



Finance and Tax Subcommittee

Tuesday, April 1, 2014

2:30 p.m. – 5:00 p.m.

Morris Hall

MEETING PACKET

The Florida House of Representatives

Finance and Tax Subcommittee



Will Weatherford
Speaker

Ritch Workman
Chair

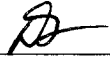
AGENDA

April 1, 2014
2:30 p.m. – 5:00 p.m.
Morris Hall

- I. Call to Order/Roll Call
- II. Chair's Opening Remarks
- III. **Consideration of the following bill(s):**
CS/HB 797 Clerks of Court by Civil Justice Subcommittee, Pilon
CS/HB 951 Collier County by Local & Federal Affairs Committee, Hudson
HB 1223 Medical Tourism by Rooney
CS/HB 1237 Special Districts by Local & Federal Affairs Committee, Metz
- IV. Closing Remarks and Adjournment

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 797 Clerks of Court
SPONSOR(S): Civil Justice Subcommittee; Pilon
TIED BILLS: None **IDEN./SIM. BILLS:** CS/SB 788

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Civil Justice Subcommittee	12 Y, 0 N, As CS	Ward	Bond
2) Finance & Tax Subcommittee		Wolfgang (W)	Langston 
3) Judiciary Committee			

SUMMARY ANALYSIS

Tax certificates are sold to pay delinquent real property taxes. After two years of delinquent taxes, a certificateholder may request a sale of the property to satisfy the taxes, interest, costs of examining the title and advertising the sale. If the property sold is homestead, the minimum bid of a successful bidder must be at least one-half of the assessed value of the homestead property. Certain properties not sold at tax deed sale are added to a list of properties available for purchase from the county for taxes ("lands available for taxes").

The bill:

- Provides for certain tax certificates on homesteads to be purchased from the county;
- Provides that a tax certificate may be redeemed any time before the title is issued, if paid in full;
- Requires the tax certificate holder to pay the costs of resale if the tax deed sale is unsuccessful;
- Provides for certain unsold property to be placed on the list of "lands available for taxes;"
- Deletes the requirement that legal titleholders of contiguous property be notified when the county does not elect to purchase property on the list of "lands available for taxes."
- Requires payment of the homestead assessment within 15 days of the tax deed sale;
- Provides for advertisement and scheduling of a second sale if the buyer fails to pay at the first sale; and
- Removes the requirement for unlimited recurring sales if the property is not sold.

The bill provides that the notice process required by the tax deed statute satisfies the notice requirement for unclaimed surplus funds resulting from a tax deed sale. Excess sale proceeds are presumed payable on the date the notice is mailed by the clerk that the funds are on hand to establish a beginning for the one year reporting date for holders of unclaimed property to the state. Lienholders will be paid by the clerk according to their record interests. The clerk may file an interpleader action in the event of any dispute.

Jurors and witnesses are currently paid by the clerk of the court either in cash or by warrant within 20 days after completion of service. The bill provides that jurors and witnesses can also be paid by check.

Currently, a party applying for a garnishment must deposit \$100 in the court registry for payment to the garnishee for payment of the attorney's fee of the garnishee. The bill provides that the attorney fee will be paid directly to the garnishee's attorney instead of through the court registry.

The bill makes other technical and grammatical changes to the statutes amended in the bill.

The bill does not appear to have a fiscal impact on the state or local governments.

The bill provides an effective date of July 1, 2014.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

Clerks of the Circuit Courts - In General

The clerk of the court is a county constitutional officer.¹ The responsibilities of the clerk of the court may be divided between two officers, one serving as clerk of the court and one serving as clerk of the board of county commissioners, to serve the role of auditor, recorder, and custodian of all county funds. In the role of clerk of the court, the clerk is responsible for:

- case maintenance;
- records management;
- court preparation and attendance;
- processing the assignment, reopening, and reassignment of cases;
- processing of appeals;
- collection and distribution of fines, fees, service charges, and court costs;
- processing of bond forfeiture payments;
- payment of jurors and witnesses;
- payment of expenses for meals or lodging provided to jurors;
- data collection and reporting;
- processing of jurors; and
- determinations of indigent status.²

Tax Certificates and Sales for Taxes

Chapter 197, F.S., and rule 12D-13, F.A.C., govern the process used for the collection of unpaid taxes. The right to due process before the government takes property from a citizen is a constitutional right, and these statutes and rules help ensure that adequate procedures are in place to avoid infringing upon this right.³

A tax certificate is a legal document, issued by counties against a specific parcel of real property for unpaid delinquent real property taxes, non-ad valorem assessments, special assessments, interest, and related costs and charges.⁴ A tax certificate is a lien against the real property which can lead to public sale of the property. The tax collector can sell these tax certificates to individuals or entities that will pay the taxes, interest, costs, and charges and will demand the lowest rate of interest.⁵ This allows the local government to raise funds for current expenditures and provides the certificateholder with the right to collect the value of the certificate, which is secured by certain rights against the property.⁶

When a tax certificate is redeemed (paid by the property owner), the certificateholder will receive the amount of his or her investment (the tax certificate face amount) plus the interest accrued up to the date of redemption. A tax certificate can be redeemed any time before a tax deed is issued or the property is placed on the list of lands available for sale either by redeeming a tax certificate from the investor or by purchasing a county-held tax certificate. The person redeeming or purchasing the tax

¹ Art. V s. 16, Fla. Const.

² Section 28.35(3)(a), F.S.

³ See, e.g., *Rosado v. Vosilla*, 909 So. 2d 505 (Fla. 5th DCA 2005), decision approved, 944 So. 2d 289 (Fla. 2006); *Delta Property Management, Inc. v. Profile Investments, Inc.*, 875 So. 2d 443 (Fla. 2004).

⁴ Section 197.102(1)(f), F.S.

⁵ Section 197.432, F.S.

⁶ See s. 197.432, F.S., and *Smith v. City of Arcadia*, 185 So. 2d 762 (Fla. 2d DCA 1966) (“Tax certificates are only a means of evidencing unpaid taxes and to enable the sale thereof for the purpose of realizing funds for current governmental expenditures.”).

certificate is required to pay the face amount of the certificate, plus costs and charges and all interest due, which is either the interest rate due on the certificate or a 5 percent mandatory minimum interest, whichever is greater.⁷ The tax collector then pays the certificate owner the amount received by the tax collector, less the redemption fee.⁸

A tax certificate having a value of less than \$250 in delinquent taxes on property that has been granted a homestead exemption for the year in which the delinquent taxes were assessed may not be sold at public auction.⁹ Instead, the tax collector must issue the tax certificate to the county at the maximum rate of interest allowed. The county may not sell the county-held tax certificate for these tax certificates that are valued under \$250, nor can the county apply for a tax deed.¹⁰

After 2 years have passed since of the year the tax certificate is issued as of April 1, and provided that the certificate is not cancelled, the certificateholder may file the certificate and an application for a tax deed with the tax collector of the county where the property described in the certificate is located.¹¹ A certificateholder can apply to obtain a tax deed by paying the tax collector all amounts required for redemption or purchase of all other outstanding tax certificates, and interest, omitted taxes plus interest, delinquent taxes plus interest, and current taxes due.¹² Upon completion of the tax deed application, the tax collector delivers the tax deed application to the clerk and requests that a tax deed sale be held.¹³

