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1 A bill to be entitled
2 An act relating to special districts; designating
3 parts I-VIII of chapter 189, F.S., relating to special
4 districts; amending s. 11.40, F.S.; revising duties of
5 the Legislative Auditing Committee; amending s.
6 112.312, F.S.; redefining the term "agency" as it
7 applies to the code of ethics for public officers and
8 employees to include special districts; creating s.
9 112.511, F.S.; specifying applicability of procedures
10 regarding suspension and removal of a member of the
11 governing body of a special district; amending s.
12 125.901, F.S.; conforming provisions to changes made
13 by the act; transferring, renumbering, and amending s.
14 189.401, F.S.; revising a short title; transferring,
15 renumbering, and amending s. 189.402, F.S.; revising a
16 statement of legislative purpose and intent; making
17 technical changes; conforming provisions to changes
18 made by the act; transferring, renumbering, and
19 amending s. 189.403, F.S.; redefining the term
20 "special district"; transferring, renumbering, and
21 amending ss. 189.4031, 189.4035, 189.404, 189.40401,
22 189.4041, and 189.4042, F.S.; deleting provisions
23 relating to the application of a special district to
24 amend its charter; conforming provisions and cross-
25 references; transferring, renumbering, and amending s.
26 189.4044, F.S.; revising the circumstances under which
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

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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

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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 or
77 reviewing entity to convene a public hearing;
78 requiring certain reviewing entities to notify the
79 Legislative Auditing Committee of a public hearing;
80 requiring a special district to provide certain
81 information before the public hearing at the request
82 of the Legislative Auditing Committee or the reviewing
83 entity; providing reporting requirements for certain
84 public hearings; creating s. 189.055, F.S.; requiring
85 special districts to be treated as municipalities for
86 certain purposes; creating s. 189.069, F.S.; requiring
87 special districts to maintain an official Internet

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88 website for certain purposes; requiring special
89 districts to annually update and maintain certain
90 information on the website; requiring special
91 districts to submit the web address of their
92 respective websites to the department; requiring that
93 the department's online list of special districts
94 include a link to the website of certain special
95 districts; amending ss. 11.45, 100.011, 101.657,
96 112.061, 112.63, 112.665, 121.021, 121.051, 153.94,
97 163.08, 165.031, 165.0615, 171.202, 175.032, 190.011,
98 190.046, 190.049, 191.003, 191.005, 191.013, 191.014,
99 191.015, 200.001, 218.31, 218.32, 218.37, 255.20,
100 298.225, 343.922, 348.0004, 373.711, 403.0891, 582.32,
101 and 1013.355, F.S.; conforming cross-references and
102 provisions to changes made by the act; providing an
103 effective date.
104

105 Be It Enacted by the Legislature of the State of Florida:
106

107 Section 1. Chapter 189, Florida Statutes, as amended by
108 this act, is divided into the following parts:

109 (1) Part I, consisting of sections 189.01, 189.011,
110 189.012, 189.013, 189.014, 189.015, 189.016, 189.017, 189.018,
111 and 189.019, Florida Statutes, as created by this act, and
112 entitled "General Provisions."

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

116 (3) Part III, consisting of sections 189.03, 189.031,

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117 189.0311, 189.033, 189.034, and 189.035, Florida Statutes, as
118 created by this act, and entitled "Independent Special
119 Districts."

120 (4) Part IV, consisting of sections 189.04, 189.041, and
121 189.042, Florida Statutes, as created by this act, and entitled
122 "Elections."

123 (5) Part V, consisting of sections 189.05, 189.051,
124 189.052, 189.053, 189.054, and 189.055, Florida Statutes, as
125 created by this act, and entitled "Finance."

126 (6) Part VI, consisting of sections 189.06, 189.061,
127 189.062, 189.063, 189.064, 189.065, 189.066, 189.067, 189.068,
128 189.069, and 189.0691, Florida Statutes, as created by this act,
129 and entitled "Oversight and Accountability."

130 (7) Part VII, consisting of sections 189.07, 189.071,
131 189.072, 189.073, 189.074, 189.075, 189.076, and 189.0761,
132 Florida Statutes, as created by this act, and entitled "Merger
133 and Dissolution."

134 (8) Part VIII, consisting of sections 189.08, 189.081, and
135 189.082, Florida Statutes, as created by this act, and entitled
136 "Comprehensive Planning."

137 Section 2. Paragraph (b) of subsection (2) of section
138 11.40, Florida Statutes, is amended to read:

139 11.40 Legislative Auditing Committee.—

140 (2) Following notification by the Auditor General, the
141 Department of Financial Services, or the Division of Bond
142 Finance of the State Board of Administration of the failure of a
143 local governmental entity, district school board, charter
144 school, or charter technical career center to comply with the
145 applicable provisions within s. 11.45(5)-(7), s. 218.32(1), ~~or~~

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146 s. 218.38, or s. 218.503(3), the Legislative Auditing Committee
147 may schedule a hearing to determine if the entity should be
148 subject to further state action. If the committee determines
149 that the entity should be subject to further state action, the
150 committee shall:

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

152 1. A special act, notify the President of the Senate, the
153 Speaker of the House of Representatives, the standing committees
154 of the Senate and the House of Representatives charged with
155 special district oversight as determined by the presiding
156 officers of each respective chamber, the legislators who
157 represent a portion of the geographical jurisdiction of the
158 special district pursuant to s. 189.034(2) and the Department of
159 Economic Opportunity that the special district has failed to
160 comply with the law. Upon receipt of notification, the
161 Department of Economic Opportunity shall proceed pursuant to s.
162 189.062 or s. 189.067. If the special district remains in
163 noncompliance after the process set forth in s. 189.034(3), or
164 if a public hearing is not held, the Legislative Auditing
165 Committee may request the department to proceed pursuant to s.
166 189.067(3) ~~s. 189.4044 or s. 189.421.~~

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

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175 department to proceed pursuant to s. 189.067(3).

176 3. Any manner other than a special act or local ordinance,
177 notify the Department of Economic Opportunity that the special
178 district has failed to comply with the law. Upon receipt of
179 notification, the department shall proceed pursuant to s.
180 189.062 or s. 189.067(3).

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

183 112.312 Definitions.—As used in this part and for purposes
184 of the provisions of s. 8, Art. II of the State Constitution,
185 unless the context otherwise requires:

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

192 Section 4. Section 112.511, Florida Statutes, is created to
193 read:

194 112.511 Members of special district governing bodies;
195 suspension; removal from office.—

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

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

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204 suspension and removal procedures under s. 112.51.

205 Section 5. Subsections (1), (4), and (6) of section
206 125.901, Florida Statutes, are amended to read:

207 125.901 Children's services; independent special district;
208 council; powers, duties, and functions; public records
209 exemption.—

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

225 (a) The governing body ~~board~~ of the district shall be a
226 council on children's services, which may also be known as a
227 juvenile welfare board or similar name as established in the
228 ordinance by the county governing body. Such council shall
229 consist of 10 members, including: the superintendent of schools;
230 a local school board member; the district administrator from the
231 appropriate district of the Department of Children and Family
232 Services, or his or her designee who is a member of the Senior

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233 Management Service or of the Selected Exempt Service; one member
234 of the county governing body; and the judge assigned to juvenile
235 cases who shall sit as a voting member of the board, except that
236 said judge shall not vote or participate in the setting of ad
237 valorem taxes under this section. If there is more than one
238 judge assigned to juvenile cases in a county, the chief judge
239 shall designate one of said juvenile judges to serve on the
240 board. The remaining five members shall be appointed by the
241 Governor, and shall, to the extent possible, represent the
242 demographic diversity of the population of the county. After
243 soliciting recommendations from the public, the county governing
244 body shall submit to the Governor the names of at least three
245 persons for each vacancy occurring among the five members
246 appointed by the Governor, and the Governor shall appoint
247 members to the council from the candidates nominated by the
248 county governing body. The Governor shall make a selection
249 within a 45-day period or request a new list of candidates. All
250 members appointed by the Governor shall have been residents of
251 the county for the previous 24-month period. Such members shall
252 be appointed for 4-year terms, except that the length of the
253 terms of the initial appointees shall be adjusted to stagger the
254 terms. The Governor may remove a member for cause or upon the
255 written petition of the county governing body. If any of the
256 members of the council required to be appointed by the Governor
257 under the provisions of this subsection shall resign, die, or be
258 removed from office, the vacancy thereby created shall, as soon
259 as practicable, be filled by appointment by the Governor, using
260 the same method as the original appointment, and such
261 appointment to fill a vacancy shall be for the unexpired term of

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262 the person who resigns, dies, or is removed from office.

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

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

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

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320 to provide such services.

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

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

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

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

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

340 b. A referendum by the electorate on or after July 1, 2010,
341 creating a new district with taxing authority may specify that
342 the district is not subject to reauthorization or may specify
343 the number of years for which the initial authorization shall
344 remain effective. If the referendum does not prescribe terms of
345 reauthorization, the governing body of the county shall submit
346 the question of retention or dissolution of the district to the
347 electorate in the general election 12 years after the initial
348 authorization.

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

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

366 4. Nothing in this paragraph precludes the governing body
367 ~~board~~ of a district from requesting that the governing body of
368 the county submit the question of retention or dissolution of a
369 district with voter-approved taxing authority to the electorate
370 at a date earlier than the year prescribed in subparagraph 1. If
371 the governing body of the county accepts the request and submits
372 the question to the electorate, the governing body satisfies the
373 requirement of that subparagraph.

374
375 If any district is dissolved pursuant to this subsection, each
376 county must first obligate itself to assume the debts,
377 liabilities, contracts, and outstanding obligations of the

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378 district within the total millage available to the county
379 governing body for all county and municipal purposes as provided
380 for under s. 9, Art. VII of the State Constitution. Any district
381 may also be dissolved pursuant to s. part VII of chapter 189
382 ~~189.4042~~.

383 (6) Any district created pursuant to the provisions of this
384 section shall comply with all other statutory requirements of
385 general application which relate to the filing of any financial
386 reports or compliance reports required under part III of chapter
387 218, or any other report or documentation required by law,
388 including the requirements of ss. 189.08, 189.015, and 189.016
389 ~~189.415, 189.417, and 189.418~~.

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

393 189.01 ~~189.401~~ Short title.—This chapter may be cited as
394 the "Uniform Special District Accountability Act ~~of 1989~~."

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

400 189.011 ~~189.402~~ Statement of legislative purpose and
401 intent.—

402 (2) ~~(6)~~ The Legislature finds that special districts serve a
403 necessary and useful function by providing services to residents
404 and property in the state. The Legislature finds further that
405 special districts operate to serve a public purpose and that
406 this is best secured by certain minimum standards of

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407 accountability designed to inform the public and appropriate
408 local general-purpose ~~local~~ governments of the status and
409 activities of special districts. It is the intent of the
410 Legislature that this public trust be secured by requiring each
411 independent special district in the state to register and report
412 its financial and other activities. The Legislature further
413 finds that failure of an independent special district to comply
414 with the minimum disclosure requirements set forth in this
415 chapter may result in action against officers of such district
416 body ~~board~~.

417 Section 8. Subsection (2) of section 189.402, Florida
418 Statutes, is transferred, renumbered as section 189.06, Florida
419 Statutes, and amended to read:

420 189.06 ~~189.402~~ Legislative intent; centralized location
421 ~~Statement of legislative purpose and intent.~~

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

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

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

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

435 (4) ~~(d)~~ Move toward greater uniformity in special district

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436 elections and non-ad valorem assessment collection procedures at
437 the local level without hampering the efficiency and
438 effectiveness of the current procedures.

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

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

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

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

450 Section 9. Subsections (3), (4), (5), and (8) of section
451 189.402, Florida Statutes, are transferred, renumbered as
452 subsections (1), (2), (3), and (4), respectively, of section
453 189.03, Florida Statutes, and amended to read:

454 189.03 ~~189.402~~ Statement of legislative purpose and intent;
455 independent special districts.—

456 (1)~~(3)~~ The Legislature finds that:

457 (a) There is a need for uniform, focused, and fair
458 procedures in state law to provide a reasonable alternative for
459 the establishment, powers, operation, and duration of
460 independent special districts ~~to manage and finance basic~~
461 ~~capital infrastructure, facilities, and services; and that,~~
462 ~~based upon a proper and fair determination of applicable facts,~~
463 ~~an independent special district can constitute a timely,~~
464 ~~efficient, effective, responsive, and economic way to deliver~~

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465 ~~these basic services, thereby providing a means of solving the~~
466 ~~state's planning, management, and financing needs for delivery~~
467 ~~of capital infrastructure, facilities, and services in order to~~
468 ~~provide for projected growth without overburdening other~~
469 ~~governments and their taxpayers.~~

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

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

482 (2)~~(4)~~ It is the policy of this state:

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

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

492 (3)~~(5)~~ It is the legislative intent ~~and purpose, based~~
493 ~~upon, and consistent with, its findings of fact and declarations~~

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494 ~~of policy,~~ to authorize a uniform procedure by general law to
495 create an independent special district, ~~as an alternative method~~
496 ~~to manage and finance basic capital infrastructure, facilities,~~
497 ~~and services. It is further the legislative intent and purpose~~
498 to provide by general law for the uniform operation, exercise of
499 power, and procedure for termination of any such independent
500 special district.

501 ~~(4)(8)~~ The Legislature finds and declares that:

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

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

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

514 189.012 ~~189.403~~ Definitions.—As used in this chapter, the
515 term:

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

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

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

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

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

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

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

544

545 This subsection is for purposes of definition only. Nothing in
546 this subsection confers additional authority upon local
547 governments not otherwise authorized by the provisions of the
548 special acts or general acts of local application creating each
549 special district, as amended.

550 (3) "Independent special district" means a special district
551 that is not a dependent special district as defined in

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552 subsection (2). A district that includes more than one county is
553 an independent special district unless the district lies wholly
554 within the boundaries of a single municipality.

555 (1)~~(4)~~ "Department" means the Department of Economic
556 Opportunity.

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

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

567 (5)~~(7)~~ "Public facilities" means major capital
568 improvements, including, but not limited to, transportation
569 facilities, sanitary sewer facilities, solid waste facilities,
570 water management and control facilities, potable water
571 facilities, alternative water systems, educational facilities,
572 parks and recreational facilities, health systems and
573 facilities, and, except for spoil disposal by those ports listed
574 in s. 311.09(1), spoil disposal sites for maintenance dredging
575 in waters of the state.

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

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

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

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

597 Section 13. Section 189.4035, Florida Statutes, is
598 transferred and renumbered as section 189.061, Florida Statutes,
599 and subsections (1), (5), and (6) of that section are amended,
600 to read:

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

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

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610 dependent status of each special district on the official list.
611 The status of community development districts shall be
612 independent on the official list of special districts.

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

618 ~~Preparation of~~ The official list of special districts
619 or the determination of status does not constitute final agency
620 action pursuant to chapter 120. If the status of a special
621 district on the official list is inconsistent with the status
622 submitted by the district, the district may request the
623 department to issue a declaratory statement setting forth the
624 requirements necessary to resolve the inconsistency. If
625 necessary, upon issuance of a declaratory statement by the
626 department which is not appealed pursuant to chapter 120, the
627 governing body ~~board~~ of any special district receiving such a
628 declaratory statement shall apply to the entity which originally
629 established the district for an amendment to its charter
630 correcting the specified defects in its original charter. This
631 amendment shall be for the sole purpose of resolving
632 inconsistencies between a district charter and the status of a
633 district as it appears on the official list. ~~Such application~~
634 ~~shall occur as follows:~~

635 ~~(a) In the event a special district was created by a local~~
636 ~~general purpose government or state agency and applies for an~~
637 ~~amendment to its charter to confirm its independence, said~~
638 ~~application shall be granted as a matter of right. If~~

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639 ~~application by an independent district is not made within 6~~
640 ~~months of rendition of a declaratory statement, the district~~
641 ~~shall be deemed dependent and become a political subdivision of~~
642 ~~the governing body which originally established it by operation~~
643 ~~of law.~~

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

651 Section 14. Section 189.404, Florida Statutes, is
652 transferred and renumbered as section 189.031, Florida Statutes,
653 and 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; local general-purpose ~~local~~
657 government/Governor and Cabinet creation authorizations.—

658 (1) LEGISLATIVE INTENT.—It is the intent of the Legislature
659 that, after September 30, 1989, at a minimum, the requirements
660 of subsection (3) must be satisfied when an independent special
661 district is created.

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

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

667 (b) Exempt independent special district elections from the

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668 appropriate requirements in s. 189.04 ~~189.405~~;

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

671 (d) Exempt an independent special district from the
672 reporting, notice, or public meetings requirements of s.
673 189.051, s. 189.08, s. 189.015, or s. 189.016 ~~189.4085, s.~~
674 ~~189.415, s. 189.417, or s. 189.418~~;

675 (e) Create an independent special district for which a
676 statement has not been submitted to the Legislature that
677 documents the following:

678 1. The purpose of the proposed district;

679 2. The authority of the proposed district;

680 3. An explanation of why the district is the best
681 alternative; and

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

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

693 (a) The purpose of the district.

694 (b) The powers, functions, and duties of the district
695 regarding ad valorem taxation, bond issuance, other revenue-
696 raising capabilities, budget preparation and approval, liens and

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697 foreclosure of liens, use of tax deeds and tax certificates as
698 appropriate for non-ad valorem assessments, and contractual
699 agreements.

700 (c) The methods for establishing the district.

701 (d) The method for amending the charter of the district.

702 (e) The membership and organization of the governing body
703 ~~board~~ of the district. If a district created after September 30,
704 1989, uses a one-acre/one-vote election principle, it shall
705 provide for a governing body ~~board~~ consisting of five members.
706 Three members shall constitute a quorum.

707 (f) The maximum compensation of a governing body ~~board~~
708 member.

709 (g) The administrative duties of the governing body ~~board~~
710 of the district.

711 (h) The applicable financial disclosure, noticing, and
712 reporting requirements.

713 (i) If a district has authority to issue bonds, the
714 procedures and requirements for issuing bonds.

715 (j) The procedures for conducting any district elections or
716 referenda required and the qualifications of an elector of the
717 district.

718 (k) The methods for financing the district.

719 (l) If an independent special district has the authority to
720 levy ad valorem taxes, other than taxes levied for the payment
721 of bonds and taxes levied for periods not longer than 2 years
722 when authorized by vote of the electors of the district, the
723 millage rate that is authorized.

