



1 A bill to be entitled
2 An act relating to special districts; amending s.
3 11.40, F.S.; conforming cross-references; amending s.
4 189.011, F.S.; revising legislative intent with
5 respect to the Uniform Special District Accountability
6 Act to include dependent special districts; amending
7 s. 189.016, F.S.; deleting a provision requiring a
8 special district to transmit certain budgets to the
9 local government under specific circumstances;
10 specifying the period for which certain budget
11 information must be posted on the special district's
12 website; amending s. 189.02, F.S.; specifying the
13 Legislature's authority to create dependent special
14 districts by special act; creating s. 189.022, F.S.;
15 providing for the identification of a dependent
16 special district as dependent in its charter; amending
17 s. 189.031, F.S.; providing for the identification of
18 an independent special district as independent in its
19 charter; transferring, renumbering, and amending ss.
20 189.034 and 189.035, F.S.; authorizing the Legislative
21 Auditing Committee, for districts created by special
22 act, or local general purpose governments, for
23 districts created by local ordinance or resolution, to
24 convene public hearings for special districts that
25 fail to file specified required reports; deleting
26 related provisions requiring the committee to provide



27 | certain notice to the Legislature or local general-
28 | purpose government, as appropriate, when a special
29 | district fails to file certain required reports or
30 | requested information, to conform; amending s.
31 | 189.061, F.S.; requiring the Department of Economic
32 | Opportunity to exclude inactive special districts from
33 | the official list of special districts; revising
34 | procedures for maintaining the official list of
35 | special districts; specifying that the official list
36 | or determination of status of a special district does
37 | not constitute final agency action; providing
38 | procedures for use in resolving inconsistencies in
39 | status determinations of special districts as
40 | identified in the official lists; amending s. 189.062,
41 | F.S.; revising the criteria that must be documented
42 | before a special district may be declared inactive;
43 | authorizing the repeal of certain special acts of
44 | inactive special districts by general law; requiring
45 | the department to remove special districts declared
46 | inactive from the official list of special districts;
47 | requiring the department to keep a separate list of
48 | inactive districts; amending s. 189.064, F.S.;
49 | revising the required content of the special district
50 | handbook; creating s. 189.0653, F.S.; requiring
51 | special districts created by special act or local
52 | ordinance to provide specified information to the



53 | committee or local general-purpose government, as
 54 | appropriate; amending s. 189.067, F.S.; conforming
 55 | cross-references; amending s. 189.068, F.S.;
 56 | conforming cross-references; specifying that certain
 57 | dependent special districts may be reviewed by
 58 | specified local general purpose governments; amending
 59 | s. 189.069, F.S.; revising the list of items required
 60 | to be included on the websites of special districts;
 61 | amending ss. 189.071 and 189.072, F.S.; conforming
 62 | provisions to changes made by the act; amending s.
 63 | 298.301, F.S.; revising notice requirements for
 64 | certain assessments proposed to be levied by water
 65 | management districts; reenacting ss. 165.0615(16) and
 66 | 189.074(2)(e) and (3)(g), F.S., relating to municipal
 67 | conversion of independent special districts upon
 68 | elector-initiated and approved referendum and the
 69 | voluntary merger of independent special districts,
 70 | respectively; providing an effective date.

71 |

72 | Be It Enacted by the Legislature of the State of Florida:

73 |

74 | Section 1. Paragraph (b) of subsection (2) of section
 75 | 11.40, Florida Statutes, is amended to read:

76 | 11.40 Legislative Auditing Committee.—

77 | (2) Following notification by the Auditor General, the
 78 | Department of Financial Services, or the Division of Bond



79 Finance of the State Board of Administration of the failure of a
80 local governmental entity, district school board, charter
81 school, or charter technical career center to comply with the
82 applicable provisions within s. 11.45(5)-(7), s. 218.32(1), s.
83 218.38, or s. 218.503(3), the Legislative Auditing Committee may
84 schedule a hearing to determine if the entity should be subject
85 to further state action. If the committee determines that the
86 entity should be subject to further state action, the committee
87 shall:

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

89 1. A special act, notify the President of the Senate, the
90 Speaker of the House of Representatives, the standing committees
91 of the Senate and the House of Representatives charged with
92 special district oversight as determined by the presiding
93 officers of each respective chamber, the legislators who
94 represent a portion of the geographical jurisdiction of the
95 special district ~~pursuant to s. 189.034(2)~~, and the Department
96 of Economic Opportunity that the special district has failed to
97 comply with the law. Upon receipt of notification, the
98 Department of Economic Opportunity shall proceed pursuant to s.
99 189.062 or s. 189.067. If the special district remains in
100 noncompliance after the process set forth in s. 189.0651
101 ~~189.034(3)~~, or if a public hearing is not held, the Legislative
102 Auditing Committee may request the department to proceed
103 pursuant to s. 189.067(3).

104 2. A local ordinance, notify the chair or equivalent of



105 | the local general-purpose government pursuant to s. 189.0652
 106 | ~~189.035(2)~~ and the Department of Economic Opportunity that the
 107 | special district has failed to comply with the law. Upon receipt
 108 | of notification, the department shall proceed pursuant to s.
 109 | 189.062 or s. 189.067. If the special district remains in
 110 | noncompliance after the process set forth in s. 189.0652
 111 | ~~189.034(3)~~, or if a public hearing is not held, the Legislative
 112 | Auditing Committee may request the department to proceed
 113 | pursuant to s. 189.067(3).

