429~~ Codification.—

2459 (1) Each district, by December 1, 2004, shall submit to
 2460 the Legislature a draft codified charter, at its expense, so
 2461 that its special acts may be codified into a single act for
 2462 reenactment by the Legislature, if there is more than one
 2463 special act for the district. The Legislature may adopt a
 2464 schedule for individual district codification. Any codified act
 2465 relating to a district, which act is submitted to the
 2466 Legislature for reenactment, shall provide for the repeal of all
 2467 prior special acts of the Legislature relating to the district.
 2468 The codified act shall be filed with the department pursuant to
 2469 s. 189.016(2) ~~189.418(2)~~.

2470 Section 50. Sections 189.430, 189.431, 189.432, 189.433,

2471 189.434, 189.435, 189.436, 189.437, 189.438, 189.439, 189.440,
 2472 189.441, 189.442, 189.443, and 189.444, Florida Statutes, are
 2473 repealed.

2474 Section 51. Section 189.034, Florida Statutes, is created
 2475 to read:

2476 189.034 Oversight of special districts created by special
 2477 act of the Legislature.—

2478 (1) This section applies to any special district created
 2479 by special act of the Legislature.

2480 (2) If a special district fails to file required reports
 2481 or requested information with the appropriate state agency
 2482 pursuant to ss. 11.45(7), 218.32, 218.39, or 218.503(3), with
 2483 the appropriate state agency or office, the Legislative Auditing
 2484 Committee or its designee shall provide written notice of the
 2485 district's noncompliance to the President of the Senate, the
 2486 Speaker of the House of Representatives, the standing committees
 2487 of the Senate and the House of Representatives charged with
 2488 special district oversight as determined by the presiding
 2489 officers of each respective chamber, and the legislators who
 2490 represent a portion of the geographical jurisdiction of the
 2491 special district.

2492 (3) The Legislative Auditing Committee may convene a
 2493 public hearing on the issue of noncompliance, as well as general
 2494 oversight of the district as provided in s. 189.068, at the
 2495 direction of the President of the Senate and the Speaker of the
 2496 House of Representatives.

2497 (4) Before the public hearing as provided in subsection
2498 (3), the special district shall provide the following
2499 information at the request of the Legislative Auditing
2500 Committee:

2501 (a) The district's annual financial report for the prior
2502 fiscal year.

2503 (b) The district's audit report for the previous fiscal
2504 year.

2505 (c) An annual report for the previous fiscal year
2506 providing a detailed review of the performance of the special
2507 district, including the following information:

2508 1. The purpose of the special district.

2509 2. The sources of funding for the special district.

2510 3. A description of the major activities, programs, and
2511 initiatives the special district has undertaken in the most
2512 recently completed fiscal year and the benchmarks or criteria
2513 under which the success or failure of the district was
2514 determined by its governing body.

2515 4. Any challenges or obstacles faced by the special
2516 district in fulfilling its purpose and related responsibilities.

2517 5. Ways the special district believes it could better
2518 fulfill its purpose and related responsibilities and a
2519 description of the actions that it intends to take during the
2520 ensuing fiscal year.

2521 6. Proposed changes to the special act that established
2522 the special district and justification for such changes.

2523 7. Any other information reasonably required to provide
 2524 the Legislative Auditing Committee with an accurate
 2525 understanding of the purpose for which the special district
 2526 exists and how it is fulfilling its responsibilities to
 2527 accomplish that purpose.

2528 8. Any reasons for the district's noncompliance.

2529 9. If the district is currently in compliance and plans to
 2530 correct any recurring issues of noncompliance.

2531 10. Efforts to promote transparency, including maintenance
 2532 of the district's website in accordance with s. 189.069.

2533 Section 52. Section 189.035, Florida Statutes, is created
 2534 to read:

2535 189.035 Oversight of special districts created by local
 2536 ordinance.—

2537 (1) If a special district created by local ordinance fails
 2538 to file required reports or requested information under ss.
 2539 11.45(7), 218.32, 218.39, or 218.503(3), with the appropriate
 2540 state agency, the Legislative Auditing Committee or its designee
 2541 shall provide written notice of the district's noncompliance to
 2542 the chair or equivalent of the local general-purpose government.

2543 (2) The chair or equivalent of the local general-purpose
 2544 government may convene a public hearing on the issue of
 2545 noncompliance, as well as general oversight of the special
 2546 district as provided in s. 189.068, within 3 months after
 2547 receipt of notice of noncompliance from the Legislative Auditing
 2548 Committee. Within 30 days after receiving written notice of

2549 noncompliance, the local general-purpose government shall notify
2550 the Legislative Auditing Committee whether a hearing under this
2551 section will be held, and if so, provide the date, time, and
2552 place of the hearing.

2553 (3) Before the public hearing regarding the special
2554 district's noncompliance, the local general-purpose government
2555 may request the following information from the special district:

2556 (a) The district's annual financial report for the
2557 previous fiscal year.

2558 (b) The district's audit report for the previous fiscal
2559 year.

2560 (c) An annual report for the previous fiscal year, which
2561 must provide a detailed review of the performance of the special
2562 district and include the following information:

2563 1. The purpose of the special district.

2564 2. The sources of funding for the special district.

2565 3. A description of the major activities, programs, and
2566 initiatives the special district undertook in the most recently
2567 completed fiscal year and the benchmarks or criteria under which
2568 the success or failure of the district was determined by its
2569 governing body.