724 (m) The method or methods for collecting non-ad valorem
725 assessments, fees, or service charges.

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726 (n) Planning requirements.

727 (o) Geographic boundary limitations.

728 (4) LOCAL GOVERNMENT/GOVERNOR AND CABINET CREATION

729 AUTHORIZATIONS.—Except as otherwise authorized by general law,
730 only the Legislature may create independent special districts.

731 (a) A municipality may create an independent special
732 district which shall be established by ordinance in accordance
733 with s. 190.005, or as otherwise authorized in general law.

734 (b) A county may create an independent special district
735 which shall be adopted by a charter in accordance with s.
736 125.901 or s. 154.331 or chapter 155, or which shall be
737 established by ordinance in accordance with s. 190.005, or as
738 otherwise authorized by general law.

739 (c) The Governor and Cabinet may create an independent
740 special district which shall be established by rule in
741 accordance with s. 190.005 or as otherwise authorized in general
742 law. The Governor and Cabinet may also approve the establishment
743 of a charter for the creation of an independent special district
744 which shall be in accordance with s. 373.713, or as otherwise
745 authorized in general law.

746 (d)1. Any combination of two or more counties may create a
747 regional special district which shall be established in
748 accordance with s. 950.001, or as otherwise authorized in
749 general law.

750 2. Any combination of two or more counties or
751 municipalities may create a regional special district which
752 shall be established in accordance with s. 373.713, or as
753 otherwise authorized by general law.

754 3. Any combination of two or more counties, municipalities,

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755 or other political subdivisions may create a regional special
756 district in accordance with s. 163.567, or as otherwise
757 authorized in general law.

758 (5) STATUS STATEMENT.—After October 1, 1997, the charter of
759 any newly created special district shall contain and, as
760 practical, the charter of a preexisting special district shall
761 be amended to contain, a reference to the status of the special
762 district as dependent or independent. When necessary, the status
763 statement shall be amended to conform with the department's
764 determination or declaratory statement regarding the status of
765 the district.

766 Section 15. Section 189.40401, Florida Statutes, is
767 transferred and renumbered as section 189.033, Florida Statutes.

768 Section 16. Section 189.4041, Florida Statutes, is
769 transferred and renumbered as section 189.02, Florida Statutes,
770 and paragraph (e) of subsection (4) of that section is amended,
771 to read:

772 189.02 ~~189.4041~~ Dependent special districts.—

773 (4) Dependent special districts created by a county or
774 municipality shall be created by adoption of an ordinance that
775 includes:

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

778 Section 17. Subsection (1) of section 189.4042, Florida
779 Statutes, is transferred, renumbered as section 189.07, Florida
780 Statutes, and amended to read:

781 189.07 ~~189.4042~~ Definitions ~~Merger and dissolution~~
782 ~~procedures~~.—

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

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784 (1)~~(a)~~ "Component independent special district" means an
785 independent special district that proposes to be merged into a
786 merged independent district, or an independent special district
787 as it existed before its merger into the merged independent
788 district of which it is now a part.

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

795 (3)~~(c)~~ "Governing body" means the governing body of the
796 independent special district in which the general legislative,
797 governmental, or public powers of the district are vested and by
798 authority of which the official business of the district is
799 conducted.

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

803 (5)~~(e)~~ "Joint merger plan" means the merger plan that is
804 adopted by resolution of the governing bodies of two or more
805 independent special districts that outlines the terms and
806 agreements for the official merger of the districts and that is
807 finalized and approved by the governing bodies pursuant to this
808 part ~~section~~.

809 (6)~~(f)~~ "Merged independent district" means a single
810 independent special district that results from a successful
811 merger of two or more independent special districts pursuant to
812 this part ~~section~~.

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

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

820 (9)~~(i)~~ "Proposed elector-initiated merger plan" means a
821 written document that contains the terms and information
822 regarding the merger of two or more independent special
823 districts and that accompanies the petition initiated by the
824 qualified electors of the districts but that is not yet
825 finalized and approved by the governing bodies of each component
826 independent special district pursuant to this part section.

827 (10)~~(j)~~ "Proposed joint merger plan" means a written
828 document that contains the terms and information regarding the
829 merger of two or more independent special districts and that has
830 been prepared pursuant to a resolution of the governing bodies
831 of the districts but that is not yet finalized and approved by
832 the governing bodies of each component independent special
833 district pursuant to this part section.

834 (11)~~(k)~~ "Qualified elector" means an individual at least 18
835 years of age who is a citizen of the United States, a permanent
836 resident of this state, and a resident of the district who
837 registers with the supervisor of elections of a county within
838 which the district lands are located when the registration books
839 are open.

840 Section 18. Subsection (2) of section 189.4042, Florida
841 Statutes, is transferred, renumbered as section 189.071, Florida

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842 Statutes, and amended to read:

843 189.071 ~~189.4042~~ Merger or ~~and~~ dissolution of a dependent
844 special district procedures.—

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

846 (1) ~~(a)~~ The merger or dissolution of a dependent special
847 district may be effectuated by an ordinance of the local
848 general-purpose ~~local~~ governmental entity wherein the
849 geographical area of the district or districts is located.
850 However, a county may not dissolve a special district that is
851 dependent to a municipality or vice versa, or a dependent
852 district created by special act.

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

857 (3) ~~(c)~~ A dependent special district that meets any criteria
858 for being declared inactive, or that has already been declared
859 inactive, pursuant to s. 189.062 ~~189.4044~~ may be dissolved or
860 merged by special act without a referendum.

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

866 Section 19. Subsection (3) of section 189.4042, Florida
867 Statutes, is transferred, renumbered as section 189.072, Florida
868 Statutes, and amended to read:

869 189.072 ~~189.4042~~ Dissolution of an independent special
870 district ~~Merger and dissolution procedures.~~—

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871 ~~(3) DISSOLUTION OF AN INDEPENDENT SPECIAL DISTRICT.~~

872 (1)~~(a)~~ VOLUNTARY DISSOLUTION.—If the governing body ~~board~~
873 of an independent special district created and operating
874 pursuant to a special act elects, by a majority vote plus one,
875 to dissolve the district, the voluntary dissolution of an
876 independent special district created and operating pursuant to a
877 special act may be effectuated only by the Legislature unless
878 otherwise provided by general law.

879 (2)~~(b)~~ OTHER DISSOLUTIONS.—

880 (a)~~1.~~ In order for the Legislature to dissolve an active
881 independent special district created and operating pursuant to a
882 special act, the special act dissolving the active independent
883 special district must be approved by a majority of the resident
884 electors of the district or, for districts in which a majority
885 of governing body ~~board~~ members are elected by landowners, a
886 majority of the landowners voting in the same manner by which
887 the independent special district's governing body is elected. If
888 a local general-purpose government passes an ordinance or
889 resolution in support of the dissolution, the local general-
890 purpose government must pay any expenses associated with the
891 referendum required under this paragraph ~~subparagraph~~.

892 (b)~~2.~~ If an independent special district was created by a
893 county or municipality by referendum or any other procedure, the
894 county or municipality that created the district may dissolve
895 the district pursuant to a referendum or any other procedure by
896 which the independent special district was created. However, if
897 the independent special district has ad valorem taxation powers,
898 the same procedure required to grant the independent special
899 district ad valorem taxation powers is required to dissolve the

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900 district.

901 (3)~~(e)~~ INACTIVE INDEPENDENT SPECIAL DISTRICTS.—An
902 independent special district that meets any criteria for being
903 declared inactive, or that has already been declared inactive,
904 pursuant to s. 189.062 ~~189.4044~~ may be dissolved by special act
905 without a referendum. If an inactive independent special
906 district was created by a county or municipality through a
907 referendum, the county or municipality that created the district
908 may dissolve the district after publishing notice as described
909 in s. 189.062 ~~189.4044~~.

910 (4)~~(d)~~ DEBTS AND ASSETS.—Financial allocations of the
911 assets and indebtedness of a dissolved independent special
912 district shall be pursuant to s. 189.076 ~~189.4045~~.

913 Section 20. Subsection (4) of section 189.4042, Florida
914 Statutes, is transferred, renumbered as section 189.073, Florida
915 Statutes, and amended to read:

916 189.073 ~~189.4042~~ Legislative merger of independent special
917 districts Merger and dissolution procedures.—

918 ~~(4) LEGISLATIVE MERGER OF INDEPENDENT SPECIAL DISTRICTS.~~—
919 The Legislature, by special act, may merge independent special
920 districts created and operating pursuant to special act.

921 Section 21. Subsection (5) of section 189.4042, Florida
922 Statutes, is transferred, renumbered as section 189.074, Florida
923 Statutes, and amended to read:

924 189.074 ~~189.4042~~ Voluntary merger of independent special
925 districts Merger and dissolution procedures.—

926 ~~(5) VOLUNTARY MERGER OF INDEPENDENT SPECIAL DISTRICTS.~~—Two
927 or more contiguous independent special districts created by
928 special act which have similar functions and elected governing

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929 bodies may elect to merge into a single independent district
930 through the act of merging the component independent special
931 districts.

932 (1)~~(a)~~ INITIATION.—Merger proceedings may commence by:

933 (a)~~1.~~ A joint resolution of the governing bodies of each
934 independent special district which endorses a proposed joint
935 merger plan; or

936 (b)~~2.~~ A qualified elector initiative.

937 (2)~~(b)~~ JOINT MERGER PLAN BY RESOLUTION.—The governing
938 bodies of two or more contiguous independent special districts
939 may, by joint resolution, endorse a proposed joint merger plan
940 to commence proceedings to merge the districts pursuant to this
941 section ~~subsection~~.

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

943 1.a. The name of each component independent special
944 district to be merged;

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

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

948 4.d. The territorial boundaries of the proposed merged
949 independent district;

950 5.e. The governmental organization of the proposed merged
951 independent district insofar as it concerns elected and
952 appointed officials and public employees, along with a
953 transitional plan and schedule for elections and appointments of
954 officials;

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

957 7.g. Each component independent special district's assets,

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958 including, but not limited to, real and personal property, and
959 the current value thereof;

960 ~~8.h.~~ Each component independent special district's
961 liabilities and indebtedness, bonded and otherwise, and the
962 current value thereof;

963 ~~9.i.~~ Terms for the assumption and disposition of existing
964 assets, liabilities, and indebtedness of each component
965 independent special district jointly, separately, or in defined
966 proportions;

967 ~~10.j.~~ Terms for the common administration and uniform
968 enforcement of existing laws within the proposed merged
969 independent district;

970 ~~11.k.~~ The times and places for public hearings on the
971 proposed joint merger plan;

972 ~~12.l.~~ The times and places for a referendum in each
973 component independent special district on the proposed joint
974 merger plan, along with the referendum language to be presented
975 for approval; and

976 ~~13.m.~~ The effective date of the proposed merger.

977 ~~(b)2.~~ The resolution endorsing the proposed joint merger
978 plan must be approved by a majority vote of the governing bodies
979 of each component independent special district and adopted at
980 least 60 business days before any general or special election on
981 the proposed joint merger plan.

982 ~~(c)3.~~ Within 5 business days after the governing bodies
983 approve the resolution endorsing the proposed joint merger plan,
984 the governing bodies must:

985 ~~1.a.~~ Cause a copy of the proposed joint merger plan, along
986 with a descriptive summary of the plan, to be displayed and be

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987 readily accessible to the public for inspection in at least
988 three public places within the territorial limits of each
989 component independent special district, unless a component
990 independent special district has fewer than three public places,
991 in which case the plan must be accessible for inspection in all
992 public places within the component independent special district;

993 ~~2.b.~~ If applicable, cause the proposed joint merger plan,
994 along with a descriptive summary of the plan and a reference to
995 the public places within each component independent special
996 district where a copy of the merger plan may be examined, to be
997 displayed on a website maintained by each district or on a
998 website maintained by the county or municipality in which the
999 districts are located; and

1000 ~~3.e.~~ Arrange for a descriptive summary of the proposed
1001 joint merger plan, and a reference to the public places within
1002 the district where a copy may be examined, to be published in a
1003 newspaper of general circulation within the component
1004 independent special districts at least once each week for 4
1005 successive weeks.

1006 ~~(d)4.~~ The governing body of each component independent
1007 special district shall set a time and place for one or more
1008 public hearings on the proposed joint merger plan. Each public
1009 hearing shall be held on a weekday at least 7 business days
1010 after the day the first advertisement is published on the
1011 proposed joint merger plan. The hearing or hearings may be held
1012 jointly or separately by the governing bodies of the component
1013 independent special districts. Any interested person residing in
1014 the respective district shall be given a reasonable opportunity
1015 to be heard on any aspect of the proposed merger at the public

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1016 hearing.

1017 ~~1.a.~~ Notice of the public hearing addressing the resolution
1018 for the proposed joint merger plan must be published pursuant to
1019 the notice requirements in s. 189.015 ~~189.417~~ and must provide a
1020 descriptive summary of the proposed joint merger plan and a
1021 reference to the public places within the component independent
1022 special districts where a copy of the plan may be examined.

1023 ~~2.b.~~ After the final public hearing, the governing bodies
1024 of each component independent special district may amend the
1025 proposed joint merger plan if the amended version complies with
1026 the notice and public hearing requirements provided in this
1027 section ~~subsection~~. Thereafter, the governing bodies may approve
1028 a final version of the joint merger plan or decline to proceed
1029 further with the merger. Approval by the governing bodies of the
1030 final version of the joint merger plan must occur within 60
1031 business days after the final hearing.

1032 ~~(e)5.~~ After the final public hearing, the governing bodies
1033 shall notify the supervisors of elections of the applicable
1034 counties in which district lands are located of the adoption of
1035 the resolution by each governing body. The supervisors of
1036 elections shall schedule a separate referendum for each
1037 component independent special district. The referenda may be
1038 held in each district on the same day, or on different days, but
1039 no more than 20 days apart.

1040 ~~1.a.~~ Notice of a referendum on the merger of independent
1041 special districts must be provided pursuant to the notice
1042 requirements in s. 100.342. At a minimum, the notice must
1043 include:

1044 ~~a.(I)~~ A brief summary of the resolution and joint merger

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1045 plan;

1046 b.~~(II)~~ A statement as to where a copy of the resolution and

1047 joint merger plan may be examined;

1048 c.~~(III)~~ The names of the component independent special

1049 districts to be merged and a description of their territory;

1050 d.~~(IV)~~ The times and places at which the referendum will be

1051 held; and

1052 e.~~(V)~~ Such other matters as may be necessary to call,

1053 provide for, and give notice of the referendum and to provide

1054 for the conduct thereof and the canvass of the returns.

1055 2.b. The referenda must be held in accordance with the

1056 Florida Election Code and may be held pursuant to ss. 101.6101-

1057 101.6107. All costs associated with the referenda shall be borne

1058 by the respective component independent special district.

1059 3.e. The ballot question in such referendum placed before

1060 the qualified electors of each component independent special

1061 district to be merged must be in substantially the following

1062 form:

1063 "Shall ...(name of component independent special

1064 district)... and ...(name of component independent special

1065 district or districts)... be merged into ...(name of newly

1066 merged independent district)...?"

1067

1068YES

1069NO"

1070

1071 4.d. If the component independent special districts

1072 proposing to merge have disparate millage rates, the ballot

1073 question in the referendum placed before the qualified electors

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1074 of each component independent special district must be in
1075 substantially the following form:

1076
1077 "Shall ...(name of component independent special
1078 district)... and ...(name of component independent special
1079 district or districts)... be merged into ...(name of newly
1080 merged independent district)... if the voter-approved maximum
1081 millage rate within each independent special district will not
1082 increase absent a subsequent referendum?

1083
1084YES

1085NO"

1086
1087 5.e. In any referendum held pursuant to this section
1088 ~~subsection~~, the ballots shall be counted, returns made and
1089 canvassed, and results certified in the same manner as other
1090 elections or referenda for the component independent special
1091 districts.

1092 6.f. The merger may not take effect unless a majority of
1093 the votes cast in each component independent special district
1094 are in favor of the merger. If one of the component districts
1095 does not obtain a majority vote, the referendum fails, and
1096 merger does not take effect.

1097 7.g. If the merger is approved by a majority of the votes
1098 cast in each component independent special district, the merged
1099 independent district is created. Upon approval, the merged
1100 independent district shall notify the Special District
1101 Accountability Information Program pursuant to s. 189.016(2)
1102 ~~189.418(2)~~ and the local general-purpose governments in which

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1103 any part of the component independent special districts is
 1104 situated pursuant to s. 189.016(7) ~~189.418(7)~~.

1105 ~~8.h.~~ If the referendum fails, the merger process under this
 1106 subsection ~~paragraph~~ may not be initiated for the same purpose
 1107 within 2 years after the date of the referendum.

1108 ~~(f)6.~~ Component independent special districts merged
 1109 pursuant to a joint merger plan by resolution shall continue to
 1110 be governed as before the merger until the effective date
 1111 specified in the adopted joint merger plan.

1112 ~~(3)(e)~~ QUALIFIED ELECTOR-INITIATED MERGER PLAN.—The
 1113 qualified electors of two or more contiguous independent special
 1114 districts may commence a merger proceeding by each filing a
 1115 petition with the governing body of their respective independent
 1116 special district proposing to be merged. The petition must
 1117 contain the signatures of at least 40 percent of the qualified
 1118 electors of each component independent special district and must
 1119 be submitted to the appropriate component independent special
 1120 district governing body no later than 1 year after the start of
 1121 the qualified elector-initiated merger process.

1122 ~~(a)1.~~ The petition must comply with, and be circulated in,
 1123 the following form:

1124 PETITION FOR

1125 INDEPENDENT SPECIAL DISTRICT MERGER

1126 We, the undersigned electors and legal voters of ...(name
 1127 of independent special district)..., qualified to vote at the
 1128 next general or special election, respectfully petition that
 1129 there be submitted to the electors and legal voters of ...(name
 1130 of independent special district or districts proposed to be
 1131 merged)..., for their approval or rejection at a referendum held

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1132 for that purpose, a proposal to merge ...(name of component
1133 independent special district)... and ...(name of component
1134 independent special district or districts)....

1135 In witness thereof, we have signed our names on the date
1136 indicated next to our signatures.

1137

1138 Date Name Home Address
1139 (print under signature)

1140

1141

1142

1143

1144

1145 ~~(b)2.~~ The petition must be validated by a signed statement
1146 by a witness who is a duly qualified elector of one of the
1147 component independent special districts, a notary public, or
1148 another person authorized to take acknowledgments.