114 | 3. Any manner other than a special act or local ordinance,
 115 | notify the Department of Economic Opportunity that the special
 116 | district has failed to comply with the law. Upon receipt of
 117 | notification, the department shall proceed pursuant to s.
 118 | 189.062 or s. 189.067(3).

119 | Section 2. Subsection (2) of section 189.011, Florida
 120 | Statutes, is amended to read:

121 | 189.011 Statement of legislative purpose and intent.—

122 | (2) The Legislature finds that special districts serve a
 123 | necessary and useful function by providing services to residents
 124 | and property in the state. The Legislature finds further that
 125 | special districts operate to serve a public purpose and that
 126 | this is best secured by certain minimum standards of
 127 | accountability designed to inform the public and appropriate
 128 | local general-purpose governments of the status and activities
 129 | of special districts. It is the intent of the Legislature that
 130 | this public trust be secured by requiring each ~~independent~~



131 special district in the state to register and report its
132 financial and other activities. The Legislature further finds
133 that failure of a ~~an independent~~ special district to comply with
134 the minimum disclosure requirements set forth in this chapter
135 may result in action against the special ~~officers of such~~
136 district ~~body~~.

137 Section 3. Subsections (4) and (7) of section 189.016,
138 Florida Statutes, are amended to read:

139 189.016 Reports; budgets; audits.—

140 (4) The tentative budget must be posted on the special
141 district's official website at least 2 days before the budget
142 hearing, held pursuant to s. 200.065 or other law, to consider
143 such budget and must remain on the website for at least 45 days.
144 The final adopted budget must be posted on the special
145 district's official website within 30 days after adoption and
146 must remain on the website for at least 2 years. ~~If the special~~
147 ~~district does not operate an official website, the special~~
148 ~~district must, within a reasonable period of time as established~~
149 ~~by the local general-purpose government or governments in which~~
150 ~~the special district is located or the local governing authority~~
151 ~~to which the district is dependent, transmit the tentative~~
152 ~~budget or final budget to the manager or administrator of the~~
153 ~~local general-purpose government or the local governing~~
154 ~~authority. The manager or administrator shall post the tentative~~
155 ~~budget or final budget on the website of the local general-~~
156 ~~purpose government or governing authority.~~ This subsection and



157 subsection (3) do not apply to water management districts as
158 defined in s. 373.019.

159 (7) If the governing body of a special district amends the
160 budget pursuant to paragraph (6)(c), the adopted amendment must
161 be posted on the official website of the special district within
162 5 days after adoption and must remain on the website for at
163 least 2 years. ~~If the special district does not operate an~~
164 ~~official website, the special district must, within a reasonable~~
165 ~~period of time as established by the local general-purpose~~
166 ~~government or governments in which the special district is~~
167 ~~located or the local governing authority to which the district~~
168 ~~is dependent, transmit the adopted amendment to the manager or~~
169 ~~administrator of the local general-purpose government or~~
170 ~~governing authority. The manager or administrator shall post the~~
171 ~~adopted amendment on the website of the local general-purpose~~
172 ~~government or governing authority.~~

173 Section 4. For the purpose of incorporating the amendment
174 made by this act to section 189.016, Florida Statutes, in
175 references thereto, subsection (16) of section 165.0615, Florida
176 Statutes, is reenacted to read:

177 165.0615 Municipal conversion of independent special
178 districts upon elector-initiated and approved referendum.-

179 (16) If the incorporation plan is approved by a majority
180 of the votes cast in the independent special district, the
181 district shall notify the special district accountability
182 program pursuant to s. 189.016(2) and the local general-purpose



183 governments in which any part of the independent special
 184 district is situated pursuant to s. 189.016(7).

185 Section 5. Subsection (5) is added to section 189.02,
 186 Florida Statutes, to read:

187 189.02 Dependent special districts.—

188 (5) The Legislature may create a dependent special
 189 district by special act at the request or with the consent of
 190 the local government upon which the special district will be
 191 dependent.

192 Section 6. Section 189.022, Florida Statutes, is created
 193 to read:

194 189.022 Status statement.—The charter of a newly created
 195 dependent special district shall contain, and where practical
 196 and feasible, the charter of an existing dependent special
 197 district shall be amended to contain, a reference to the status
 198 of the special district as dependent. When necessary, the status
 199 statement shall be amended to conform to the department's
 200 determination or declaratory statement regarding the status of
 201 the district.

202 Section 7. Subsection (5) of section 189.031, Florida
 203 Statutes, is amended to read:

204 189.031 Legislative intent for the creation of independent
 205 special districts; special act prohibitions; model elements and
 206 other requirements; local general-purpose government/Governor
 207 and Cabinet creation authorizations.—

208 (5) STATUS STATEMENT.—~~After October 1, 1997,~~ The charter



209 of a ~~any~~ newly created independent special district shall
 210 contain, and, where ~~as~~ practical and feasible, the charter of an
 211 existing independent ~~a preexisting~~ special district shall be
 212 amended to contain, a reference to the status of the special
 213 district as ~~dependent or~~ independent. When necessary, the status
 214 statement shall be amended to conform to ~~with~~ the department's
 215 determination or declaratory statement regarding the status of
 216 the district.

