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29 | amending s. 380.511, F.S.; correcting cross-references;
 30 | repealing ss. 163.455, 163.456, 163.457, 163.458, 163.459,
 31 | 163.460, 163.461, and 163.462, F.S., the Community-Based
 32 | Development Organization Assistance Act; amending s.
 33 | 189.4035, F.S.; revising procedures and requirements with
 34 | respect to the compilation by the Department of Community
 35 | Affairs of an official list of special districts;
 36 | requiring that the official list of special districts be
 37 | made available electronically; amending s. 189.412, F.S.;
 38 | providing for electronic availability of the master list
 39 | of independent and dependent special districts under the
 40 | Special District Information Program of the department;
 41 | providing access requirements; providing for electronic
 42 | publishing and updating of the Florida Special District
 43 | Handbook; amending s. 189.427, F.S.; revising the payment
 44 | of costs of administering the "Uniform Special District
 45 | Accountability Act of 1989"; providing for the type two
 46 | transfer of the Small County Technical Assistance Program
 47 | in the Department of Agriculture and Consumer Services to
 48 | the Department of Community Affairs; reenacting and
 49 | amending s. 163.05, F.S.; providing duties of the
 50 | Secretary of Community Affairs with respect to the Small
 51 | County Technical Assistance Program; amending s. 215.559,
 52 | F.S.; requiring the Department of Community Affairs to
 53 | develop specified hurricane loss mitigation programs in
 54 | consultation with the State Hazard Mitigation Plan
 55 | Advisory Team; providing for the type two transfer of the
 56 | powers, duties, functions, personnel, property, and

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57 unexpended balances of appropriations of the Hurricane
 58 Loss Mitigation Program Advisory Council in the Division
 59 of Emergency Management of the Department of Community
 60 Affairs to the State Hazard Mitigation Plan Advisory Team;
 61 repealing s. 163.3247, F.S.; eliminating the Century
 62 Commission for a Sustainable Florida; amending s. 201.15,
 63 F.S.; removing the distribution of excise taxes on
 64 documents to the Century Commission, to conform; providing
 65 an effective date.

66
 67 Be It Enacted by the Legislature of the State of Florida:

68
 69 Section 1. Section 20.18, Florida Statutes, is reenacted
 70 and amended to read:

71 20.18 Department of Community Affairs.—There is created a
 72 Department of Community Affairs.

73 (1) The head of the Department of Community Affairs is the
 74 Secretary of Community Affairs. The secretary shall be appointed
 75 by the Governor subject to confirmation by the Senate. The
 76 secretary shall serve at the pleasure of the Governor.

77 (2) The following units of the Department of Community
 78 Affairs are established:

79 (a) Division of Emergency Management. The division is a
 80 separate budget entity and is not subject to control,
 81 supervision, or direction by the Department of Community Affairs
 82 in any manner including, but not limited to, personnel,
 83 purchasing, transactions involving personal property, and
 84 budgetary matters. The division director shall be appointed by

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85 the Governor, shall serve at the pleasure of the Governor, and
 86 shall be the agency head of the division for all purposes. The
 87 division shall enter into a service agreement with the
 88 department for professional, technological, and administrative
 89 support services. The division shall collaborate and coordinate
 90 with the department on nonemergency response matters, including,
 91 but not limited to, disaster recovery programs, grant programs,
 92 mitigation programs, and emergency matters related to
 93 comprehensive plans.

94 (b) Division of Housing and Community Development.

95 (c) Division of Community Planning.

96 (3) Unless otherwise provided by law, the Secretary of
 97 Community Affairs shall appoint the directors or executive
 98 directors of any commission or council assigned to the
 99 department, who shall serve at his or her pleasure as provided
 100 for division directors in s. 110.205. The appointment or
 101 termination by the secretary will be done with the advice and
 102 consent of the commission or council; and the director or
 103 executive director may employ, subject to departmental rules and
 104 procedures, such personnel as may be authorized and necessary.

105 (4) In addition to its other powers, duties, and
 106 functions, the department shall, under the general supervision
 107 of the secretary and the Interdepartmental Coordinating Council
 108 on Community Services, assist and encourage the development of
 109 state programs by the various departments for the productive use
 110 of human resources, and the department shall work with other
 111 state agencies in order that together they might:

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112 (a) Effect the coordination, by the responsible agencies
 113 of the state, of the career and adult educational programs of
 114 the state in order to provide the maximum use and meaningful
 115 employment of persons completing courses of study from such
 116 programs;

117 (b) Assist the Department of Commerce in the development
 118 of employment opportunities; and

119 (c) Improve the enforcement of special district reporting
 120 requirements and the communication among state agencies that
 121 receive mandatory reports from special districts.

122 (5) The role of state government required by part I of
 123 chapter 421 (Housing Authorities Law), chapter 422 (Housing
 124 Cooperation Law), and chapter 423 (tax exemption of housing
 125 authorities) is the responsibility of the Department of
 126 Community Affairs; and the department is the agency of state
 127 government responsible for the state's role in housing and urban
 128 development.

