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

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30 certain persons and bodies; prohibiting special  
31 districts that are declared inactive from collecting  
32 taxes, fees, or assessments; providing exceptions;  
33 providing for enforcement of the prohibition;  
34 providing for costs of litigation and reasonable  
35 attorney fees under certain conditions; transferring  
36 and renumbering ss. 189.4045 and 189.4047, F.S.;  
37 transferring, renumbering, and amending s. 189.405,  
38 F.S.; revising requirements related to education  
39 programs for new members of special district governing  
40 bodies; amending s. 189.4051, F.S.; revising  
41 definitions; conforming provisions; transferring and  
42 renumbering ss. 189.4065, 189.408, and 189.4085, F.S.;  
43 transferring, renumbering, and amending ss. 189.412  
44 and 189.413, F.S.; renaming the Special District  
45 Information Program the Special District  
46 Accountability Program; revising duties of the Special  
47 District Accountability Program; transferring and  
48 renumbering ss. 189.415, 189.4155, and 189.4156, F.S.;  
49 transferring, renumbering, and amending ss. 189.416,  
50 189.417, and 189.418, F.S.; conforming provisions and  
51 cross-references; transferring, renumbering, and  
52 amending s. 189.419, F.S.; revising provisions related  
53 to the failure of a special district to file certain  
54 reports or information; conforming cross-references;  
55 transferring and renumbering s. 189.420, F.S.;  
56 transferring, renumbering, and amending s. 189.421,  
57 F.S.; revising notification requirements; authorizing  
58 the department to petition for the enforcement of

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59 compliance; deleting provisions related to available  
60 remedies for the failure of a special district to  
61 disclose required financial reports; transferring and  
62 renumbering ss. 189.4221, 189.423, and 189.425, F.S.;  
63 transferring, renumbering, and amending s. 189.427,  
64 F.S.; making editorial changes; transferring,  
65 renumbering, and amending s. 189.428, F.S.; revising  
66 the oversight review process for special districts;  
67 transferring and renumbering s. 189.429, F.S.;  
68 repealing ss. 189.430, 189.431, 189.432, 189.433,  
69 189.434, 189.435, 189.436, 189.437, 189.438, 189.439,  
70 189.440, 189.441, 189.442, 189.443, and 189.444, F.S.,  
71 relating to the Community Improvement Authority Act;  
72 creating ss. 189.034 and 189.035, F.S.; requiring the  
73 Legislative Auditing Committee to provide notice of  
74 the failure of special districts to file certain  
75 required reports to certain persons and bodies;  
76 authorizing the Legislative Auditing Committee or  
77 reviewing entity to convene a public hearing;  
78 requiring certain reviewing entities to notify the  
79 Legislative Auditing Committee of a public hearing;  
80 requiring a special district to provide certain  
81 information before the public hearing at the request  
82 of the Legislative Auditing Committee or the reviewing  
83 entity; providing reporting requirements for certain  
84 public hearings; creating s. 189.055, F.S.; requiring  
85 special districts to be treated as municipalities for  
86 certain purposes; creating s. 189.069, F.S.; requiring  
87 special districts to maintain an official Internet

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

104  
105 Be It Enacted by the Legislature of the State of Florida:

106  
107 Section 1. Chapter 189, Florida Statutes, as amended by  
108 this act, is divided into the following parts:

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

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

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

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

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

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

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

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

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

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

139 11.40 Legislative Auditing Committee.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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204 suspension and removal procedures under s. 112.51.

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

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

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

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



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

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

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

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

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

320 to provide such services.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

544  
545 This subsection is for purposes of definition only. Nothing in  
546 this subsection confers additional authority upon local  
547 governments not otherwise authorized by the provisions of the  
548 special acts or general acts of local application creating each  
549 special district, as amended.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

651 Section 14. Section 189.404, Florida Statutes, is  
652 transferred and renumbered as section 189.031, Florida Statutes,  
653 and amended, to read:

654 189.031 ~~189.404~~ Legislative intent for the creation of  
655 independent special districts; special act prohibitions; model  
656 elements and other requirements; local general-purpose ~~local~~  
657 government/Governor and Cabinet creation authorizations.—

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

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

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

667 (b) Exempt independent special district elections from the

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

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

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

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

678 1. The purpose of the proposed district;

679 2. The authority of the proposed district;

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

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

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

693 (a) The purpose of the district.

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



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

700 (c) The methods for establishing the district.

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

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

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

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

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

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

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

718 (k) The methods for financing the district.

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

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

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726 (n) Planning requirements.

727 (o) Geographic boundary limitations.