2570 4. Any challenges or obstacles faced by the special
2571 district in fulfilling its purpose and related responsibilities.

2572 5. Ways the special district believes it could better
2573 fulfill its purpose and related responsibilities and a
2574 description of the actions that it intends to take during the

2575 ensuing fiscal year.

2576 6. Proposed changes to the ordinance that established the
 2577 special district and justification for such changes.

2578 7. Any other information reasonably required to provide
 2579 the reviewing entity with an accurate understanding of the
 2580 purpose for which the special district exists and how it is
 2581 fulfilling its responsibilities to accomplish that purpose.

2582 8. Any reasons for the district's noncompliance.

2583 9. Whether the district is currently in compliance.

2584 10. Plans to correct any recurring issues of
 2585 noncompliance.

2586 11. Efforts to promote transparency, including maintenance
 2587 of the district's website in accordance with s. 189.069.

2588 (4) If the local general-purpose government convenes a
 2589 public hearing under this section, it shall provide the
 2590 department and the Legislative Auditing Committee with a report
 2591 containing its findings and conclusions within 60 days after
 2592 completion of the public hearing.

2593 Section 53. Section 189.055, Florida Statutes, is created
 2594 to read:

2595 189.055 Treatment of special districts.—For the purpose of
 2596 s. 196.199(1), special districts shall be treated as
 2597 municipalities.

2598 Section 54. Section 189.069, Florida Statutes, is created
 2599 to read:

2600 189.069 Special districts; required reporting of

2601 information; web-based public access.-

2602 (1) Beginning on October 1, 2015, or by the end of the
 2603 first full fiscal year after its creation, each special district
 2604 shall maintain an official Internet website containing the
 2605 information required by this section in accordance with s.
 2606 189.016. Special districts shall submit their official Internet
 2607 website addresses to the department.

2608 (a) Independent special districts shall maintain a
 2609 separate internet website.

2610 (b) Dependent special districts shall be preeminently
 2611 displayed on the home page of the Internet website of the
 2612 general-purpose government that created the special district
 2613 with a hyperlink to such webpages as are necessary to provide
 2614 the information required by this section. Dependent special
 2615 districts may maintain a separate Internet website providing the
 2616 information required by this section.

2617 (2) (a) A special district shall post the following
 2618 information, at a minimum, on the district's official website:

- 2619 1. The full legal name of the special district.
- 2620 2. The public purpose of the special district.
- 2621 3. The name, address, e-mail address, and, if applicable,
 2622 the term and appointing authority for each member of the
 2623 governing body of the special district.

2624 4. The fiscal year of the special district.

2625 5. The full text of the special district's charter, the
 2626 date of establishment, the establishing entity, and the statute

2627 or statutes under which the special district operates, if
2628 different from the statute or statutes under which the special
2629 district was established. Community development districts may
2630 reference chapter 190, as the uniform charter, but must include
2631 information relating to any grant of special powers.

2632 6. The mailing address, e-mail address, telephone number,
2633 and Internet website uniform resource locator of the special
2634 district.

2635 7. A description of the boundaries or service area of, and
2636 the services provided by, the special district.

2637 8. A listing of all taxes, fees, assessments, or charges
2638 imposed and collected by the special district, including the
2639 rates or amounts for the fiscal year and the statutory authority
2640 for the levy of the tax, fee, assessment, or charge. For
2641 purposes of this subparagraph, charges do not include patient
2642 charges by a hospital or other health care provider.

2643 9. The primary contact information for the special
2644 district for purposes of communication from the department.

2645 10. A code of ethics adopted by the special district, if
2646 applicable, and a hyperlink to generally applicable ethics
2647 provisions.

2648 11. The budget of each special district, in addition to
2649 amendments in accordance with s. 189.418.

2650 12. The final, complete audit report for the most recent
2651 completed fiscal year, and audit reports required by law or
2652 authorized by the governing body of the special district.

2653 (b) The department's Internet website list of special
 2654 districts in the state required under s. 189.061 shall include a
 2655 link for each special district that provides web-based access to
 2656 the public for all information and documentation required for
 2657 submission to the department pursuant to subsection (1).

2658 Section 55. Paragraph (e) of subsection (1) and paragraph
 2659 (c) of subsection (7) of section 11.45, Florida Statutes, are
 2660 amended to read:

2661 11.45 Definitions; duties; authorities; reports; rules.—

2662 (1) DEFINITIONS.—As used in ss. 11.40-11.51, the term:

2663 (e) "Local governmental entity" means a county agency,
 2664 municipality, or special district as defined in s. 189.012
 2665 ~~189.403~~, but does not include any housing authority established
 2666 under chapter 421.

2667 (7) AUDITOR GENERAL REPORTING REQUIREMENTS.—

2668 (c) The Auditor General shall provide annually a list of
 2669 those special districts which are not in compliance with s.
 2670 218.39 to the Special District Accountability Information ~~Information~~
 2671 Program of the Department of Economic Opportunity.

2672 Section 56. Paragraph (c) of subsection (4) of section
 2673 100.011, Florida Statutes, is amended to read:

2674 100.011 Opening and closing of polls, all elections;
 2675 expenses.—

2676 (4)

2677 (c) The provisions of any special law to the contrary
 2678 notwithstanding, all independent and dependent special district

2679 elections, with the exception of community development district
 2680 elections, shall be conducted in accordance with the
 2681 requirements of ss. 189.04 and 189.041 ~~189.405 and 189.4051~~.