1149 ~~1.a.~~ A statement that is signed by a witness who is a duly
1150 qualified elector of the respective district shall be accepted
1151 for all purposes as the equivalent of an affidavit. Such
1152 statement must be in substantially the following form:

1153 "I, ...(name of witness)..., state that I am a duly
1154 qualified voter of ...(name of independent special district)....
1155 Each of the ...(insert number)... persons who have signed this
1156 petition sheet has signed his or her name in my presence on the
1157 dates indicated above and identified himself or herself to be
1158 the same person who signed the sheet. I understand that this
1159 statement will be accepted for all purposes as the equivalent of
1160 an affidavit and, if it contains a materially false statement,

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1190 lands are located that 40 percent of the qualified electors have
1191 petitioned for merger and that all such petitions have been
1192 executed within 1 year after the date of the initiation of the
1193 qualified-elector merger process, the governing bodies of each
1194 component independent special district shall meet within 30
1195 business days to prepare and approve by resolution a proposed
1196 elector-initiated merger plan. The proposed plan must include:

1197 ~~1.a.~~ The name of each component independent special
1198 district to be merged;

1199 ~~2.b.~~ The name of the proposed merged independent district;

1200 ~~3.c.~~ The rights, duties, and obligations of the merged
1201 independent district;

1202 ~~4.d.~~ The territorial boundaries of the proposed merged
1203 independent district;

1204 ~~5.e.~~ The governmental organization of the proposed merged
1205 independent district insofar as it concerns elected and
1206 appointed officials and public employees, along with a
1207 transitional plan and schedule for elections and appointments of
1208 officials;

1209 ~~6.f.~~ A fiscal estimate of the potential cost or savings as
1210 a result of the merger;

1211 ~~7.g.~~ Each component independent special district's assets,
1212 including, but not limited to, real and personal property, and
1213 the current value thereof;

1214 ~~8.h.~~ Each component independent special district's
1215 liabilities and indebtedness, bonded and otherwise, and the
1216 current value thereof;

1217 ~~9.i.~~ Terms for the assumption and disposition of existing
1218 assets, liabilities, and indebtedness of each component

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1219 independent special district, jointly, separately, or in defined
1220 proportions;

1221 ~~10.j.~~ Terms for the common administration and uniform
1222 enforcement of existing laws within the proposed merged
1223 independent district;

1224 ~~11.k.~~ The times and places for public hearings on the
1225 proposed joint merger plan; and

1226 ~~12.l.~~ The effective date of the proposed merger.

1227 ~~(d)4.~~ The resolution endorsing the proposed elector-
1228 initiated merger plan must be approved by a majority vote of the
1229 governing bodies of each component independent special district
1230 and must be adopted at least 60 business days before any general
1231 or special election on the proposed elector-initiated plan.

1232 ~~(e)5.~~ Within 5 business days after the governing bodies of
1233 each component independent special district approve the proposed
1234 elector-initiated merger plan, the governing bodies shall:

1235 ~~1.a.~~ Cause a copy of the proposed elector-initiated merger
1236 plan, along with a descriptive summary of the plan, to be
1237 displayed and be readily accessible to the public for inspection
1238 in at least three public places within the territorial limits of
1239 each component independent special district, unless a component
1240 independent special district has fewer than three public places,
1241 in which case the plan must be accessible for inspection in all
1242 public places within the component independent special district;

1243 ~~2.b.~~ If applicable, cause the proposed elector-initiated
1244 merger plan, along with a descriptive summary of the plan and a
1245 reference to the public places within each component independent
1246 special district where a copy of the merger plan may be
1247 examined, to be displayed on a website maintained by each

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1248 district or otherwise on a website maintained by the county or
1249 municipality in which the districts are located; and

1250 ~~3.e.~~ Arrange for a descriptive summary of the proposed
1251 elector-initiated merger plan, and a reference to the public
1252 places within the district where a copy may be examined, to be
1253 published in a newspaper of general circulation within the
1254 component independent special districts at least once each week
1255 for 4 successive weeks.

1256 ~~(f)6.~~ The governing body of each component independent
1257 special district shall set a time and place for one or more
1258 public hearings on the proposed elector-initiated merger plan.
1259 Each public hearing shall be held on a weekday at least 7
1260 business days after the day the first advertisement is published
1261 on the proposed elector-initiated merger plan. The hearing or
1262 hearings may be held jointly or separately by the governing
1263 bodies of the component independent special districts. Any
1264 interested person residing in the respective district shall be
1265 given a reasonable opportunity to be heard on any aspect of the
1266 proposed merger at the public hearing.

1267 ~~1.a.~~ Notice of the public hearing on the proposed elector-
1268 initiated merger plan must be published pursuant to the notice
1269 requirements in s. 189.015 ~~189.417~~ and must provide a
1270 descriptive summary of the elector-initiated merger plan and a
1271 reference to the public places within the component independent
1272 special districts where a copy of the plan may be examined.

1273 ~~2.b.~~ After the final public hearing, the governing bodies
1274 of each component independent special district may amend the
1275 proposed elector-initiated merger plan if the amended version
1276 complies with the notice and public hearing requirements

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1277 provided in this section ~~subsection~~. The governing bodies must
1278 approve a final version of the merger plan within 60 business
1279 days after the final hearing.

1280 (g)~~7.~~ After the final public hearing, the governing bodies
1281 shall notify the supervisors of elections of the applicable
1282 counties in which district lands are located of the adoption of
1283 the resolution by each governing body. The supervisors of
1284 elections shall schedule a date for the separate referenda for
1285 each district. The referenda may be held in each district on the
1286 same day, or on different days, but no more than 20 days apart.

1287 1.a.~~1.~~ Notice of a referendum on the merger of the component
1288 independent special districts must be provided pursuant to the
1289 notice requirements in s. 100.342. At a minimum, the notice must
1290 include:

1291 a.~~(I)~~ A brief summary of the resolution and elector-
1292 initiated merger plan;

1293 b.~~(II)~~ A statement as to where a copy of the resolution and
1294 petition for merger may be examined;

1295 c.~~(III)~~ The names of the component independent special
1296 districts to be merged and a description of their territory;

1297 d.~~(IV)~~ The times and places at which the referendum will be
1298 held; and

1299 e.~~(V)~~ Such other matters as may be necessary to call,
1300 provide for, and give notice of the referendum and to provide
1301 for the conduct thereof and the canvass of the returns.

1302 2.b.~~2.~~ The referenda must be held in accordance with the
1303 Florida Election Code and may be held pursuant to ss. 101.6101-
1304 101.6107. All costs associated with the referenda shall be borne
1305 by the respective component independent special district.

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1306 ~~3.e.~~ The ballot question in such referendum placed before
1307 the qualified electors of each component independent special
1308 district to be merged must be in substantially the following
1309 form:

1310 "Shall ...(name of component independent special
1311 district)... and ...(name of component independent special
1312 district or districts)... be merged into ...(name of newly
1313 merged independent district)...?"

1314 YES

1315 NO"

1316 ~~4.d.~~ If the component independent special districts
1317 proposing to merge have disparate millage rates, the ballot
1318 question in the referendum placed before the qualified electors
1319 of each component independent special district must be in
1320 substantially the following form:

1321 "Shall ...(name of component independent special
1322 district)... and ...(name of component independent special
1323 district or districts)... be merged into ...(name of newly
1324 merged independent district)... if the voter-approved maximum
1325 millage rate within each independent special district will not
1326 increase absent a subsequent referendum?"

1327 YES

1328 NO"

1329 ~~5.e.~~ In any referendum held pursuant to this section
1330 ~~subsection~~, the ballots shall be counted, returns made and
1331 canvassed, and results certified in the same manner as other
1332 elections or referenda for the component independent special
1333 districts.

1334 ~~6.f.~~ The merger may not take effect unless a majority of

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1335 the votes cast in each component independent special district
1336 are in favor of the merger. If one of the component independent
1337 special districts does not obtain a majority vote, the
1338 referendum fails, and merger does not take effect.

1339 ~~7.g.~~ If the merger is approved by a majority of the votes
1340 cast in each component independent special district, the merged
1341 district shall notify the Special District Accountability
1342 ~~Information~~ Program pursuant to s. 189.016(2) ~~189.418(2)~~ and the
1343 local general-purpose governments in which any part of the
1344 component independent special districts is situated pursuant to
1345 s. 189.016(7) ~~189.418(7)~~.

1346 ~~8.h.~~ If the referendum fails, the merger process under this
1347 subsection ~~paragraph~~ may not be initiated for the same purpose
1348 within 2 years after the date of the referendum.

1349 ~~(h)8.~~ Component independent special districts merged
1350 pursuant to an elector-initiated merger plan shall continue to
1351 be governed as before the merger until the effective date
1352 specified in the adopted elector-initiated merger plan.

1353 ~~(4)(d)~~ EFFECTIVE DATE.—The effective date of the merger
1354 shall be as provided in the joint merger plan or elector-
1355 initiated merger plan, as appropriate, and is not contingent
1356 upon the future act of the Legislature.

1357 ~~(a)1.~~ However, as soon as practicable, the merged
1358 independent district shall, at its own expense, submit a unified
1359 charter for the merged district to the Legislature for approval.
1360 The unified charter must make the powers of the district
1361 consistent within the merged independent district and repeal the
1362 special acts of the districts which existed before the merger.

1363 ~~(b)2.~~ Within 30 business days after the effective date of

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1364 the merger, the merged independent district's governing body, as
1365 indicated in this section ~~subsection~~, shall hold an
1366 organizational meeting to implement the provisions of the joint
1367 merger plan or elector-initiated merger plan, as appropriate.

1368 (5) ~~(e)~~ RESTRICTIONS DURING TRANSITION PERIOD.—Until the
1369 Legislature formally approves the unified charter pursuant to a
1370 special act, each component independent special district is
1371 considered a subunit of the merged independent district subject
1372 to the following restrictions:

1373 (a) ~~1.~~ During the transition period, the merged independent
1374 district is limited in its powers and financing capabilities
1375 within each subunit to those powers that existed within the
1376 boundaries of each subunit which were previously granted to the
1377 component independent special district in its existing charter
1378 before the merger. The merged independent district may not,
1379 solely by reason of the merger, increase its powers or financing
1380 capability.

1381 (b) ~~2.~~ During the transition period, the merged independent
1382 district shall exercise only the legislative authority to levy
1383 and collect revenues within the boundaries of each subunit which
1384 was previously granted to the component independent special
1385 district by its existing charter before the merger, including
1386 the authority to levy ad valorem taxes, non-ad valorem
1387 assessments, impact fees, and charges.

1388 1.a. ~~The~~ merged independent district may not, solely by
1389 reason of the merger or the legislatively approved unified
1390 charter, increase ad valorem taxes on property within the
1391 original limits of a subunit beyond the maximum millage rate
1392 approved by the electors of the component independent special

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1393 district unless the electors of such subunit approve an increase
1394 at a subsequent referendum of the subunit's electors. Each
1395 subunit may be considered a separate taxing unit.

1396 ~~2.b.~~ The merged independent district may not, solely by
1397 reason of the merger, charge non-ad valorem assessments, impact
1398 fees, or other new fees within a subunit which were not
1399 otherwise previously authorized to be charged.

1400 ~~(c)3.~~ During the transition period, each component
1401 independent special district of the merged independent district
1402 must continue to file all information and reports required under
1403 this chapter as subunits until the Legislature formally approves
1404 the unified charter pursuant to a special act.

1405 ~~(d)4.~~ The intent of this part section is to preserve and
1406 transfer to the merged independent district all authority that
1407 exists within each subunit and was previously granted by the
1408 Legislature and, if applicable, by referendum.

1409 ~~(6)(f)~~ EFFECT OF MERGER, GENERALLY.—On and after the
1410 effective date of the merger, the merged independent district
1411 shall be treated and considered for all purposes as one entity
1412 under the name and on the terms and conditions set forth in the
1413 joint merger plan or elector-initiated merger plan, as
1414 appropriate.

1415 ~~(a)4.~~ All rights, privileges, and franchises of each
1416 component independent special district and all assets, real and
1417 personal property, books, records, papers, seals, and equipment,
1418 as well as other things in action, belonging to each component
1419 independent special district before the merger shall be deemed
1420 as transferred to and vested in the merged independent district
1421 without further act or deed.

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1422 (b)2- All property, rights-of-way, and other interests are
1423 as effectually the property of the merged independent district
1424 as they were of the component independent special district
1425 before the merger. The title to real estate, by deed or
1426 otherwise, under the laws of this state vested in any component
1427 independent special district before the merger may not be deemed
1428 to revert or be in any way impaired by reason of the merger.

1429 (c)3- The merged independent district is in all respects
1430 subject to all obligations and liabilities imposed and possesses
1431 all the rights, powers, and privileges vested by law in other
1432 similar entities.

1433 (d)4- Upon the effective date of the merger, the joint
1434 merger plan or elector-initiated merger plan, as appropriate, is
1435 subordinate in all respects to the contract rights of all
1436 holders of any securities or obligations of the component
1437 independent special districts outstanding at the effective date
1438 of the merger.

1439 (e)5- The new registration of electors is not necessary as
1440 a result of the merger, but all elector registrations of the
1441 component independent special districts shall be transferred to
1442 the proper registration books of the merged independent
1443 district, and new registrations shall be made as provided by law
1444 as if no merger had taken place.

1445 (7) ~~(g)~~ GOVERNING BODY OF MERGED INDEPENDENT DISTRICT.—

1446 (a)1- From the effective date of the merger until the next
1447 general election, the governing body of the merged independent
1448 district shall be comprised of the governing body members of
1449 each component independent special district, with such members
1450 serving until the governing body members elected at the next

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1451 general election take office.

1452 (b)2- Beginning with the next general election following
1453 the effective date of merger, the governing body of the merged
1454 independent district shall be comprised of five members. The
1455 office of each governing body member shall be designated by
1456 seat, which shall be distinguished from other body member seats
1457 by an assigned numeral: 1, 2, 3, 4, or 5. The governing body
1458 members that are elected in this initial election following the
1459 merger shall serve unequal terms of 2 and 4 years in order to
1460 create staggered membership of the governing body, with:

1461 1.a- Member seats 1, 3, and 5 being designated for 4-year
1462 terms; and

1463 2.b- Member seats 2 and 4 being designated for 2-year
1464 terms.

1465 (c)3- In general elections thereafter, all governing body
1466 members shall serve 4-year terms.

1467 (8)-(h) EFFECT ON EMPLOYEES.—Except as otherwise provided by
1468 law and except for those officials and employees protected by
1469 tenure of office, civil service provisions, or a collective
1470 bargaining agreement, upon the effective date of merger, all
1471 appointive offices and positions existing in all component
1472 independent special districts involved in the merger are subject
1473 to the terms of the joint merger plan or elector-initiated
1474 merger plan, as appropriate. Such plan may provide for instances
1475 in which there are duplications of positions and for other
1476 matters such as varying lengths of employee contracts, varying
1477 pay levels or benefits, different civil service regulations in
1478 the constituent entities, and differing ranks and position
1479 classifications for similar positions. For those employees who

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1480 are members of a bargaining unit certified by the Public
1481 Employees Relations Commission, the requirements of chapter 447
1482 apply.

1483 (9)~~(i)~~ EFFECT ON DEBTS, LIABILITIES, AND OBLIGATIONS.—

1484 (a)~~1.~~ All valid and lawful debts and liabilities existing
1485 against a merged independent district, or which may arise or
1486 accrue against the merged independent district, which but for
1487 merger would be valid and lawful debts or liabilities against
1488 one or more of the component independent special districts, are
1489 debts against or liabilities of the merged independent district
1490 and accordingly shall be defrayed and answered to by the merged
1491 independent district to the same extent, and no further than,
1492 the component independent special districts would have been
1493 bound if a merger had not taken place.

1494 (b)~~2.~~ The rights of creditors and all liens upon the
1495 property of any of the component independent special districts
1496 shall be preserved unimpaired. The respective component
1497 districts shall be deemed to continue in existence to preserve
1498 such rights and liens, and all debts, liabilities, and duties of
1499 any of the component districts attach to the merged independent
1500 district.

1501 (c)~~3.~~ All bonds, contracts, and obligations of the
1502 component independent special districts which exist as legal
1503 obligations are obligations of the merged independent district,
1504 and all such obligations shall be issued or entered into by and
1505 in the name of the merged independent district.

1506 (10)~~(j)~~ EFFECT ON ACTIONS AND PROCEEDINGS.—In any action or
1507 proceeding pending on the effective date of merger to which a
1508 component independent special district is a party, the merged

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1509 independent district may be substituted in its place, and the
1510 action or proceeding may be prosecuted to judgment as if merger
1511 had not taken place. Suits may be brought and maintained against
1512 a merged independent district in any state court in the same
1513 manner as against any other independent special district.

1514 (11)~~(k)~~ EFFECT ON ANNEXATION.—Chapter 171 continues to
1515 apply to all annexations by a city within the component
1516 independent special districts' boundaries after merger occurs.
1517 Any moneys owed to a component independent special district
1518 pursuant to s. 171.093, or any interlocal service boundary
1519 agreement as a result of annexation predating the merger, shall
1520 be paid to the merged independent district after merger.

1521 (12)~~(l)~~ EFFECT ON MILLAGE CALCULATIONS.—The merged
1522 independent special district is authorized to continue or
1523 conclude procedures under chapter 200 on behalf of the component
1524 independent special districts. The merged independent special
1525 district shall make the calculations required by chapter 200 for
1526 each component individual special district separately.

1527 (13)~~(m)~~ DETERMINATION OF RIGHTS.—If any right, title,
1528 interest, or claim arises out of a merger or by reason thereof
1529 which is not determinable by reference to this subsection, the
1530 joint merger plan or elector-initiated merger plan, as
1531 appropriate, or otherwise under the laws of this state, the
1532 governing body of the merged independent district may provide
1533 therefor in a manner conforming to law.

1534 (14)~~(n)~~ EXEMPTION.—This section ~~subsection~~ does not apply
1535 to independent special districts whose governing bodies are
1536 elected by district landowners voting the acreage owned within
1537 the district.

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1538 ~~(15)(e)~~ PREEMPTION.—This section ~~subsection~~ preempts any
1539 special act to the contrary.

