

By the Committee on Community Affairs; and Senator Hutson

578-02601-24

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1                   A bill to be entitled  
2       An act relating to special districts; repealing s.  
3       163.3756, F.S., relating to inactive community  
4       redevelopment agencies; amending s. 163.504, F.S.;  
5       prohibiting the creation of new safe neighborhood  
6       improvement districts after a date certain; repealing  
7       s. 165.0615, F.S., relating to municipal conversion of  
8       independent special districts upon an elector-  
9       initiated and approved referendum; creating s.  
10      189.0312, F.S.; providing term limits for elected  
11      members of governing bodies of independent special  
12      districts; providing an exception; providing  
13      applicability; providing construction; creating s.  
14      189.0313, F.S.; providing the method for changing  
15      boundaries of an independent special district;  
16      providing an exception; amending s. 189.062, F.S.;  
17      providing additional criteria for declaring a special  
18      district inactive; providing exceptions; requiring  
19      certain special districts to provide notice of a  
20      proposed declaration of inactive status to the county  
21      or municipality under certain circumstances; revising  
22      the time period for filing an objection to a proposed  
23      declaration; authorizing a specific objection;  
24      providing that a district declared inactive may only  
25      expend funds as necessary to service outstanding debt  
26      and to comply with existing bond covenants and  
27      contractual obligations; making technical changes;  
28      creating s. 189.0694, F.S.; requiring special  
29      districts to establish performance measures to assess

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30 performance; requiring special districts to publish an  
31 annual report; providing requirements for the report;  
32 amending s. 189.0695, F.S.; requiring the Office of  
33 Program Policy Analysis and Government Accountability  
34 to conduct performance reviews annually of safe  
35 neighborhood improvement districts; repealing s.  
36 190.047, F.S., relating to incorporation or annexation  
37 of a district; amending s. 191.013, F.S.; requiring  
38 independent special fire control districts to report  
39 annually, by a specified date, information regarding  
40 the completion of required trainings and the receipt  
41 of required certifications by certain firefighters to  
42 the Division of State Fire Marshal; amending s.  
43 388.211, F.S.; providing that the boundaries of a  
44 mosquito control district may only be changed by  
45 special act of the Legislature; amending s. 388.221,  
46 F.S.; reducing the maximum millage rate for mosquito  
47 control districts; amending s. 388.271, F.S.;

48 requiring, instead of authorizing, special districts  
49 to file tentative work plans and work plan budgets at  
50 specified intervals; requiring the Department of  
51 Agriculture and Consumer Services to report to the  
52 Department of Commerce if certain special districts  
53 fail to submit specified information; making technical  
54 changes; amending s. 388.46, F.S.; requiring the  
55 Florida Coordinating Council on Mosquito Control to  
56 establish, by a specified date, model goals,  
57 objectives, and performance measures and standards to  
58 assist districts in conducting performance monitoring;

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59 providing an effective date.

60  
61 Be It Enacted by the Legislature of the State of Florida:

62  
63 Section 1. Section 163.3756, Florida Statutes, is repealed.

64 Section 2. Section 163.504, Florida Statutes, is amended to  
65 read:

66 163.504 Safe neighborhood improvement districts; formation  
67 authorized by ordinance; jurisdictional boundaries; prohibition  
68 on future creation.—

69 (1) The governing body of any municipality or county may  
70 authorize the formation of safe neighborhood improvement  
71 districts through the adoption of a planning ordinance which  
72 specifies that such districts may be created by one or more of  
73 the methods established in ss. 163.506, 163.508, 163.511, and  
74 163.512. No district may overlap the jurisdictional boundaries  
75 of a municipality and the unincorporated area of a county,  
76 except by interlocal agreement.

77 (2) A safe neighborhood improvement district may not be  
78 created on or after July 1, 2024. A safe neighborhood  
79 improvement district in existence before July 1, 2024, may  
80 continue to operate as provided in this part.

81 Section 3. Section 165.0615, Florida Statutes, is repealed.

82 Section 4. Section 189.0312, Florida Statutes, is created  
83 to read:

84 189.0312 Independent special districts; term of office.—

85 (1) A member of an elected governing body of an independent  
86 special district may not serve for more than 12 consecutive  
87 years, unless the district's charter provides for more

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88 restrictive terms of office. Service of a term of office that  
89 commenced before November 5, 2024, does not count toward the  
90 limitation imposed by this subsection.

91 (2) This section does not apply to a community development  
92 district established under chapter 190, or an independent  
93 special district created pursuant to a special act that provides  
94 that any amendment to chapter 190 to grant additional powers  
95 constitutes a power of the district.

96 (3) This section does not require an independent special  
97 district governed by an appointed governing body to convert to  
98 an elected governing body.

99 Section 5. Section 189.0313, Florida Statutes, is created  
100 to read:

101 189.0313 Independent special districts; boundaries;  
102 exception.—Notwithstanding any special law or general law of  
103 local application to the contrary, the boundaries of an  
104 independent special district shall only be changed by general  
105 law or special act. This section does not apply to a community  
106 development district established pursuant to chapter 190.