217 Section 8. Section 189.034, Florida Statutes, is
 218 transferred, renumbered as section 189.0651, Florida Statutes,
 219 and amended to read:

220 189.0651 ~~189.034~~ Oversight of special districts created by
 221 special act of the Legislature.-

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

224 (2) If a special district fails to file required reports
 225 or requested information under s. 11.45(6), s. 11.45(7), s.
 226 218.32, s. 218.38(3), s. 218.39, or s. 218.503(3), ~~with~~ the
 227 appropriate state agency or office, the Legislative Auditing
 228 Committee ~~or its designee shall provide written notice of the~~
 229 ~~district's noncompliance to the President of the Senate, the~~
 230 ~~Speaker of the House of Representatives, the standing committees~~
 231 ~~of the Senate and the House of Representatives charged with~~
 232 ~~special district oversight as determined by the presiding~~
 233 ~~officers of each respective chamber, and the legislators who~~
 234 ~~represent a portion of the geographical jurisdiction of the~~



235 ~~special district.~~

236 ~~(3) the Legislative Auditing Committee may convene a~~
237 ~~public hearing on the issue of such noncompliance, as well as~~
238 ~~general oversight of the special district as provided in s.~~
239 ~~189.068, at the direction of the President of the Senate and the~~
240 ~~Speaker of the House of Representatives.~~

241 ~~(4) Before the public hearing as provided in subsection~~
242 ~~(3), the special district shall provide the following~~
243 ~~information at the request of the Legislative Auditing~~
244 ~~Committee:~~

245 ~~(a) The district's annual financial report for the prior~~
246 ~~fiscal year.~~

247 ~~(b) The district's audit report for the previous fiscal~~
248 ~~year.~~

249 ~~(c) An annual report for the previous fiscal year~~
250 ~~providing a detailed review of the performance of the special~~
251 ~~district, including the following information:~~

252 ~~1. The purpose of the special district.~~

253 ~~2. The sources of funding for the special district.~~

254 ~~3. A description of the major activities, programs, and~~
255 ~~initiatives the special district undertook in the most recently~~
256 ~~completed fiscal year and the benchmarks or criteria under which~~
257 ~~the success or failure of the district was determined by its~~
258 ~~governing body.~~

259 ~~4. Any challenges or obstacles faced by the special~~
260 ~~district in fulfilling its purpose and related responsibilities.~~



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261 ~~5. Ways the special district believes it could better~~
262 ~~fulfill its purpose and related responsibilities and a~~
263 ~~description of the actions that it intends to take during the~~
264 ~~ensuing fiscal year.~~

265 ~~6. Proposed changes to the special act that established~~
266 ~~the special district and justification for such changes.~~

267 ~~7. Any other information reasonably required to provide~~
268 ~~the Legislative Auditing Committee with an accurate~~
269 ~~understanding of the purpose for which the special district~~
270 ~~exists and how it is fulfilling its responsibilities to~~
271 ~~accomplish that purpose.~~

272 ~~8. Any reasons for the district's noncompliance.~~

273 ~~9. Whether the district is currently in compliance.~~

274 ~~10. Plans to correct any recurring issues of~~
275 ~~noncompliance.~~

276 ~~11. Efforts to promote transparency, including maintenance~~
277 ~~of the district's website in accordance with s. 189.069.~~

278 Section 9. Section 189.035, Florida Statutes, is
279 transferred, renumbered as section 189.0652, Florida Statutes,
280 and amended to read:

281 189.0652 ~~189.035~~ Oversight of special districts created by
282 local ordinance or enacted by local resolution.-

283 (1) This section applies to any special district created
284 by local ordinance or enacted by local resolution.

285 (2) If a special district fails to file required reports
286 or requested information under s. 11.45(6), s. 11.45(7), s.



287 218.32, s. 218.38(3), s. 218.39, or s. 218.503(3) with the
288 appropriate state agency or office, ~~the Legislative Auditing~~
289 ~~Committee or its designee shall provide written notice of the~~
290 ~~district's noncompliance to the chair or equivalent of the local~~
291 ~~general-purpose government.~~

292 ~~(3)~~ the chair or equivalent of the local general-purpose
293 government may convene a public hearing on the issue of such
294 noncompliance, as well as general oversight of the special
295 district as provided in s. 189.068, within 3 months after
296 receipt of notice of noncompliance from the Legislative Auditing
297 Committee. Within 30 days after receiving written notice of
298 noncompliance, the local general-purpose government shall notify
299 the Legislative Auditing Committee as to whether a hearing under
300 this section will be held and, if so, provide the date, time,
301 and place of the hearing.

302 ~~(4)~~ ~~Before the public hearing as provided in subsection~~
303 ~~(3), the special district shall provide the following~~
304 ~~information at the request of the local general-purpose~~
305 ~~government:~~

306 ~~(a)~~ ~~The district's annual financial report for the~~
307 ~~previous fiscal year.~~

308 ~~(b)~~ ~~The district's audit report for the previous fiscal~~
309 ~~year.~~

310 ~~(c)~~ ~~An annual report for the previous fiscal year, which~~
311 ~~must provide a detailed review of the performance of the special~~
312 ~~district and include the following information:~~



- 313 ~~1. The purpose of the special district.~~
- 314 ~~2. The sources of funding for the special district.~~
- 315 ~~3. A description of the major activities, programs, and~~
316 ~~initiatives the special district undertook in the most recently~~
317 ~~completed fiscal year and the benchmarks or criteria under which~~
318 ~~the success or failure of the district was determined by its~~
319 ~~governing body.~~
- 320 ~~4. Any challenges or obstacles faced by the special~~
321 ~~district in fulfilling its purpose and related responsibilities.~~
- 322 ~~5. Ways in which the special district believes that it~~
323 ~~could better fulfill its purpose and related responsibilities~~
324 ~~and a description of the actions that it intends to take during~~
325 ~~the ensuing fiscal year.~~
- 326 ~~6. Proposed changes to the ordinance or resolution that~~
327 ~~established the special district and justification for such~~
328 ~~changes.~~
- 329 ~~7. Any other information reasonably required to provide~~
330 ~~the reviewing entity with an accurate understanding of the~~
331 ~~purpose for which the special district exists and how it is~~
332 ~~fulfilling its responsibilities to accomplish that purpose.~~
- 333 ~~8. Any reasons for the district's noncompliance.~~
- 334 ~~9. Whether the district is currently in compliance.~~
- 335 ~~10. Plans to correct any recurring issues of~~
336 ~~noncompliance.~~
- 337 ~~11. Efforts to promote transparency, including maintenance~~
338 ~~of the district's website in accordance with s. 189.069.~~