1540 Section 22. Subsection (6) of section 189.4042, Florida
1541 Statutes, is transferred, renumbered as section 189.075, Florida
1542 Statutes, and amended to read:

1543 189.075 ~~189.4042~~ Involuntary merger of independent special
1544 districts ~~Merger and dissolution procedures.~~—

1545 ~~(6) INVOLUNTARY MERGER OF INDEPENDENT SPECIAL DISTRICTS.~~—

1546 (1)(a) INDEPENDENT SPECIAL DISTRICTS CREATED BY SPECIAL
1547 ACT.—In order for the Legislature to merge an active independent
1548 special district or districts created and operating pursuant to
1549 a special act, the special act merging the active independent
1550 special district or districts must be approved at separate
1551 referenda of the impacted local governments by a majority of the
1552 resident electors or, for districts in which a majority of
1553 governing body ~~board~~ members are elected by landowners, a
1554 majority of the landowners voting in the same manner by which
1555 each independent special district's governing body is elected.
1556 The special act merging the districts must include a plan of
1557 merger that addresses transition issues such as the effective
1558 date of the merger, governance, administration, powers,
1559 pensions, and assumption of all assets and liabilities. If a
1560 local general-purpose government passes an ordinance or
1561 resolution in support of the merger of an active independent
1562 special district, the local general-purpose government must pay
1563 any expenses associated with the referendum required under this
1564 subsection ~~paragraph~~.

1565 (2)(b) INDEPENDENT SPECIAL DISTRICTS CREATED BY A COUNTY OR
1566 MUNICIPALITY.—A county or municipality may merge an independent

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1567 special district created by the county or municipality pursuant
1568 to a referendum or any other procedure by which the independent
1569 special district was created. However, if the independent
1570 special district has ad valorem taxation powers, the same
1571 procedure required to grant the independent special district ad
1572 valorem taxation powers is required to merge the district. The
1573 political subdivisions proposing the involuntary merger of an
1574 active independent special district must pay any expenses
1575 associated with the referendum required under this subsection
1576 ~~paragraph~~.

1577 (3) ~~(e)~~ INACTIVE INDEPENDENT SPECIAL DISTRICTS.—An
1578 independent special district that meets any criteria for being
1579 declared inactive, or that has already been declared inactive,
1580 pursuant to s. 189.062 ~~189.4044~~ may be merged by special act
1581 without a referendum.

1582 Section 23. Subsection (7) of section 189.4042, Florida
1583 Statutes, is transferred and renumbered as section 189.0761,
1584 Florida Statutes, and amended to read:

1585 189.0761 ~~189.4042~~ ~~Merger and dissolution procedures.—~~

1586 ~~(7)~~ Exemptions.—This part section does not apply to
1587 community development districts implemented pursuant to chapter
1588 190 or to water management districts created and operated
1589 pursuant to chapter 373.

1590 Section 24. Section 189.4044, Florida Statutes, is
1591 transferred and renumbered as section 189.062, Florida Statutes,
1592 subsections (1) and (3) of that section are amended, and
1593 subsections (5) and (6) are added to that section, to read:

1594 189.062 ~~189.4044~~ Special procedures for inactive
1595 districts.—

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1596 (1) The department shall declare inactive any special
1597 district in this state by documenting that:

1598 (a) The special district meets one of the following
1599 criteria:

1600 1. The registered agent of the district, the chair of the
1601 governing body of the district, or the governing body of the
1602 appropriate local general-purpose government notifies the
1603 department in writing that the district has taken no action for
1604 2 or more years;

1605 2. ~~Following an inquiry from the department,~~ The registered
1606 agent of the district, the chair of the governing body of the
1607 district, or the governing body of the appropriate local
1608 general-purpose government notifies the department in writing
1609 that the district has not had a governing body ~~board~~ or a
1610 sufficient number of governing body ~~board~~ members to constitute
1611 a quorum for 2 or more years;

1612 3. ~~or~~ The registered agent of the district, the chair of
1613 the governing body of the district, or the governing body of the
1614 appropriate local general-purpose government fails to respond to
1615 an the department's inquiry by the department within 21 days;

1616 ~~4.3.~~ The department determines, pursuant to s. 189.067
1617 ~~189.421~~, that the district has failed to file any of the reports
1618 listed in s. 189.066 ~~189.419~~;

1619 ~~5.4.~~ The district has not had a registered office and agent
1620 on file with the department for 1 or more years; ~~or~~

1621 ~~6.5.~~ The governing body of a special district provides
1622 documentation to the department that it has unanimously adopted
1623 a resolution declaring the special district inactive. The
1624 special district shall be responsible for payment of any

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1625 expenses associated with its dissolution. A special district
1626 declared inactive pursuant to this subparagraph may be dissolved
1627 without a referendum; or

1628 (b) The department, special district, or local general-
1629 purpose government published a notice of proposed declaration of
1630 inactive status in a newspaper of general circulation in the
1631 county or municipality in which the territory of the special
1632 district is located and sent a copy of such notice by certified
1633 mail to the registered agent or chair of the governing body
1634 ~~board~~, if any. Such notice must include the name of the special
1635 district, the law under which it was organized and operating, a
1636 general description of the territory included in the special
1637 district, and a statement that any objections must be filed
1638 pursuant to chapter 120 within 21 days after the publication
1639 date; and

1640 (c) Twenty-one days have elapsed from the publication date
1641 of the notice of proposed declaration of inactive status and no
1642 administrative appeals were filed.

1643 (3) In the case of a district created by special act of the
1644 Legislature, the department shall send a notice of declaration
1645 of inactive status to the Speaker of the House of
1646 Representatives and the President of the Senate, and the
1647 standing committees of the Senate and the House of
1648 Representatives charged with special district oversight as
1649 determined by the presiding officers of each respective chamber
1650 and the Legislative Auditing Committee. The notice of
1651 declaration of inactive status shall reference each known
1652 special act creating or amending the charter of any special
1653 district declared to be inactive under this section. The

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1654 declaration of inactive status shall be sufficient notice as
1655 required by s. 10, Art. III of the State Constitution to
1656 authorize the Legislature to repeal any special laws so
1657 reported. In the case of a district created by one or more local
1658 general-purpose governments, the department shall send a notice
1659 of declaration of inactive status to the chair of the governing
1660 body of each local general-purpose government that created the
1661 district. In the case of a district created by interlocal
1662 agreement, the department shall send a notice of declaration of
1663 inactive status to the chair of the governing body of each local
1664 general-purpose government which entered into the interlocal
1665 agreement.

1666 (5) A special district declared inactive under this section
1667 may not collect taxes, fees, or assessments unless the
1668 declaration is:

1669 (a) Withdrawn or revoked by the department; or

1670 (b) Invalidated in proceedings initiated by the special
1671 district within 30 days after the date written notice of the
1672 declaration was provided to the special district governing body
1673 by physical or electronic delivery, receipt confirmed. The
1674 special district governing body may initiate proceedings within
1675 the period authorized in this paragraph by:

1676 1. Filing with the department a petition for an
1677 administrative hearing pursuant to s. 120.569; or

1678 2. Filing an action for declaratory and injunctive relief
1679 under chapter 86 in the circuit court of the judicial circuit in
1680 which the majority of the area of the district is located.

1681 (c) If a timely challenge to the declaration is not
1682 initiated by the special district governing body, or the

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1683 department prevails in a proceeding initiated under paragraph
1684 (b), the department may enforce the prohibitions in this
1685 subsection by filing a petition for enforcement with the circuit
1686 court in and for Leon County. The petition may request
1687 declaratory, injunctive, or other equitable relief, including
1688 the appointment of a receiver, and any forfeiture or other
1689 remedy provided by law.

1690 (d) The prevailing party shall be awarded costs of
1691 litigation and reasonable attorney fees in any proceeding
1692 brought under this subsection.

1693 Section 25. Section 189.4045, Florida Statutes, is
1694 transferred and renumbered as section 189.076, Florida Statutes.

1695 Section 26. Section 189.4047, Florida Statutes, is
1696 transferred and renumbered as section 189.021, Florida Statutes.

1697 Section 27. Subsections (1), (2), (3), (4), (6), and (7) of
1698 section 189.405, Florida Statutes, are transferred and
1699 renumbered as subsections (1) through (6) of section 189.04,
1700 Florida Statutes, respectively, and present subsection (1),
1701 paragraph (c) of present subsection (2), and present subsections
1702 (3), (4), and (7) of that section are amended, to read:

1703 189.04 ~~189.405~~ Elections; general requirements and
1704 procedures; ~~education programs.~~

1705 (1) If a dependent special district has an elected
1706 governing body ~~board~~, elections shall be conducted by the
1707 supervisor of elections of the county wherein the district is
1708 located in accordance with the Florida Election Code, chapters
1709 97-106.

1710 (2)

1711 (c) A candidate for a position on a governing body ~~board~~ of

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1712 a single-county special district that has its elections
1713 conducted by the supervisor of elections shall qualify for the
1714 office with the county supervisor of elections in whose
1715 jurisdiction the district is located. Elections for governing
1716 body ~~board~~ members elected by registered electors shall be
1717 nonpartisan, except when partisan elections are specified by a
1718 district's charter. Candidates shall qualify as directed by
1719 chapter 99. The qualifying fee shall be remitted to the general
1720 revenue fund of the qualifying officer to help defray the cost
1721 of the election.

1722 (3) (a) If a multicounty special district has a popularly
1723 elected governing body ~~board~~, elections for the purpose of
1724 electing members to such governing body ~~board~~ shall conform to
1725 the Florida Election Code, chapters 97-106.

1726 (b) With the exception of those districts conducting
1727 elections on a one-acre/one-vote basis, qualifying for
1728 multicounty special district governing body ~~board~~ positions
1729 shall be coordinated by the Department of State. Elections for
1730 governing body ~~board~~ members elected by registered electors
1731 shall be nonpartisan, except when partisan elections are
1732 specified by a district's charter. Candidates shall qualify as
1733 directed by chapter 99. The qualifying fee shall be remitted to
1734 the Department of State.

1735 (4) With the exception of elections of special district
1736 governing body ~~board~~ members conducted on a one-acre/one-vote
1737 basis, in any election conducted in a special district the
1738 decision made by a majority of those voting shall prevail,
1739 except as otherwise specified by law.

1740 (6) ~~(7)~~ Nothing in this act requires that a special district

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1741 governed by an appointed governing body ~~board~~ convert to an
1742 elected governing body ~~board~~.

1743 Section 28. Subsection (5) of section 189.405, Florida
1744 Statutes, is transferred, renumbered as section 189.063, Florida
1745 Statutes, and amended to read:

1746 189.063 ~~189.405~~ Education programs for new members of
1747 district governing bodies ~~Elections; general requirements and~~
1748 ~~procedures; education programs.-~~

1749 ~~(1)(5)(a)~~ The department may provide, contract for, or
1750 assist in conducting education programs, as its budget permits,
1751 for all newly elected or appointed members of district governing
1752 bodies ~~boards~~. The education programs shall include, but are not
1753 limited to, courses on the code of ethics for public officers
1754 and employees, public meetings and public records requirements,
1755 public finance, and parliamentary procedure. ~~Course content may~~
1756 ~~be offered by means of the following: videotapes, live seminars,~~
1757 ~~workshops, conferences, teleconferences, computer based~~
1758 ~~training, multimedia presentations, or other available~~
1759 ~~instructional methods.~~

1760 ~~(2)(b)~~ An individual district governing body ~~board~~, at its
1761 discretion, may bear the costs associated with educating its
1762 members. Governing body ~~Board~~ members of districts which have
1763 qualified for a zero annual fee for the most recent invoicing
1764 period pursuant to s. 189.018 ~~are 189.427~~ shall not be required
1765 to pay a fee for any education program the department provides,
1766 contracts for, or assists in conducting.

1767 Section 29. Section 189.4051, Florida Statutes, is
1768 transferred, renumbered as section 189.041, Florida Statutes,
1769 and amended to read:

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1770 189.041 ~~189.4051~~ Elections; special requirements and
1771 procedures for districts with governing bodies ~~boards~~ elected on
1772 a one-acre/one-vote basis.—

1773 (1) DEFINITIONS.—As used in this section:

1774 (a) "Qualified elector" means any person at least 18 years
1775 of age who is a citizen of the United States, a permanent
1776 resident of Florida, and a freeholder or freeholder's spouse and
1777 resident of the district who registers with the supervisor of
1778 elections of a county within which the district lands are
1779 located when the registration books are open.

1780 (b) "Urban area" means a contiguous developed and inhabited
1781 urban area within a district with a minimum average resident
1782 population density of at least 1.5 persons per acre as defined
1783 by the latest official census, special census, or population
1784 estimate or a minimum density of one single-family home per 2.5
1785 acres with access to improved roads or a minimum density of one
1786 single-family home per 5 acres within a recorded plat
1787 subdivision. Urban areas shall be designated by the governing
1788 body ~~board~~ of the district with the assistance of all local
1789 general-purpose governments having jurisdiction over the area
1790 within the district.

1791 (c) "Governing body ~~board~~ member" means any duly elected
1792 member of the governing body ~~board~~ of a special district elected
1793 pursuant to this section, provided that a ~~any board~~ member
1794 elected by popular vote shall be a qualified district elector
1795 and a ~~any board~~ member elected on a one-acre/one-vote basis
1796 shall meet the requirements of s. 298.11 for election to the
1797 governing body ~~board~~.

1798 (d) "Contiguous developed urban area" means any reasonably

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1799 compact urban area located entirely within a special district.
1800 The separation of urban areas by a publicly owned park, right-
1801 of-way, highway, road, railroad, canal, utility, body of water,
1802 watercourse, or other minor geographical division of a similar
1803 nature shall not prevent such areas from being defined as urban
1804 areas.

1805 (2) POPULAR ELECTIONS; REFERENDUM; DESIGNATION OF URBAN
1806 AREAS.—

1807 (a) *Referendum*.—

1808 1. A referendum shall be called by the governing body ~~board~~
1809 of a special district where the governing body ~~board~~ is elected
1810 on a one-acre/one-vote basis on the question of whether certain
1811 members of a district governing body ~~board~~ should be elected by
1812 qualified electors, provided each of the following conditions
1813 has been satisfied at least 60 days before ~~prior to~~ the general
1814 or special election at which the referendum is to be held:

1815 a. The district shall have a total population, according to
1816 the latest official state census, a special census, or a
1817 population estimate, of at least 500 qualified electors.

1818 b. A petition signed by 10 percent of the qualified
1819 electors of the district shall have been filed with the
1820 governing body ~~board~~ of the district. The petition shall be
1821 submitted to the supervisor of elections of the county or
1822 counties in which the lands are located. The supervisor shall,
1823 within 30 days after the receipt of the petitions, certify to
1824 the governing body ~~board~~ the number of signatures of qualified
1825 electors contained on the petition.

1826 2. Upon verification by the supervisor or supervisors of
1827 elections of the county or counties within which district lands

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1828 are located that 10 percent of the qualified electors of the
1829 district have petitioned the governing body ~~board~~, a referendum
1830 election shall be called by the governing body ~~board~~ at the next
1831 regularly scheduled election of governing body ~~board~~ members
1832 occurring at least 30 days after verification of the petition or
1833 within 6 months of verification, whichever is earlier.

1834 3. If the qualified electors approve the election procedure
1835 described in this subsection, the governing body ~~board~~ of the
1836 district shall be increased to five members and elections shall
1837 be held pursuant to the criteria described in this subsection
1838 beginning with the next regularly scheduled election of
1839 governing body ~~board~~ members or at a special election called
1840 within 6 months following the referendum and final unappealed
1841 approval of district urban area maps as provided in paragraph
1842 (b), whichever is earlier.

1843 4. If the qualified electors of the district disapprove the
1844 election procedure described in this subsection, elections of
1845 the members of the governing body ~~board~~ shall continue as
1846 described by s. 298.12 or the enabling legislation for the
1847 district. No further referendum on the question shall be held
1848 for a minimum period of 2 years following the referendum.

1849 (b) *Designation of urban areas.*—

1850 1. Within 30 days after approval of the election process
1851 described in this subsection by qualified electors of the
1852 district, the governing body ~~board~~ shall direct the district
1853 staff to prepare and present maps of the district describing the
1854 extent and location of all urban areas within the district. Such
1855 determination shall be based upon the criteria contained within
1856 paragraph (1) (b).

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1857 2. Within 60 days after approval of the election process
1858 described in this subsection by qualified electors of the
1859 district, the maps describing urban areas within the district
1860 shall be presented to the governing body ~~board~~.

1861 3. Any district landowner or elector may contest the
1862 accuracy of the urban area maps prepared by the district staff
1863 within 30 days after submission to the governing body ~~board~~.
1864 Upon notice of objection to the maps, the governing body ~~board~~
1865 shall request the county engineer to prepare and present maps of
1866 the district describing the extent and location of all urban
1867 areas within the district. Such determination shall be based
1868 upon the criteria contained within paragraph (1)(b). Within 30
1869 days after the governing body ~~board~~ request, the county engineer
1870 shall present the maps to the governing body ~~board~~.

1871 4. Upon presentation of the maps by the county engineer,
1872 the governing body ~~board~~ shall compare the maps submitted by
1873 both the district staff and the county engineer and make a
1874 determination as to which set of maps to adopt. Within 60 days
1875 after presentation of all such maps, the governing body ~~board~~
1876 may amend and shall adopt the official maps at a regularly
1877 scheduled meeting of the governing body ~~board meeting~~.

1878 5. Any district landowner or qualified elector may contest
1879 the accuracy of the urban area maps adopted by the governing
1880 body ~~board~~ within 30 days after adoption by petition to the
1881 circuit court with jurisdiction over the district. Accuracy
1882 shall be determined pursuant to paragraph (1)(b). Any petitions
1883 so filed shall be heard expeditiously, and the maps shall either
1884 be approved or approved with necessary amendments to render the
1885 maps accurate and shall be certified to the governing body

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1886 ~~board.~~

1887 6. Upon adoption by the governing body ~~board~~ or
1888 certification by the court, the district urban area maps shall
1889 serve as the official maps for determination of the extent of
1890 urban area within the district and the number of governing body
1891 ~~board~~ members to be elected by qualified electors and by the
1892 one-acre/one-vote principle at the next regularly scheduled
1893 election of governing body ~~board~~ members.

1894 7. Upon a determination of the percentage of urban area
1895 within the district as compared with total area within the
1896 district, the governing body ~~board~~ shall order elections in
1897 accordance with the percentages pursuant to paragraph (3) (a).
1898 The landowners' meeting date shall be designated by the
1899 governing body ~~board~~.

1900 8. The maps shall be updated and readopted every 5 years or
1901 sooner in the discretion of the governing body ~~board~~.

