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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/13/2024	.	
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The Committee on Rules (Hooper) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 85 - 234  
and insert:

(1) A member of a popularly elected governing body of an independent special district may not serve for more than 12 consecutive years, unless the district's charter provides for more restrictive terms of office. Service of a term of office that commenced before November 5, 2024, does not count toward the limitation imposed by this subsection.

(2) This section does not apply to a community development



12 district established under chapter 190, or an independent  
13 special district created pursuant to a special act that provides  
14 that any amendment to chapter 190 to grant additional powers  
15 constitutes a power of the district.

16 (3) This section does not require an independent special  
17 district governed by an appointed governing body to convert to  
18 an elected governing body.

19 Section 5. Section 189.0313, Florida Statutes, is created  
20 to read:

21 189.0313 Independent special districts; boundaries;  
22 exception.—Notwithstanding any special law or general law of  
23 local application to the contrary, the boundaries of an  
24 independent special district shall only be changed by general  
25 law or special act. This section does not apply to a community  
26 development district established pursuant to chapter 190.

27 Section 6. Subsections (1) and (2) of section 189.062,  
28 Florida Statutes, are amended to read:

29 189.062 Special procedures for inactive districts.—

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

32 (a) The special district meets one of the following  
33 criteria:

34 1. The registered agent of the district, the chair of the  
35 governing body of the district, or the governing body of the  
36 appropriate local general-purpose government notifies the  
37 department in writing that the district has taken no action for  
38 2 or more years;

39 2. The registered agent of the district, the chair of the  
40 governing body of the district, or the governing body of the



41 appropriate local general-purpose government notifies the  
42 department in writing that the district has not had a governing  
43 body or a sufficient number of governing body members to  
44 constitute a quorum for 2 or more years;

45 3. The registered agent of the district, the chair of the  
46 governing body of the district, or the governing body of the  
47 appropriate local general-purpose government fails to respond to  
48 an inquiry by the department within 21 days;

49 4. The department determines, pursuant to s. 189.067, that  
50 the district has failed to file any of the reports listed in s.  
51 189.066;

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

54 6. The governing body of a special district provides  
55 documentation to the department that it has unanimously adopted  
56 a resolution declaring the special district inactive. The  
57 special district is responsible for payment of any expenses  
58 associated with its dissolution; ~~-~~

59 7. The district is an independent special district or a  
60 community redevelopment district created under part III of  
61 chapter 163 which has reported no revenue, no expenditures, and  
62 no debt under s. 189.016(9) or s. 218.32 for at least 5  
63 consecutive fiscal years beginning no earlier than October 1,  
64 2018. This subparagraph does not apply to a community  
65 development district established under chapter 190 or to any  
66 independent special district operating pursuant to a special act  
67 that provides that any amendment to chapter 190 to grant  
68 additional powers constitutes a power of that district; or

69 8. For a mosquito control district created pursuant to



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70 chapter 388, the department has received notice from the  
71 Department of Agriculture and Consumer Services that the  
72 district has failed to file a tentative work plan and tentative  
73 detailed work plan budget as required by s. 388.271.

74 (b) The department, special district, or local general-  
75 purpose government has published a notice of proposed  
76 declaration of inactive status in a newspaper of general  
77 circulation in the county or municipality in which the territory  
78 of the special district is located and has sent a copy of such  
79 notice by certified mail to the registered agent or chair of the  
80 governing body, if any. If the special district is a dependent  
81 special district with a governing body that is not identical to  
82 the governing body of a single county or a single municipality,  
83 a copy of such notice must also be sent by certified mail to the  
84 governing body of the county or municipality on which the  
85 district is dependent. Such notice must include the name of the  
86 special district, the law under which it was organized and  
87 operating, a general description of the territory included in  
88 the special district, and a statement that any objections must  
89 be filed pursuant to chapter 120 within 30 ~~21~~ days after the  
90 publication date. The objections may include that the special  
91 district has outstanding debt obligations that are not included  
92 in reports required under s. 189.016(9) or s. 218.32.

93 (c) Thirty ~~Twenty-one~~ days have elapsed from the  
94 publication date of the notice of proposed declaration of  
95 inactive status and no administrative appeals were filed.