2682 Section 57. Paragraph (f) of subsection (1) of section
 2683 101.657, Florida Statutes, is amended to read:

2684 101.657 Early voting.—

2685 (1)

2686 (f) Notwithstanding the requirements of s. 189.04 ~~189.405~~,
 2687 special districts may provide early voting in any district
 2688 election not held in conjunction with county or state elections.
 2689 If a special district provides early voting, it may designate as
 2690 many sites as necessary and shall conduct its activities in
 2691 accordance with the provisions of paragraphs (a)-(c). The
 2692 supervisor is not required to conduct early voting if it is
 2693 provided pursuant to this subsection.

2694 Section 58. Paragraph (a) of subsection (14) of section
 2695 112.061, Florida Statutes, is amended to read:

2696 112.061 Per diem and travel expenses of public officers,
 2697 employees, and authorized persons.—

2698 (14) APPLICABILITY TO COUNTIES, COUNTY OFFICERS, DISTRICT
 2699 SCHOOL BOARDS, SPECIAL DISTRICTS, AND METROPOLITAN PLANNING
 2700 ORGANIZATIONS.—

2701 (a) The following entities may establish rates that vary
 2702 from the per diem rate provided in paragraph (6) (a), the
 2703 subsistence rates provided in paragraph (6) (b), or the mileage
 2704 rate provided in paragraph (7) (d) if those rates are not less

2705 | than the statutorily established rates that are in effect for
 2706 | the 2005-2006 fiscal year:

2707 | 1. The governing body of a county by the enactment of an
 2708 | ordinance or resolution;

2709 | 2. A county constitutional officer, pursuant to s. 1(d),
 2710 | Art. VIII of the State Constitution, by the establishment of
 2711 | written policy;

2712 | 3. The governing body of a district school board by the
 2713 | adoption of rules;

2714 | 4. The governing body of a special district, as defined in
 2715 | s. 189.012 ~~189.403(1)~~, except those special districts that are
 2716 | subject to s. 166.021(9), by the enactment of a resolution; or

2717 | 5. Any metropolitan planning organization created pursuant
 2718 | to s. 339.175 or any other separate legal or administrative
 2719 | entity created pursuant to s. 339.175 of which a metropolitan
 2720 | planning organization is a member, by the enactment of a
 2721 | resolution.

2722 | Section 59. Paragraph (d) of subsection (4) of section
 2723 | 112.63, Florida Statutes, is amended to read:

2724 | 112.63 Actuarial reports and statements of actuarial
 2725 | impact; review.—

2726 | (4) Upon receipt, pursuant to subsection (2), of an
 2727 | actuarial report, or, pursuant to subsection (3), of a statement
 2728 | of actuarial impact, the Department of Management Services shall
 2729 | acknowledge such receipt, but shall only review and comment on
 2730 | each retirement system's or plan's actuarial valuations at least

2731 on a triennial basis.

2732 (d) In the case of an affected special district, the
2733 Department of Management Services shall also notify the
2734 Department of Economic Opportunity. Upon receipt of
2735 notification, the Department of Economic Opportunity shall
2736 proceed pursuant to s. 189.067 ~~189.421~~.

2737 1. Failure of a special district to provide a required
2738 report or statement, to make appropriate adjustments, or to
2739 provide additional material information after the procedures
2740 specified in s. 189.067(1) ~~189.421(1)~~ are exhausted shall be
2741 deemed final action by the special district.

2742 2. The Department of Management Services may notify the
2743 Department of Economic Opportunity of those special districts
2744 that failed to come into compliance. Upon receipt of
2745 notification, the Department of Economic Opportunity shall
2746 proceed pursuant to s. 189.067(4) ~~189.421(4)~~.

2747 Section 60. Subsection (1) of section 112.665, Florida
2748 Statutes, is amended to read:

2749 112.665 Duties of Department of Management Services.—

2750 (1) The Department of Management Services shall:

2751 (a) Gather, catalog, and maintain complete, computerized
2752 data information on all public employee retirement systems or
2753 plans in the state based upon a review of audits, reports, and
2754 other data pertaining to the systems or plans;

2755 (b) Receive and comment upon all actuarial reviews of
2756 retirement systems or plans maintained by units of local

2757 government;

2758 (c) Cooperate with local retirement systems or plans on
 2759 matters of mutual concern and provide technical assistance to
 2760 units of local government in the assessment and revision of
 2761 retirement systems or plans;

2762 (d) Annually issue, by January 1, a report to the
 2763 President of the Senate and the Speaker of the House of
 2764 Representatives, which details division activities, findings,
 2765 and recommendations concerning all governmental retirement
 2766 systems. The report may include legislation proposed to carry
 2767 out such recommendations;

2768 (e) Provide a fact sheet for each participating local
 2769 government defined benefit pension plan which summarizes the
 2770 plan's actuarial status. The fact sheet should provide a summary
 2771 of the plan's most current actuarial data, minimum funding
 2772 requirements as a percentage of pay, and a 5-year history of
 2773 funded ratios. The fact sheet must include a brief explanation
 2774 of each element in order to maximize the transparency of the
 2775 local government plans. The fact sheet must also contain the
 2776 information specified in s. 112.664(1). These documents shall be
 2777 posted on the department's website. Plan sponsors that have
 2778 websites must provide a link to the department's website;

2779 (f) Annually issue, by January 1, a report to the Special
 2780 District Accountability Information ~~Information~~ Program of the Department of
 2781 Economic Opportunity which includes the participation in and
 2782 compliance of special districts with the local government

2783 retirement system provisions in s. 112.63 and the state-
 2784 administered retirement system provisions specified in part I of
 2785 chapter 121; and

2786 (g) Adopt reasonable rules to administer this part.