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

109 189.062 Special procedures for inactive districts.—

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

112 (a) The special district meets one of the following  
113 criteria:

114 1. The registered agent of the district, the chair of the  
115 governing body of the district, or the governing body of the  
116 appropriate local general-purpose government notifies the

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117 department in writing that the district has taken no action for  
118 2 or more years;

119 2. The registered agent of the district, the chair of the  
120 governing body of the district, or the governing body of the  
121 appropriate local general-purpose government notifies the  
122 department in writing that the district has not had a governing  
123 body or a sufficient number of governing body members to  
124 constitute a quorum for 2 or more years;

125 3. The registered agent of the district, the chair of the  
126 governing body of the district, or the governing body of the  
127 appropriate local general-purpose government fails to respond to  
128 an inquiry by the department within 21 days;

129 4. The department determines, pursuant to s. 189.067, that  
130 the district has failed to file any of the reports listed in s.  
131 189.066;

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

134 6. The governing body of a special district provides  
135 documentation to the department that it has unanimously adopted  
136 a resolution declaring the special district inactive. The  
137 special district is responsible for payment of any expenses  
138 associated with its dissolution;:-

139 7. The district is an independent special district or a  
140 community redevelopment district created under part III of  
141 chapter 163 which has reported no revenue, no expenditures, and  
142 no debt under s. 189.016(9) or s. 218.32 for at least 5  
143 consecutive fiscal years beginning no earlier than October 1,  
144 2018. This subparagraph does not apply to a community  
145 development district established under chapter 190 or to any

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146 independent special district operating pursuant to a special act  
147 that provides that any amendment to chapter 190 to grant  
148 additional powers constitutes a power of that district; or

149 8. For a mosquito control district created pursuant to  
150 chapter 388, the department has received notice from the  
151 Department of Agriculture and Consumer Services that the  
152 district has failed to file a tentative work plan and tentative  
153 detailed work plan budget as required by s. 388.271.

154 (b) The department, special district, or local general-  
155 purpose government has published a notice of proposed  
156 declaration of inactive status in a newspaper of general  
157 circulation in the county or municipality in which the territory  
158 of the special district is located and has sent a copy of such  
159 notice by certified mail to the registered agent or chair of the  
160 governing body, if any. If the special district is a dependent  
161 special district with a governing body that is not identical to  
162 the governing body of a single county or a single municipality,  
163 a copy of such notice must also be sent by certified mail to the  
164 governing body of the county or municipality on which the  
165 district is dependent. Such notice must include the name of the  
166 special district, the law under which it was organized and  
167 operating, a general description of the territory included in  
168 the special district, and a statement that any objections must  
169 be filed pursuant to chapter 120 within 30 ~~21~~ days after the  
170 publication date. The objections may include that the special  
171 district has outstanding debt obligations that are not included  
172 in reports required under s. 189.016(9) or s. 218.32.

173 (c) Thirty ~~Twenty-one~~ days have elapsed from the  
174 publication date of the notice of proposed declaration of

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175 inactive status and no administrative appeals were filed.

176 (2) If any special district is declared inactive pursuant  
177 to this section, the district may only expend funds as necessary  
178 to service outstanding debt and to comply with existing bond  
179 covenants and other contractual obligations. The property or  
180 assets of the special district are subject to legal process for  
181 payment of any debts of the district. After the payment of all  
182 the debts of said inactive special district, the remainder of  
183 its property or assets shall escheat to the county or  
184 municipality wherein located. If, however, it shall be  
185 necessary, in order to pay any such debt, to levy any tax or  
186 taxes on the property in the territory or limits of the inactive  
187 special district, the same may be assessed and levied by order  
188 of the local general-purpose government wherein the same is  
189 situated and shall be assessed by the county property appraiser  
190 and collected by the county tax collector.

191 Section 7. Section 189.0694, Florida Statutes, is created  
192 to read:

193 189.0694 Special districts; performance measures and  
194 standards.-

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

201 (2) By December 1 of each year thereafter, each special  
202 district shall publish an annual report on the district's  
203 website describing:

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204       (a) The goals and objectives achieved by the district, as  
205 well as the performance measures and standards used by the  
206 district to make this determination.

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

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

210       189.0695 Independent special districts; performance  
211 reviews.—

212       (3) The Office of Program Policy Analysis and Government  
213 Accountability shall ~~must~~ conduct a performance review of all  
214 independent special districts within the classifications  
215 described in paragraphs (a), and (b), and (c) and may contract  
216 as needed to complete the requirements of this subsection. The  
217 Office of Program Policy Analysis and Government Accountability  
218 shall submit the final report of the performance review to the  
219 President of the Senate and the Speaker of the House of  
220 Representatives as follows:

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

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

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

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

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

230       191.013 Intergovernmental coordination.—

231       (3) By October 1 of each year, each independent special  
232 fire control district shall report to the Division of State Fire

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233 Marshal regarding whether each of the district's firefighters  
234 and volunteer firefighters has completed the required trainings  
235 and received the required certifications established by the  
236 division pursuant to s. 633.408.