1902 (3) GOVERNING BODY ~~BOARD~~.—

1903 (a) *Composition* ~~of board~~.—

1904 1. Members of the governing body ~~board~~ of the district
1905 shall be elected in accordance with the following determinations
1906 of urban area:

1907 a. If urban areas constitute 25 percent or less of the
1908 district, one governing body ~~board~~ member shall be elected by
1909 the qualified electors and four governing body ~~board~~ members
1910 shall be elected in accordance with the one-acre/one-vote
1911 principle contained within s. 298.11 or the district-enabling
1912 legislation.

1913 b. If urban areas constitute 26 percent to 50 percent of
1914 the district, two governing body ~~board~~ members shall be elected

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1915 by the qualified electors and three governing body ~~board~~ members
1916 shall be elected in accordance with the one-acre/one-vote
1917 principle contained within s. 298.11 or the district-enabling
1918 legislation.

1919 c. If urban areas constitute 51 percent to 70 percent of
1920 the district, three governing body ~~board~~ members shall be
1921 elected by the qualified electors and two governing body ~~board~~
1922 members shall be elected in accordance with the one-acre/one-
1923 vote principle contained within s. 298.11 or the district-
1924 enabling legislation.

1925 d. If urban areas constitute 71 percent to 90 percent of
1926 the district, four governing body ~~board~~ members shall be elected
1927 by the qualified electors and one governing body ~~board~~ member
1928 shall be elected in accordance with the one-acre/one-vote
1929 principle contained within s. 298.11 or the district-enabling
1930 legislation.

1931 e. If urban areas constitute 91 percent or more of the
1932 district, all governing body ~~board~~ members shall be elected by
1933 the qualified electors.

1934 2. All governing body ~~board~~ members elected by qualified
1935 electors shall be elected at large.

1936 (b) *Term of office.*—All governing body ~~board~~ members
1937 elected by qualified electors shall have a term of 4 years
1938 except for governing body ~~board~~ members elected at the first
1939 election and the first landowners' meeting following the
1940 referendum prescribed in paragraph (2) (a). Governing body ~~board~~
1941 members elected at the first election and the first landowners'
1942 meeting following the referendum shall serve as follows:

1943 1. If one governing body ~~board~~ member is elected by the

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1944 qualified electors and four are elected on a one-acre/one-vote
1945 basis, the governing body ~~board~~ member elected by the qualified
1946 electors shall be elected for a period of 4 years. Governing
1947 body ~~board~~ members elected on a one-acre/one-vote basis shall be
1948 elected for periods of 1, 2, 3, and 4 years, respectively, as
1949 prescribed by ss. 298.11 and 298.12.

1950 2. If two governing body ~~board~~ members are elected by the
1951 qualified electors and three are elected on a one-acre/one-vote
1952 basis, the governing body ~~board~~ members elected by the electors
1953 shall be elected for a period of 4 years. Governing body ~~board~~
1954 members elected on a one-acre/one-vote basis shall be elected
1955 for periods of 1, 2, and 3 years, respectively, as prescribed by
1956 ss. 298.11 and 298.12.

1957 3. If three governing body ~~board~~ members are elected by the
1958 qualified electors and two are elected on a one-acre/one-vote
1959 basis, two of the governing body ~~board~~ members elected by the
1960 electors shall be elected for a term of 4 years and the other
1961 governing body ~~board~~ member elected by the electors shall be
1962 elected for a term of 2 years. Governing body ~~board~~ members
1963 elected on a one-acre/one-vote basis shall be elected for terms
1964 of 1 and 2 years, respectively, as prescribed by ss. 298.11 and
1965 298.12.

1966 4. If four governing body ~~board~~ members are elected by the
1967 qualified electors and one is elected on a one-acre/one-vote
1968 basis, two of the governing body ~~board~~ members elected by the
1969 electors shall be elected for a term of 2 years and the other
1970 two for a term of 4 years. The governing body ~~board~~ member
1971 elected on a one-acre/one-vote basis shall be elected for a term
1972 of 1 year as prescribed by ss. 298.11 and 298.12.

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1973 5. If five governing body ~~board~~ members are elected by the
1974 qualified electors, three shall be elected for a term of 4 years
1975 and two for a term of 2 years.

1976 6. If any vacancy occurs in a seat occupied by a governing
1977 body ~~board~~ member elected by the qualified electors, the
1978 remaining members of the governing body ~~board~~ shall, within 45
1979 days after the vacancy occurs, appoint a person who would be
1980 eligible to hold the office to the unexpired term.

1981 (c) *Landowners' meetings.*—

1982 1. An annual landowners' meeting shall be held pursuant to
1983 s. 298.11 and at least one governing body ~~board~~ member shall be
1984 elected on a one-acre/one-vote basis pursuant to s. 298.12 for
1985 so long as 10 percent or more of the district is not contained
1986 in an urban area. In the event all district governing body ~~board~~
1987 members are elected by qualified electors, there shall be no
1988 further landowners' meetings.

1989 2. At any landowners' meeting called pursuant to this
1990 section, 50 percent of the district acreage shall not be
1991 required to constitute a quorum and each governing body ~~board~~
1992 member shall be elected by a majority of the acreage represented
1993 either by owner or proxy present and voting at said meeting.

1994 3. All landowners' meetings of districts operating pursuant
1995 to this section shall be set by the governing body ~~board~~ within
1996 the month preceding the month of the election of the governing
1997 body ~~board~~ members by the electors.

1998 4. Vacancies on the governing body ~~board~~ shall be filled
1999 pursuant to s. 298.12 except as otherwise provided in
2000 subparagraph (b)6.

2001 (4) QUALIFICATIONS.—Elections for governing body ~~board~~

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2002 members elected by qualified electors shall be nonpartisan.
2003 Qualifications shall be pursuant to the Florida Election Code
2004 and shall occur during the qualifying period established by s.
2005 99.061. Qualification requirements shall only apply to those
2006 governing body ~~board~~ member candidates elected by qualified
2007 electors. Following the first election pursuant to this section,
2008 elections to the governing body ~~board~~ by qualified electors
2009 shall occur at the next regularly scheduled election closest in
2010 time to the expiration date of the term of the elected governing
2011 body ~~board~~ member. If the next regularly scheduled election is
2012 beyond the normal expiration time for the term of an elected
2013 governing body ~~board~~ member, the governing body ~~board~~ member
2014 shall hold office until the election of a successor.

2015 (5) Those districts established as single-purpose water
2016 control districts, and which continue to act as single-purpose
2017 water control districts, pursuant to chapter 298, pursuant to a
2018 special act, pursuant to a local government ordinance, or
2019 pursuant to a judicial decree, shall be exempt from the
2020 provisions of this section. All other independent special
2021 districts with governing bodies ~~boards~~ elected on a one-
2022 acre/one-vote basis shall be subject to the provisions of this
2023 section.

2024 (6) The provisions of this section shall not apply to
2025 community development districts established pursuant to chapter
2026 190.

2027 Section 30. Section 189.4065, Florida Statutes, is
2028 transferred and renumbered as section 189.05, Florida Statutes.

2029 Section 31. Section 189.408, Florida Statutes, is
2030 transferred and renumbered as section 189.042, Florida Statutes.

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2031 Section 32. Section 189.4085, Florida Statutes, is
2032 transferred and renumbered as section 189.051, Florida Statutes.

2033 Section 33. Section 189.412, Florida Statutes, is
2034 transferred and renumbered as section 189.064, Florida Statutes,
2035 and amended to read:

2036 189.064 ~~189.412~~ Special District Accountability Information
2037 Program; duties and responsibilities.—The Special District
2038 Accountability Information Program of the department of ~~Economic~~
2039 ~~Opportunity is created and~~ has the following ~~special~~ duties:

2040 (1) Electronically publishing ~~The collection and~~
2041 ~~maintenance of~~ special district noncompliance status reports
2042 from the department of ~~Management Services~~, the Department of
2043 Financial Services, the Division of Bond Finance of the State
2044 Board of Administration, the Auditor General, and the
2045 Legislative Auditing Committee, for the reporting required in
2046 ss. 112.63, 218.32, 218.38, and 218.39. The noncompliance
2047 reports must list those special districts that did not comply
2048 with the statutory reporting requirements and be made available
2049 to the public electronically.

2050 (2) Maintaining the official list of special districts ~~The~~
2051 ~~maintenance of a master list of independent and dependent~~
2052 ~~special districts which shall be available on the department's~~
2053 ~~website.~~

2054 (3) ~~The~~ Publishing and updating of a "Florida Special
2055 District Handbook" that contains, at a minimum:

2056 (a) A section that specifies definitions of special
2057 districts and status distinctions in the statutes.

2058 (b) A section or sections that specify current statutory
2059 provisions for special district creation, implementation,

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2060 modification, dissolution, and operating procedures.

2061 (c) A section that summarizes the reporting requirements
 2062 applicable to all types of special districts as provided in ss.
 2063 189.015 and 189.016 ~~189.417 and 189.418~~.

2064 ~~(4) When feasible, securing and maintaining access to
 2065 special district information collected by all state agencies in
 2066 existing or newly created state computer systems.~~

2067 (4)(5) Coordinating and communicating ~~The facilitation of
 2068 eoordination and communication among state agencies regarding
 2069 special districts district information.~~

2070 ~~(6) The conduct of studies relevant to special districts.~~

2071 (5)(7) Providing technical advisory ~~The provision of
 2072 assistance related to special districts regarding the and
 2073 appropriate in the performance of requirements specified in this
 2074 chapter which may be performed by the department or by a
 2075 qualified third-party vendor pursuant to a contract entered into
 2076 in accordance with applicable bidding requirements, including
 2077 assisting with an annual conference sponsored by the Florida
 2078 Association of Special Districts or its successor.~~

2079 (6)(8) Providing assistance to local general-purpose
 2080 governments and certain state agencies in collecting delinquent
 2081 reports or information.

2082 (7) Helping special districts comply with reporting
 2083 requirements.

2084 (8) Declaring special districts inactive when appropriate,
 2085 and, when directed by the Legislative Auditing Committee or
 2086 required by this chapter.

2087 (9) Initiating enforcement proceedings provisions as
 2088 provided in ss. 189.062, 189.066, and 189.067 ~~189.4044, 189.419,~~

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2089 and ~~189.421~~.

2090 Section 34. Section 189.413, Florida Statutes, is
2091 transferred and renumbered as section 189.065, Florida Statutes,
2092 and amended to read:

2093 189.065 ~~189.413~~ Special districts; oversight of state funds
2094 use.—Any state agency administering funding programs for which
2095 special districts are eligible shall be responsible for
2096 oversight of the use of such funds by special districts. The
2097 oversight responsibilities shall include, but not be limited to:

2098 (1) Reporting the existence of the program to the Special
2099 District Accountability Information ~~Information~~ Program of the department.

2100 (2) Submitting annually a list of special districts
2101 participating in a state funding program to the Special District
2102 Accountability Information ~~Information~~ Program of the department. This list
2103 must indicate the special districts, if any, that are not in
2104 compliance with state funding program requirements.

2105 Section 35. Section 189.415, Florida Statutes, is
2106 transferred and renumbered as section 189.08, Florida Statutes.

2107 Section 36. Section 189.4155, Florida Statutes, is
2108 transferred and renumbered as section 189.081, Florida Statutes.

2109 Section 37. Section 189.4156, Florida Statutes, is
2110 transferred and renumbered as section 189.082, Florida Statutes.

2111 Section 38. Section 189.416, Florida Statutes, is
2112 transferred and renumbered as section 189.014, Florida Statutes,
2113 and subsection (1) of that section is amended, to read:

2114 189.014 ~~189.416~~ Designation of registered office and
2115 agent.—

2116 (1) Within 30 days after the first meeting of its governing
2117 body ~~board~~, each special district in the state shall designate a

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2118 registered office and a registered agent and file such
2119 information with the local governing authority or authorities
2120 and with the department. The registered agent shall be an agent
2121 of the district upon whom any process, notice, or demand
2122 required or permitted by law to be served upon the district may
2123 be served. A registered agent shall be an individual resident of
2124 this state whose business address is identical with the
2125 registered office of the district. The registered office may be,
2126 but need not be, the same as the place of business of the
2127 special district.

2128 Section 39. Section 189.417, Florida Statutes, is
2129 transferred and renumbered as section 189.015, Florida Statutes,
2130 and subsection (1) of that section is amended, to read:

2131 189.015 ~~189.417~~ Meetings; notice; required reports.—

2132 (1) The governing body of each special district shall file
2133 quarterly, semiannually, or annually a schedule of its regular
2134 meetings with the local governing authority or authorities. The
2135 schedule shall include the date, time, and location of each
2136 scheduled meeting. The schedule shall be published quarterly,
2137 semiannually, or annually in a newspaper of general paid
2138 circulation in the manner required in this subsection. The
2139 governing body of an independent special district shall
2140 advertise the day, time, place, and purpose of any meeting other
2141 than a regular meeting or any recessed and reconvened meeting of
2142 the governing body, at least 7 days before ~~prior to~~ such
2143 meeting, in a newspaper of general paid circulation in the
2144 county or counties in which the special district is located,
2145 unless a bona fide emergency situation exists, in which case a
2146 meeting to deal with the emergency may be held as necessary,

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2147 with reasonable notice, so long as it is subsequently ratified
2148 by the governing body ~~board~~. No approval of the annual budget
2149 shall be granted at an emergency meeting. The advertisement
2150 shall be placed in that portion of the newspaper where legal
2151 notices and classified advertisements appear. The advertisement
2152 shall appear in a newspaper that is published at least 5 days a
2153 week, unless the only newspaper in the county is published fewer
2154 than 5 days a week. The newspaper selected must be one of
2155 general interest and readership in the community and not one of
2156 limited subject matter, pursuant to chapter 50. Any other
2157 provision of law to the contrary notwithstanding, and except in
2158 the case of emergency meetings, water management districts may
2159 provide reasonable notice of public meetings held to evaluate
2160 responses to solicitations issued by the water management
2161 district, by publication in a newspaper of general paid
2162 circulation in the county where the principal office of the
2163 water management district is located, or in the county or
2164 counties where the public work will be performed, no less than 7
2165 days before such meeting.

2166 Section 40. Section 189.418, Florida Statutes, is
2167 transferred and renumbered as section 189.016, Florida Statutes,
2168 and subsections (2) and (10) of that section are amended, to
2169 read:

2170 189.016 ~~189.418~~ Reports; budgets; audits.—

2171 (2) Any amendment, modification, or update of the document
2172 by which the district was created, including changes in
2173 boundaries, must be filed with the department within 30 days
2174 after adoption. The department may initiate proceedings against
2175 special districts as provided in s. 189.067 ~~189.421~~ for failure

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2176 to file the information required by this subsection. However,
2177 for the purposes of this section and s. 175.101(1), the
2178 boundaries of a district shall be deemed to include an area that
2179 has been annexed until the completion of the 4-year period
2180 specified in s. 171.093(4) or other mutually agreed upon
2181 extension, or when a district is providing services pursuant to
2182 an interlocal agreement entered into pursuant to s. 171.093(3).

2183 (10) All reports or information required to be filed with a
2184 local general-purpose government or governing authority under
2185 ss. 189.08, 189.014, and 189.015 ~~189.415, 189.416, and 189.417~~
2186 and subsection (8) must:

2187 (a) If the local general-purpose government or governing
2188 authority is a county, be filed with the clerk of the board of
2189 county commissioners.

2190 (b) If the district is a multicounty district, be filed
2191 with the clerk of the county commission in each county.

2192 (c) If the local general-purpose government or governing
2193 authority is a municipality, be filed at the place designated by
2194 the municipal governing body.

2195 Section 41. Section 189.419, Florida Statutes, is
2196 transferred, renumbered as section 189.066, Florida Statutes,
2197 and amended to read:

2198 189.066 ~~189.419~~ Effect of failure to file certain reports
2199 or information.—

2200 (1) If an independent special district fails to file the
2201 reports or information required under s. 189.08, s. 189.014, s.
2202 189.015, or s. 189.016(9) ~~189.415, s. 189.416, s. 189.417, or s.~~
2203 ~~189.418(9)~~ with the local general-purpose government or
2204 governments in which it is located, the person authorized to

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2205 receive and read the reports or information or the local
2206 general-purpose government shall notify the district's
2207 registered agent. If requested by the district, the local
2208 general-purpose government shall grant an extension of up to 30
2209 days for filing the required reports or information. If the
2210 governing body of the local general-purpose government or
2211 governments determines that there has been an unjustified
2212 failure to file these reports or information, it shall ~~may~~
2213 notify the department, and the department may proceed pursuant
2214 to s. 189.067(1) ~~189.421(1)~~.

2215 (2) If a dependent special district fails to file the
2216 reports or information required under s. 189.014, s. 189.015, or
2217 s. 189.016(9) ~~189.416, s. 189.417, or s. 189.418(9)~~ with the
2218 local governing authority to which it is dependent, the local
2219 governing authority shall take whatever steps it deems necessary
2220 to enforce the special district's accountability. Such steps may
2221 include, as authorized, withholding funds, removing governing
2222 body ~~board~~ members at will, vetoing the special district's
2223 budget, conducting the oversight review process set forth in s.
2224 189.068 ~~189.428~~, or amending, merging, or dissolving the special
2225 district in accordance with the provisions contained in the
2226 ordinance that created the dependent special district.

2227 (3) If a special district fails to file the reports or
2228 information required under s. 218.38 with the appropriate state
2229 agency, the agency shall notify the department, and the
2230 department shall send a certified technical assistance letter to
2231 the special district which summarizes the requirements and
2232 compels ~~encourages~~ the special district to take steps to prevent
2233 the noncompliance from reoccurring.

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2234 (4) If a special district fails to file the reports or
2235 information required under s. 112.63 with the appropriate state
2236 agency, the agency shall notify the department and the
2237 department shall proceed pursuant to s. 189.067(1) ~~189.421(1)~~.

2238 (5) If a special district fails to file the reports or
2239 information required under s. 218.32 or s. 218.39 with the
2240 appropriate state agency or office, the state agency or office
2241 shall, and the Legislative Auditing Committee may, notify the
2242 department and the department shall proceed pursuant to s.
2243 189.067 ~~189.421~~.

2244 Section 42. Section 189.420, Florida Statutes, is
2245 transferred and renumbered as section 189.052, Florida Statutes.