129 (6) The Office of Urban Opportunity is created within the
 130 Department of Community Affairs. The purpose of the office is to
 131 administer the Front Porch Florida initiative, a comprehensive,
 132 community-based urban core redevelopment program that enables
 133 urban core residents to craft solutions to the unique challenges
 134 of each designated community. The department shall adopt rules
 135 for the administration of the Front Porch Florida initiative.
 136 The rules shall not become effective until ratified by the
 137 Legislature.

138 Section 2. Subsection (3) of section 380.502, Florida
 139 Statutes, is amended to read:

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140 380.502 Legislative findings and intent.—

141 (3) It is the intent of the Legislature to establish a

142 nonregulatory agency that will assist local governments in

143 bringing local comprehensive plans into compliance and

144 implementing the goals, objectives, and policies of the

145 conservation, recreation and open space, and coastal elements of

146 local comprehensive plans, or in conserving natural resources

147 and resolving land use conflicts by:

148 (a) Responding promptly and creatively to opportunities to

149 correct undesirable development patterns, restore degraded

150 natural areas, enhance resource values, restore deteriorated or

151 deteriorating urban waterfronts, preserve working waterfronts,

152 ~~reserve lands for later purchase,~~ participate in and promote the

153 use of innovative land acquisition methods, and provide public

154 access to surface waters.

155 (b) Providing financial and technical assistance to local

156 governments, state agencies, and nonprofit organizations to

157 carry out projects and activities and to develop programs

158 authorized by this part.

159 (c) Involving local governments and private interests in

160 voluntarily resolving land use conflicts and issues.

161 Section 3. Subsection (12) of section 380.503, Florida

162 Statutes, is amended, and subsections (13) through (18) of that

163 section are renumbered as subsections (12) through (17),

164 respectively, to read:

165 380.503 Definitions.—As used in ss. 380.501-380.515,

166 unless the context indicates a different meaning or intent:

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167 ~~(12) "Site reservation" means temporarily acquiring and~~
 168 ~~holding areas identified for public use, then transferring the~~
 169 ~~land to an appropriate state agency, local government, or~~
 170 ~~nonprofit organization for management for public use.~~

171 Section 4. Subsections (2), (3), (6), and (7) of section
 172 380.507, Florida Statutes, are amended to read:

173 380.507 Powers of the trust.—The trust shall have all the
 174 powers necessary or convenient to carry out the purposes and
 175 provisions of this part, including:

176 (2) To undertake, coordinate, or fund activities and
 177 projects which will help bring local comprehensive plans into
 178 compliance and help implement the goals, objectives, and
 179 policies of the conservation, recreation and open space, and
 180 coastal elements of local comprehensive plans, or which will
 181 otherwise serve to conserve natural resources and resolve land
 182 use conflicts, including, but not limited to:

- 183 (a) Redevelopment projects.
- 184 (b) Resource enhancement projects.
- 185 (c) Public access projects.
- 186 (d) Urban waterfront restoration projects.

- 187 ~~(e) Site reservation.~~
- 188 (e)~~(f)~~ Urban greenways and open space projects.
- 189 (f)~~(g)~~ Working waterfronts.

190 (3) To provide technical ~~and financial~~ assistance to local
 191 governments, state agencies, water management districts,
 192 regional planning councils, and nonprofit agencies to carry out
 193 projects and activities and develop programs to achieve the
 194 purposes of this part.

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195 (6) To award grants ~~and make loans~~ to local governments
 196 and nonprofit organizations for the purposes listed in
 197 subsection (2) and for acquiring fee title and less than fee
 198 title, such as conservation easements or other interests in
 199 land, for the purposes of this part.

200 (7) To provide by grant ~~or loan~~ up to the total cost of
 201 any project approved according to this part, including the local
 202 share of federally supported projects. The trust may require
 203 local funding participation in projects. The trust shall
 204 determine the funding it will provide by considering the total
 205 amount of funding available for the project, the fiscal
 206 resources of other project participants, the urgency of the
 207 project relative to other eligible projects, and other factors
 208 which the trust shall have prescribed by rule. The trust may
 209 fund up to 100 percent of any local government land acquisition
 210 costs, if part of an approved project.

211 Section 5. Subsections (4) and (5) of section 380.508,
 212 Florida Statutes, are amended to read:

213 380.508 Projects; development, review, and approval.—

214 (4) Projects or activities which the trust undertakes,
 215 coordinates, or funds in any manner shall comply with the
 216 following guidelines:

217 (a) The purpose of redevelopment projects shall be to
 218 restore areas which are adversely affected by scattered
 219 ownership, poor lot layout, inadequate park and open space,
 220 incompatible land uses, or other conditions which endanger the
 221 environment or impede orderly development. Grants ~~and loans~~
 222 awarded for redevelopment projects shall be used for assembling

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223 parcels of land within redevelopment project areas for the
 224 redesign of such areas and for the installation of public
 225 improvements required to serve such areas. After redesign and
 226 installation of public improvements, if any, lands in
 227 redevelopment projects, with the exception of lands acquired for
 228 public purposes, shall be conveyed to any person for development
 229 in accordance with a redevelopment project plan approved
 230 according to this part.