2787 Section 61. Subsection (9) of section 121.021, Florida
 2788 Statutes, is amended to read:

2789 121.021 Definitions.—The following words and phrases as
 2790 used in this chapter have the respective meanings set forth
 2791 unless a different meaning is plainly required by the context:

2792 (9) "Special district" means an independent special
 2793 district as defined in s. 189.012 ~~189.403(3)~~.

2794 Section 62. Paragraph (b) of subsection (2) of section
 2795 121.051, Florida Statutes, is amended to read:

2796 121.051 Participation in the system.—

2797 (2) OPTIONAL PARTICIPATION.—

2798 (b)1. The governing body of any municipality, metropolitan
 2799 planning organization, or special district in the state may
 2800 elect to participate in the Florida Retirement System upon
 2801 proper application to the administrator and may cover all of its
 2802 units as approved by the Secretary of Health and Human Services
 2803 and the administrator. The department shall adopt rules
 2804 establishing procedures for the submission of documents
 2805 necessary for such application. Before being approved for
 2806 participation in the system, the governing body of a
 2807 municipality, metropolitan planning organization, or special
 2808 district that has a local retirement system must submit to the

2809 administrator a certified financial statement showing the
2810 condition of the local retirement system within 3 months before
2811 the proposed effective date of membership in the Florida
2812 Retirement System. The statement must be certified by a
2813 recognized accounting firm that is independent of the local
2814 retirement system. All required documents necessary for
2815 extending Florida Retirement System coverage must be received by
2816 the department for consideration at least 15 days before the
2817 proposed effective date of coverage. If the municipality,
2818 metropolitan planning organization, or special district does not
2819 comply with this requirement, the department may require that
2820 the effective date of coverage be changed.

2821 2. A municipality, metropolitan planning organization, or
2822 special district that has an existing retirement system covering
2823 the employees in the units that are to be brought under the
2824 Florida Retirement System may participate only after holding a
2825 referendum in which all employees in the affected units have the
2826 right to participate. Only those employees electing coverage
2827 under the Florida Retirement System by affirmative vote in the
2828 referendum are eligible for coverage under this chapter, and
2829 those not participating or electing not to be covered by the
2830 Florida Retirement System shall remain in their present systems
2831 and are not eligible for coverage under this chapter. After the
2832 referendum is held, all future employees are compulsory members
2833 of the Florida Retirement System.

2834 3. At the time of joining the Florida Retirement System,

2835 the governing body of a municipality, metropolitan planning
2836 organization, or special district complying with subparagraph 1.
2837 may elect to provide, or not provide, benefits based on past
2838 service of officers and employees as described in s. 121.081(1).
2839 However, if such employer elects to provide past service
2840 benefits, such benefits must be provided for all officers and
2841 employees of its covered group.

2842 4. Once this election is made and approved it may not be
2843 revoked, except pursuant to subparagraphs 5. and 6., and all
2844 present officers and employees electing coverage and all future
2845 officers and employees are compulsory members of the Florida
2846 Retirement System.

2847 5. Subject to subparagraph 6., the governing body of a
2848 hospital licensed under chapter 395 which is governed by the
2849 governing body ~~board~~ of a special district as defined in s.
2850 189.012 ~~189.403~~ or by the board of trustees of a public health
2851 trust created under s. 154.07, hereinafter referred to as
2852 "hospital district," and which participates in the Florida
2853 Retirement System, may elect to cease participation in the
2854 system with regard to future employees in accordance with the
2855 following:

2856 a. No more than 30 days and at least 7 days before
2857 adopting a resolution to partially withdraw from the system and
2858 establish an alternative retirement plan for future employees, a
2859 public hearing must be held on the proposed withdrawal and
2860 proposed alternative plan.

2861 b. From 7 to 15 days before such hearing, notice of intent
 2862 to withdraw, specifying the time and place of the hearing, must
 2863 be provided in writing to employees of the hospital district
 2864 proposing partial withdrawal and must be published in a
 2865 newspaper of general circulation in the area affected, as
 2866 provided by ss. 50.011-50.031. Proof of publication must be
 2867 submitted to the Department of Management Services.

2868 c. The governing body of a hospital district seeking to
 2869 partially withdraw from the system must, before such hearing,
 2870 have an actuarial report prepared and certified by an enrolled
 2871 actuary, as defined in s. 112.625, illustrating the cost to the
 2872 hospital district of providing, through the retirement plan that
 2873 the hospital district is to adopt, benefits for new employees
 2874 comparable to those provided under the system.

