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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/10/2020	.	
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The Committee on Governmental Oversight and Accountability
(Baxley) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Effective January 1, 2021, subsection (6) is
added to section 189.031, Florida Statutes, to read:

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



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11 (6) GOVERNANCE.—For purposes of s. 8(h)(2), Art. II of the
12 State Constitution, a board member or a public employee of a
13 special district does not abuse his or her public position if
14 the board member or public employee commits an act or omission
15 that is authorized under s. 112.313(7), (12), (15), or (16) or
16 s. 112.3143(3)(b), and an abuse of a board member's position
17 does not include any act or omission in connection with a vote
18 when the board member has followed the procedures required by s.
19 112.3143.

20 Section 2. Paragraph (a) of subsection (2) of section
21 189.069, Florida Statutes, is amended to read:

22 189.069 Special districts; required reporting of
23 information; web-based public access.—

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

- 26 1. The full legal name of the special district.
- 27 2. The public purpose of the special district.
- 28 3. The name, official address, official e-mail address,
29 and, if applicable, term and appointing authority for each
30 member of the governing body of the special district.
- 31 4. The fiscal year of the special district.
- 32 5. The full text of the special district's charter, the
33 date of establishment, the establishing entity, and the statute
34 or statutes under which the special district operates, if
35 different from the statute or statutes under which the special
36 district was established. Community development districts may
37 reference chapter 190 as the uniform charter but must include
38 information relating to any grant of special powers.
- 39 6. The mailing address, e-mail address, telephone number,



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40 and website uniform resource locator of the special district.

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

43 8. A listing of all taxes, fees, assessments, or charges
44 imposed and collected by the special district, including the
45 rates or amounts for the fiscal year and the statutory authority
46 for the levy of the tax, fee, assessment, or charge. For
47 purposes of this subparagraph, charges do not include patient
48 charges by a hospital or other health care provider.

49 9. The primary contact information for the special district
50 for purposes of communication from the department.

51 10. A code of ethics adopted by the special district, if
52 applicable, and a hyperlink to generally applicable ethics
53 provisions.

54 11. The budget of the special district and any amendments
55 thereto in accordance with s. 189.016.

56 12. The final, complete audit report for the most recent
57 completed fiscal year and audit reports required by law or
58 authorized by the governing body of the special district. If the
59 special district has submitted its most recent final, complete
60 audit report to the Auditor General, this requirement may be
61 satisfied by providing a link to the audit report on the Auditor
62 General's website.

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

65 ~~14. The public facilities report, if applicable.~~

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

68 ~~15.16.~~ At least 7 days before each meeting or workshop, the



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69 agenda of the event, ~~along with any meeting materials available~~
70 ~~in an electronic format, excluding confidential and exempt~~
71 ~~information.~~ The information must remain on the website for at
72 least 1 year after the event.

73 Section 3. Effective January 1, 2021, subsection (1) of
74 section 190.007, Florida Statutes, is amended to read:

75 190.007 Board of supervisors; general duties.—

76 (1) The board shall employ, and fix the compensation of, a
77 district manager. The district manager shall have charge and
78 supervision of the works of the district and shall be
79 responsible for preserving and maintaining any improvement or
80 facility constructed or erected pursuant to the provisions of
81 this act, for maintaining and operating the equipment owned by
82 the district, and for performing such other duties as may be
83 prescribed by the board. It shall not be a conflict of interest
84 under chapter 112 for a board member or the district manager or
85 another employee of the district to be a stockholder, officer,
86 or employee of a landowner or of an entity affiliated with a
87 landowner. The district manager may hire or otherwise employ and
88 terminate the employment of such other persons, including,
89 without limitation, professional, supervisory, and clerical
90 employees, as may be necessary and authorized by the board. The
91 compensation and other conditions of employment of the officers
92 and employees of the district shall be as provided by the board.
93 For purposes of s. 8(h)(2), Art. II of the State Constitution, a
94 board member or a public employee of a district does not abuse
95 his or her public position if the board member or public
96 employee commits an act or omission that is authorized under
97 this subsection, s. 112.313(7), (12), (15), or (16), or s.



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98 112.3143(3)(b), and an abuse of a board member's public position
99 does not include any act or omission in connection with a vote
100 when the board member has followed the procedures required by s.
101 112.3143.

102 Section 4. Except as otherwise expressly provided in this
103 act, this act shall take effect July 1, 2020.

104
105 ===== T I T L E A M E N D M E N T =====

106 And the title is amended as follows:

107 Delete everything before the enacting clause
108 and insert:

109 A bill to be entitled
110 An act relating to government accountability; amending
111 s. 189.031, F.S.; specifying conditions under which
112 board members and public employees of special
113 districts do not abuse their public positions;
114 amending s. 189.069, F.S.; revising the list of items
115 required to be included on the websites of special
116 districts; amending s. 190.007, F.S.; specifying
117 conditions under which board members and public
118 employees of community development districts do not
119 abuse their public positions; providing effective
120 dates.