When property is sold by the clerk of court at a public auction, the certificateholder has the right to bid. If the property is homestead property, in addition to inclusion of delinquent taxes in the bid, the certificateholder must include in the minimum bid an amount equal to one-half of the assessed value of the homestead property.¹⁴ The high bidder must post a nonrefundable deposit of 5 percent of the bid or \$200, whichever is greater, to be applied to the sale price at the time of full payment.¹⁵ If full payment of the final bid is not made when due, the clerk cancels all bids, immediately readvertises the sale to be held within 30 days, and pays all costs of the sale from the deposit.¹⁶ Any remaining funds must be applied toward the opening bid.¹⁷

If no one bids at a public sale on a county-held certificate, the clerk must enter the land on a list of "lands available for taxes" and must immediately notify the county commission and all other certificateholders that the property is available.¹⁸ During the first 90 days after the property is listed, the county may purchase the land for the bid. If the county does not, the county must notify each legal titleholder of the property contiguous to the property available for taxes during the 90-day period.

If the property is purchased by someone other than the certificateholder and in a higher amount than the statutory bid, the excess is paid over and disbursed by the clerk in priority order to lienholders and the former property owner as set out in s. 197.582(2), F.S.¹⁹ The clerk must notify by mail all persons having an interest in any balance of undisbursed funds.²⁰

⁷ Section 197.472, F.S.

⁸ *Id.*

⁹ Section 197.432(4), F.S.

¹⁰ Sections 197.432(4), 197.4725, and 197.502(3), F.S.

¹¹ Section 197.502(1), F.S.

¹² Section 197.502(2), F.S.

¹³ Rule 12D-13.060, F.A.C.

¹⁴ Section 197.542(1), F.S.

¹⁵ Section 197.542(2), F.S.

¹⁶ Section 197.542(1) and (2), F.S.

¹⁷ *Id.*

¹⁸ Section 197.502(7), F.S.

¹⁹ Section 197.582, F.S.

²⁰ *Id.*

If there are no higher bids at the public sale, the property is sold to the certificate holder.²¹ If the sale is canceled or the buyer fails to make full payment, the clerk "shall immediately re-advertise and hold the sale within 30 days."²² Department of Revenue rules²³ currently require re-publication for re-sale of homestead property when no one bids on the property; and statutes require re-publication and re-sale of a property if the sale is canceled. Neither provision establishes a responsible party for costs of re-sale nor sets a payment deadline.

Proposed Changes

The bill:

- Provides that tax certificates on homesteads under \$250 that are issued to the county may be purchased from the county once they reach \$250 in taxes and interest;
- Provides that a tax certificate may be redeemed any time before the tax deed is issued unless full payment for the tax deed has been made, including documentary stamps and recording fees;
- Deletes language specifying that a person may redeem a tax certificate at any time before the property is placed on the list of lands available for public sale.
- Provides that a county may not apply for a tax deed in the year of the most recent certificate on homestead property where the outstanding certificates and interest amount to less than \$250.
- Requires the certificateholder to pay the costs of resale within 15 days of notice from the clerk, or the certificate is cancelled by entering the land on the list of "lands available for taxes;"
- Removes a requirement to notify all other persons holding tax certificates against a property in the event:
 - There are no bidders at a tax deed sale,
 - Costs for a subsequent sale are not paid within 15 days of the sale, and
 - The clerk enters the land on the list of "lands available for taxes;"
- Deletes the requirement that legal titleholders of contiguous property be notified when the county does not elect to purchase property on the list of "lands available for taxes."
- Provides that holders of certificates on unsold homestead property must pay one half the value of the homestead within 15 days of the sale or the property is entered on the list of "lands available for taxes;"
- Provides that if the sale is canceled or the buyer fails to make full payment within the time required, the clerk must readvertise the sale within 30 days of the buyer's nonpayment or, if canceled, within 30 days after the clerk receives the re-sale costs, with sale to be held within 30 days of readvertising;
- Provides that in a subsequent sale at which there are no bidders, where the certificate holder fails to pay the amount due within 15 days, the property will be placed on list of "lands available for taxes." and
- Removes the requirement for unlimited recurring sales if the property is not sold.

Current Situation

Surplus Funds from Tax Deed Sales

Proceeds from tax deed sales are distributed by the clerk according to statute.²⁴ If there are excess proceeds, the clerk holds the funds for the benefit of parties who held an interest in the property, such as a mortgage or lienholder and the former owner.²⁵

²¹ *Id.*

²² Section 197.542(3), F.S.

²³ 12D-13.063, F.A.C.

²⁴ Section 197.582(2), F.S.

²⁵ *Id.* Parties with an interest in the real property are given notice pursuant to s. 197.502(4), F.S.

Currently, clerks are required to provide notice to former titleholders and lienholders for surplus funds twice - once pursuant to the tax-deed statutes and again as unclaimed property.²⁶ In addition, the date from which the one year period for reporting as required by the unclaimed property statute is unclear with respect to surplus proceeds from tax deed sales.²⁷

Proposed Change

The bill amends s. 197.582, F.S., to streamline the process by allowing the notice process required by the tax deed statutes to also satisfy the notice requirement for unclaimed funds.²⁸ It also provides that excess sale proceeds are presumed payable on the date the notice is mailed by the clerk that the funds are on hand under s. 197.582, F.S. This establishes a beginning for the one year reporting date for holders of unclaimed property to the state.²⁹

The bill further establishes distribution in accordance with lienholders' record priorities and provides for the filing of an interpleader with assessment of fees in the event of a dispute.

Current Situation

Juror and Witness Fees

Jurors may be compensated for their service in certain instances.³⁰ Juries may also receive meals and lodging.³¹ Witnesses testifying in a court case may also be paid for their services.³² The clerks are responsible for disbursing payments to jurors and witnesses, and may do so by cash or warrant.³³

Proposed Change

The bill provides that jurors and witnesses can also be paid by check.

Current Situation

Garnishment

"Garnishment is a type of summary remedy historically available to a creditor whereby a person's property, money, or credits in the possession of, under the control of, or owing by a third person known as the garnishee are applied to payment of the debtor's obligation to the creditor by proper statutory process against the debtor and the garnishee."³⁴ "Garnishment consists of notifying a third party to retain something that the third party has belonging to the defendant, to make disclosure to the court concerning it, and to dispose of it as the court directs."³⁵ Garnishment is governed by ch. 77, F.S.

Currently, a party applying for a garnishment must deposit \$100 in the court registry for payment to the garnishee on demand at any time after the service of the writ for payment of the attorney fee of the garnishee in obtaining representation in response to the writ.

²⁶ Section 717.117(1), F.S.

²⁷ Section 717.117(3), F.S.

²⁸ Section 197.522(4), F.S.

²⁹ Section 717.117(3), F.S.