2875 d. Upon meeting all applicable requirements of this
 2876 subparagraph, and subject to subparagraph 6., partial withdrawal
 2877 from the system and adoption of the alternative retirement plan
 2878 may be accomplished by resolution duly adopted by the hospital
 2879 district board. The hospital district board must provide written
 2880 notice of such withdrawal to the division by mailing a copy of
 2881 the resolution to the division, postmarked by December 15, 1995.
 2882 The withdrawal shall take effect January 1, 1996.

2883 6. Following the adoption of a resolution under sub-
 2884 subparagraph 5.d., all employees of the withdrawing hospital
 2885 district who were members of the system before January 1, 1996,
 2886 shall remain as members of the system for as long as they are

2887 employees of the hospital district, and all rights, duties, and
 2888 obligations between the hospital district, the system, and the
 2889 employees remain in full force and effect. Any employee who is
 2890 hired or appointed on or after January 1, 1996, may not
 2891 participate in the system, and the withdrawing hospital district
 2892 has no obligation to the system with respect to such employees.

2893 Section 63. Subsection (1) of section 153.94, Florida
 2894 Statutes, is amended to read:

2895 153.94 Applicability of other laws.—Except as expressly
 2896 provided in this act:

2897 (1) With respect to any wastewater facility privatization
 2898 contract entered into under this act, a public entity is subject
 2899 to s. 125.3401, s. 180.301, s. 189.054 ~~189.423~~, or s. 190.0125
 2900 but is not subject to the requirements of chapter 287.

2901 Section 64. Paragraph (a) of subsection (2) of section
 2902 163.08, Florida Statutes, is amended to read:

2903 163.08 Supplemental authority for improvements to real
 2904 property.—

2905 (2) As used in this section, the term:

2906 (a) "Local government" means a county, a municipality, a
 2907 dependent special district as defined in s. 189.012 ~~189.403~~, or
 2908 a separate legal entity created pursuant to s. 163.01(7).

2909 Section 65. Subsection (7) of section 165.031, Florida
 2910 Statutes, is amended to read:

2911 165.031 Definitions.—The following terms and phrases, when
 2912 used in this chapter, shall have the meanings ascribed to them

2913 in this section, except where the context clearly indicates a
 2914 different meaning:

2915 (7) "Special district" means a local unit of special
 2916 government, as defined in s. 189.012 ~~189.403(1)~~. This term
 2917 includes dependent special districts, as defined in s. 189.012
 2918 ~~189.403(2)~~, and independent special districts, as defined in s.
 2919 189.012 ~~189.403(3)~~. All provisions of s. 200.001(8)(d) and (e)
 2920 shall be considered provisions of this chapter.

2921 Section 66. Paragraph (b) of subsection (1) and
 2922 subsections (8) and (16) of section 165.0615, Florida Statutes,
 2923 are amended to read:

2924 165.0615 Municipal conversion of independent special
 2925 districts upon elector-initiated and approved referendum.—

2926 (1) The qualified electors of an independent special
 2927 district may commence a municipal conversion proceeding by
 2928 filing a petition with the governing body of the independent
 2929 special district proposed to be converted if the district meets
 2930 all of the following criteria:

2931 (b) It is designated as an improvement district and
 2932 created pursuant to chapter 298 or is designated as a
 2933 stewardship district and created pursuant to s. 189.031 ~~189.404~~.

2934 (8) Notice of the final public hearing on the proposed
 2935 elector-initiated combined municipal incorporation plan must be
 2936 published pursuant to the notice requirements in s. 189.015
 2937 ~~189.417~~ and must provide a descriptive summary of the elector-
 2938 initiated municipal incorporation plan and a reference to the

2939 public places within the independent special district where a
 2940 copy of the plan may be examined.

2941 (16) If the incorporation plan is approved by a majority
 2942 of the votes cast in the independent special district, the
 2943 district shall notify the special district accountability
 2944 ~~information~~ program pursuant to s. 189.016(2) ~~189.418(2)~~ and the
 2945 local general-purpose governments in which any part of the
 2946 independent special district is situated pursuant to s.
 2947 189.016(7) ~~189.418(7)~~.

2948 Section 67. Subsection (3) of section 171.202, Florida
 2949 Statutes, is amended to read:

2950 171.202 Definitions.—As used in this part, the term:

2951 (3) "Independent special district" means an independent
 2952 special district, as defined in s. 189.012 ~~189.403~~, which
 2953 provides fire, emergency medical, water, wastewater, or
 2954 stormwater services.

2955 Section 68. Subsection (16) of section 175.032, Florida
 2956 Statutes, is amended to read:

2957 175.032 Definitions.—For any municipality, special fire
 2958 control district, chapter plan, local law municipality, local
 2959 law special fire control district, or local law plan under this
 2960 chapter, the following words and phrases have the following
 2961 meanings:

2962 (16) "Special fire control district" means a special
 2963 district, as defined in s. 189.012 ~~189.403(1)~~, established for
 2964 the purposes of extinguishing fires, protecting life, and

2965 protecting property within the incorporated or unincorporated
 2966 portions of any county or combination of counties, or within any
 2967 combination of incorporated and unincorporated portions of any
 2968 county or combination of counties. The term does not include any
 2969 dependent or independent special district, as defined in s.
 2970 189.012 ~~189.403(2) and (3)~~, respectively, the employees of which
 2971 are members of the Florida Retirement System pursuant to s.
 2972 121.051(1) or (2).