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339 ~~(3)-(5)~~ If the local general-purpose government convenes a
340 public hearing under subsection (2) ~~this section~~, it shall
341 provide the department and the Legislative Auditing Committee
342 with a report containing its findings and conclusions within 60
343 days after completion of the public hearing.

344 Section 10. Section 189.061, Florida Statutes, is
345 reordered and amended to read:

346 189.061 Official list of special districts.—

347 (1) (a) The department shall maintain the official list of
348 special districts. The official list of special districts shall
349 include all special districts in this state and shall indicate
350 the independent or dependent status of each district. All
351 special districts on the list shall be sorted by county. The
352 definitions in s. 189.012 shall be the criteria for
353 determination of the independent or dependent status of each
354 special district on the official list. The status of community
355 development districts shall be independent on the official list
356 of special districts.

357 (b) The official list shall exclude all districts declared
358 inactive as provided in s. 189.062.

359 (2) The official list shall be maintained ~~produced~~ by the
360 department using the information filed with the department by
361 the special districts pursuant to this chapter. If a special
362 district does not submit its written status statement required
363 by s. 189.016(1) within the required time, the department may
364 determine the status of the district. If the department



365 determines the status, the department shall render its
366 determination to an agent of the special district after the
367 ~~department has notified each special district that is currently~~
368 ~~reporting to the department, the Department of Financial~~
369 ~~Services pursuant to s. 218.32, or the Auditor General pursuant~~
370 ~~to s. 218.39. Upon notification, each special district shall~~
371 ~~submit, within 60 days, its determination of its status. The~~
372 ~~determination submitted by a special district shall be~~
373 ~~consistent with the status reported in the most recent local~~
374 ~~government audit of district activities submitted to the Auditor~~
375 ~~General pursuant to s. 218.39.~~

376 (3)(6) The official list of special districts or the
377 determination of status does not constitute final agency action
378 pursuant to chapter 120. If the status of a special district on
379 the official list is inconsistent with the status submitted by
380 the district, the district may request the department to issue a
381 declaratory statement setting forth the requirements necessary
382 to resolve the inconsistency. If necessary, upon issuance of a
383 declaratory statement by the department that ~~which~~ is not
384 appealed pursuant to chapter 120, the governing body of any
385 special district receiving such a declaratory statement shall
386 apply to the entity that ~~which~~ originally established the
387 district for an amendment to its charter correcting the
388 specified defects in its original charter. This amendment shall
389 be for the sole purpose of resolving inconsistencies between a
390 district charter and the status of a district as it appears on



391 the official list.

392 (4)(3) The Department of Financial Services shall notify
393 ~~provide~~ the department of each entity that attempts to report as
394 a special district in the annual financial report with a list of
395 ~~dependent special districts reporting~~ pursuant to s. 218.32 that
396 is not included for inclusion on the official list of special
397 districts. The Auditor General shall notify the department of
398 each entity that attempts to report as a special district in an
399 audit report issued pursuant to s. 218.39 that is not included
400 on the official list of special districts. Upon notification by
401 the Department of Financial Services or the Auditor General, the
402 department shall determine whether the entity is a special
403 district as defined in s. 189.012. If the entity is a special
404 district, the department shall add the entity to the official
405 list of special districts and shall notify each such entity that
406 it is required to comply with s. 189.013.

407 ~~(4) If a special district does not submit its status to~~
408 ~~the department within the required time period, then the~~
409 ~~department shall have the authority to determine the status of~~
410 ~~said district. After such determination of status is completed,~~
411 ~~the department shall render the determination to an agent of the~~
412 ~~special district.~~

413 (5) The official list of special districts shall be
414 available on the department's website and must include a link to
415 the website of each special district that provides web-based
416 access to the public of the information and documentation



417 required under s. 189.069.

418 Section 11. Section 189.062, Florida Statutes, is amended
419 to read:

420 189.062 Special procedures for inactive districts.—

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

423 (a) The special district meets one of the following
424 criteria:

425 1. The registered agent of the district, the chair of the
426 governing body of the district, or the governing body of the
427 appropriate local general-purpose government notifies the
428 department in writing that the district has taken no action for
429 2 or more years;

430 2. The registered agent of the district, the chair of the
431 governing body of the district, or the governing body of the
432 appropriate local general-purpose government notifies the
433 department in writing that the district has not had a governing
434 body or a sufficient number of governing body members to
435 constitute a quorum for 2 or more years;

436 3. The registered agent of the district, the chair of the
437 governing body of the district, or the governing body of the
438 appropriate local general-purpose government fails to respond to
439 an inquiry by the department within 21 days;

440 4. The department determines, pursuant to s. 189.067, that
441 the district has failed to file any of the reports listed in s.
442 189.066;



443 5. The district has not had a registered office and agent
444 on file with the department for 1 or more years; or