231 (b) The purpose of resource enhancement projects shall be
 232 to enhance natural resources which, because of indiscriminate
 233 dredging or filling, improper location of improvements, natural
 234 or human-induced events, or incompatible land uses, have
 235 suffered loss of natural and scenic values. Grants ~~and loans~~
 236 awarded for resource enhancement projects shall be used for the
 237 assembly of parcels of land to improve resource management, for
 238 relocation of improperly located or designed improvements, and
 239 for other corrective measures which will enhance the natural and
 240 scenic character of project areas.

241 (c) The purpose of public access projects shall be to
 242 acquire interests in and initially develop lands which are
 243 suitable for and which will be used for public accessways to
 244 surface waters. The trust shall identify local governments and
 245 nonprofit organizations which will accept responsibility for
 246 maintenance and liability for public accessways which are
 247 located outside the state park system. The trust may lease any
 248 public access site developed under this part to a local
 249 government or nonprofit organization, provided that the
 250 conditions of the lease guarantee public use of the site. The

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251 trust may accept, from any local government or nonprofit
 252 organization, fees collected for providing public access to
 253 surface waters. The trust shall expend any such funds it accepts
 254 only for acquisition, development, and maintenance of such
 255 public accessways. To the maximum extent possible, the trust
 256 shall expend such fees in the general area where they are
 257 collected or in areas where public access to surface waters is
 258 clearly deficient. The trust may transfer funds, including such
 259 fees, to a local government or nonprofit organization to acquire
 260 public access sites. In developing or coordinating public access
 261 projects, the trust shall ensure that project plans involving
 262 beach access are consistent with state laws governing beach
 263 access.

264 (d) The purpose of urban waterfront restoration projects
 265 shall be to restore deteriorated or deteriorating urban
 266 waterfronts for public use and enjoyment. Urban waterfront
 267 restoration projects shall include public access sites.

268 (e) The purpose of working waterfront projects shall be to
 269 restore and preserve working waterfronts as provided in s.
 270 380.5105.

271 ~~(f) The trust shall cooperate with local governments,~~
 272 ~~state agencies, federal agencies, and nonprofit organizations in~~
 273 ~~ensuring the reservation of lands for parks, recreation, fish~~
 274 ~~and wildlife habitat, historical preservation, or scientific~~
 275 ~~study. In the event that any local government, state agency,~~
 276 ~~federal agency, or nonprofit organization is unable, due to~~
 277 ~~limited financial resources or other circumstances of a~~
 278 ~~temporary nature, to acquire a site for the purposes described~~

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279 ~~in this paragraph, the trust may acquire and hold the site for~~
 280 ~~subsequent conveyance to the appropriate governmental agency or~~
 281 ~~nonprofit organization. The trust may provide such technical~~
 282 ~~assistance as is required to aid local governments, state and~~
 283 ~~federal agencies, and nonprofit organizations in completing~~
 284 ~~acquisition and related functions. The trust shall not reserve~~
 285 ~~lands acquired in accordance with this paragraph for more than 5~~
 286 ~~years from the time of acquisition. A local government, federal~~
 287 ~~or state agency, or nonprofit organization may acquire the land~~
 288 ~~at any time during this period for public purposes. The purchase~~
 289 ~~price shall be based upon the trust's cost of acquisition, plus~~
 290 ~~administrative and management costs in reserving the land. The~~
 291 ~~payment of this purchase price shall be by money, trust-approved~~
 292 ~~property of an equivalent value, or a combination of money and~~
 293 ~~trust-approved property. If, after the 5-year period, the trust~~
 294 ~~has not sold to a governmental agency or nonprofit organization~~
 295 ~~land acquired for site reservation, the trust shall dispose of~~
 296 ~~such land at fair market value or shall trade it for other land~~
 297 ~~of comparable value which will serve to accomplish the purposes~~
 298 ~~of this part. Any proceeds from the sale of such land shall be~~
 299 ~~deposited in the Florida Communities Trust Fund.~~

300
 301 ~~Project costs may include costs of providing parks, open space,~~
 302 ~~public access sites, scenic easements, and other areas and~~
 303 ~~facilities serving the public where such features are part of a~~
 304 ~~project plan approved according to this part. In undertaking or~~
 305 ~~coordinating projects or activities authorized by this part, the~~
 306 ~~trust shall, when appropriate, use and promote the use of~~

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307 ~~creative land acquisition methods, including the acquisition of~~
 308 ~~less than fee interest through, among other methods,~~
 309 ~~conservation easements, transfer of development rights, leases,~~
 310 ~~and leaseback arrangements. The trust also shall assist local~~
 311 ~~governments in the use of sound alternative methods of financing~~
 312 ~~for funding projects and activities authorized by this part. Any~~
 313 ~~funds over and above eligible project costs, which remain after~~
 314 ~~completion of a project approved according to this part, shall~~
 315 ~~be transmitted to the state and deposited in the Florida~~
 316 ~~Communities Trust Fund.~~

317 (5) The governing body of the trust shall approve
 318 projects, project plans, and grants, ~~and loans~~ according to
 319 rules which it shall have adopted and which are consistent with
 320 the provisions of this part. In reviewing project plans and
 321 grant ~~and loan~~ applications, the trust shall seek to promote
 322 excellence of design and shall encourage projects which
 323 integrate structures into the natural environment.