³⁰ Section 40.24, F.S., provides that jurors who are not regularly employed or who do not continue to receive regular wages while serving as a juror are entitled to receive \$15 per day for the first 3 days of service and \$30 for each day thereafter. Section 40.24(3)(a) and (b), F.S.

³¹ Section 40.26, F.S.

³² Section 40.32(1), F.S.

³³ Section 40.32(3), F.S.

³⁴ 13 Fla. Jur 2d Creditors' Rights § 59.

³⁵ *Id.*

Proposed Change

The bill amends s. 77.28, F.S., to eliminate the attorney fee payment from being processed through the court system and directs the party to pay the garnishee's attorney directly.

The bill provides an effective date of July 1, 2014.

B. SECTION DIRECTORY:

Section 1 amends s. 40.32, F.S., relating to clerks to disburse money; payments to jurors and witnesses.

Section 2 amends s. 77.27, F.S., relating to no appeal until fees are paid.

Section 3 amends s. 77.28, F.S., relating to garnishment; attorney's fees costs; expenses; deposit required.

Section 4 amends s. 197.432, F.S., relating to sale of tax certificates for unpaid taxes.

Section 5 amends s. 197.472, F.S., relating to redemption of tax certificates.

Section 6 amends s. 197.502, F.S., relating to application for obtaining tax deed by holder of tax sale certificate, fees.

Section 7 amends s. 197.542, F.S., relating to tax deed sale at public auction.

Section 8 amends s. 197.582, F.S., relating to disbursement of proceeds of tax deed sale.

Section 9 provides an effective date of July 1, 2014.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The bill does not appear to have any impact on state revenues.

2. Expenditures:

The bill does not appear to have any impact on state expenditures.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

This bill has an indeterminate impact on local government revenues because it makes it easier for local governments to place properties on "lands available for taxes" rather than readvertising them for sale at public auction.

2. Expenditures:

Local governments will likely have to spend less money on readvertising property for sale and it removes the court system from processing garnishments under s. 77.28, F.S.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Unknown.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not appear to require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill does not appear to create a need for rulemaking or rulemaking authority.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On March 12, 2014, the Civil Justice Subcommittee adopted one amendment and reported the bill favorably as a committee substitute. The amendment:

- Removed a provision that the Department of Highway Safety and Motor Vehicles must suspend the vehicle registration of a person who has failed to pay costs and fines to the Clerk of Court under a payment plan;
- Removed a provision that all other persons holding tax certificates must be notified in the event that a tax deed sale is unsuccessful;
- Removed a provision that in the event of an uncompleted tax deed sale, contiguous property owners be notified within 90 days of the property being placed on the list of "lands available for taxes;"
- Removed a provision which prevents counties from applying for tax deeds on certain county-owned tax certificates; and
- Added a provision that a county may not apply for a tax deed on a county-held certificate whose value is less than \$250 where the underlying property is homestead.

This analysis is drafted to the committee substitute as passed by the Civil Justice Subcommittee.

1 A bill to be entitled
2 An act relating to clerks of court; amending s. 40.32,
3 F.S.; authorizing jurors and witnesses to be paid by
4 check; amending s. 77.27, F.S.; conforming a provision
5 to changes made by the act; amending s. 77.28, F.S.;
6 requiring a party applying for garnishment to pay a
7 deposit to the garnishee, rather than in the registry
8 of the court; deleting a provision that requires the
9 clerk to collect a specified fee; amending s. 197.432,
10 F.S.; providing requirements for the sale of tax
11 certificates; amending s. 197.472, F.S.; revising
12 requirements for the redemption of tax certificates;
13 amending s. 197.502, F.S.; requiring the
14 certificateholder to pay costs of resale within 15
15 days under certain circumstances; providing
16 circumstances under which land shall be placed on a
17 specified list; prohibiting a county from applying for
18 a tax deed under certain circumstances; deleting a
19 provision relating to a notification procedure;
20 amending s. 197.542, F.S.; requiring the
21 certificateholder to pay a specified amount of the
22 assessed value of the homestead under certain
23 circumstances; providing circumstances under which
24 land shall be placed on a specified list; amending s.
25 197.582, F.S.; clarifying notice requirements;
26 providing for excess proceeds relating to unclaimed

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27 property; requiring the clerk to ensure that excess
 28 funds are paid according to specified priorities;
 29 providing for interpleader actions and the award of
 30 reasonable fees and costs; providing an effective
 31 date.

32
 33 Be It Enacted by the Legislature of the State of Florida:

34
 35 Section 1. Subsection (3) of section 40.32, Florida
 36 Statutes, is amended to read:

37 40.32 Clerks to disburse money; payments to jurors and
 38 witnesses.—

39 (3) Jurors and witnesses shall be paid by the clerk of the
 40 court ~~either~~ in cash, by check, or by warrant within 20 days
 41 after completion of jury service or ~~of~~ completion of service as
 42 a witness.

43 (a) If ~~Whenever~~ the clerk of the court pays a juror or
 44 witness by cash, the juror or witness shall sign the payroll in
 45 the presence of the clerk, a deputy clerk, or some other person
 46 designated by the clerk.

47 (b) If ~~Whenever~~ the clerk pays a juror or witness by
 48 warrant, he or she shall endorse on the payroll opposite the
 49 juror's or witness's name the words "Paid by warrant," giving
 50 the number and date of the warrant.

51 Section 2. Section 77.27, Florida Statutes, is amended to
 52 read:

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53 77.27 No appeal until fees are paid.—If the writ is
 54 dismissed or plaintiff fails to sustain his or her claim, an ~~no~~
 55 appeal from the judgment is not ~~shall be~~ permitted until the
 56 attorney ~~attorney's~~ fee provided in s. 77.28 has been paid ~~into~~
 57 ~~court~~.

58 Section 3. Section 77.28, Florida Statutes, is amended to
 59 read:

60 77.28 Garnishment; attorney ~~attorney's~~ fees, costs,
 61 expenses; deposit required.—Before issuance of any writ of
 62 garnishment, the party applying for it shall pay ~~deposit~~ \$100 ~~in~~
 63 ~~the registry of the court which shall be paid~~ to the garnishee
 64 on the garnishee's demand at any time after the service of the
 65 writ for the payment or part payment of his or her attorney
 66 ~~attorney's~~ fee which the garnishee expends or agrees to expend
 67 in obtaining representation in response to the writ. ~~At the time~~
 68 ~~of deposit, the clerk shall collect the statutory fee provided~~
 69 ~~by s. 28.24(10) in addition to the \$100 deposited into the~~
 70 ~~registry of the court.~~ On rendering final judgment, the court
 71 shall determine the garnishee's costs and expenses, including a
 72 reasonable attorney ~~attorney's~~ fee, and in the event of a
 73 judgment in favor of the plaintiff, the amount is ~~shall be~~
 74 subject to offset by the garnishee against the defendant whose
 75 property or debt owing is being garnished. In addition, the
 76 court shall tax the garnishee's costs and expenses as costs. The
 77 plaintiff may recover in this manner the sum advanced by him or
 78 her ~~plaintiff and paid into registry of court~~, and, if the

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79 amount allowed by the court is greater than the amount paid ~~of~~
 80 ~~the deposit,~~ together with any offset, judgment for the
 81 garnishee shall be entered against the party against whom the
 82 costs are taxed for the deficiency.