2246 Section 43. Section 189.421, Florida Statutes, is
2247 transferred, renumbered as section 189.067, Florida Statutes,
2248 and amended to read:

2249 189.067 ~~189.421~~ Failure of district to disclose financial
2250 reports.—

2251 (1) (a) If notified pursuant to s. 189.066(1) ~~189.419(1)~~,
2252 (4), or (5), the department shall attempt to assist a special
2253 district in complying with its financial reporting requirements
2254 by sending a certified letter to the special district, and, if
2255 the special district is dependent, sending a copy of that letter
2256 to the chair of the local governing authority. The letter must
2257 include a description of the required report, including
2258 statutory submission deadlines, a contact telephone number for
2259 technical assistance to help the special district comply, a 60-
2260 day deadline for filing the required report with the appropriate
2261 entity, the address where the report must be filed, and an
2262 explanation of the penalties for noncompliance.

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2263 (b) A special district that is unable to meet the 60-day
2264 reporting deadline must provide written notice to the department
2265 before the expiration of the deadline stating the reason the
2266 special district is unable to comply with the deadline, the
2267 steps the special district is taking to prevent the
2268 noncompliance from reoccurring, and the estimated date that the
2269 special district will file the report with the appropriate
2270 agency. The district's written response does not constitute an
2271 extension by the department; however, the department shall
2272 forward the written response as follows ~~to~~:

2273 1. If the written response refers to the reports required
2274 under s. 218.32 or s. 218.39, to the Legislative Auditing
2275 Committee for its consideration in determining whether the
2276 special district should be subject to further state action in
2277 accordance with s. 11.40(2)(b).

2278 2. If the written response refers to the reports or
2279 information requirements listed in s. 189.066(1) ~~189.419(1)~~, to
2280 the local general-purpose government or governments for their
2281 consideration in determining whether the oversight review
2282 process set forth in s. 189.068 ~~189.428~~ should be undertaken.

2283 3. If the written response refers to the reports or
2284 information required under s. 112.63, to the Department of
2285 Management Services for its consideration in determining whether
2286 the special district should be subject to further state action
2287 in accordance with s. 112.63(4)(d)2.

2288 (2) Failure of a special district to comply with the
2289 actuarial and financial reporting requirements under s. 112.63,
2290 s. 218.32, or s. 218.39 after the procedures of subsection (1)
2291 are exhausted shall be deemed final action of the special

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2292 district. The actuarial and financial reporting requirements are
2293 declared to be essential requirements of law. Remedies ~~Remedy~~
2294 for noncompliance with ss. 218.32 and 218.39 shall be as
2295 provided in ss. 189.034 and 189.035. Remedy for noncompliance
2296 with s. 112.63 shall be ~~by writ of certiorari~~ as set forth in
2297 subsection (4).

2298 (3) Pursuant to s. 11.40(2)(b), the Legislative Auditing
2299 Committee may ~~shall~~ notify the department of those districts
2300 that fail to file the required reports. If the procedures
2301 described in subsection (1) have not yet been initiated, the
2302 department shall initiate such procedures upon receiving the
2303 notice from the Legislative Auditing Committee. Otherwise,
2304 within 60 days after receiving such notice, or within 60 days
2305 after the expiration of the 60-day deadline provided in
2306 subsection (1), whichever occurs later, the department,
2307 notwithstanding the provisions of chapter 120, shall file a
2308 petition for enforcement ~~writ of certiorari~~ with the circuit
2309 court. The petition may request declaratory, injunctive, any
2310 other equitable relief, or any remedy provided by law. Venue for
2311 all actions pursuant to this subsection is in Leon County. The
2312 court shall award the prevailing party reasonable attorney's
2313 fees and costs unless affirmatively waived by all parties. A
2314 ~~writ of certiorari shall be issued unless a respondent~~
2315 ~~establishes that the notification of the Legislative Auditing~~
2316 ~~Committee was issued as a result of material error. Proceedings~~
2317 ~~under this subsection are otherwise governed by the Rules of~~
2318 ~~Appellate Procedure.~~

2319 (4) The department may enforce compliance with s. 112.63 by
2320 filing a petition for enforcement with the circuit court in and

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2321 for Leon County. The petition may request declaratory,
2322 injunctive, or other equitable relief, including the appointment
2323 of a receiver, and any forfeiture or other remedy provided by
2324 law. Pursuant to s. 112.63(4)(d)2., the Department of Management
2325 Services may notify the department of those special districts
2326 that have failed to file the required adjustments, additional
2327 information, or report or statement after the procedures of
2328 subsection (1) have been exhausted. Within 60 days after
2329 receiving such notice or within 60 days after the 60-day
2330 deadline provided in subsection (1), whichever occurs later, the
2331 department, notwithstanding chapter 120, shall file a petition
2332 for writ of certiorari with the circuit court. Venue for all
2333 actions pursuant to this subsection is in Leon County. The court
2334 shall award the prevailing party attorney's fees and costs
2335 unless affirmatively waived by all parties. A writ of certiorari
2336 shall be issued unless a respondent establishes that the
2337 notification of the Department of Management Services was issued
2338 as a result of material error. Proceedings under this subsection
2339 are otherwise governed by the Rules of Appellate Procedure.

2340 Section 44. Section 189.4221, Florida Statutes, is
2341 transferred and renumbered as section 189.053, Florida Statutes.

2342 Section 45. Section 189.423, Florida Statutes, is
2343 transferred and renumbered as section 189.054, Florida Statutes.

2344 Section 46. Section 189.425, Florida Statutes, is
2345 transferred and renumbered as section 189.017, Florida Statutes.

2346 Section 47. Section 189.427, Florida Statutes, is
2347 transferred and renumbered as section 189.018, Florida Statutes,
2348 and amended to read:

2349 189.018 ~~189.427~~ Fee schedule; Grants and Donations Trust

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2350 Fund.—The department ~~of Economic Opportunity~~, by rule, shall
2351 establish a schedule of fees to pay one-half of the costs
2352 incurred by the department in administering this act, except
2353 that the fee may not exceed \$175 per district per year. The fees
2354 collected under this section shall be deposited in the Grants
2355 and Donations Trust Fund, ~~which shall be~~ administered by the
2356 department ~~of Economic Opportunity~~. Any fee rule must consider
2357 factors such as the dependent and independent status of the
2358 district and district revenues for the most recent fiscal year
2359 as reported to the Department of Financial Services. The
2360 department may assess fines of not more than \$25, with an
2361 aggregate total not to exceed \$50, as penalties against special
2362 districts that fail to remit required fees to the department. It
2363 is the intent of the Legislature that general revenue funds will
2364 be made available to the department to pay one-half of the cost
2365 of administering this act.

2366 Section 48. Section 189.428, Florida Statutes, is
2367 transferred and renumbered as section 189.068, Florida Statutes,
2368 and amended, to read:

2369 189.068 ~~189.428~~ Special districts; authority for oversight;
2370 general oversight review process.—

2371 (1) The Legislature finds it to be in the public interest
2372 to establish an oversight review process for special districts
2373 wherein each special district in the state may be reviewed by
2374 the appropriate oversight entity as provided in this part ~~local~~
2375 ~~general-purpose government in which the district exists~~. The
2376 Legislature further finds and determines that such law fulfills
2377 an important state interest. It is the intent of the Legislature
2378 that the oversight review process shall contribute to informed

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2379 decisionmaking. These decisions may involve the continuing
2380 existence or dissolution of a district, the appropriate future
2381 role and focus of a district, improvements in the functioning or
2382 delivery of services by a district, and the need for any
2383 transition, adjustment, or special implementation periods or
2384 provisions. Any final recommendations from the oversight review
2385 process which ~~that~~ are adopted and implemented by the
2386 appropriate level of government may ~~shall~~ not be implemented in
2387 a manner that would impair the obligation of contracts.

2388 (2) Special districts may be reviewed for general oversight
2389 purposes under this section as follows: ~~It is the intent of the~~
2390 ~~Legislature that any oversight review process be conducted in~~
2391 ~~conjunction with special district public facilities reporting~~
2392 ~~and the local government evaluation and appraisal report process~~
2393 ~~described in s. 189.415(2).~~

2394 ~~(3) The order in which Special districts may be subject to~~
2395 ~~oversight review shall be determined by the reviewer and shall~~
2396 ~~occur as follows:~~

2397 (a) All special districts created by special act may be
2398 reviewed by the Legislature using the public hearing process
2399 provided in s. 189.034.

2400 (b) All special districts created by local ordinance or
2401 resolution may be reviewed by the local general-purpose
2402 government that enacted the ordinance or resolution using the
2403 public hearing process provided in s. 189.035.

2404 (c) All dependent special districts may be reviewed by the
2405 local general-purpose ~~local~~ government to which they are
2406 dependent.

2407 (d) All special districts created or established by rule of

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2408 the Governor and Cabinet may be reviewed as directed by the
2409 Governor and Cabinet.

2410 (e) Except as provided in paragraphs (a)-(d), all other
2411 special districts may be reviewed as directed by the President
2412 of the Senate and the Speaker of the House of Representatives.

2413 ~~(b) All single-county independent special districts may be~~
2414 ~~reviewed by a county or municipality in which they are located~~
2415 ~~or the government that created the district. Any single-county~~
2416 ~~independent district that serves an area greater than the~~
2417 ~~boundaries of one general-purpose local government may only be~~
2418 ~~reviewed by the county on the county's own initiative or upon~~
2419 ~~receipt of a request from any municipality served by the special~~
2420 ~~district.~~

2421 ~~(c) All multicounty independent special districts may be~~
2422 ~~reviewed by the government that created the district. Any~~
2423 ~~general-purpose local governments within the boundaries of a~~
2424 ~~multicounty district may prepare a preliminary review of a~~
2425 ~~multicounty special district for possible reference or inclusion~~
2426 ~~in the full review report.~~

2427 ~~(d) Upon request by the reviewer, any special district~~
2428 ~~within all or a portion of the same county as the special~~
2429 ~~district being reviewed may prepare a preliminary review of the~~
2430 ~~district for possible reference or inclusion in the full~~
2431 ~~oversight review report.~~

2432 (3)~~(4)~~ All special districts, governmental entities, and
2433 state agencies shall cooperate with the Legislature and with any
2434 local general-purpose ~~local~~ government seeking information or
2435 assistance with the oversight review process and with the
2436 preparation of an oversight review report.

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2437 (4)~~(5)~~ Those conducting the oversight review process shall,
2438 at a minimum, consider the listed criteria for evaluating the
2439 special district, but may also consider any additional factors
2440 relating to the district and its performance. If any of the
2441 listed criteria does not apply to the special district being
2442 reviewed, it need not be considered. The criteria to be
2443 considered by the reviewer include:

2444 (a) The degree to which the service or services offered by
2445 the special district are essential or contribute to the well-
2446 being of the community.

2447 (b) The extent of continuing need for the service or
2448 services currently provided by the special district.

2449 (c) The extent of municipal annexation or incorporation
2450 activity occurring or likely to occur within the boundaries of
2451 the special district and its impact on the delivery of services
2452 by the special district.

2453 (d) Whether there is a less costly alternative method of
2454 delivering the service or services that would adequately provide
2455 the district residents with the services provided by the
2456 district.

2457 (e) Whether transfer of the responsibility for delivery of
2458 the service or services to an entity other than the special
2459 district being reviewed could be accomplished without
2460 jeopardizing the district's existing contracts, bonds, or
2461 outstanding indebtedness.

2462 (f) Whether the Auditor General has notified the
2463 Legislative Auditing Committee that the special district's audit
2464 report, reviewed pursuant to s. 11.45(7), indicates that the
2465 district has met any of the conditions specified in s.

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2466 218.503(1) or that a deteriorating financial condition exists
2467 that may cause a condition described in s. 218.503(1) to occur
2468 if actions are not taken to address such condition.

2469 (g) Whether the district is inactive according to the
2470 official list of special districts, and whether the district is
2471 meeting and discharging its responsibilities as required by its
2472 charter, as well as projected increases or decreases in district
2473 activity.

2474 (h) Whether the special district has failed to comply with
2475 any of the reporting requirements in this chapter, including
2476 preparation of the public facilities report.

2477 (i) Whether the special district has designated a
2478 registered office and agent as required by s. 189.014 ~~189.416~~,
2479 and has complied with all open public records and meeting
2480 requirements.

2481 (5) ~~(6)~~ Any special district may at any time provide the
2482 Legislature and the local general-purpose ~~local~~ government
2483 conducting the review or making decisions based upon the final
2484 oversight review report with written responses to any questions,
2485 concerns, preliminary reports, draft reports, or final reports
2486 relating to the district.

2487 ~~(7) The final report of a reviewing government shall be~~
2488 ~~filed with the government that created the district and shall~~
2489 ~~serve as the basis for any modification to the district charter~~
2490 ~~or dissolution or merger of the district.~~

2491 ~~(8) If legislative dissolution or merger of a district is~~
2492 ~~proposed in the final report, the reviewing government shall~~
2493 ~~also propose a plan for the merger or dissolution, and the plan~~
2494 ~~shall address the following factors in evaluating the proposed~~

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2495 ~~merger or dissolution:~~

2496 ~~(a) Whether, in light of independent fiscal analysis,~~
2497 ~~level-of-service implications, and other public policy~~
2498 ~~considerations, the proposed merger or dissolution is the best~~
2499 ~~alternative for delivering services and facilities to the~~
2500 ~~affected area.~~

2501 ~~(b) Whether the services and facilities to be provided~~
2502 ~~pursuant to the merger or dissolution will be compatible with~~
2503 ~~the capacity and uses of existing local services and facilities.~~

2504 ~~(c) Whether the merger or dissolution is consistent with~~
2505 ~~applicable provisions of the state comprehensive plan, the~~
2506 ~~strategic regional policy plan, and the local government~~
2507 ~~comprehensive plans of the affected area.~~

2508 ~~(d) Whether the proposed merger adequately provides for the~~
2509 ~~assumption of all indebtedness.~~

2510
2511 ~~The reviewing government shall consider the report in a public~~
2512 ~~hearing held within the jurisdiction of the district. If adopted~~
2513 ~~by the governing board of the reviewing government, the request~~
2514 ~~for legislative merger or dissolution of the district may~~
2515 ~~proceed. The adopted plan shall be filed as an attachment to the~~
2516 ~~economic impact statement regarding the proposed special act or~~
2517 ~~general act of local application dissolving a district.~~

2518 ~~(6)~~(9) This section does not apply to a deepwater port
2519 listed in s. 311.09(1) which is in compliance with a port master
2520 plan adopted pursuant to s. 163.3178(2)(k), or to an airport
2521 authority operating in compliance with an airport master plan
2522 approved by the Federal Aviation Administration, or to any
2523 special district organized to operate health systems and

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2524 facilities licensed under chapter 395, chapter 400, or chapter
2525 429.

2526 Section 49. Section 189.429, Florida Statutes, is
2527 transferred and renumbered as section 189.019, Florida Statutes,
2528 and subsection (1) of that section is amended, to read:

2529 189.019 ~~189.429~~ Codification.—

2530 (1) Each district, by December 1, 2004, shall submit to the
2531 Legislature a draft codified charter, at its expense, so that
2532 its special acts may be codified into a single act for
2533 reenactment by the Legislature, if there is more than one
2534 special act for the district. The Legislature may adopt a
2535 schedule for individual district codification. Any codified act
2536 relating to a district, which act is submitted to the
2537 Legislature for reenactment, shall provide for the repeal of all
2538 prior special acts of the Legislature relating to the district.
2539 The codified act shall be filed with the department pursuant to
2540 s. 189.016(2) ~~189.418(2)~~.

2541 Section 50. Sections 189.430, 189.431, 189.432, 189.433,
2542 189.434, 189.435, 189.436, 189.437, 189.438, 189.439, 189.440,
2543 189.441, 189.442, 189.443, and 189.444, Florida Statutes, are
2544 repealed.

2545 Section 51. Section 189.034, Florida Statutes, is created
2546 to read:

2547 189.034 Oversight of special districts created by special
2548 act of the Legislature.—

2549 (1) This section applies to any special district created by
2550 special act of the Legislature.

2551 (2) If a special district fails to file required reports or
2552 requested information under ss. 11.45(7), 218.32, 218.39, or

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2553 218.503(3), with the appropriate state agency or office, the
2554 Legislative Auditing Committee or its designee shall provide
2555 written notice of the district's noncompliance to the President
2556 of the Senate, the Speaker of the House of Representatives, the
2557 standing committees of the Senate and the House of
2558 Representatives charged with special district oversight as
2559 determined by the presiding officers of each respective chamber,
2560 and the legislators who represent a portion of the geographical
2561 jurisdiction of the special district.

2562 (3) The Legislative Auditing Committee may convene a public
2563 hearing on the issue of noncompliance, as well as general
2564 oversight of the special district as provided in s. 189.068, at
2565 the direction of the President of the Senate and the Speaker of
2566 the House of Representatives.

2567 (4) Before the public hearing as provided in subsection
2568 (3), the special district shall provide the following
2569 information at the request of the Legislative Auditing
2570 Committee:

2571 (a) The district's annual financial report for the prior
2572 fiscal year.

2573 (b) The district's audit report for the previous fiscal
2574 year.

2575 (c) An annual report for the previous fiscal year providing
2576 a detailed review of the performance of the special district,
2577 including the following information:

2578 1. The purpose of the special district.

2579 2. The sources of funding for the special district.

2580 3. A description of the major activities, programs, and
2581 initiatives the special district undertook in the most recently

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2582 completed fiscal year and the benchmarks or criteria under which
2583 the success or failure of the district was determined by its
2584 governing body.

2585 4. Any challenges or obstacles faced by the special
2586 district in fulfilling its purpose and related responsibilities.

2587 5. Ways the special district believes it could better
2588 fulfill its purpose and related responsibilities and a
2589 description of the actions that it intends to take during the
2590 ensuing fiscal year.

2591 6. Proposed changes to the special act that established the
2592 special district and justification for such changes.

2593 7. Any other information reasonably required to provide the
2594 Legislative Auditing Committee with an accurate understanding of
2595 the purpose for which the special district exists and how it is
2596 fulfilling its responsibilities to accomplish that purpose.

2597 8. Any reasons for the district's noncompliance.

2598 9. Whether the district is currently in compliance.

2599 10. Plans to correct any recurring issues of noncompliance.

2600 11. Efforts to promote transparency, including maintenance
2601 of the district's website in accordance with s. 189.069.

2602 Section 52. Section 189.035, Florida Statutes, is created
2603 to read:

2604 189.035 Oversight of special districts created by local
2605 ordinance or resolution.—

2606 (1) This section applies to any special district created by
2607 local ordinance or resolution.