96 (2) If any special district is declared inactive pursuant  
97 to this section, the district may only expend funds as necessary  
98 to service outstanding debt and to comply with existing bond



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99 covenants and other contractual obligations. The property or  
100 assets of the special district are subject to legal process for  
101 payment of any debts of the district. After the payment of all  
102 the debts of said inactive special district, the remainder of  
103 its property or assets shall escheat to the county or  
104 municipality wherein located. If, however, it shall be  
105 necessary, in order to pay any such debt, to levy any tax or  
106 taxes on the property in the territory or limits of the inactive  
107 special district, the same may be assessed and levied by order  
108 of the local general-purpose government wherein the same is  
109 situated and shall be assessed by the county property appraiser  
110 and collected by the county tax collector.

111 Section 7. Section 189.0694, Florida Statutes, is created  
112 to read:

113 189.0694 Special districts; performance measures and  
114 standards.-

115 (1) Beginning October 1, 2024, or by the end of the first  
116 full fiscal year after its creation, whichever is later, each  
117 special district shall establish goals and objectives for each  
118 program and activity undertaken by the district, as well as  
119 performance measures and standards to determine whether the  
120 district's goals and objectives are being achieved.

121 (2) By January 31 of each year thereafter, each special  
122 district shall publish an annual report on the district's  
123 website describing:

124 (a) The goals and objectives achieved by the district, as  
125 well as the performance measures and standards used by the  
126 district to make this determination.

127 (b) Any goals or objectives the district failed to achieve.



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128 Section 8. Subsection (3) of section 189.0695, Florida  
129 Statutes, is amended to read:

130 189.0695 Independent special districts; performance  
131 reviews.—

132 (3) The Office of Program Policy Analysis and Government  
133 Accountability shall ~~must~~ conduct a performance review of all  
134 independent special districts within the classifications  
135 described in paragraphs (a), and (b), and (c) and may contract  
136 as needed to complete the requirements of this subsection. The  
137 Office of Program Policy Analysis and Government Accountability  
138 shall submit the final report of the performance review to the  
139 President of the Senate and the Speaker of the House of  
140 Representatives as follows:

141 (a) For all independent mosquito control districts as  
142 defined in s. 388.011, no later than September 30, 2023.

143 (b) For all soil and water conservation districts as  
144 defined in s. 582.01, no later than September 30, 2024.

145 (c) For all safe neighborhood improvement districts as  
146 defined in s. 163.503(1), no later than September 30, 2025.

147 Section 9. Section 190.047, Florida Statutes, is repealed.

148 Section 10. Subsection (3) is added to section 191.013,  
149 Florida Statutes, to read:

150 191.013 Intergovernmental coordination.—

151 (3) By October 1 of each year, each independent special  
152 fire control district shall report to the Division of State Fire  
153 Marshal regarding whether each of the district's volunteer  
154 firefighters has completed the required trainings

155  
156 ===== T I T L E A M E N D M E N T =====



157 And the title is amended as follows:  
158       Delete lines 10 - 41  
159 and insert:  
160       189.0312, F.S.; providing term limits for popularly  
161       elected members of governing bodies of independent  
162       special districts; providing an exception; providing  
163       applicability; providing construction; creating s.  
164       189.0313, F.S.; providing the method for changing  
165       boundaries of an independent special district;  
166       providing an exception; amending s. 189.062, F.S.;  
167       providing additional criteria for declaring a special  
168       district inactive; providing exceptions; requiring  
169       certain special districts to provide notice of a  
170       proposed declaration of inactive status to the county  
171       or municipality under certain circumstances; revising  
172       the time period for filing an objection to a proposed  
173       declaration; authorizing a specific objection;  
174       providing that a district declared inactive may only  
175       expend funds as necessary to service outstanding debt  
176       and to comply with existing bond covenants and  
177       contractual obligations; making technical changes;  
178       creating s. 189.0694, F.S.; requiring special  
179       districts to establish performance measures to assess  
180       performance; requiring special districts to publish an  
181       annual report; providing requirements for the report;  
182       amending s. 189.0695, F.S.; requiring the Office of  
183       Program Policy Analysis and Government Accountability  
184       to conduct performance reviews annually of safe  
185       neighborhood improvement districts; repealing s.



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186 190.047, F.S., relating to incorporation or annexation  
187 of a district; amending s. 191.013, F.S.; requiring  
188 independent special fire control districts to report  
189 annually, by a specified date, information regarding  
190 the completion of required trainings and the receipt  
191 of required certifications by volunteer firefighters  
192 to