728 (4) LOCAL GOVERNMENT/GOVERNOR AND CABINET CREATION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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842 Statutes, and amended to read:

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

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

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

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

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

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

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

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

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

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

879 (2) ~~(b)~~ OTHER DISSOLUTIONS.—

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

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

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900 district.

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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1016 hearing.

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

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

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

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

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

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1045 plan;

1046 b.~~(II)~~ A statement as to where a copy of the resolution and  
1047 joint merger plan may be examined;

1048 c.~~(III)~~ The names of the component independent special  
1049 districts to be merged and a description of their territory;

1050 d.~~(IV)~~ The times and places at which the referendum will be  
1051 held; and

1052 e.~~(V)~~ Such other matters as may be necessary to call,  
1053 provide for, and give notice of the referendum and to provide  
1054 for the conduct thereof and the canvass of the returns.

1055 2.b.~~2.~~ The referenda must be held in accordance with the  
1056 Florida Election Code and may be held pursuant to ss. 101.6101-  
1057 101.6107. All costs associated with the referenda shall be borne  
1058 by the respective component independent special district.

1059 3.e.~~3.~~ The ballot question in such referendum placed before  
1060 the qualified electors of each component independent special  
1061 district to be merged must be in substantially the following  
1062 form:

1063 "Shall ... (name of component independent special  
1064 district)... and ... (name of component independent special  
1065 district or districts)... be merged into ... (name of newly  
1066 merged independent district)...?"

1067  
1068 ....YES

1069 ....NO"

1070  
1071 4.d.~~4.~~ If the component independent special districts  
1072 proposing to merge have disparate millage rates, the ballot  
1073 question in the referendum placed before the qualified electors

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

1076

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

1083

1084       ....YES

1085       ....NO"

1086

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

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

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

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

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

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

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

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

1124 PETITION FOR

1125 INDEPENDENT SPECIAL DISTRICT MERGER

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

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

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

1137  
1138 Date Name Home Address

1139 (print under signature)

1140  
1141 .....  
1142  
1143 .....  
1144

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

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

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





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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1314           ....YES

1315           ....NO"

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

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

1327           ....YES

1328           ....NO"

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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1451 general election take office.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1710 (2)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1807 (a) *Referendum*.—

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

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

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

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

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

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

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

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

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



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

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

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

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

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1886 ~~board.~~

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

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

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

1902         (3) GOVERNING BODY ~~BOARD~~.—

1903         (a) *Composition of ~~board~~*.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1981 (c) *Landowners' meetings.*—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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2060 modification, dissolution, and operating procedures.

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

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

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

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

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

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

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

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

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



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2089 and ~~189.421~~.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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2495 ~~merger or dissolution:~~

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

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

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

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

2510

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

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

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

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

2529 189.019 ~~189.429~~ Codification.—

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

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

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

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

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

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



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

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

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

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

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

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

2578 1. The purpose of the special district.

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

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

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

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

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

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

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

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

2598 9. Whether the district is currently in compliance.

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

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

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

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

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

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

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

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

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

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

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

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

2635 1. The purpose of the special district.

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

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

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

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

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

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

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

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

2656 9. Whether the district is currently in compliance.

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

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

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

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

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

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2669 municipalities.

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

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

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

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

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

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

- 2691 1. The full legal name of the special district.  
2692 2. The public purpose of the special district.  
2693 3. The name, address, e-mail address, and, if applicable,  
2694 the term and appointing authority for each member of the  
2695 governing body of the special district.  
2696 4. The fiscal year of the special district.  
2697 5. The full text of the special district's charter, the

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2739 (7) AUDITOR GENERAL REPORTING REQUIREMENTS.—

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

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

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

2748 (4)

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

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

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2756 101.657 Early voting.—

2757 (1)

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

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

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

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

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

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

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

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



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2785 adoption of rules;

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

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

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

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

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

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

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

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

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

2821           112.665 Duties of Department of Management Services.—

2822           (1) The Department of Management Services shall:

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

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

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

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

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

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

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

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

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

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

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

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

2867 121.051 Participation in the system.—

2868 (2) OPTIONAL PARTICIPATION.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3077 191.003 Definitions.—As used in this act:

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

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

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

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

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

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

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

3114 191.013 Intergovernmental coordination.—

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

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

3123 191.014 District creation and expansion.—

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

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

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

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

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

3142 200.001 Millages; definitions and general provisions.—

3143 (8)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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3278 Statutes, is amended to read:

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

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

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

3287       343.922 Powers and duties.—

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

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

3295       348.0004 Purposes and powers.—

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

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

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

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

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

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

3315 (3)

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

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

3323 582.32 Effect of dissolution.—

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

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

3329 1013.355 Educational facilities benefit districts.—

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

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

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