324 Section 6. Section 380.510, Florida Statutes, is amended
 325 to read:

326 380.510 Conditions of grants ~~and loans~~.—

327 ~~(1) The trust may seek repayment of funds loaned pursuant~~
 328 ~~to this part on terms and conditions as it deems appropriate to~~
 329 ~~carry out the provisions of this part.~~

330 ~~(2) Trust loan applications may include a requirement that~~
 331 ~~the loan include all reasonable and necessary administrative~~
 332 ~~costs that the trust incurs in processing and administering the~~
 333 ~~loan application.~~

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334 (1)~~(3)~~ In the case of a grant ~~or loan~~ for land
 335 acquisition, agreements shall provide all of the following:
 336 (a) The trust shall approve the terms under which the
 337 interest in land is acquired.
 338 (b) The transfer of land acquired with a trust grant ~~or~~
 339 ~~loan~~ shall be subject to the approval of the trust, and the
 340 trust shall enter into a new agreement with the transferee,
 341 containing such covenants, reverter clauses, or other
 342 restrictions as are sufficient to protect the interest of the
 343 people of Florida.
 344 (c) The interest in land acquired with a ~~loan or~~ grant
 345 from the trust may not serve as security for any debt the
 346 grantee ~~or borrower~~ incurs unless the trust approves the
 347 transaction.
 348 (d) If any essential term or condition of a grant ~~or loan~~
 349 is violated, title to all interest in real property acquired
 350 with state funds shall be conveyed or revert to the Board of
 351 Trustees of the Internal Improvement Trust Fund. ~~The trust shall~~
 352 ~~treat such property in accordance with s. 380.508(4)(f).~~
 353 (e) If the existence of a nonprofit organization or local
 354 government terminates for any reason, title to all interest in
 355 real property it has acquired with state funds shall be conveyed
 356 or revert to the Board of Trustees of the Internal Improvement
 357 Trust Fund, unless the trust negotiates an agreement with
 358 another local government or nonprofit organization which agrees
 359 to accept title to all interest in and to manage the property.
 360 (f) The term of any grant using funds received from the
 361 Preservation 2000 Trust Fund, pursuant to s. 259.101(3)(c),

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362 shall be for a period not to exceed 24 months. The governing
 363 board of the trust may offer a grant with a shorter term and may
 364 extend a grant beyond 24 months when the grant recipient
 365 demonstrates that significant progress is being made toward
 366 closing the project or that extenuating circumstances warrant an
 367 extension of time. If a local government project which was
 368 awarded a grant is not closed within 24 months and the governing
 369 board of the trust does not grant an extension, the grant
 370 reverts to the trust's unencumbered balance of Preservation 2000
 371 funds to be redistributed to other eligible projects. The local
 372 government may reapply for a grant to fund the project in the
 373 trust's next application cycle.

374
 375 Any deed or other instrument of conveyance whereby a nonprofit
 376 organization or local government acquires real property under
 377 this section shall set forth the interest of the state. The
 378 trust shall keep at least one copy of any such instrument and
 379 shall provide at least one copy to the Board of Trustees of the
 380 Internal Improvement Trust Fund.

381 (2)~~(4)~~ The trust shall require in a grant ~~or loan~~
 382 agreement terms sufficient to protect the public interest in any
 383 improvement or development constructed under a grant ~~or loan~~ to
 384 a nonprofit organization or local government. The agreement
 385 shall describe with particularity any real property which is
 386 subject to the agreement, and the trust shall record the
 387 agreement in the county in which the real property is located.

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388 (3)~~(5)~~ Any funds the trust collects from a nonprofit
 389 organization or local government under a grant ~~or loan~~ agreement
 390 shall be deposited in the Florida Communities Trust Fund.

391 ~~(6) Funds the trust loans for land acquisition may, in~~
 392 ~~part, be used to pay reasonable real estate commission fees.~~

393 (4)~~(7)~~ Any funds received by the trust from the
 394 Preservation 2000 Trust Fund pursuant to s. 259.101(3)(c) and
 395 the Florida Forever Trust Fund pursuant to s. 259.105(3)(c)
 396 shall be held separate and apart from any other funds held by
 397 the trust and shall be used for the land acquisition purposes of
 398 this part. In addition to the other conditions set forth in this
 399 section, the disbursement of Preservation 2000 and Florida
 400 Forever funds from the trust shall be subject to the following
 401 conditions:

402 (a) The administration and use of any funds received by
 403 the trust from the Preservation 2000 Trust Fund and the Florida
 404 Forever Trust Fund shall be subject to such terms and conditions
 405 imposed thereon by the agency of the state responsible for the
 406 bonds, the proceeds of which are deposited in the Preservation
 407 2000 Trust Fund and the Florida Forever Trust Fund, including
 408 restrictions imposed to ensure that the interest on any such
 409 bonds issued by the state as tax-exempt bonds will not be
 410 included in the gross income of the holders of such bonds for
 411 federal income tax purposes.