83 Section 4. Subsection (4) of section 197.432, Florida
 84 Statutes, is amended to read:

85 197.432 Sale of tax certificates for unpaid taxes.—

86 (4) A tax certificate representing less than \$250 in
 87 delinquent taxes on property that has been granted a homestead
 88 exemption for the year in which the delinquent taxes were
 89 assessed may not be sold at public auction or by electronic sale
 90 as provided in subsection (1) but must be issued by the tax
 91 collector to the county at the maximum rate of interest allowed.
 92 ~~The provisions of s. 197.4725 or s. 197.502(3) may not be~~
 93 ~~invoked if the homestead exemption is granted to the person who~~
 94 ~~received the homestead exemption for the year in which the tax~~
 95 ~~certificate was issued.~~ However, if all of the outstanding such
 96 tax certificates and accrued interest and the current tax
 97 certificate represent an amount of \$250 or more, the current tax
 98 certificate must be offered for sale pursuant to subsection (1).

99 A county that acquires a tax certificate pursuant to this
 100 subsection may not sell the tax certificate pursuant to s.
 101 197.4725 s. 197.502(3) shall be used to determine whether the
 102 county must apply for a tax deed.

103 Section 5. Subsection (1) of section 197.472, Florida
 104 Statutes, is amended to read:

105 197.472 Redemption of tax certificates.-

106 (1) A ~~Any~~ person may redeem a tax certificate at any time
 107 after the certificate is issued and before a tax deed is issued
 108 unless full payment for the tax deed is made to the clerk of the
 109 court, including documentary stamps and recording fees ~~or the~~
 110 ~~property is placed on the list of lands available for sale.~~ The
 111 person redeeming a tax certificate shall pay the tax collector
 112 the face amount plus all interest, costs, and charges.

113 Section 6. Subsections (2), (3), and (7) of section
 114 197.502, Florida Statutes, are amended to read:

115 197.502 Application for obtaining tax deed by holder of
 116 tax sale certificate; fees.-

117 (2) A certificateholder, other than the county, who makes
 118 application for a tax deed shall pay the tax collector at the
 119 time of application all amounts required for redemption or
 120 purchase of all other outstanding tax certificates, plus
 121 interest, any omitted taxes, plus interest, any delinquent
 122 taxes, plus interest, and current taxes, if due, covering the
 123 property. In addition, the certificateholder shall pay the costs
 124 of resale, if applicable, and failure to pay such costs within
 125 15 days after notice from the clerk shall result in the clerk's
 126 entering the land on a list entitled "lands available for
 127 taxes."

128 (3) The county in which the property described in the
 129 certificate is located shall apply for a tax deed on all county-
 130 held certificates on property valued at \$5,000 or more on the

131 property appraiser's most recent assessment roll, except
 132 deferred payment tax certificates, and may apply for tax deeds
 133 on certificates on property valued at less than \$5,000 on the
 134 property appraiser's most recent assessment roll. The
 135 application shall be made 2 years after April 1 of the year of
 136 issuance of the certificates or as soon thereafter as is
 137 reasonable. Upon application, the county shall deposit with the
 138 tax collector all applicable costs and fees as provided in
 139 subsection (1), but may not deposit any money to cover the
 140 redemption of other outstanding certificates covering the
 141 property. However, a county may not apply for a tax deed on a
 142 certificate held by the county if, in the year for which the
 143 most recent tax certificate was issued to the county, the value
 144 of that tax certificate and the outstanding tax certificates and
 145 accrued interest represented an amount of less than \$250 and the
 146 homestead exemption was granted to a person who received the
 147 exemption for that year.

148 (7) On county-held or individually held certificates for
 149 which there are no bidders at the public sale and for which the
 150 certificateholder fails to timely pay costs of resale or fails
 151 to pay the amounts due for issuance of a tax deed within 15 days
 152 after the sale, the clerk shall enter the land on a list
 153 entitled "lands available for taxes" and shall immediately
 154 notify the county commission ~~and all other persons holding~~
 155 ~~certificates against the property~~ that the property is
 156 available. During the first 90 days after the property is placed

157 on the list, the county may purchase the land for the opening
 158 bid or may waive its rights to purchase the property.
 159 Thereafter, any person, the county, or any other governmental
 160 unit may purchase the property from the clerk, without further
 161 notice or advertising, for the opening bid, except that if the
 162 county or other governmental unit is the purchaser for its own
 163 use, the board of county commissioners may cancel omitted years'
 164 taxes, as provided under s. 197.447. ~~If the county does not~~
 165 ~~elect to purchase the property, the county must notify each~~
 166 ~~legal titleholder of property contiguous to the property~~
 167 ~~available for taxes, as provided in paragraph (4)(h), before~~
 168 ~~expiration of the 90-day period.~~ Interest on the opening bid
 169 continues to accrue through the month of sale as prescribed by
 170 s. 197.542.

171 Section 7. Subsections (1) and (3) of section 197.542,
 172 Florida Statutes, are amended to read:

173 197.542 Sale at public auction.—

174 (1) Real property advertised for sale to the highest
 175 bidder as a result of an application filed under s. 197.502
 176 shall be sold at public auction by the clerk of the circuit
 177 court, or his or her deputy, of the county where the property is
 178 located on the date, at the time, and at the location as set
 179 forth in the published notice, which must be during the regular
 180 hours the clerk's office is open. The amount required to redeem
 181 the tax certificate, plus the amounts paid by the holder to the
 182 clerk in charges for costs of sale, redemption of other tax

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183 certificates on the same property, and all other costs to the
 184 applicant for tax deed, plus interest at the rate of 1.5 percent
 185 per month for the period running from the month after the date
 186 of application for the deed through the month of sale and costs
 187 incurred for the service of notice provided for in s.
 188 197.522(2), shall be the bid of the certificateholder for the
 189 property. If tax certificates exist or if delinquent taxes
 190 accrued subsequent to the filing of the tax deed application,
 191 the amount required to redeem such tax certificates or pay such
 192 delinquent taxes must be included in the minimum bid. However,
 193 if the land to be sold is assessed on the latest tax roll as
 194 homestead property, the bid of the certificateholder must be
 195 increased to include an amount equal to one-half of the assessed
 196 value of the homestead property as required by s. 197.502. If
 197 there are no higher bids, the property shall be struck off and
 198 sold to the certificateholder, who shall pay to the clerk any
 199 amounts included in the minimum bid, the documentary stamp tax,
 200 the and recording fees, and, if the property is homestead
 201 property, the moneys to cover the one-half value of the
 202 homestead within 15 days after the sale due. Upon payment, a tax
 203 deed shall be issued and recorded by the clerk. If the
 204 certificateholder fails to make full payment when due, the clerk
 205 shall enter the land on a list entitled "lands available for
 206 taxes."