445 6. The governing body of a special district provides
446 documentation to the department that it has unanimously adopted
447 a resolution declaring the special district inactive. The
448 special district is ~~shall be~~ responsible for payment of any
449 expenses associated with its dissolution. ~~A special district~~
450 ~~declared inactive pursuant to this subparagraph may be dissolved~~
451 ~~without a referendum; or~~

452 (b) The department, special district, or local general-
453 purpose government has published a notice of proposed
454 declaration of inactive status in a newspaper of general
455 circulation in the county or municipality in which the territory
456 of the special district is located and has sent a copy of such
457 notice by certified mail to the registered agent or chair of the
458 governing body, if any. Such notice must include the name of the
459 special district, the law under which it was organized and
460 operating, a general description of the territory included in
461 the special district, and a statement that any objections must
462 be filed pursuant to chapter 120 within 21 days after the
463 publication date. ~~and~~

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

467 (2) If any special district is declared inactive pursuant
468 to this section, the property or assets of the special district



469 are subject to legal process for payment of any debts of the
470 district. After the payment of all the debts of said inactive
471 special district, the remainder of its property or assets shall
472 escheat to the county or municipality wherein located. If,
473 however, it shall be necessary, in order to pay any such debt,
474 to levy any tax or taxes on the property in the territory or
475 limits of the inactive special district, the same may be
476 assessed and levied by order of the local general-purpose
477 government wherein the same is situated and shall be assessed by
478 the county property appraiser and collected by the county tax
479 collector.

480 (3) (a) In the case of a district created by special act of
481 the Legislature, the department shall send a notice of
482 declaration of inactive status to the Speaker of the House of
483 Representatives and the President of the Senate, and the
484 standing committees of the Senate and the House of
485 Representatives charged with special district oversight as
486 determined by the presiding officers of each respective chamber
487 and the Legislative Auditing Committee. The notice of
488 declaration of inactive status shall reference each known
489 special act creating or amending the charter of any special
490 district declared to be inactive under this section. The
491 declaration of inactive status shall be sufficient notice as
492 required by s. 10, Art. III of the State Constitution to
493 authorize the Legislature to repeal any special laws so
494 reported. Each special act creating or amending the charter of a



495 special district declared to be inactive under this section may
496 be repealed by general law.

497 (b) In the case of a district created by one or more local
498 general-purpose governments, the department shall send a notice
499 of declaration of inactive status to the chair of the governing
500 body of each local general-purpose government that created the
501 district.

502 (c) In the case of a district created by interlocal
503 agreement, the department shall send a notice of declaration of
504 inactive status to the chair of the governing body of each local
505 general-purpose government which entered into the interlocal
506 agreement.

507 (4) The entity that created a special district declared
508 inactive under this section must dissolve the special district
509 by repealing its enabling laws or by other ~~appropriate~~ means as
510 set forth in s. 189.071 or s. 189.072. ~~Any special district~~
511 ~~declared inactive pursuant to subparagraph (1)(a)5. may be~~
512 ~~dissolved without a referendum.~~

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

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

517 (b) Invalidated in proceedings initiated by the special
518 district within 30 days after the publication date of the
519 newspaper notice required under paragraph (1)(b) ~~written notice~~
520 ~~of the declaration was provided to the special district~~



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521 ~~governing body by physical or electronic delivery, receipt~~
522 ~~confirmed.~~ The special district governing body may initiate
523 proceedings within the period authorized in this paragraph by:

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

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

529 (c) If a timely challenge to the declaration is not
530 initiated by the special district governing body, or the
531 department prevails in a proceeding initiated under paragraph
532 (b), the department may enforce the prohibitions in this
533 subsection by filing a petition for enforcement with the circuit
534 court in and for Leon County. The petition may request
535 declaratory, injunctive, or other equitable relief, including
536 the appointment of a receiver, and any forfeiture or other
537 remedy provided by law.

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

541 (6) (a) The department shall immediately remove each
542 special district declared inactive as provided in this section
543 from the official list of special districts maintained as
544 provided in ss. 189.061 and 189.064.

545 (b) The department shall create a separate list of all
546 special districts declared inactive as provided in this section



547 | and shall maintain each such district on the inactive list until
548 | the department determines that the district has resumed active
549 | status, the district is merged as provided in s. 189.071 or s.
550 | 189.074, or the district is dissolved as provided in s. 189.071
551 | or s. 189.072.

552 | Section 12. Subsections (1), (2), and (3) of section
553 | 189.064, Florida Statutes, are amended to read:

554 | 189.064 Special District Accountability Program; duties
555 | and responsibilities.—The Special District Accountability
556 | Program of the department has the following duties:

557 | (1) Electronically publishing special district
558 | noncompliance status reports from the Department of Management
559 | Services, the Department of Financial Services, the Division of
560 | Bond Finance of the State Board of Administration, the Auditor
561 | General, and the Legislative Auditing Committee, for the
562 | reporting required in ss. 112.63, 218.32, 218.38, and 218.39.
563 | The noncompliance reports must list those special districts that
564 | did not comply with the statutory reporting requirements and be
565 | made available to the public electronically.

566 | (2) Maintaining the official list of special districts as
567 | set forth in s. 189.061.

568 | (3) Publishing and updating of a "Florida Special District
569 | Handbook" that contains, at a minimum:

570 | (a) A section that specifies definitions of special
571 | districts and status distinctions in the statutes.

572 | (b) A section or sections that specify current statutory



573 provisions for special district creation, implementation,
574 modification, dissolution, and operating procedures.