412 (b) All deeds or leases with respect to any real property
 413 acquired with funds received by the trust from the Preservation
 414 2000 Trust Fund shall contain such covenants and restrictions as
 415 are sufficient to ensure that the use of such real property at

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416 all times complies with s. 375.051 and s. 9, Art. XII of the
 417 State Constitution. All deeds or leases with respect to any real
 418 property acquired with funds received by the trust from the
 419 Florida Forever Trust Fund shall contain such covenants and
 420 restrictions as are sufficient to ensure that the use of such
 421 real property at all times complies with s. 11(e), Art. VII of
 422 the State Constitution. Each deed or lease shall contain a
 423 reversion, conveyance, or termination clause that will vest
 424 title in the Board of Trustees of the Internal Improvement Trust
 425 Fund if any of the covenants or restrictions are violated by the
 426 titleholder or leaseholder or by some third party with the
 427 knowledge of the titleholder or leaseholder.

428 Section 7. Subsections (2) and (3) of section 380.511,
 429 Florida Statutes, are amended to read:

430 380.511 Florida Communities Trust Fund.—

431 (2) The trust may expend any moneys in the Florida
 432 Communities Trust Fund to acquire land, water areas, and related
 433 resources; to provide technical assistance to local governments
 434 to establish transfer of development rights programs within
 435 their jurisdictions; and to construct, improve, enlarge, extend,
 436 operate, and maintain capital improvements and facilities in
 437 accordance with this part, except as limited by s.

438 380.510 (4) ~~(7)~~.

439 (3) The trust may disburse moneys in the Florida
 440 Communities Trust Fund to pay all necessary expenses to carry
 441 out the purposes of this part, except as limited by s.

442 380.510 (4) ~~(7)~~.

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443 Section 8. Sections 163.455, 163.456, 163.457, 163.458,
 444 163.459, 163.460, 163.461, and 163.462, Florida Statutes, are
 445 repealed.

446 Section 9. Section 189.4035, Florida Statutes, is amended
 447 to read:

448 189.4035 Preparation of official list of special
 449 districts.—

450 (1) The Department of Community Affairs shall compile the
 451 official list of special districts pursuant to s. 189.412(2).
 452 ~~The official list of special districts shall include all special~~
 453 ~~districts in this state and shall indicate the independent or~~
 454 ~~dependent status of each district.~~ All special districts in the
 455 list shall be sorted by county. The definitions in s. 189.403
 456 shall be the criteria for determination of the independent or
 457 dependent status of each special district on the official list.
 458 The status of community development districts shall be
 459 independent on the official list of special districts.

460 ~~(2) The official list shall be produced by the department~~
 461 ~~after the department has notified each special district that is~~
 462 ~~currently reporting to the department, the Department of~~
 463 ~~Financial Services pursuant to s. 218.32, or the Auditor General~~
 464 ~~pursuant to s. 218.39. Upon notification, each special district~~
 465 ~~shall submit, within 60 days, its determination of its status.~~
 466 ~~The determination submitted by a special district shall be~~
 467 ~~consistent with the status reported in the most recent local~~
 468 ~~government audit of district activities submitted to the Auditor~~
 469 ~~General pursuant to s. 218.39.~~

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470 (2)~~(3)~~ The Department of Financial Services shall provide
 471 the department with a list of entities ~~dependent special~~
 472 ~~districts~~ reporting pursuant to s. 218.32 that appear to be
 473 special districts but are not included on the ~~for inclusion on~~
 474 ~~the~~ official list of special districts. The Auditor General
 475 shall provide the department with a list of entities reporting
 476 pursuant to s. 218.39 that appear to be special districts but
 477 are not included on the official list of special districts.

478 (3)~~(4)~~ The department shall contact each entity reported
 479 pursuant to subsection (2) to determine whether such entity
 480 meets the definition of a special district pursuant to s.
 481 189.403. Within 60 days after being contacted by the department,
 482 each entity shall submit to the department confirmation of its
 483 status as an independent special district or a dependent special
 484 district, or acknowledgment that the entity is not a special
 485 district. If an entity a special district does not submit
 486 confirmation of its status to the department within the required
 487 time period, then the department shall have the authority to
 488 determine the status of the entity ~~said district~~. After such
 489 determination of status is completed, the department shall
 490 convey ~~render~~ the determination to an agent of the entity
 491 ~~special district~~.