2608 (2) If a special district fails to file required reports or
2609 requested information under s. 11.45(7), s. 218.32, s. 218.39,
2610 or s. 218.503(3) with the appropriate state agency or office,

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2611 the Legislative Auditing Committee or its designee shall provide
2612 written notice of the district's noncompliance to the chair or
2613 equivalent of the local general-purpose government.

2614 (3) The chair or equivalent of the local general-purpose
2615 government may convene a public hearing on the issue of
2616 noncompliance, as well as general oversight of the special
2617 district as provided in s. 189.068, within 3 months after
2618 receipt of notice of noncompliance from the Legislative Auditing
2619 Committee. Within 30 days after receiving written notice of
2620 noncompliance, the local general-purpose government shall notify
2621 the Legislative Auditing Committee as to whether a hearing under
2622 this section will be held and, if so, provide the date, time,
2623 and place of the hearing.

2624 (4) Before the public hearing as provided in subsection
2625 (3), the special district shall provide the following
2626 information at the request of the local general-purpose
2627 government:

2628 (a) The district's annual financial report for the previous
2629 fiscal year.

2630 (b) The district's audit report for the previous fiscal
2631 year.

2632 (c) An annual report for the previous fiscal year, which
2633 must provide a detailed review of the performance of the special
2634 district and include the following information:

2635 1. The purpose of the special district.

2636 2. The sources of funding for the special district.

2637 3. A description of the major activities, programs, and
2638 initiatives the special district undertook in the most recently
2639 completed fiscal year and the benchmarks or criteria under which

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2640 the success or failure of the district was determined by its
2641 governing body.

2642 4. Any challenges or obstacles faced by the special
2643 district in fulfilling its purpose and related responsibilities.

2644 5. Ways in which the special district believes that it
2645 could better fulfill its purpose and related responsibilities
2646 and a description of the actions that it intends to take during
2647 the ensuing fiscal year.

2648 6. Proposed changes to the ordinance or resolution that
2649 established the special district and justification for such
2650 changes.

2651 7. Any other information reasonably required to provide the
2652 reviewing entity with an accurate understanding of the purpose
2653 for which the special district exists and how it is fulfilling
2654 its responsibilities to accomplish that purpose.

2655 8. Any reasons for the district's noncompliance.

2656 9. Whether the district is currently in compliance.

2657 10. Plans to correct any recurring issues of noncompliance.

2658 11. Efforts to promote transparency, including maintenance
2659 of the district's website in accordance with s. 189.069.

2660 (5) If the local general-purpose government convenes a
2661 public hearing under this section, it shall provide the
2662 department and the Legislative Auditing Committee with a report
2663 containing its findings and conclusions within 60 days after
2664 completion of the public hearing.

2665 Section 53. Section 189.055, Florida Statutes, is created
2666 to read:

2667 189.055 Treatment of special districts.—For the purpose of
2668 s. 196.199(1), special districts shall be treated as

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2669 municipalities.

2670 Section 54. Section 189.069, Florida Statutes, is created
2671 to read:

2672 189.069 Special districts; required reporting of
2673 information; web-based public access.-

2674 (1) Beginning on October 1, 2015, or by the end of the
2675 first full fiscal year after its creation, each special district
2676 shall maintain an official Internet website containing the
2677 information required by this section in accordance with s.
2678 189.016. Special districts shall submit their official Internet
2679 website addresses to the department.

2680 (a) Independent special districts shall maintain a separate
2681 Internet website.

2682 (b) Dependent special districts shall be preeminently
2683 displayed on the home page of the Internet website of the local
2684 general-purpose government that created the special district
2685 with a hyperlink to such webpages as are necessary to provide
2686 the information required by this section. Dependent special
2687 districts may maintain a separate Internet website providing the
2688 information required by this section.

2689 (2) (a) A special district shall post the following
2690 information, at a minimum, on the district's official website:

2691 1. The full legal name of the special district.

2692 2. The public purpose of the special district.

2693 3. The name, address, e-mail address, and, if applicable,
2694 the term and appointing authority for each member of the
2695 governing body of the special district.

2696 4. The fiscal year of the special district.

2697 5. The full text of the special district's charter, the

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2698 date of establishment, the establishing entity, and the statute
2699 or statutes under which the special district operates, if
2700 different from the statute or statutes under which the special
2701 district was established. Community development districts may
2702 reference chapter 190, as the uniform charter, but must include
2703 information relating to any grant of special powers.

2704 6. The mailing address, e-mail address, telephone number,
2705 and Internet website uniform resource locator of the special
2706 district.

2707 7. A description of the boundaries or service area of, and
2708 the services provided by, the special district.

2709 8. A listing of all taxes, fees, assessments, or charges
2710 imposed and collected by the special district, including the
2711 rates or amounts for the fiscal year and the statutory authority
2712 for the levy of the tax, fee, assessment, or charge. For
2713 purposes of this subparagraph, charges do not include patient
2714 charges by a hospital or other health care provider.

2715 9. The primary contact information for the special district
2716 for purposes of communication from the department.

2717 10. A code of ethics adopted by the special district, if
2718 applicable, and a hyperlink to generally applicable ethics
2719 provisions.

2720 11. The budget of each special district, in addition to
2721 amendments in accordance with s. 189.418.

2722 12. The final, complete audit report for the most recent
2723 completed fiscal year, and audit reports required by law or
2724 authorized by the governing body of the special district.

2725 (b) The department's Internet website list of special
2726 districts in the state required under s. 189.061 shall include a

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2727 link for each special district that provides web-based access to
2728 the public for all information and documentation required for
2729 submission to the department pursuant to subsection (1).

2730 Section 55. Paragraph (e) of subsection (1) and paragraph
2731 (c) of subsection (7) of section 11.45, Florida Statutes, are
2732 amended to read:

2733 11.45 Definitions; duties; authorities; reports; rules.—

2734 (1) DEFINITIONS.—As used in ss. 11.40-11.51, the term:

2735 (e) "Local governmental entity" means a county agency,
2736 municipality, or special district as defined in s. 189.012
2737 ~~189.403~~, but does not include any housing authority established
2738 under chapter 421.

2739 (7) AUDITOR GENERAL REPORTING REQUIREMENTS.—

2740 (c) The Auditor General shall provide annually a list of
2741 those special districts which are not in compliance with s.
2742 218.39 to the Special District Accountability Information ~~Information~~
2743 Program of the Department of Economic Opportunity.

2744 Section 56. Paragraph (c) of subsection (4) of section
2745 100.011, Florida Statutes, is amended to read:

2746 100.011 Opening and closing of polls, all elections;
2747 expenses.—

2748 (4)

2749 (c) The provisions of any special law to the contrary
2750 notwithstanding, all independent and dependent special district
2751 elections, with the exception of community development district
2752 elections, shall be conducted in accordance with the
2753 requirements of ss. 189.04 and 189.041 ~~189.405 and 189.4051~~.

2754 Section 57. Paragraph (f) of subsection (1) of section
2755 101.657, Florida Statutes, is amended to read:

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2756 101.657 Early voting.—

2757 (1)

2758 (f) Notwithstanding the requirements of s. 189.04 ~~189.405~~,
2759 special districts may provide early voting in any district
2760 election not held in conjunction with county or state elections.
2761 If a special district provides early voting, it may designate as
2762 many sites as necessary and shall conduct its activities in
2763 accordance with the provisions of paragraphs (a)-(c). The
2764 supervisor is not required to conduct early voting if it is
2765 provided pursuant to this subsection.

2766 Section 58. Paragraph (a) of subsection (14) of section
2767 112.061, Florida Statutes, is amended to read:

2768 112.061 Per diem and travel expenses of public officers,
2769 employees, and authorized persons.—

2770 (14) APPLICABILITY TO COUNTIES, COUNTY OFFICERS, DISTRICT
2771 SCHOOL BOARDS, SPECIAL DISTRICTS, AND METROPOLITAN PLANNING
2772 ORGANIZATIONS.—

2773 (a) The following entities may establish rates that vary
2774 from the per diem rate provided in paragraph (6) (a), the
2775 subsistence rates provided in paragraph (6) (b), or the mileage
2776 rate provided in paragraph (7) (d) if those rates are not less
2777 than the statutorily established rates that are in effect for
2778 the 2005-2006 fiscal year:

2779 1. The governing body of a county by the enactment of an
2780 ordinance or resolution;

2781 2. A county constitutional officer, pursuant to s. 1(d),
2782 Art. VIII of the State Constitution, by the establishment of
2783 written policy;

2784 3. The governing body of a district school board by the

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2785 adoption of rules;

2786 4. The governing body of a special district, as defined in
2787 s. 189.012 ~~189.403(1)~~, except those special districts that are
2788 subject to s. 166.021(9), by the enactment of a resolution; or

2789 5. Any metropolitan planning organization created pursuant
2790 to s. 339.175 or any other separate legal or administrative
2791 entity created pursuant to s. 339.175 of which a metropolitan
2792 planning organization is a member, by the enactment of a
2793 resolution.

2794 Section 59. Paragraph (d) of subsection (4) of section
2795 112.63, Florida Statutes, is amended to read:

2796 112.63 Actuarial reports and statements of actuarial
2797 impact; review.—

2798 (4) Upon receipt, pursuant to subsection (2), of an
2799 actuarial report, or, pursuant to subsection (3), of a statement
2800 of actuarial impact, the Department of Management Services shall
2801 acknowledge such receipt, but shall only review and comment on
2802 each retirement system's or plan's actuarial valuations at least
2803 on a triennial basis.

2804 (d) In the case of an affected special district, the
2805 Department of Management Services shall also notify the
2806 Department of Economic Opportunity. Upon receipt of
2807 notification, the Department of Economic Opportunity shall
2808 proceed pursuant to s. 189.067 ~~189.421~~.

2809 1. Failure of a special district to provide a required
2810 report or statement, to make appropriate adjustments, or to
2811 provide additional material information after the procedures
2812 specified in s. 189.067(1) ~~189.421(1)~~ are exhausted shall be
2813 deemed final action by the special district.

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2814 2. The Department of Management Services may notify the
2815 Department of Economic Opportunity of those special districts
2816 that failed to come into compliance. Upon receipt of
2817 notification, the Department of Economic Opportunity shall
2818 proceed pursuant to s. 189.067(4) ~~189.421(4)~~.

2819 Section 60. Subsection (1) of section 112.665, Florida
2820 Statutes, is amended to read:

2821 112.665 Duties of Department of Management Services.—

2822 (1) The Department of Management Services shall:

2823 (a) Gather, catalog, and maintain complete, computerized
2824 data information on all public employee retirement systems or
2825 plans in the state based upon a review of audits, reports, and
2826 other data pertaining to the systems or plans;

2827 (b) Receive and comment upon all actuarial reviews of
2828 retirement systems or plans maintained by units of local
2829 government;

2830 (c) Cooperate with local retirement systems or plans on
2831 matters of mutual concern and provide technical assistance to
2832 units of local government in the assessment and revision of
2833 retirement systems or plans;

2834 (d) Annually issue, by January 1, a report to the President
2835 of the Senate and the Speaker of the House of Representatives,
2836 which details division activities, findings, and recommendations
2837 concerning all governmental retirement systems. The report may
2838 include legislation proposed to carry out such recommendations;

2839 (e) Provide a fact sheet for each participating local
2840 government defined benefit pension plan which summarizes the
2841 plan's actuarial status. The fact sheet should provide a summary
2842 of the plan's most current actuarial data, minimum funding

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2843 requirements as a percentage of pay, and a 5-year history of
2844 funded ratios. The fact sheet must include a brief explanation
2845 of each element in order to maximize the transparency of the
2846 local government plans. The fact sheet must also contain the
2847 information specified in s. 112.664(1). These documents shall be
2848 posted on the department's website. Plan sponsors that have
2849 websites must provide a link to the department's website;

2850 (f) Annually issue, by January 1, a report to the Special
2851 District Accountability Information Program of the Department of
2852 Economic Opportunity which includes the participation in and
2853 compliance of special districts with the local government
2854 retirement system provisions in s. 112.63 and the state-
2855 administered retirement system provisions specified in part I of
2856 chapter 121; and

2857 (g) Adopt reasonable rules to administer this part.

2858 Section 61. Subsection (9) of section 121.021, Florida
2859 Statutes, is amended to read:

2860 121.021 Definitions.—The following words and phrases as
2861 used in this chapter have the respective meanings set forth
2862 unless a different meaning is plainly required by the context:

2863 (9) "Special district" means an independent special
2864 district as defined in s. 189.012 ~~189.403(3)~~.

2865 Section 62. Paragraph (b) of subsection (2) of section
2866 121.051, Florida Statutes, is amended to read:

2867 121.051 Participation in the system.—

2868 (2) OPTIONAL PARTICIPATION.—

2869 (b)1. The governing body of any municipality, metropolitan
2870 planning organization, or special district in the state may
2871 elect to participate in the Florida Retirement System upon

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2872 proper application to the administrator and may cover all of its
2873 units as approved by the Secretary of Health and Human Services
2874 and the administrator. The department shall adopt rules
2875 establishing procedures for the submission of documents
2876 necessary for such application. Before being approved for
2877 participation in the system, the governing body of a
2878 municipality, metropolitan planning organization, or special
2879 district that has a local retirement system must submit to the
2880 administrator a certified financial statement showing the
2881 condition of the local retirement system within 3 months before
2882 the proposed effective date of membership in the Florida
2883 Retirement System. The statement must be certified by a
2884 recognized accounting firm that is independent of the local
2885 retirement system. All required documents necessary for
2886 extending Florida Retirement System coverage must be received by
2887 the department for consideration at least 15 days before the
2888 proposed effective date of coverage. If the municipality,
2889 metropolitan planning organization, or special district does not
2890 comply with this requirement, the department may require that
2891 the effective date of coverage be changed.

2892 2. A municipality, metropolitan planning organization, or
2893 special district that has an existing retirement system covering
2894 the employees in the units that are to be brought under the
2895 Florida Retirement System may participate only after holding a
2896 referendum in which all employees in the affected units have the
2897 right to participate. Only those employees electing coverage
2898 under the Florida Retirement System by affirmative vote in the
2899 referendum are eligible for coverage under this chapter, and
2900 those not participating or electing not to be covered by the

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2901 Florida Retirement System shall remain in their present systems
2902 and are not eligible for coverage under this chapter. After the
2903 referendum is held, all future employees are compulsory members
2904 of the Florida Retirement System.

2905 3. At the time of joining the Florida Retirement System,
2906 the governing body of a municipality, metropolitan planning
2907 organization, or special district complying with subparagraph 1.
2908 may elect to provide, or not provide, benefits based on past
2909 service of officers and employees as described in s. 121.081(1).
2910 However, if such employer elects to provide past service
2911 benefits, such benefits must be provided for all officers and
2912 employees of its covered group.

2913 4. Once this election is made and approved it may not be
2914 revoked, except pursuant to subparagraphs 5. and 6., and all
2915 present officers and employees electing coverage and all future
2916 officers and employees are compulsory members of the Florida
2917 Retirement System.

2918 5. Subject to subparagraph 6., the governing body of a
2919 hospital licensed under chapter 395 which is governed by the
2920 governing body ~~board~~ of a special district as defined in s.
2921 189.012 ~~189.403~~ or by the board of trustees of a public health
2922 trust created under s. 154.07, hereinafter referred to as
2923 "hospital district," and which participates in the Florida
2924 Retirement System, may elect to cease participation in the
2925 system with regard to future employees in accordance with the
2926 following:

2927 a. No more than 30 days and at least 7 days before adopting
2928 a resolution to partially withdraw from the system and establish
2929 an alternative retirement plan for future employees, a public

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2930 hearing must be held on the proposed withdrawal and proposed
2931 alternative plan.

2932 b. From 7 to 15 days before such hearing, notice of intent
2933 to withdraw, specifying the time and place of the hearing, must
2934 be provided in writing to employees of the hospital district
2935 proposing partial withdrawal and must be published in a
2936 newspaper of general circulation in the area affected, as
2937 provided by ss. 50.011-50.031. Proof of publication must be
2938 submitted to the Department of Management Services.

2939 c. The governing body of a hospital district seeking to
2940 partially withdraw from the system must, before such hearing,
2941 have an actuarial report prepared and certified by an enrolled
2942 actuary, as defined in s. 112.625, illustrating the cost to the
2943 hospital district of providing, through the retirement plan that
2944 the hospital district is to adopt, benefits for new employees
2945 comparable to those provided under the system.

2946 d. Upon meeting all applicable requirements of this
2947 subparagraph, and subject to subparagraph 6., partial withdrawal
2948 from the system and adoption of the alternative retirement plan
2949 may be accomplished by resolution duly adopted by the hospital
2950 district board. The hospital district board must provide written
2951 notice of such withdrawal to the division by mailing a copy of
2952 the resolution to the division, postmarked by December 15, 1995.
2953 The withdrawal shall take effect January 1, 1996.

2954 6. Following the adoption of a resolution under sub-
2955 subparagraph 5.d., all employees of the withdrawing hospital
2956 district who were members of the system before January 1, 1996,
2957 shall remain as members of the system for as long as they are
2958 employees of the hospital district, and all rights, duties, and

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2959 obligations between the hospital district, the system, and the
2960 employees remain in full force and effect. Any employee who is
2961 hired or appointed on or after January 1, 1996, may not
2962 participate in the system, and the withdrawing hospital district
2963 has no obligation to the system with respect to such employees.

2964 Section 63. Subsection (1) of section 153.94, Florida
2965 Statutes, is amended to read:

2966 153.94 Applicability of other laws.—Except as expressly
2967 provided in this act:

2968 (1) With respect to any wastewater facility privatization
2969 contract entered into under this act, a public entity is subject
2970 to s. 125.3401, s. 180.301, s. 189.054 ~~189.423~~, or s. 190.0125
2971 but is not subject to the requirements of chapter 287.

2972 Section 64. Paragraph (a) of subsection (2) of section
2973 163.08, Florida Statutes, is amended to read:

2974 163.08 Supplemental authority for improvements to real
2975 property.—

2976 (2) As used in this section, the term:

2977 (a) "Local government" means a county, a municipality, a
2978 dependent special district as defined in s. 189.012 ~~189.403~~, or
2979 a separate legal entity created pursuant to s. 163.01(7).