207 (3) If the sale is canceled for any reason, or the buyer
 208 fails to make full payment within the time required, the clerk

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209 shall ~~immediately~~ readvertise the sale ~~to be held~~ within 30 days
 210 after the buyer's nonpayment or, if canceled, within 30 days
 211 after the clerk receives the costs of resale. The sale shall be
 212 held within 30 days after readvertising ~~after the date the sale~~
 213 ~~was canceled.~~ Only one advertisement is necessary. The amount of
 214 the opening bid shall be increased by the cost of advertising,
 215 additional clerk's fees as provided for in s. 28.24(21), and
 216 interest as provided for in subsection (1). If, at the
 217 subsequent sale, there are no bidders at the tax deed sale and
 218 the certificateholder fails to pay the moneys due within 15 days
 219 after the sale, the clerk may not readvertise the sale and shall
 220 place the property on a list entitled "lands available for
 221 taxes." ~~This process must be repeated until the property is sold~~
 222 ~~and the clerk receives full payment or the clerk does not~~
 223 ~~receive any bids other than the bid of the certificateholder.~~
 224 The clerk must receive full payment before the issuance of the
 225 tax deed.

226 Section 8. Subsection (2) of section 197.582, Florida
 227 Statutes, is amended, and subsection (3) is added to that
 228 section, to read:

229 197.582 Disbursement of proceeds of sale.—

230 (2) If the property is purchased for an amount in excess
 231 of the statutory bid of the certificateholder, the excess must
 232 be paid over and disbursed by the clerk. If the property
 233 purchased is homestead property and the statutory bid includes
 234 an amount equal to at least one-half of the assessed value of

235 the homestead, that amount must be treated as excess and
 236 distributed in the same manner. The clerk shall distribute the
 237 excess to the governmental units for the payment of any lien of
 238 record held by a governmental unit against the property,
 239 including any tax certificates not incorporated in the tax deed
 240 application and omitted taxes, if any. If the excess is not
 241 sufficient to pay all of such liens in full, the excess shall be
 242 paid to each governmental unit pro rata. If, after all liens of
 243 governmental units are paid in full, there remains a balance of
 244 undistributed funds, the balance shall be retained by the clerk
 245 for the benefit of persons described in s. 197.522(1)(a), except
 246 those persons described in s. 197.502(4)(h), as their interests
 247 may appear. The clerk shall mail notices to such persons
 248 notifying them of the funds held for their benefit. Such notice
 249 constitutes compliance with the requirements of s. 717.117(4).
 250 Any service charges, at the rate prescribed in s. 28.24(10), and
 251 costs of mailing notices shall be paid out of the excess balance
 252 held by the clerk. Excess proceeds shall be held and disbursed
 253 in the same manner as unclaimed redemption moneys in s. 197.473.
 254 For purposes of identifying unclaimed property pursuant to s.
 255 717.113, excess proceeds shall be presumed payable or
 256 distributable on the date the notice is sent. If excess proceeds
 257 are not sufficient to cover the service charges and mailing
 258 costs, the clerk shall receive the total amount of excess
 259 proceeds as a service charge.

260 (3) If unresolved claims against the property exist on the

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261 date the property is purchased, the clerk shall ensure that the
 262 excess funds are paid according to the priorities of the claims.
 263 If a lien appears to be entitled to priority and the lienholder
 264 has not made a claim against the excess funds, payment may not
 265 be made on any lien that is junior in priority. If potentially
 266 conflicting claims to the funds exist, the clerk may initiate an
 267 interpleader action against the lienholders involved, and the
 268 court shall determine the proper distribution of the
 269 interpleaded funds. The clerk may move the court for an award of
 270 reasonable fees and costs from the interpleaded funds.

271 Section 9. This act shall take effect July 1, 2014.

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COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED _____ (Y/N)
 ADOPTED AS AMENDED _____ (Y/N)
 ADOPTED W/O OBJECTION _____ (Y/N)
 FAILED TO ADOPT _____ (Y/N)
 WITHDRAWN _____ (Y/N)
 OTHER _____

1 Committee/Subcommittee hearing bill: Finance & Tax Subcommittee
 2 Representative Pilon offered the following:

3

4 **Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:

6 Section 1. Subsection (3) of section 40.32, Florida

7 Statutes, is amended to read:

8 40.32 Clerks to disburse money; payments to jurors and
 9 witnesses.—

10 (3) Jurors and witnesses shall be paid by the clerk of the
 11 court ~~either~~ in cash, by check, or by warrant within 20 days
 12 after completion of jury service or ~~of~~ completion of service as
 13 a witness.

14 (a) If ~~Whenever~~ the clerk of the court pays a juror or
 15 witness by cash, the juror or witness shall sign the payroll in
 16 the presence of the clerk, a deputy clerk, or some other person
 17 designated by the clerk.

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18 (b) ~~If Whenever~~ the clerk pays a juror or witness by
19 warrant, he or she shall endorse on the payroll opposite the
20 juror's or witness's name the words "Paid by warrant," giving
21 the number and date of the warrant.

22 Section 2. Section 77.27, Florida Statutes, is amended to
23 read:

24 77.27 No appeal until fees are paid.—If the writ is
25 dismissed or plaintiff fails to sustain his or her claim, ~~an~~ no
26 appeal from the judgment is not ~~shall be~~ permitted until the
27 attorney ~~attorney's~~ fee provided in s. 77.28 has been paid ~~into~~
28 court.

29 Section 3. Section 77.28, Florida Statutes, is amended to
30 read:

31 77.28 Garnishment; attorney ~~attorney's~~ fees, costs,
32 expenses; deposit required.—Before issuance of any writ of
33 garnishment, the party applying for it shall pay ~~deposit~~ \$100 ~~in~~
34 ~~the registry of the court which shall be paid~~ to the garnishee
35 on the garnishee's demand at any time after the service of the
36 writ for the payment or part payment of his or her attorney
37 ~~attorney's~~ fee which the garnishee expends or agrees to expend
38 in obtaining representation in response to the writ. ~~At the time~~
39 ~~of deposit, the clerk shall collect the statutory fee provided~~
40 ~~by s. 28.24(10) in addition to the \$100 deposited into the~~
41 ~~registry of the court.~~ On rendering final judgment, the court
42 shall determine the garnishee's costs and expenses, including a
43 reasonable attorney ~~attorney's~~ fee, and in the event of a

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44 judgment in favor of the plaintiff, the amount ~~is shall be~~
45 subject to offset by the garnishee against the defendant whose
46 property or debt owing is being garnished. In addition, the
47 court shall tax the garnishee's costs and expenses as costs. The
48 plaintiff may recover in this manner the sum advanced by him or
49 her ~~plaintiff and paid into registry of court~~, and, if the
50 amount allowed by the court is greater than the amount paid of
51 ~~the deposit~~, together with any offset, judgment for the
52 garnishee shall be entered against the party against whom the
53 costs are taxed for the deficiency.