492 (4)~~(5)~~ The official list of special districts shall be
 493 made available electronically ~~distributed~~ by the department ~~on~~
 494 ~~October 1 of each year to the President of the Senate, the~~
 495 ~~Speaker of the House of Representatives, the Auditor General,~~
 496 ~~the Department of Revenue, the Department of Financial Services,~~
 497 ~~the Department of Management Services, the State Board of~~

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498 ~~Administration, counties, municipalities, county property~~
 499 ~~appraisers, tax collectors, and supervisors of elections and to~~
 500 ~~all interested parties pursuant to s. 189.412 who request the~~
 501 ~~list.~~

502 ~~(5)(6)~~ The compilation ~~Preparation~~ of the official list of
 503 special districts or the determination of status does not
 504 constitute final agency action pursuant to chapter 120. If ~~the~~
 505 ~~status of~~ a special district on the official list disputes its
 506 status on the official list ~~is inconsistent with the status~~
 507 ~~submitted by the district,~~ the district may request the
 508 department to issue a declaratory statement setting forth the
 509 requirements necessary to resolve the inconsistency. If
 510 necessary, upon issuance of a declaratory statement by the
 511 department which is not appealed pursuant to chapter 120, the
 512 governing board of any special district receiving such a
 513 declaratory statement shall apply to the entity which originally
 514 established the district for an amendment to its charter
 515 correcting the specified defects in its original charter. This
 516 amendment shall be for the sole purpose of resolving
 517 inconsistencies between a district charter and the status of a
 518 district as it appears on the official list. Such application
 519 shall occur as follows:

520 (a) In the event a special district was created by a local
 521 general-purpose government or state agency and applies for an
 522 amendment to its charter to confirm its independence, said
 523 application shall be granted as a matter of right. If
 524 application by an independent district is not made within 6
 525 months of rendition of a declaratory statement, the district

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526 shall be deemed dependent and become a political subdivision of
 527 the governing body which originally established it by operation
 528 of law.

529 (b) If the Legislature created a special district, the
 530 district shall request, by resolution, an amendment to its
 531 charter by the Legislature. Failure to apply to the Legislature
 532 for an amendment to its charter during the next regular
 533 legislative session following rendition of a declaratory
 534 statement or failure of the Legislature to pass a special act
 535 shall render the district dependent.

536 Section 10. Subsections (2) and (3) of section 189.412,
 537 Florida Statutes, are amended to read:

538 189.412 Special District Information Program; duties and
 539 responsibilities.—The Special District Information Program of
 540 the Department of Community Affairs is created and has the
 541 following special duties:

542 (2) The maintenance of a master list of all independent
 543 and dependent special districts pursuant to s. 189.4035, which
 544 shall be annually updated and made available electronically on
 545 the department's website. Such access shall at minimum allow the
 546 sorting of special districts by county and by dependent or
 547 independent status ~~distributed to the appropriate officials in~~
 548 ~~state and local governments.~~

549 (3) The electronic publishing and updating of a "Florida
 550 Special District Handbook" that contains, at a minimum:

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

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553 (b) A section or sections that specify current statutory
 554 provisions for special district creation, implementation,
 555 modification, dissolution, and operating procedures.

556 (c) A section that summarizes the reporting requirements
 557 applicable to all types of special districts as provided in ss.
 558 189.417 and 189.418.

559 Section 11. Section 189.427, Florida Statutes, is amended
 560 to read:

561 189.427 Fee schedule; Operating Trust Fund.—The Department
 562 of Community Affairs, by rule, shall establish a schedule of
 563 fees to pay ~~one-half of~~ the costs incurred by the department in
 564 administering this act, except that the fee may not exceed \$175
 565 per district per year. The fees collected under this section
 566 shall be deposited in the Operating Trust Fund, which shall be
 567 administered by the Department of Community Affairs. Any fee
 568 rule must consider factors such as the dependent and independent
 569 status of the district and district revenues for the most recent
 570 fiscal year as reported to the Department of Financial Services.
 571 The department may assess fines of not more than \$25, with an
 572 aggregate total not to exceed \$50, as penalties against special
 573 districts that fail to remit required fees to the department by
 574 the deadline. ~~It is the intent of the Legislature that general~~
 575 ~~revenue funds will be made available to the department to pay~~
 576 ~~one-half of the cost of administering this act.~~

577 Section 12. All powers, duties, functions, records,
 578 personnel, property; unexpended balances of appropriations,
 579 allocations, or other funds; administrative authority;
 580 administrative rules; pending issues; and existing contracts of

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581 the Small County Technical Assistance Program in the Department
 582 of Agriculture and Consumer Services, as authorized and governed
 583 by s. 163.05, Florida Statutes, are transferred by a type two
 584 transfer, as defined in s. 20.06(2), Florida Statutes, to the
 585 Department of Community Affairs.

586 Section 13. Section 163.05, Florida Statutes, is reenacted
 587 and amended to read:

588 163.05 Small County Technical Assistance Program.—

589 (1) Among small counties, the Legislature finds that:

590 (a) The percentage of the population of small counties
 591 residing in the unincorporated areas is relatively high based on
 592 the United States Decennial Census of 2000.

593 (b) Projected revenue and expenditure trends of the small
 594 counties indicate that a serious fiscal condition has developed
 595 that could require a number of small counties to declare
 596 financial emergencies.