237 Section 11. Section 388.211, Florida Statutes, is amended  
238 to read:

239 388.211 Change in district boundaries.-

240 ~~(1) The boundaries of each district may only be changed by~~  
241 ~~a special act of the Legislature~~ The board of commissioners of  
242 ~~any district formed prior to July 1, 1980, may, for and on~~  
243 ~~behalf of the district or the qualified electors within or~~  
244 ~~without the district, request that the board of county~~  
245 ~~commissioners in each county having land within the district~~  
246 ~~approve a change in the boundaries of the district.~~

247 ~~(2) If the board of county commissioners approves such~~  
248 ~~change, an amendment shall be made to the order creating the~~  
249 ~~district to conform with the boundary change.~~

250 Section 12. Subsection (1) of section 388.221, Florida  
251 Statutes, is amended to read:

252 388.221 Tax levy.-

253 (1) The board of commissioners of such district may levy  
254 upon all of the real and personal taxable property in said  
255 district a special tax not exceeding 1 mill ~~10 mills~~ on the  
256 dollar during each year as maintenance tax to be used solely for  
257 the purposes authorized and prescribed by this chapter. Said  
258 board shall by resolution certify to the property appraiser of  
259 the county in which the property is situate, timely for the  
260 preparation of the tax roll, the tax rate to be applied in  
261 determining the amount of the district's annual maintenance tax.

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262 Certified copies of such resolution executed in the name of said  
263 board by its chair and secretary and under its corporate seal  
264 shall be made and delivered to the property appraiser and the  
265 board of county commissioners of the county in which such  
266 district is located, and to the Department of Revenue not later  
267 than September 30 of such year. The property appraiser of said  
268 county shall assess and the tax collector of said county shall  
269 collect the amount of taxes so assessed and levied by said board  
270 of commissioners of said district upon all of the taxable real  
271 and personal property in said district at the rate of taxation  
272 adopted by said board for said year and included in said  
273 resolution, and said levy shall be included in the warrants of  
274 the property appraiser and attached to the assessment roll of  
275 taxes for said county each year. The tax collector shall collect  
276 such taxes so levied by said board in the same manner as other  
277 taxes are collected and shall pay the same within the time and  
278 in the manner prescribed by law to the treasurer of said board.  
279 The Department of Revenue shall assess and levy on all the  
280 railroad lines and railroad property and telegraph and telephone  
281 lines and telegraph and telephone property situated in said  
282 district in the amount of each such levy as in case of other  
283 state and county taxes and shall collect said taxes thereon in  
284 the same manner as it is required by law to assess and collect  
285 taxes for state and county purposes and remit the same to the  
286 treasurer of said board. All such taxes shall be held by said  
287 treasurer for the credit of said board and paid out by him or  
288 her as ordered by said board.

289 Section 13. Subsection (1) of section 388.271, Florida  
290 Statutes, is amended, and subsection (3) is added to that

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291 section, to read:

292 388.271 Prerequisites to participation.—

293 (1) When state funds are involved, it is the duty of the  
294 department to guide, review, approve, and coordinate the  
295 activities of all county governments and special districts  
296 receiving state funds in furtherance of the goal of integrated  
297 arthropod control. Each county ~~or district~~ eligible to  
298 participate ~~hereunder~~ may, and each district must, begin  
299 participation on October 1 of any year by filing with the  
300 department not later than July 15 a tentative work plan and  
301 tentative detailed work plan budget providing for the control of  
302 arthropods. Following approval of the plan and budget by the  
303 department, two copies of the county's or district's certified  
304 budget based on the approved work plan and detailed work plan  
305 budget shall be submitted to the department by September 30  
306 following. State funds, supplies, and services shall be made  
307 available to such county or district by and through the  
308 department immediately upon release of funds by the Executive  
309 Office of the Governor.

310 (3) If a special district fails to submit a tentative work  
311 plan and tentative detailed work plan budget as required by  
312 subsection (1), the department must send notice of such failure  
313 to the Department of Commerce within 30 days.

314 Section 14. Paragraph (c) of subsection (2) of section  
315 388.46, Florida Statutes, is amended to read:

316 388.46 Florida Coordinating Council on Mosquito Control;  
317 establishment; membership; organization; responsibilities.—

318 (2) MEMBERSHIP, ORGANIZATION, AND RESPONSIBILITIES.—

319 (c) *Responsibilities.*—The council shall:

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- 320           1. Develop and implement guidelines to assist the  
321 department in resolving disputes arising over the control of  
322 arthropods on publicly owned lands.
- 323           2. Develop and recommend to the department a request for  
324 proposal process for arthropod control research.
- 325           3. Identify potential funding sources for research or  
326 implementation projects and evaluate and prioritize proposals  
327 upon request by the funding source.
- 328           4. Prepare and present reports, as needed, on arthropod  
329 control activities in the state to other governmental  
330 organizations, as appropriate.
- 331           5. By August 30, 2024, develop model goals, objectives, and  
332 performance measures and standards to assist mosquito control  
333 districts in conducting performance monitoring pursuant to s.  
334 189.0694.
- 335           Section 15. This act shall take effect July 1, 2024.