2980 Section 65. Subsection (7) of section 165.031, Florida
2981 Statutes, is amended to read:

2982 165.031 Definitions.—The following terms and phrases, when
2983 used in this chapter, shall have the meanings ascribed to them
2984 in this section, except where the context clearly indicates a
2985 different meaning:

2986 (7) "Special district" means a local unit of special
2987 government, as defined in s. 189.012 ~~189.403(1)~~. This term

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2988 includes dependent special districts, as defined in s. 189.012
2989 ~~189.403(2)~~, and independent special districts, as defined in s.
2990 189.012 ~~189.403(3)~~. All provisions of s. 200.001(8)(d) and (e)
2991 shall be considered provisions of this chapter.

2992 Section 66. Paragraph (b) of subsection (1) and subsections
2993 (8) and (16) of section 165.0615, Florida Statutes, are amended
2994 to read:

2995 165.0615 Municipal conversion of independent special
2996 districts upon elector-initiated and approved referendum.—

2997 (1) The qualified electors of an independent special
2998 district may commence a municipal conversion proceeding by
2999 filing a petition with the governing body of the independent
3000 special district proposed to be converted if the district meets
3001 all of the following criteria:

3002 (b) It is designated as an improvement district and created
3003 pursuant to chapter 298 or is designated as a stewardship
3004 district and created pursuant to s. 189.031 ~~189.404~~.

3005 (8) Notice of the final public hearing on the proposed
3006 elector-initiated combined municipal incorporation plan must be
3007 published pursuant to the notice requirements in s. 189.015
3008 ~~189.417~~ and must provide a descriptive summary of the elector-
3009 initiated municipal incorporation plan and a reference to the
3010 public places within the independent special district where a
3011 copy of the plan may be examined.

3012 (16) If the incorporation plan is approved by a majority of
3013 the votes cast in the independent special district, the district
3014 shall notify the special district accountability information
3015 program pursuant to s. 189.016(2) ~~189.418(2)~~ and the local
3016 general-purpose governments in which any part of the independent

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3017 special district is situated pursuant to s. 189.016(7)
3018 ~~189.418(7)~~.

3019 Section 67. Subsection (3) of section 171.202, Florida
3020 Statutes, is amended to read:

3021 171.202 Definitions.—As used in this part, the term:

3022 (3) "Independent special district" means an independent
3023 special district, as defined in s. 189.012 ~~189.403~~, which
3024 provides fire, emergency medical, water, wastewater, or
3025 stormwater services.

3026 Section 68. Subsection (16) of section 175.032, Florida
3027 Statutes, is amended to read:

3028 175.032 Definitions.—For any municipality, special fire
3029 control district, chapter plan, local law municipality, local
3030 law special fire control district, or local law plan under this
3031 chapter, the following words and phrases have the following
3032 meanings:

3033 (16) "Special fire control district" means a special
3034 district, as defined in s. 189.012 ~~189.403(1)~~, established for
3035 the purposes of extinguishing fires, protecting life, and
3036 protecting property within the incorporated or unincorporated
3037 portions of any county or combination of counties, or within any
3038 combination of incorporated and unincorporated portions of any
3039 county or combination of counties. The term does not include any
3040 dependent or independent special district, as defined in s.
3041 189.012 ~~189.403(2)~~ and ~~(3)~~, respectively, the employees of which
3042 are members of the Florida Retirement System pursuant to s.
3043 121.051(1) or (2).

3044 Section 69. Subsection (6) of section 190.011, Florida
3045 Statutes, is amended to read:

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3046 190.011 General powers.—The district shall have, and the
3047 body ~~board~~ may exercise, the following powers:

3048 (6) To maintain an office at such place or places as it may
3049 designate within a county in which the district is located or
3050 within the boundaries of a development of regional impact or a
3051 Florida Quality Development, or a combination of a development
3052 of regional impact and a Florida Quality Development, which
3053 includes the district, which office must be reasonably
3054 accessible to the landowners. Meetings pursuant to s. 189.015(3)
3055 ~~189.417(3)~~ of a district within the boundaries of a development
3056 of regional impact or Florida Quality Development, or a
3057 combination of a development of regional impact and a Florida
3058 Quality Development, may be held at such office.

3059 Section 70. Subsection (8) of section 190.046, Florida
3060 Statutes, is amended to read:

3061 190.046 Termination, contraction, or expansion of
3062 district.—

3063 (8) In the event the district has become inactive pursuant
3064 to s. 189.062 ~~189.4044~~, the respective board of county
3065 commissioners or city commission shall be informed and it shall
3066 take appropriate action.

3067 Section 71. Section 190.049, Florida Statutes, is amended
3068 to read:

3069 190.049 Special acts prohibited.—Pursuant to s. 11(a)(21),
3070 Art. III of the State Constitution, there shall be no special
3071 law or general law of local application creating an independent
3072 special district which has the powers enumerated in two or more
3073 of the paragraphs contained in s. 190.012, unless such district
3074 is created pursuant to the provisions of s. 189.031 ~~189.404~~.

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3075 Section 72. Subsection (5) of section 191.003, Florida
3076 Statutes, is amended to read:

3077 191.003 Definitions.—As used in this act:

3078 (5) "Independent special fire control district" means an
3079 independent special district as defined in s. 189.012 ~~189.403~~,
3080 created by special law or general law of local application,
3081 providing fire suppression and related activities within the
3082 jurisdictional boundaries of the district. The term does not
3083 include a municipality, a county, a dependent special district
3084 as defined in s. 189.012 ~~189.403~~, a district providing primarily
3085 emergency medical services, a community development district
3086 established under chapter 190, or any other multiple-power
3087 district performing fire suppression and related services in
3088 addition to other services.

3089 Section 73. Paragraph (a) of subsection (1) and subsection
3090 (8) of section 191.005, Florida Statutes, are amended to read:

3091 191.005 District boards of commissioners; membership,
3092 officers, meetings.—

3093 (1)(a) With the exception of districts whose governing
3094 boards are appointed collectively by the Governor, the county
3095 commission, and any cooperating city within the county, the
3096 business affairs of each district shall be conducted and
3097 administered by a five-member board. All three-member boards
3098 existing on the effective date of this act shall be converted to
3099 five-member boards, except those permitted to continue as a
3100 three-member board by special act adopted in 1997 or thereafter.
3101 The board shall be elected in nonpartisan elections by the
3102 electors of the district. Except as provided in this act, such
3103 elections shall be held at the time and in the manner prescribed

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3104 by law for holding general elections in accordance with s.
3105 189.04(2)(a) ~~189.405(2)(a)~~ and (3), and each member shall be
3106 elected for a term of 4 years and serve until the member's
3107 successor assumes office. Candidates for the board of a district
3108 shall qualify as directed by chapter 99.

3109 (8) All meetings of the board shall be open to the public
3110 consistent with chapter 286, s. 189.015 ~~189.417~~, and other
3111 applicable general laws.

3112 Section 74. Subsection (2) of section 191.013, Florida
3113 Statutes, is amended to read:

3114 191.013 Intergovernmental coordination.—

3115 (2) Each independent special fire control district shall
3116 adopt a 5-year plan to identify the facilities, equipment,
3117 personnel, and revenue needed by the district during that 5-year
3118 period. The plan shall be updated in accordance with s. 189.08
3119 ~~189.415~~ and shall satisfy the requirement for a public
3120 facilities report required by s. 189.08(2) ~~189.415(2)~~.

3121 Section 75. Subsection (1) of section 191.014, Florida
3122 Statutes, is amended to read:

3123 191.014 District creation and expansion.—

3124 (1) New districts may be created only by the Legislature
3125 under s. 189.031 ~~189.404~~.

3126 Section 76. Section 191.015, Florida Statutes, is amended
3127 to read:

3128 191.015 Codification.—Each fire control district existing
3129 on the effective date of this section, by December 1, 2004,
3130 shall submit to the Legislature a draft codified charter, at its
3131 expense, so that its special acts may be codified into a single
3132 act for reenactment by the Legislature, if there is more than

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3133 one special act for the district. The Legislature may adopt a
3134 schedule for individual district codification. Any codified act
3135 relating to a district, which act is submitted to the
3136 Legislature for reenactment, shall provide for the repeal of all
3137 prior special acts of the Legislature relating to the district.
3138 The codified act shall be filed with the Department of Economic
3139 Opportunity pursuant to s. 189.016(2) ~~189.418(2)~~.

3140 Section 77. Paragraphs (c), (d), and (e) of subsection (8)
3141 of section 200.001, Florida Statutes, are amended to read:

3142 200.001 Millages; definitions and general provisions.—

3143 (8)

3144 (c) "Special district" means a special district as defined
3145 in s. 189.012 ~~189.403(1)~~.

3146 (d) "Dependent special district" means a dependent special
3147 district as defined in s. 189.012 ~~189.403(2)~~. Dependent special
3148 district millage, when added to the millage of the governing
3149 body to which it is dependent, shall not exceed the maximum
3150 millage applicable to such governing body.

3151 (e) "Independent special district" means an independent
3152 special district as defined in s. 189.012 ~~189.403(3)~~, with the
3153 exception of a downtown development authority established prior
3154 to the effective date of the 1968 State Constitution as an
3155 independent body, either appointed or elected, regardless of
3156 whether or not the budget is approved by the local governing
3157 body, if the district levies a millage authorized as of the
3158 effective date of the 1968 State Constitution. Independent
3159 special district millage shall not be levied in excess of a
3160 millage amount authorized by general law and approved by vote of
3161 the electors pursuant to s. 9(b), Art. VII of the State

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3162 Constitution, except for those independent special districts
3163 levying millage for water management purposes as provided in
3164 that section and municipal service taxing units as specified in
3165 s. 125.01(1)(q) and (r). However, independent special district
3166 millage authorized as of the date the 1968 State Constitution
3167 became effective need not be so approved, pursuant to s. 2, Art.
3168 XII of the State Constitution.

3169 Section 78. Subsections (1), (5), (6), and (7) of section
3170 218.31, Florida Statutes, are amended to read:

3171 218.31 Definitions.—As used in this part, except where the
3172 context clearly indicates a different meaning:

3173 (1) "Local governmental entity" means a county agency, a
3174 municipality, or a special district as defined in s. 189.012
3175 ~~189.403~~. For purposes of s. 218.32, the term also includes a
3176 housing authority created under chapter 421.

3177 (5) "Special district" means a special district as defined
3178 in s. 189.012 ~~189.403(1)~~.

3179 (6) "Dependent special district" means a dependent special
3180 district as defined in s. 189.012 ~~189.403(2)~~.

3181 (7) "Independent special district" means an independent
3182 special district as defined in s. 189.012 ~~189.403(3)~~.

3183 Section 79. Paragraphs (a) and (f) of subsection (1) and
3184 subsection (2) of section 218.32, Florida Statutes, are amended
3185 to read:

3186 218.32 Annual financial reports; local governmental
3187 entities.—

3188 (1) (a) Each local governmental entity that is determined to
3189 be a reporting entity, as defined by generally accepted
3190 accounting principles, and each independent special district as

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3191 defined in s. 189.012 ~~189.403~~, shall submit to the department a
3192 copy of its annual financial report for the previous fiscal year
3193 in a format prescribed by the department. The annual financial
3194 report must include a list of each local governmental entity
3195 included in the report and each local governmental entity that
3196 failed to provide financial information as required by paragraph
3197 (b). The chair of the governing body and the chief financial
3198 officer of each local governmental entity shall sign the annual
3199 financial report submitted pursuant to this subsection attesting
3200 to the accuracy of the information included in the report. The
3201 county annual financial report must be a single document that
3202 covers each county agency.

3203 (f) If the department does not receive a completed annual
3204 financial report from a local governmental entity within the
3205 required period, it shall notify the Legislative Auditing
3206 Committee and the Special District Accountability Information
3207 Program of the Department of Economic Opportunity of the
3208 entity's failure to comply with the reporting requirements.

3209 (2) The department shall annually by December 1 file a
3210 verified report with the Governor, the Legislature, the Auditor
3211 General, and the Special District Accountability Information
3212 Program of the Department of Economic Opportunity showing the
3213 revenues, both locally derived and derived from
3214 intergovernmental transfers, and the expenditures of each local
3215 governmental entity, regional planning council, local government
3216 finance commission, and municipal power corporation that is
3217 required to submit an annual financial report. The report must
3218 include, but is not limited to:

3219 (a) The total revenues and expenditures of each local

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3220 governmental entity that is a component unit included in the
3221 annual financial report of the reporting entity.

3222 (b) The amount of outstanding long-term debt by each local
3223 governmental entity. For purposes of this paragraph, the term
3224 "long-term debt" means any agreement or series of agreements to
3225 pay money, which, at inception, contemplate terms of payment
3226 exceeding 1 year in duration.

3227 Section 80. Paragraph (g) of subsection (1) of section
3228 218.37, Florida Statutes, is amended to read:

3229 218.37 Powers and duties of Division of Bond Finance;
3230 advisory council.—

3231 (1) The Division of Bond Finance of the State Board of
3232 Administration, with respect to both general obligation bonds
3233 and revenue bonds, shall:

3234 (g) By January 1 each year, provide the Special District
3235 Accountability Information ~~Information~~ Program of the Department of Economic
3236 Opportunity with a list of special districts that are not in
3237 compliance with the requirements in s. 218.38.

3238 Section 81. Paragraph (j) of subsection (1) of section
3239 255.20, Florida Statutes, is amended to read:

3240 255.20 Local bids and contracts for public construction
3241 works; specification of state-produced lumber.—

3242 (1) A county, municipality, special district as defined in
3243 chapter 189, or other political subdivision of the state seeking
3244 to construct or improve a public building, structure, or other
3245 public construction works must competitively award to an
3246 appropriately licensed contractor each project that is estimated
3247 in accordance with generally accepted cost-accounting principles
3248 to cost more than \$300,000. For electrical work, the local

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3249 government must competitively award to an appropriately licensed
3250 contractor each project that is estimated in accordance with
3251 generally accepted cost-accounting principles to cost more than
3252 \$75,000. As used in this section, the term "competitively award"
3253 means to award contracts based on the submission of sealed bids,
3254 proposals submitted in response to a request for proposal,
3255 proposals submitted in response to a request for qualifications,
3256 or proposals submitted for competitive negotiation. This
3257 subsection expressly allows contracts for construction
3258 management services, design/build contracts, continuation
3259 contracts based on unit prices, and any other contract
3260 arrangement with a private sector contractor permitted by any
3261 applicable municipal or county ordinance, by district
3262 resolution, or by state law. For purposes of this section, cost
3263 includes the cost of all labor, except inmate labor, and the
3264 cost of equipment and materials to be used in the construction
3265 of the project. Subject to the provisions of subsection (3), the
3266 county, municipality, special district, or other political
3267 subdivision may establish, by municipal or county ordinance or
3268 special district resolution, procedures for conducting the
3269 bidding process.

3270 (j) A county, municipality, special district as defined in
3271 s. 189.012 ~~189.403~~, or any other political subdivision of the
3272 state that owns or operates a public-use airport as defined in
3273 s. 332.004 is exempt from this section when performing repairs
3274 or maintenance on the airport's buildings, structures, or public
3275 construction works using the local government's own services,
3276 employees, and equipment.

3277 Section 82. Subsection (4) of section 298.225, Florida

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3278 Statutes, is amended to read:

3279 298.225 Water control plan; plan development and
3280 amendment.—

3281 (4) Information contained within a district's facilities
3282 plan prepared pursuant to s. 189.08 ~~189.415~~ which satisfies any
3283 of the provisions of subsection (3) may be used as part of the
3284 district water control plan.

3285 Section 83. Subsection (7) of section 343.922, Florida
3286 Statutes, is amended to read:

3287 343.922 Powers and duties.—

3288 (7) The authority shall comply with all statutory
3289 requirements of general application which relate to the filing
3290 of any report or documentation required by law, including the
3291 requirements of ss. 189.015, 189.016, 189.051, and 189.08
3292 ~~189.4085, 189.415, 189.417, and 189.418.~~

3293 Section 84. Subsection (5) of section 348.0004, Florida
3294 Statutes, is amended to read:

3295 348.0004 Purposes and powers.—

3296 (5) Any authority formed pursuant to this act shall comply
3297 with all statutory requirements of general application which
3298 relate to the filing of any report or documentation required by
3299 law, including the requirements of ss. 189.015, 189.016,
3300 189.051, and 189.08 ~~189.4085, 189.415, 189.417, and 189.418.~~

3301 Section 85. Section 373.711, Florida Statutes, is amended
3302 to read:

3303 373.711 Technical assistance to local governments.—The
3304 water management districts shall assist local governments in the
3305 development and future revision of local government
3306 comprehensive plan elements or public facilities report as

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3307 required by s. 189.08 ~~189.415~~, related to water resource issues.

3308 Section 86. Paragraph (b) of subsection (3) of section
3309 403.0891, Florida Statutes, is amended to read:

3310 403.0891 State, regional, and local stormwater management
3311 plans and programs.—The department, the water management
3312 districts, and local governments shall have the responsibility
3313 for the development of mutually compatible stormwater management
3314 programs.

3315 (3)

3316 (b) Local governments are encouraged to consult with the
3317 water management districts, the Department of Transportation,
3318 and the department before adopting or updating their local
3319 government comprehensive plan or public facilities report as
3320 required by s. 189.08 ~~189.415~~, whichever is applicable.

3321 Section 87. Subsection (1) of section 582.32, Florida
3322 Statutes, is amended to read:

3323 582.32 Effect of dissolution.—

3324 (1) Upon issuance of a certificate of dissolution, s.
3325 189.076(2) ~~189.4045(2)~~ applies and all land use regulations in
3326 effect within such districts are void.

3327 Section 88. Paragraph (a) of subsection (3) of section
3328 1013.355, Florida Statutes, is amended to read:

3329 1013.355 Educational facilities benefit districts.—

3330 (3) (a) An educational facilities benefit district may be
3331 created pursuant to this act and chapters 125, 163, 166, and
3332 189. An educational facilities benefit district charter may be
3333 created by a county or municipality by entering into an
3334 interlocal agreement, as authorized by s. 163.01, with the
3335 district school board and any local general-purpose ~~general~~

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3336 ~~purpose~~ government within whose jurisdiction a portion of the
3337 district is located and adoption of an ordinance that includes
3338 all provisions contained within s. 189.02 ~~189.4041~~. The creating
3339 entity shall be the local general purpose government within
3340 whose boundaries a majority of the educational facilities
3341 benefit district's lands are located.

3342 Section 89. This act shall take effect July 1, 2014.