54 Section 4. Subsection (4) of section 197.432, Florida
55 Statutes, is amended to read:

56 197.432 Sale of tax certificates for unpaid taxes.-

57 (4) A tax certificate representing less than \$250 in
58 delinquent taxes on property that has been granted a homestead
59 exemption for the year in which the delinquent taxes were
60 assessed may not be sold at public auction or by electronic sale
61 as provided in subsection (1) but must be issued by the tax
62 collector to the county at the maximum rate of interest allowed.
63 Section ~~The provisions of s.~~ 197.4725 or s. 197.502(3) may not
64 be invoked if the homestead exemption is granted to the person
65 who received the homestead exemption for the year in which the
66 tax certificate was issued unless any. ~~However, if all~~ such tax
67 certificates and accrued interest represent an amount of \$250 or
68 more, ~~s. 197.502(3) shall be used to determine whether the~~
69 ~~county must apply for a tax deed.~~

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70 Section 5. Subsection (1) of section 197.472, Florida
71 Statutes, is amended to read:

72 197.472 Redemption of tax certificates.—

73 (1) ~~A~~ Any person may redeem a tax certificate at any time
74 after the certificate is issued and before a tax deed is issued
75 unless full payment for a tax deed is made to the clerk of the
76 court, including documentary stamps and recording fees ~~or the~~
77 ~~property is placed on the list of lands available for sale.~~ The
78 person redeeming a tax certificate shall pay the tax collector
79 the face amount plus all interest, costs, and charges.

80 Section 6. Subsections (2) and (7) of section 197.502,
81 Florida Statutes, are amended to read:

82 197.502 Application for obtaining tax deed by holder of
83 tax sale certificate; fees.—

84 (2) A certificateholder, other than the county, who makes
85 application for a tax deed shall pay the tax collector at the
86 time of application all amounts required for redemption or
87 purchase of all other outstanding tax certificates, plus
88 interest, any omitted taxes, plus interest, any delinquent
89 taxes, plus interest, and current taxes, if due, covering the
90 property. In addition, the certificateholder shall pay the costs
91 of resale, if applicable, and failure to pay such costs within
92 30 days after notice from the clerk shall result in the clerk's
93 entering the land on a list entitled "lands available for
94 taxes."

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95 (7) On county-held or individually held certificates for
96 which there are no bidders at the public sale and for which the
97 certificateholder fails to timely pay costs of resale or fails
98 to pay the amounts due for issuance of a tax deed within 30 days
99 after the sale, the clerk shall enter the land on a list
100 entitled "lands available for taxes" and shall immediately
101 notify the county commission ~~and all other persons holding~~
102 ~~certificates against the property~~ that the property is
103 available. During the first 90 days after the property is placed
104 on the list, the county may purchase the land for the opening
105 bid or may waive its rights to purchase the property.
106 Thereafter, any person, the county, or any other governmental
107 unit may purchase the property from the clerk, without further
108 notice or advertising, for the opening bid, except that if the
109 county or other governmental unit is the purchaser for its own
110 use, the board of county commissioners may cancel omitted years'
111 taxes, as provided under s. 197.447. ~~If the county does not~~
112 ~~elect to purchase the property, the county must notify each~~
113 ~~legal titleholder of property contiguous to the property~~
114 ~~available for taxes, as provided in paragraph (4)(h), before~~
115 ~~expiration of the 90 day period.~~ Interest on the opening bid
116 continues to accrue through the month of sale as prescribed by
117 s. 197.542.

118 Section 7. Subsections (1) and (3) of section 197.542,
119 Florida Statutes, are amended to read:

120 197.542 Sale at public auction.—

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121 (1) Real property advertised for sale to the highest
122 bidder as a result of an application filed under s. 197.502
123 shall be sold at public auction by the clerk of the circuit
124 court, or his or her deputy, of the county where the property is
125 located on the date, at the time, and at the location as set
126 forth in the published notice, which must be during the regular
127 hours the clerk's office is open. The amount required to redeem
128 the tax certificate, plus the amounts paid by the holder to the
129 clerk in charges for costs of sale, redemption of other tax
130 certificates on the same property, and all other costs to the
131 applicant for tax deed, plus interest at the rate of 1.5 percent
132 per month for the period running from the month after the date
133 of application for the deed through the month of sale and costs
134 incurred for the service of notice provided for in s.
135 197.522(2), shall be the bid of the certificateholder for the
136 property. If tax certificates exist or if delinquent taxes
137 accrued subsequent to the filing of the tax deed application,
138 the amount required to redeem such tax certificates or pay such
139 delinquent taxes must be included in the minimum bid. However,
140 if the land to be sold is assessed on the latest tax roll as
141 homestead property, the bid of the certificateholder must be
142 increased to include an amount equal to one-half of the assessed
143 value of the homestead property as required by s. 197.502. If
144 there are no higher bids, the property shall be struck off and
145 sold to the certificateholder, who shall pay to the clerk any
146 amounts included in the minimum bid not already paid, including,

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147 but not limited to, the documentary stamp tax, the and recording
148 fees, and, if the property is homestead property, the moneys to
149 cover the one-half value of the homestead within 30 days after
150 the sale due. Upon payment, a tax deed shall be issued and
151 recorded by the clerk. If the certificateholder fails to make
152 full payment when due, the clerk shall enter the land on a list
153 entitled "lands available for taxes."

154 (3) If the sale is canceled for any reason, or the buyer
155 fails to make full payment within the time required, the clerk
156 shall ~~immediately~~ readvertise the sale ~~to be held~~ within 30 days
157 after the buyer's nonpayment or, if canceled, within 30 days
158 after the clerk receives the costs of resale. The sale shall be
159 held within 30 days after readvertising ~~after the date the sale~~
160 ~~was canceled.~~ Only one advertisement is necessary. The amount of
161 the opening bid shall be increased by the cost of advertising,
162 additional clerk's fees as provided for in s. 28.24(21), and
163 interest as provided for in subsection (1). If, at the
164 subsequent sale, there are no bidders at the tax deed sale and
165 the certificateholder fails to pay the moneys due within 30 days
166 after the sale, the clerk may not readvertise the sale and shall
167 place the property on a list entitled "lands available for
168 taxes." ~~This process must be repeated until the property is sold~~
169 ~~and the clerk receives full payment or the clerk does not~~
170 ~~receive any bids other than the bid of the certificateholder.~~
171 The clerk must receive full payment before the issuance of the
172 tax deed.