2973 Section 69. Subsection (6) of section 190.011, Florida
 2974 Statutes, is amended to read:

2975 190.011 General powers.—The district shall have, and the
 2976 body ~~board~~ may exercise, the following powers:

2977 (6) To maintain an office at such place or places as it
 2978 may designate within a county in which the district is located
 2979 or within the boundaries of a development of regional impact or
 2980 a Florida Quality Development, or a combination of a development
 2981 of regional impact and a Florida Quality Development, which
 2982 includes the district, which office must be reasonably
 2983 accessible to the landowners. Meetings pursuant to s. 189.015(3)
 2984 ~~189.417(3)~~ of a district within the boundaries of a development
 2985 of regional impact or Florida Quality Development, or a
 2986 combination of a development of regional impact and a Florida
 2987 Quality Development, may be held at such office.

2988 Section 70. Subsection (8) of section 190.046, Florida
 2989 Statutes, is amended to read:

2990 190.046 Termination, contraction, or expansion of

2991 district.—

2992 (8) In the event the district has become inactive pursuant
 2993 to s. 189.062 ~~189.4044~~, the respective board of county
 2994 commissioners or city commission shall be informed and it shall
 2995 take appropriate action.

2996 Section 71. Section 190.049, Florida Statutes, is amended
 2997 to read:

2998 190.049 Special acts prohibited.—Pursuant to s. 11(a)(21),
 2999 Art. III of the State Constitution, there shall be no special
 3000 law or general law of local application creating an independent
 3001 special district which has the powers enumerated in two or more
 3002 of the paragraphs contained in s. 190.012, unless such district
 3003 is created pursuant to the provisions of s. 189.031 ~~189.404~~.

3004 Section 72. Subsection (5) of section 191.003, Florida
 3005 Statutes, is amended to read:

3006 191.003 Definitions.—As used in this act:

3007 (5) "Independent special fire control district" means an
 3008 independent special district as defined in s. 189.012 ~~189.403~~,
 3009 created by special law or general law of local application,
 3010 providing fire suppression and related activities within the
 3011 jurisdictional boundaries of the district. The term does not
 3012 include a municipality, a county, a dependent special district
 3013 as defined in s. 189.012 ~~189.403~~, a district providing primarily
 3014 emergency medical services, a community development district
 3015 established under chapter 190, or any other multiple-power
 3016 district performing fire suppression and related services in

3017 addition to other services.

3018 Section 73. Paragraph (a) of subsection (1) and subsection
3019 (8) of section 191.005, Florida Statutes, are amended to read:

3020 191.005 District boards of commissioners; membership,
3021 officers, meetings.—

3022 (1)(a) With the exception of districts whose governing
3023 boards are appointed collectively by the Governor, the county
3024 commission, and any cooperating city within the county, the
3025 business affairs of each district shall be conducted and
3026 administered by a five-member board. All three-member boards
3027 existing on the effective date of this act shall be converted to
3028 five-member boards, except those permitted to continue as a
3029 three-member board by special act adopted in 1997 or thereafter.
3030 The board shall be elected in nonpartisan elections by the
3031 electors of the district. Except as provided in this act, such
3032 elections shall be held at the time and in the manner prescribed
3033 by law for holding general elections in accordance with s.
3034 189.04(2)(a) ~~189.405(2)(a)~~ and (3), and each member shall be
3035 elected for a term of 4 years and serve until the member's
3036 successor assumes office. Candidates for the board of a district
3037 shall qualify as directed by chapter 99.

3038 (8) All meetings of the board shall be open to the public
3039 consistent with chapter 286, s. 189.015 ~~189.417~~, and other
3040 applicable general laws.

3041 Section 74. Subsection (2) of section 191.013, Florida
3042 Statutes, is amended to read:

3043 191.013 Intergovernmental coordination.—

3044 (2) Each independent special fire control district shall
 3045 adopt a 5-year plan to identify the facilities, equipment,
 3046 personnel, and revenue needed by the district during that 5-year
 3047 period. The plan shall be updated in accordance with s. 189.08
 3048 ~~189.415~~ and shall satisfy the requirement for a public
 3049 facilities report required by s. 189.08(2) ~~189.415(2)~~.

3050 Section 75. Subsection (1) of section 191.014, Florida
 3051 Statutes, is amended to read:

3052 191.014 District creation and expansion.—

3053 (1) New districts may be created only by the Legislature
 3054 under s. 189.031 ~~189.404~~.

3055 Section 76. Section 191.015, Florida Statutes, is amended
 3056 to read:

3057 191.015 Codification.—Each fire control district existing
 3058 on the effective date of this section, by December 1, 2004,
 3059 shall submit to the Legislature a draft codified charter, at its
 3060 expense, so that its special acts may be codified into a single
 3061 act for reenactment by the Legislature, if there is more than
 3062 one special act for the district. The Legislature may adopt a
 3063 schedule for individual district codification. Any codified act
 3064 relating to a district, which act is submitted to the
 3065 Legislature for reenactment, shall provide for the repeal of all
 3066 prior special acts of the Legislature relating to the district.
 3067 The codified act shall be filed with the Department of Economic
 3068 Opportunity pursuant to s. 189.016(2) ~~189.418(2)~~.