575 (c) A section that summarizes the reporting requirements
576 applicable to all types of special districts as provided in ss.
577 189.015 and 189.016.

578 (d) A section that summarizes the public facilities
579 reporting requirements and the evaluation and appraisal
580 notification schedule as provided in s. 189.08(2).

581 Section 13. Section 189.0653, Florida Statutes, is created
582 to read:

583 189.0653 Information before public hearing on
584 noncompliance.—Before the public hearing as provided in s.
585 189.0651(2) or s. 189.0652(2) is held, the special district
586 shall provide the following information at the request of the
587 local general-purpose government or the Legislative Auditing
588 Committee, as appropriate:

589 (1) The district's annual financial report for the
590 previous fiscal year.

591 (2) The district's audit report for the previous fiscal
592 year.

593 (3) Minutes of meetings of the special district's
594 governing body for the previous fiscal year and the current
595 fiscal year to date.

596 (4) A report for the previous fiscal year providing the
597 following:

598 (a) The purpose of the special district.



599 (b) The sources of funding for the special district.

600 (c) A description of the major activities, programs, and
601 initiatives the special district undertook in the most recently
602 completed fiscal year and the benchmarks or criteria under which
603 the success or failure of the district was or will be determined
604 by its governing body.

605 (d) Any challenges or obstacles faced by the special
606 district in fulfilling its purpose and related responsibilities.

607 (e) Ways in which the special district's governing body
608 believes it could better fulfill the special district's purpose
609 and a description of the actions it intends to take.

610 (f) Proposed changes to the special act, ordinance, or
611 resolution, as appropriate, which established the special
612 district and justification for such changes.

613 (g) Any other information reasonably required to provide
614 the reviewing entity with an accurate understanding of the
615 purpose of the special district and how the special district is
616 fulfilling that purpose.

617 (h) Any reasons for the district's noncompliance resulting
618 in the public hearing.

619 (i) Whether the district is currently in compliance.

620 (j) Plans to correct any recurring issues of
621 noncompliance.

622 (k) Efforts to promote transparency, including a statement
623 indicating whether the district's website complies with s.
624 189.069.



625 Section 14. Subsection (2) of section 189.067, Florida
626 Statutes, is amended to read:

627 189.067 Failure of district to disclose financial
628 reports.—

629 (2) Failure of a special district to comply with the
630 actuarial and financial reporting requirements under s. 112.63,
631 s. 218.32, or s. 218.39 after the procedures of subsection (1)
632 are exhausted shall be deemed final action of the special
633 district. The actuarial and financial reporting requirements are
634 declared to be essential requirements of law. Remedies for
635 noncompliance with ss. 218.32 and 218.39 shall be as provided in
636 ss. 189.0651 and 189.0652 ~~189.034 and 189.035~~. Remedy for
637 noncompliance with s. 112.63 shall be as set forth in subsection
638 (4).

639 Section 15. Paragraphs (a), (b), and (c) of subsection (2)
640 of section 189.068, Florida Statutes, are amended to read:

641 189.068 Special districts; authority for oversight;
642 general oversight review process.—

643 (2) Special districts may be reviewed for general
644 oversight purposes under this section as follows:

645 (a) Each ~~All~~ special district ~~districts~~ created by special
646 act may be reviewed by the Legislature using the ~~public hearing~~
647 process provided in s. 189.0651 ~~189.034~~.

648 (b) Each ~~All~~ special district ~~districts~~ created by local
649 ordinance or resolution may be reviewed by the local general-
650 purpose government that enacted the ordinance or resolution



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651 using the ~~public hearing~~ process provided in s. 189.0652
652 ~~189.035~~.

653 (c) Each ~~All~~ dependent special district ~~not created by~~
654 special act ~~districts~~ may be reviewed by the local general-
655 purpose government upon ~~to~~ which it is ~~they are~~ dependent.

656 Section 16. Section 189.069, Florida Statutes, is amended
657 to read:

658 189.069 Special districts; required reporting of
659 information; web-based public access.—

660 (1) Beginning on October 1, 2015, or by the end of the
661 first full fiscal year after its creation, each special district
662 shall maintain an official ~~Internet~~ website containing the
663 information required by this section ~~in accordance with s.~~
664 ~~189.016~~. Each special district ~~districts~~ shall submit its ~~their~~
665 official ~~Internet~~ website address ~~addresses~~ to the department.

666 (a) Each independent special district ~~districts~~ shall
667 maintain a separate ~~Internet~~ website.

668 (b) Each dependent special district ~~districts~~ shall be
669 prominently ~~preeminently~~ displayed on the home page of the
670 ~~Internet~~ website of the local general-purpose government upon
671 which it is dependent ~~that created the special district~~ with a
672 hyperlink to such webpages as are necessary to provide the
673 information required by this section. A dependent special
674 district ~~districts~~ may maintain a separate ~~Internet~~ website
675 providing the information required by this section.