597 (c) Fiscal shortfalls persist even though 12 of the small
 598 counties levied the maximum ad valorem millage authorized in
 599 their jurisdictions in 2001 and an additional 15 small counties
 600 levied between 8 and 10 mills.

601 (d) State and federal mandates will continue to place
 602 additional funding demands on small counties.

603 (2) Recognizing the findings in subsection (1), the
 604 Legislature declares that:

605 (a) The financial difficulties confronting small counties
 606 require an investment that will facilitate efforts to improve
 607 the productivity and efficiency of small counties' structures
 608 and operating procedures.

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609 (b) Current and additional revenue enhancements authorized
 610 by the Legislature should be managed and administered using
 611 appropriate management practices and expertise.

612 (3) The purpose of this section is to provide technical
 613 assistance to small counties to enable them to implement
 614 workable solutions to financial and administrative problems. As
 615 used in this section, "small county" means a county that has a
 616 population of 75,000 or less.

617 (4) The Secretary of Community Affairs ~~Commissioner of~~
 618 ~~Agriculture~~ shall enter into contracts with program providers
 619 who shall:

620 (a) Be a foundation that meets the requirements for
 621 nonprofit status under s. 501(c)(3) of the Internal Revenue Code
 622 with a governing board which includes in its membership county
 623 commissioners and professional staff of the county.

624 (b) Have substantial and documented experience working
 625 closely with county governments in providing both educational
 626 and technical assistance.

627 (c) Use existing resources, services, and information that
 628 are available from state or local agencies, universities, or the
 629 private sector.

630 (d) Seek and accept funding from any public or private
 631 source.

632 (e) Assist small counties in developing alternative
 633 revenue sources.

634 (f) Provide assistance to small counties in areas such as
 635 financial management, accounting, investing, purchasing,
 636 planning and budgeting, debt issuance, public management,

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637 management systems, computers and information technology,
 638 economic and community development, and public safety
 639 management.

640 (g) Provide for an annual independent financial audit of
 641 the program.

642 (h) In each county served, conduct a needs assessment upon
 643 which the assistance provided for that county will be designed.

644 (5) (a) The Secretary of Community Affairs ~~Commissioner of~~
 645 ~~Agriculture~~ shall issue a request for proposals to provide
 646 assistance to small counties. The request for proposals shall be
 647 required no more frequently than every third year beginning with
 648 fiscal year 2004-2005. All contracts in existence on the
 649 effective date of this act between the Comptroller and any other
 650 party with respect to the Small County Technical Assistance
 651 Program may be accepted by the Secretary of Community Affairs
 652 ~~Commissioner of Agriculture~~ as the party in interest and said
 653 contracts shall remain in full force and effect according to
 654 their terms.

655 (b) The Secretary of Community Affairs ~~Commissioner of~~
 656 ~~Agriculture~~ shall review each contract proposal submitted.

657 (c) The Secretary of Community Affairs ~~Commissioner of~~
 658 ~~Agriculture~~ shall consider the following factors in reviewing
 659 contract proposals:

660 1. The demonstrated capacity of the provider to conduct
 661 needs assessments and implement the program as proposed.

662 2. The number of small counties to be served under the
 663 proposal.

664 3. The cost of the program as specified in a proposed

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665 budget.

666 4. The short-term and long-term benefits of the assistance
667 to small counties.

668 5. The form and extent to which existing resources,
669 services, and information that are available from state and
670 local agencies, universities, and the private sector will be
671 used by the provider under the contract.

672 (6) A decision of the Secretary of Community Affairs
673 ~~Commissioner of Agriculture~~ to award a contract under this
674 section is final and shall be in writing.

675 (7) The Secretary of Community Affairs ~~Commissioner of~~
676 ~~Agriculture~~ shall provide fiscal oversight to ensure that funds
677 expended for the program are used in accordance with the
678 contracts entered into pursuant to subsection (4) and shall
679 conduct a performance review of the program as may be necessary
680 to ensure that the goals and objectives of the program are being
681 met.

682 Section 14. Subsections (4) and (5) of section 215.559,
683 Florida Statutes, are amended to read:

684 215.559 Hurricane Loss Mitigation Program.—

685 (4) Of moneys provided to the Department of Community
686 Affairs in paragraph (2) (a), 10 percent shall be allocated to
687 the Florida International University center dedicated to
688 hurricane research. The center shall develop a preliminary work
689 plan ~~approved by the advisory council set forth in subsection~~
690 ~~(5)~~ to eliminate the state and local barriers to upgrading
691 existing mobile homes and communities, research and develop a
692 program for the recycling of existing older mobile homes, and

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693 support programs of research and development relating to
 694 hurricane loss reduction devices and techniques for site-built
 695 residences. The State University System also shall consult with
 696 the Department of Community Affairs and assist the department
 697 with the report required under subsection (7).