3069 Section 77. Paragraphs (c), (d), and (e) of subsection (8)
 3070 of section 200.001, Florida Statutes, are amended to read:

3071 200.001 Millages; definitions and general provisions.—

3072 (8)

3073 (c) "Special district" means a special district as defined
 3074 in s. 189.012 ~~189.403(1)~~.

3075 (d) "Dependent special district" means a dependent special
 3076 district as defined in s. 189.012 ~~189.403(2)~~. Dependent special
 3077 district millage, when added to the millage of the governing
 3078 body to which it is dependent, shall not exceed the maximum
 3079 millage applicable to such governing body.

3080 (e) "Independent special district" means an independent
 3081 special district as defined in s. 189.012 ~~189.403(3)~~, with the
 3082 exception of a downtown development authority established prior
 3083 to the effective date of the 1968 State Constitution as an
 3084 independent body, either appointed or elected, regardless of
 3085 whether or not the budget is approved by the local governing
 3086 body, if the district levies a millage authorized as of the
 3087 effective date of the 1968 State Constitution. Independent
 3088 special district millage shall not be levied in excess of a
 3089 millage amount authorized by general law and approved by vote of
 3090 the electors pursuant to s. 9(b), Art. VII of the State
 3091 Constitution, except for those independent special districts
 3092 levying millage for water management purposes as provided in
 3093 that section and municipal service taxing units as specified in
 3094 s. 125.01(1)(q) and (r). However, independent special district

3095 millage authorized as of the date the 1968 State Constitution
 3096 became effective need not be so approved, pursuant to s. 2, Art.
 3097 XII of the State Constitution.

3098 Section 78. Subsections (1), (5), (6), and (7) of section
 3099 218.31, Florida Statutes, are amended to read:

3100 218.31 Definitions.—As used in this part, except where the
 3101 context clearly indicates a different meaning:

3102 (1) "Local governmental entity" means a county agency, a
 3103 municipality, or a special district as defined in s. 189.012
 3104 ~~189.403~~. For purposes of s. 218.32, the term also includes a
 3105 housing authority created under chapter 421.

3106 (5) "Special district" means a special district as defined
 3107 in s. 189.012 ~~189.403(1)~~.

3108 (6) "Dependent special district" means a dependent special
 3109 district as defined in s. 189.012 ~~189.403(2)~~.

3110 (7) "Independent special district" means an independent
 3111 special district as defined in s. 189.012 ~~189.403(3)~~.

3112 Section 79. Paragraph (a) and (f) of subsection (1) and
 3113 subsection (2) of section 218.32, Florida Statutes, are amended
 3114 to read:

3115 218.32 Annual financial reports; local governmental
 3116 entities.—

3117 (1)(a) Each local governmental entity that is determined
 3118 to be a reporting entity, as defined by generally accepted
 3119 accounting principles, and each independent special district as
 3120 defined in s. 189.012 ~~189.403~~, shall submit to the department a

3121 copy of its annual financial report for the previous fiscal year
 3122 in a format prescribed by the department. The annual financial
 3123 report must include a list of each local governmental entity
 3124 included in the report and each local governmental entity that
 3125 failed to provide financial information as required by paragraph
 3126 (b). The chair of the governing body and the chief financial
 3127 officer of each local governmental entity shall sign the annual
 3128 financial report submitted pursuant to this subsection attesting
 3129 to the accuracy of the information included in the report. The
 3130 county annual financial report must be a single document that
 3131 covers each county agency.

3132 (f) If the department does not receive a completed annual
 3133 financial report from a local governmental entity within the
 3134 required period, it shall notify the Legislative Auditing
 3135 Committee and the Special District Accountability Information
 3136 Program of the Department of Economic Opportunity of the
 3137 entity's failure to comply with the reporting requirements.

3138 (2) The department shall annually by December 1 file a
 3139 verified report with the Governor, the Legislature, the Auditor
 3140 General, and the Special District Accountability Information
 3141 Program of the Department of Economic Opportunity showing the
 3142 revenues, both locally derived and derived from
 3143 intergovernmental transfers, and the expenditures of each local
 3144 governmental entity, regional planning council, local government
 3145 finance commission, and municipal power corporation that is
 3146 required to submit an annual financial report. The report must

3147 include, but is not limited to:

3148 (a) The total revenues and expenditures of each local
 3149 governmental entity that is a component unit included in the
 3150 annual financial report of the reporting entity.

3151 (b) The amount of outstanding long-term debt by each local
 3152 governmental entity. For purposes of this paragraph, the term
 3153 "long-term debt" means any agreement or series of agreements to
 3154 pay money, which, at inception, contemplate terms of payment
 3155 exceeding 1 year in duration.

3156 Section 80. Paragraph (g) of subsection (1) of section
 3157 218.37, Florida Statutes, is amended to read:

3158 218.37 Powers and duties of Division of Bond Finance;
 3159 advisory council.—

3160 (1) The Division of Bond Finance of the State Board of
 3161 Administration, with respect to both general obligation bonds
 3162 and revenue bonds, shall:

3163 (g) By January 1 each year, provide the Special District
 3164 Accountability Information ~~Information~~ Program of the Department of Economic
 3165 Opportunity with a list of special districts that are not in
 3166 compliance with the requirements in s. 218.38.