676 (2) (a) A special district shall post the following



- 677 information, at a minimum, on the district's official website:
- 678 1. The full legal name of the special district.
- 679 2. The public purpose of the special district.
- 680 3. The name, official address, official e-mail address,
- 681 and, if applicable, ~~the~~ term and appointing authority for each
- 682 member of the governing body of the special district.
- 683 4. The fiscal year of the special district.
- 684 5. The full text of the special district's charter, the
- 685 date of establishment, the establishing entity, and the statute
- 686 or statutes under which the special district operates, if
- 687 different from the statute or statutes under which the special
- 688 district was established. Community development districts may
- 689 reference chapter 190 as the uniform charter, but must include
- 690 information relating to any grant of special powers.
- 691 6. The mailing address, e-mail address, telephone number,
- 692 and ~~Internet~~ website uniform resource locator of the special
- 693 district.
- 694 7. A description of the boundaries or service area of, and
- 695 the services provided by, the special district.
- 696 8. A listing of all taxes, fees, assessments, or charges
- 697 imposed and collected by the special district, including the
- 698 rates or amounts for the fiscal year and the statutory authority
- 699 for the levy of the tax, fee, assessment, or charge. For
- 700 purposes of this subparagraph, charges do not include patient
- 701 charges by a hospital or other health care provider.
- 702 9. The primary contact information for the special



703 district for purposes of communication from the department.

704 10. A code of ethics adopted by the special district, if
705 applicable, and a hyperlink to generally applicable ethics
706 provisions.

707 11. The budget of the each special district and any, ~~in~~
708 ~~addition to~~ amendments thereto in accordance with s. 189.016.

709 12. The final, complete audit report for the most recent
710 completed fiscal year~~7~~ and audit reports required by law or
711 authorized by the governing body of the special district.

712 13. A listing of its regularly scheduled public meetings
713 as required by s. 189.015(1).

714 14. The public facilities report, if applicable.

715 15. The link to the Department of Financial Services'
716 website as set forth in s. 218.32(1)(g).

717 16. At least 7 days before each meeting or workshop, the
718 agenda of the event, along with any meeting materials available
719 in an electronic format, excluding confidential and exempt
720 information. The information must remain on the website for at
721 least 1 year after the event.

722 (b) The department's ~~Internet~~ website list of special
723 districts in the state required under s. 189.061 shall include a
724 link for each special district that provides web-based access to
725 the public for all information and documentation required for
726 submission to the department pursuant to subsection (1).

727 Section 17. Subsections (2) and (3) of section 189.071,
728 Florida Statutes, are amended to read:



729 189.071 Merger or dissolution of a dependent special
 730 district.—

731 (2) The merger or dissolution of an active a dependent
 732 special district created and operating pursuant to a special act
 733 may be effectuated only by further act of the Legislature unless
 734 otherwise provided by general law.

735 (3) A dependent special district that meets any criteria
 736 for being declared inactive, ~~or that has already been declared~~
 737 ~~inactive,~~ pursuant to s. 189.062 may be dissolved or merged by
 738 special act without a referendum.

739 Section 18. Subsection (3) of section 189.072, Florida
 740 Statutes, is amended to read:

741 189.072 Dissolution of an independent special district.—

742 (3) INACTIVE INDEPENDENT SPECIAL DISTRICTS.—An independent
 743 special district that meets any criteria for being declared
 744 inactive, ~~or that has already been declared inactive,~~ pursuant
 745 to s. 189.062 may be dissolved by special act without a
 746 referendum. If an inactive independent special district was
 747 created by a county or municipality through a referendum, the
 748 county or municipality that created the district may dissolve
 749 the district after publishing notice as described in s. 189.062.

750 Section 19. Subsection (3) of section 298.301, Florida
 751 Statutes, is amended to read:

752 298.301 District water control plan adoption; district
 753 boundary modification; plan amendment; notice forms; objections;
 754 hearings; assessments.—



755 (3) In addition to the publication of notice of the
756 proposed plan or plan amendment, the notice of proposed property
757 taxes and non-ad valorem assessments required pursuant to s.
758 200.069 must include notice of any assessment identified in the
759 plan or amendment. A copy of the notice shall be served by first
760 class mail ~~to~~ ~~on any owner of land within the district as shown~~
761 ~~on the current tax rolls,~~ the water management district created
762 under chapter 373 within which the district is located, the
763 board of county commissioners of the county, and the governing
764 body of any municipality within which the district is located.
765 Notice required by this section constitutes compliance with the
766 notice provisions of s. 197.3632(4)(b).

767 Section 20. For the purpose of incorporating the amendment
768 made by this act to section 189.016, Florida Statutes, in
769 references thereto, paragraph (e) of subsection (2) and
770 paragraph (g) of subsection (3) of section 189.074, Florida
771 Statutes, are reenacted to read:

772 189.074 Voluntary merger of independent special
773 districts.—Two or more contiguous independent special districts
774 created by special act which have similar functions and elected
775 governing bodies may elect to merge into a single independent
776 district through the act of merging the component independent
777 special districts.

778 (2) JOINT MERGER PLAN BY RESOLUTION.—The governing bodies
779 of two or more contiguous independent special districts may, by
780 joint resolution, endorse a proposed joint merger plan to



781 commence proceedings to merge the districts pursuant to this
782 section.

783 (e) After the final public hearing, the governing bodies
784 shall notify the supervisors of elections of the applicable
785 counties in which district lands are located of the adoption of
786 the resolution by each governing body. The supervisors of
787 elections shall schedule a separate referendum for each
788 component independent special district. The referenda may be
789 held in each district on the same day, or on different days, but
790 no more than 20 days apart.

791 1. Notice of a referendum on the merger of independent
792 special districts must be provided pursuant to the notice
793 requirements in s. 100.342. At a minimum, the notice must
794 include:

795 a. A brief summary of the resolution and joint merger
796 plan;

797 b. A statement as to where a copy of the resolution and
798 joint merger plan may be examined;

799 c. The names of the component independent special
800 districts to be merged and a description of their territory;

801 d. The times and places at which the referendum will be
802 held; and

803 e. Such other matters as may be necessary to call, provide
804 for, and give notice of the referendum and to provide for the
805 conduct thereof and the canvass of the returns.