698 (5) Except for the programs set forth in subsection (4),
 699 the Department of Community Affairs shall develop the programs
 700 set forth in this section in consultation with the State Hazard
 701 Mitigation Plan Advisory Team. ~~an advisory council consisting of~~
 702 ~~a representative designated by the Chief Financial Officer, a~~
 703 ~~representative designated by the Florida Home Builders~~
 704 ~~Association, a representative designated by the Florida~~
 705 ~~Insurance Council, a representative designated by the Federation~~
 706 ~~of Manufactured Home Owners, a representative designated by the~~
 707 ~~Florida Association of Counties, and a representative designated~~
 708 ~~by the Florida Manufactured Housing Association.~~

709 Section 15. All powers, duties, functions, records,
 710 personnel, property; unexpended balances of appropriations,
 711 allocations, or other funds; administrative authority;
 712 administrative rules; pending issues; and existing contracts of
 713 the Hurricane Loss Mitigation Program Advisory Council in the
 714 Division of Emergency Management of the Department of Community
 715 Affairs, as created by s. 215.559(5), Florida Statutes, are
 716 transferred by a type two transfer, as defined in s. 20.06(2),
 717 Florida Statutes, to the State Hazard Mitigation Plan Advisory
 718 Team.

719 Section 16. Section 163.3247, Florida Statutes, is
 720 repealed.

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721 Section 17. Paragraph (c) of subsection (1) of section
 722 201.15, Florida Statutes, as amended by chapter 2009-271, Laws
 723 of Florida, is amended to read:

724 201.15 Distribution of taxes collected.—All taxes
 725 collected under this chapter are subject to the service charge
 726 imposed in s. 215.20(1). Prior to distribution under this
 727 section, the Department of Revenue shall deduct amounts
 728 necessary to pay the costs of the collection and enforcement of
 729 the tax levied by this chapter. Such costs and the service
 730 charge may not be levied against any portion of taxes pledged to
 731 debt service on bonds to the extent that the costs and service
 732 charge are required to pay any amounts relating to the bonds.
 733 After distributions are made pursuant to subsection (1), all of
 734 the costs of the collection and enforcement of the tax levied by
 735 this chapter and the service charge shall be available and
 736 transferred to the extent necessary to pay debt service and any
 737 other amounts payable with respect to bonds authorized before
 738 January 1, 2010, secured by revenues distributed pursuant to
 739 subsection (1). All taxes remaining after deduction of costs and
 740 the service charge shall be distributed as follows:

741 (1) Sixty-three and thirty-one hundredths percent of the
 742 remaining taxes shall be used for the following purposes:

743 (c) After the required payments under paragraphs (a) and
 744 (b), the remainder shall be paid into the State Treasury to the
 745 credit of:

746 1. The State Transportation Trust Fund in the Department
 747 of Transportation in the amount of the lesser of 38.2 percent of
 748 the remainder or \$541.75 million in each fiscal year, to be used

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749 for the following specified purposes, notwithstanding any other
750 law to the contrary:

751 a. For the purposes of capital funding for the New Starts
752 Transit Program, authorized by Title 49, U.S.C. s. 5309 and
753 specified in s. 341.051, 10 percent of these funds;

754 b. For the purposes of the Small County Outreach Program
755 specified in s. 339.2818, 5 percent of these funds. Effective
756 July 1, 2014, the percentage allocated under this sub-
757 subparagraph shall be increased to 10 percent;

758 c. For the purposes of the Strategic Intermodal System
759 specified in ss. 339.61, 339.62, 339.63, and 339.64, 75 percent
760 of these funds after allocating for the New Starts Transit
761 Program described in sub-subparagraph a. and the Small County
762 Outreach Program described in sub-subparagraph b.; and

763 d. For the purposes of the Transportation Regional
764 Incentive Program specified in s. 339.2819, 25 percent of these
765 funds after allocating for the New Starts Transit Program
766 described in sub-subparagraph a. and the Small County Outreach
767 Program described in sub-subparagraph b. Effective July 1, 2014,
768 the first \$60 million of the funds allocated pursuant to this
769 sub-subparagraph shall be allocated annually to the Florida Rail
770 Enterprise for the purposes established in s. 341.303(5).

771 2. The Grants and Donations Trust Fund in the Department
772 of Community Affairs in the amount of the lesser of .23 percent
773 of the remainder or \$3.25 million in each fiscal year, with 92
774 percent to be used to fund technical assistance to local
775 governments and school boards on the requirements and

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776 implementation of this act ~~and the remaining amount to be used~~
 777 ~~to fund the Century Commission established in s. 163.3247.~~

778 3. The Ecosystem Management and Restoration Trust Fund in
 779 the amount of the lesser of 2.12 percent of the remainder or \$30
 780 million in each fiscal year, to be used for the preservation and
 781 repair of the state's beaches as provided in ss. 161.091-
 782 161.212.

783 4. General Inspection Trust Fund in the amount of the
 784 lesser of .02 percent of the remainder or \$300,000 in each
 785 fiscal year to be used to fund oyster management and restoration
 786 programs as provided in s. 379.362(3).

787
 788 Moneys distributed pursuant to this paragraph may not be pledged
 789 for debt service unless such pledge is approved by referendum of
 790 the voters.

791 Section 18. This act shall take effect July 1, 2010.