3167 Section 81. Paragraph (j) of subsection (1) of section
 3168 255.20, Florida Statutes, is amended to read:

3169 255.20 Local bids and contracts for public construction
 3170 works; specification of state-produced lumber.—

3171 (1) A county, municipality, special district as defined in
 3172 chapter 189, or other political subdivision of the state seeking

3173 to construct or improve a public building, structure, or other
3174 public construction works must competitively award to an
3175 appropriately licensed contractor each project that is estimated
3176 in accordance with generally accepted cost-accounting principles
3177 to cost more than \$300,000. For electrical work, the local
3178 government must competitively award to an appropriately licensed
3179 contractor each project that is estimated in accordance with
3180 generally accepted cost-accounting principles to cost more than
3181 \$75,000. As used in this section, the term "competitively award"
3182 means to award contracts based on the submission of sealed bids,
3183 proposals submitted in response to a request for proposal,
3184 proposals submitted in response to a request for qualifications,
3185 or proposals submitted for competitive negotiation. This
3186 subsection expressly allows contracts for construction
3187 management services, design/build contracts, continuation
3188 contracts based on unit prices, and any other contract
3189 arrangement with a private sector contractor permitted by any
3190 applicable municipal or county ordinance, by district
3191 resolution, or by state law. For purposes of this section, cost
3192 includes the cost of all labor, except inmate labor, and the
3193 cost of equipment and materials to be used in the construction
3194 of the project. Subject to the provisions of subsection (3), the
3195 county, municipality, special district, or other political
3196 subdivision may establish, by municipal or county ordinance or
3197 special district resolution, procedures for conducting the
3198 bidding process.

3199 (j) A county, municipality, special district as defined in
 3200 s. 189.012 ~~189.403~~, or any other political subdivision of the
 3201 state that owns or operates a public-use airport as defined in
 3202 s. 332.004 is exempt from this section when performing repairs
 3203 or maintenance on the airport's buildings, structures, or public
 3204 construction works using the local government's own services,
 3205 employees, and equipment.

3206 Section 82. Subsection (4) of section 298.225, Florida
 3207 Statutes, is amended to read:

3208 298.225 Water control plan; plan development and
 3209 amendment.—

3210 (4) Information contained within a district's facilities
 3211 plan prepared pursuant to s. 189.08 ~~189.415~~ which satisfies any
 3212 of the provisions of subsection (3) may be used as part of the
 3213 district water control plan.

3214 Section 83. Subsection (7) of section 343.922, Florida
 3215 Statutes, is amended to read:

3216 343.922 Powers and duties.—

3217 (7) The authority shall comply with all statutory
 3218 requirements of general application which relate to the filing
 3219 of any report or documentation required by law, including the
 3220 requirements of ss. 189.015, 189.016, 189.051, and 189.08
 3221 ~~189.4085, 189.415, 189.417, and 189.418~~.

3222 Section 84. Subsection (5) of section 348.0004, Florida
 3223 Statutes, is amended to read:

3224 348.0004 Purposes and powers.—

3225 (5) Any authority formed pursuant to this act shall comply
 3226 with all statutory requirements of general application which
 3227 relate to the filing of any report or documentation required by
 3228 law, including the requirements of ss. 189.015, 189.016,
 3229 189.051, and 189.08 ~~189.4085, 189.415, 189.417, and 189.418.~~

3230 Section 85. Section 373.711, Florida Statutes, is amended
 3231 to read:

3232 373.711 Technical assistance to local governments.—The
 3233 water management districts shall assist local governments in the
 3234 development and future revision of local government
 3235 comprehensive plan elements or public facilities report as
 3236 required by s. 189.08 ~~189.415~~, related to water resource issues.

3237 Section 86. Paragraph (b) of subsection (3) of section
 3238 403.0891, Florida Statutes, is amended to read:

3239 403.0891 State, regional, and local stormwater management
 3240 plans and programs.—The department, the water management
 3241 districts, and local governments shall have the responsibility
 3242 for the development of mutually compatible stormwater management
 3243 programs.

3244 (3)

3245 (b) Local governments are encouraged to consult with the
 3246 water management districts, the Department of Transportation,
 3247 and the department before adopting or updating their local
 3248 government comprehensive plan or public facilities report as
 3249 required by s. 189.08 ~~189.415~~, whichever is applicable.

3250 Section 87. Subsection (1) of section 582.32, Florida

3251 Statutes, is amended to read:

3252 582.32 Effect of dissolution.—

3253 (1) Upon issuance of a certificate of dissolution, s.
 3254 189.076(2) ~~189.4045(2)~~ applies and all land use regulations in
 3255 effect within such districts are void.

3256 Section 88. Paragraph (a) of subsection (3) of section
 3257 1013.355, Florida Statutes, is amended to read:

3258 1013.355 Educational facilities benefit districts.—

3259 (3)(a) An educational facilities benefit district may be
 3260 created pursuant to this act and chapters 125, 163, 166, and
 3261 189. An educational facilities benefit district charter may be
 3262 created by a county or municipality by entering into an
 3263 interlocal agreement, as authorized by s. 163.01, with the
 3264 district school board and any local general purpose government
 3265 within whose jurisdiction a portion of the district is located
 3266 and adoption of an ordinance that includes all provisions
 3267 contained within s. 189.02 ~~189.4041~~. The creating entity shall
 3268 be the local general purpose government within whose boundaries
 3269 a majority of the educational facilities benefit district's
 3270 lands are located.

3271 Section 89. This act shall take effect July 1, 2014.