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173 Section 8. Subsection (2) of section 197.582, Florida
174 Statutes, is amended, and subsection (3) is added to that
175 section, to read:

176 197.582 Disbursement of proceeds of sale.—

177 (2) If the property is purchased for an amount in excess
178 of the statutory bid of the certificateholder, the excess must
179 be paid over and disbursed by the clerk. If the property
180 purchased is homestead property and the statutory bid includes
181 an amount equal to at least one-half of the assessed value of
182 the homestead, that amount must be treated as excess and
183 distributed in the same manner. The clerk shall distribute the
184 excess to the governmental units for the payment of any lien of
185 record held by a governmental unit against the property,
186 including any tax certificates not incorporated in the tax deed
187 application and omitted taxes, if any. If the excess is not
188 sufficient to pay all of such liens in full, the excess shall be
189 paid to each governmental unit pro rata. If, after all liens of
190 governmental units are paid in full, there remains a balance of
191 undistributed funds, the balance shall be retained by the clerk
192 for the benefit of persons described in s. 197.522(1)(a), except
193 those persons described in s. 197.502(4)(h), as their interests
194 may appear. The clerk shall mail notices to such persons
195 notifying them of the funds held for their benefit. Such notice
196 constitutes compliance with the requirements of s. 717.117(4).
197 Any service charges, at the rate prescribed in s. 28.24(10), and
198 costs of mailing notices shall be paid out of the excess balance

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199 held by the clerk. Excess proceeds shall be held and disbursed
 200 in the same manner as unclaimed redemption moneys in s. 197.473.
 201 For purposes of identifying unclaimed property pursuant to s.
 202 717.113, excess proceeds shall be presumed payable or
 203 distributable on the date the notice is sent. If excess proceeds
 204 are not sufficient to cover the service charges and mailing
 205 costs, the clerk shall receive the total amount of excess
 206 proceeds as a service charge.

207 (3) If unresolved claims against the property exist on the
 208 date the property is purchased, the clerk shall ensure that the
 209 excess funds are paid according to the priorities of the claims.
 210 If a lien appears to be entitled to priority and the lienholder
 211 has not made a claim against the excess funds, payment may not
 212 be made on any lien that is junior in priority. If potentially
 213 conflicting claims to the funds exist, the clerk may initiate an
 214 interpleader action against the lienholders involved, and the
 215 court shall determine the proper distribution of the
 216 interpleaded funds. The clerk may move the court for an award of
 217 reasonable fees and costs from the interpleaded funds.

218 Section 9. This act shall take effect July 1, 2014.

219 -----
 220
 221 **T I T L E A M E N D M E N T**

222 Remove everything before the enacting clause and insert:

223 A bill to be entitled

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224 An act relating to clerks of court; amending s. 40.32,
225 F.S.; authorizing jurors and witnesses to be paid by
226 check; amending s. 77.27, F.S.; conforming a provision
227 to changes made by the act; amending s. 77.28, F.S.;
228 requiring a party applying for garnishment to pay a
229 deposit to the garnishee, rather than in the registry
230 of the court; deleting a provision that requires the
231 clerk to collect a specified fee; amending s. 197.432,
232 F.S.; providing requirements for the sale of tax
233 certificates; amending s. 197.472, F.S.; revising
234 requirements for the redemption of tax certificates;
235 amending s. 197.502, F.S.; requiring the
236 certificateholder to pay costs of resale within a
237 specified number of days under certain circumstances;
238 providing circumstances under which land shall be
239 placed on a specified list; prohibiting a county from
240 applying for a tax deed under certain circumstances;
241 deleting a provision relating to a notification
242 procedure; amending s. 197.542, F.S.; requiring the
243 certificateholder to pay a specified amount of the
244 assessed value of the homestead under certain
245 circumstances; providing circumstances under which
246 land shall be placed on a specified list; amending s.
247 197.582, F.S.; clarifying notice requirements;
248 providing for excess proceeds relating to unclaimed
249 property; requiring the clerk to ensure that excess

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250 funds are paid according to specified priorities;
251 providing for interpleader actions and the award of
252 reasonable fees and costs; providing an effective
253 date.

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: CS/HB 951 Collier County/Golden Gate Fire Control and Rescue District
SPONSOR(S): Hudson
TIED BILLS: IDEN./SIM. **BILLS:** SB 1286

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local & Federal Affairs Committee	15 Y, 0 N, As CS	Miller	Rojas
2) Finance & Tax Subcommittee		Wolfgang <i>aw</i>	Langston <i>LL</i>

SUMMARY ANALYSIS

The bill proposes to merge two independent special fire control and rescue districts, the East Naples Fire Control and Rescue District and the Golden Gate Fire Control and Rescue District, both located in Collier County. Fire control and rescue districts are created, dissolved, or merged by special act of the Legislature and are governed as provided in chapters 189 and 191, F.S.

Collier County has several independent and two dependent fire districts. In a straw vote conducted in 2010, 67 percent of those voting approved the concept of merging the various fire districts into one independent district. In 2013, the respective boards of the East Naples and Golden Gate Fire Districts voted to enter into an interlocal agreement providing for consolidation of certain operations, resulting in significant savings over the continuation of separate operations. The boards approved the merger structure proposed in the bill.

The bill merges the territorial jurisdictions of East Naples and Golden Gate into a single, new independent fire control and rescue district named the "Greater Naples Fire Rescue District." The bill describes the total area included in the single fire district, creates the complete charter for the Greater Naples district, provides for all present contracts and obligations of East Naples and Golden Gate to continue after the merger, and transfers all assets and liabilities of East Naples and Golden Gate to Greater Naples.

The bill creates an eight member board of supervisors for the Greater Naples Fire Rescue District, composed of the five board members from the East Naples District and three board members from the Golden Gate District. Current law requires an independent special fire and rescue district to have a five member board. The bill thus creates an exception to general law.

The bill submits the question of merger to a voter referendum to be conducted on November 4, 2014, and requires approval by a majority of the qualified electors in each district before the merger takes effect. The only provisions taking effect when the bill becomes law are the sections creating the ballot question for the referendum and the section requiring the voter referendum.

According to House Rule 5.5(b), a local bill providing an exemption from general law may not be placed on the Special Order Calendar for expedited consideration. The provisions of House Rule 5.5(b) may apply to this bill.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Ch. 191, F.S.: Independent Special Fire Control Districts

An independent special fire control district is a type of independent special district¹ created by the Legislature for the purpose of providing fire suppression and related activities within the territorial jurisdiction of the district.² Chapter 191, F.S., the "Independent Special Fire Control District Act," is intended to provide standards, direction, and procedures for greater uniformity in the operation and governance of these districts, including financing authority, fiscally-responsible service delivery, and election of members to the governing boards for greater public accountability.³ Chapter 191 controls over more specific provisions in any special act or general law of local application creating a district's charter.⁴ The Chapter requires every district be governed by a five member board⁵ and provides:

- general powers;⁶
- special powers;⁷
- authority and procedures for the assessment and collection of ad valorem taxes;⁸
- authority and procedures for the imposition, levy and collection of non-ad valorem assessments, charges, and fees;⁹ and
- issuance of district bonds and evidence of debt.¹⁰

The territorial boundaries of an independent special fire control district may be modified, extended, or enlarged with the approval or ratification of the Legislature.¹¹

Ch. 189, F.S.: "Uniform Special District Accountability Act of 1989"¹²

As a type of independent special district,¹³ independent special fire control districts are also subject to applicable provisions of Chapter 189, F.S.

¹ A "special district" is "a local unit of special purpose...government within a limited boundary, created by general law, special act, local ordinance, or by rule of the Governor and Cabinet." Section 189.403(1), F.S. An "independent special district" is characterized by having a governing body the members of which are not identical in membership to, nor all appointed by, nor any removable at will by, the governing body of a single county or municipality, and the district budget cannot be affirmed or vetoed by the governing body of a single county or municipality. Section 189.403(3), F.S.