806 2. The referenda must be held in accordance with the



807 Florida Election Code and may be held pursuant to ss. 101.6101-
808 101.6107. All costs associated with the referenda shall be borne
809 by the respective component independent special district.

810 3. The ballot question in such referendum placed before
811 the qualified electors of each component independent special
812 district to be merged must be in substantially the following
813 form:

814
815 "Shall ...(name of component independent special
816 district)... and ...(name of component independent special
817 district or districts)... be merged into ...(name of newly
818 merged independent district)...?"

819
820YES
821NO"

822
823 4. If the component independent special districts
824 proposing to merge have disparate millage rates, the ballot
825 question in the referendum placed before the qualified electors
826 of each component independent special district must be in
827 substantially the following form:

828
829 "Shall ...(name of component independent special
830 district)... and ...(name of component independent special
831 district or districts)... be merged into ...(name of newly
832 merged independent district)... if the voter-approved maximum



833 millage rate within each independent special district will not
834 increase absent a subsequent referendum?

835
836 YES

837 NO"

838

839 5. In any referendum held pursuant to this section, the
840 ballots shall be counted, returns made and canvassed, and
841 results certified in the same manner as other elections or
842 referenda for the component independent special districts.

843 6. The merger may not take effect unless a majority of the
844 votes cast in each component independent special district are in
845 favor of the merger. If one of the component districts does not
846 obtain a majority vote, the referendum fails, and merger does
847 not take effect.

848 7. If the merger is approved by a majority of the votes
849 cast in each component independent special district, the merged
850 independent district is created. Upon approval, the merged
851 independent district shall notify the Special District
852 Accountability Program pursuant to s. 189.016(2) and the local
853 general-purpose governments in which any part of the component
854 independent special districts is situated pursuant to s.
855 189.016(7).

856 8. If the referendum fails, the merger process under this
857 subsection may not be initiated for the same purpose within 2
858 years after the date of the referendum.



859 (3) QUALIFIED ELECTOR-INITIATED MERGER PLAN.—The qualified
860 electors of two or more contiguous independent special districts
861 may commence a merger proceeding by each filing a petition with
862 the governing body of their respective independent special
863 district proposing to be merged. The petition must contain the
864 signatures of at least 40 percent of the qualified electors of
865 each component independent special district and must be
866 submitted to the appropriate component independent special
867 district governing body no later than 1 year after the start of
868 the qualified elector-initiated merger process.

869 (g) After the final public hearing, the governing bodies
870 shall notify the supervisors of elections of the applicable
871 counties in which district lands are located of the adoption of
872 the resolution by each governing body. The supervisors of
873 elections shall schedule a date for the separate referenda for
874 each district. The referenda may be held in each district on the
875 same day, or on different days, but no more than 20 days apart.

876 1. Notice of a referendum on the merger of the component
877 independent special districts must be provided pursuant to the
878 notice requirements in s. 100.342. At a minimum, the notice must
879 include:

880 a. A brief summary of the resolution and elector-initiated
881 merger plan;

882 b. A statement as to where a copy of the resolution and
883 petition for merger may be examined;

884 c. The names of the component independent special



885 districts to be merged and a description of their territory;
 886 d. The times and places at which the referendum will be
 887 held; and
 888 e. Such other matters as may be necessary to call, provide
 889 for, and give notice of the referendum and to provide for the
 890 conduct thereof and the canvass of the returns.
 891 2. The referenda must be held in accordance with the
 892 Florida Election Code and may be held pursuant to ss. 101.6101-
 893 101.6107. All costs associated with the referenda shall be borne
 894 by the respective component independent special district.
 895 3. The ballot question in such referendum placed before
 896 the qualified electors of each component independent special
 897 district to be merged must be in substantially the following
 898 form:
 899
 900 "Shall ...(name of component independent special
 901 district)... and ...(name of component independent special
 902 district or districts)... be merged into ...(name of newly
 903 merged independent district)...?
 904
 905 YES
 906 NO"
 907
 908 4. If the component independent special districts
 909 proposing to merge have disparate millage rates, the ballot
 910 question in the referendum placed before the qualified electors



911 | of each component independent special district must be in
912 | substantially the following form:

913 |
914 | "Shall ...(name of component independent special
915 | district)... and ...(name of component independent special
916 | district or districts)... be merged into ...(name of newly
917 | merged independent district)... if the voter-approved maximum
918 | millage rate within each independent special district will not
919 | increase absent a subsequent referendum?

920 |
921 | YES
922 | NO"

923 |
924 | 5. In any referendum held pursuant to this section, the
925 | ballots shall be counted, returns made and canvassed, and
926 | results certified in the same manner as other elections or
927 | referenda for the component independent special districts.

928 | 6. The merger may not take effect unless a majority of the
929 | votes cast in each component independent special district are in
930 | favor of the merger. If one of the component independent special
931 | districts does not obtain a majority vote, the referendum fails,
932 | and merger does not take effect.

933 | 7. If the merger is approved by a majority of the votes
934 | cast in each component independent special district, the merged
935 | district shall notify the Special District Accountability
936 | Program pursuant to s. 189.016(2) and the local general-purpose



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937 governments in which any part of the component independent
938 special districts is situated pursuant to s. 189.016(7).

939 8. If the referendum fails, the merger process under this
940 subsection may not be initiated for the same purpose within 2
941 years after the date of the referendum.

942 Section 21. This act shall take effect October 1, 2016.