² Section 191.003(5), F.S.

³ Section 191.002, F.S.

⁴ Section 191.004, F.S. Provisions in other laws pertaining to district boundaries or geographical sub-districts for electing members to the governing board are excepted from this section.

⁵ Section 191.005(1)(a), F.S. A fire control district may continue to be governed by a 3 member board if authorized by special act adopted in or after 1997. For example, the Golden Gate Fire Control and Rescue District continues to be governed by a 3 member board. Ch. 98-489, s. 1, LOF, as incorporated into the re-codification of the District's charter by Ch. 2000-392, s. 3, LOF.

⁶ Section 191.006, F.S. For example, the power to sue and be sued in the name of the district, the power to contract, and the power of eminent domain.

⁷ Section 191.008, F.S.

⁸ Sections 191.006(14) & 191.009(1), F.S.

⁹ Sections 191.006(11), (15), 191.009(2), (3), (4), 191.011, F.S.

¹⁰ Section 191.012, F.S.

¹¹ Section 191.014(2), F.S.

¹² Section 189.401, F.S.

¹³ Section 191.014(1), F.S., providing that new districts are created by the Legislature pursuant to s. 189.404, F.S.

Chapter 189, F.S., was passed originally by a 3/5 majority in each Chamber.¹⁴ Accordingly, s. 189.404(2), F.S., prohibits any special law or general law of local application which:

- (a) Creates special districts that do not conform with the minimum requirements for district charters under s. 189.404(3), F.S.;
- (b) Exempts district elections from the requirements of s. 189.405, F.S.;
- (c) Exempts a district from the requirements for bond referenda under s. 189.408, F.S.;
- (d) Exempts a district from the requirements for reporting, notice, or public meetings under ss. 189.4085, 189.415, 189.417, or 189.418, F.S.;
- (e) Creates a district for which a statement documenting the following is not submitted to the Legislature:
 1. The purpose of the proposed district;
 2. The authority of the proposed district;
 3. An explanation of why the district is the best alternative; and
 4. A resolution or official statement from the local general-government jurisdiction where the proposed district will be located stating the district is consistent with approved local planning and the local government does not object to creation of the district.

Merger of Independent Special Districts

Prior to 2012, the merger of independent special fire control districts was provided under Ch. 191, F.S., subject to legislative ratification.¹⁵ The statute was amended to delete the provision on merger, limiting independent special fire control districts to the merger requirements under s. 189.4042, F.S.¹⁶

The statute provides for three different methods of merging two or more independent special districts: legislative merger by special act,¹⁷ voluntary merger initiated by joint resolution of the governing bodies of each affected district,¹⁸ or involuntary merger.¹⁹ Because the merger results in a single independent district, a special act merging independent districts and creating a new district would be required to meet the minimum requirements of s. 189.404(2), F.S.²⁰

Proposed Merger of Independent Special Fire Control Districts

1. East Naples Fire Control and Rescue District

The East Naples Fire Control and Rescue District (ENFD) was created in 1961.²¹ Wholly contained in Collier County, FL, ENFD provides fire suppression services to approximately 70,000 residents in a territorial jurisdiction of 150 square miles. ENFD has 75 employees, 56 of whom are shift personnel staffing 5 fire stations, and annually responded to a total of 10,235 emergency calls. With a current millage rate of 1.5, ENFD projects ad valorem tax receipts of \$10,251,760 for FY 2013-2014.²²

¹⁴ Ch. 89-169, s. 67, LOF. Under the Florida Constitution, a law passed with a 3/5 majority vote may be amended or repealed only by another 3/5 majority vote. Art. III, s. 11(a)(21), Fla. Const.; *School Board of Escambia Co. v. State*, 353 So. 2d 834, 839 (Fla. 1977). The statute limits the prohibition to those criteria stated in s. 189.404(2), F.S.

¹⁵ Section 191.014(3), Fla. Stat. (2011).

¹⁶ Ch. 2012-16, s. 2, LOF.

¹⁷ Section 189.4042(4), F.S.

¹⁸ Section 189.4042(5), F.S.

¹⁹ Section 189.4042(6), F.S.

²⁰ Discussion in n. 14, *supra*. See also s. 189.4031, F.S.

²¹ Ch. 61-2034, LOF, as referenced in Ch. 2000-444, s. 1, LOF.

²² Data as of 10/31/2013, from "Fire Districts Merger Initiative – Merger Playbook," p. 20, at <http://ggfire.com/index.asp> and <http://enfd.org/> (accessed 3/12/2014) [herein "Merger Playbook"].

In 1997 the Legislature directed each independent special fire control district to draft a proposed charter codifying all special acts pertaining to the district for submission to, and enactment by, the Legislature.²³ In 2000 the special acts for ENFD were codified, reenacted, amended, and repealed and the district's charter reestablished by Ch. 2000-444, LOF.²⁴ The charter was amended by Ch. 2004-433, LOF, to update language preempted by Chapters 189 and 191, F.S.²⁵ In 2012 the charter was again amended to remove obsolete language, provide references to applicable general law, to revise the boundaries of the district due to annexations by the City of Naples, and to remove the district's authority to provide water supply.²⁶

2. Golden Gate Fire Control and Rescue District

The Golden Gate Fire Control and Rescue District (GGFD) was created in 1967.²⁷ Wholly contained in Collier County, FL, GGFD provides fire suppression services to approximately 77,000 residents in a territorial jurisdiction of 133 square miles. GGFD has 75 employees, 56 of whom are shift personnel staffing 4 fire stations, and annually responded to a total of 6,056 emergency calls. With a current millage rate of 1.5, GGFD projects ad valorem tax receipts of \$6,760,747 for FY 2013-2014.²⁸

Pursuant to the 1997 legislative directive for codification, in 2000 the special acts for GGFD were codified, reenacted, amended, and repealed and the district's charter reestablished by Ch. 2000-392, LOF.²⁹ GGFD currently is governed by a three member board.³⁰

3. Steps to Proposed Merger

In a 2010 non-binding referendum conducted in Collier County over 67 percent of those voting³¹ supported consolidating the five separate independent and two dependent fire districts in the county into a single independent fire district. On April 23, 2013, the respective governing boards of ENFD and GGFD approved an interlocal agreement specifying terms and conditions for consolidating their respective fire and rescue services.³² Joint operations subsequently began with integration of certain personnel and facilities.³³ As of March 7, 2014, the districts reported combined net savings of \$430,548.51 in operations.³⁴

Effect of Proposed Changes

The bill merges the ENFD and GGFD into a district, the "Greater Naples Fire Rescue District" (GNFD). Created by special act subject to approval by a majority of the qualified electors in the affected area, the GNFD may be dissolved only by another special act subject to voter approval. The charter of GNFD may be amended only by special act.

²³ Ch. 97-256, s. 15, LOF, later amended and now codified as s. 191.015, F.S.

²⁴ Ch. 2000-444, LOF; Staff analysis h1641z.ca, prepared by staff of the House Committee on Community Affairs (May 22, 2000).

²⁵ Ch. 2004-433, LOF; Staff analysis h1145a.lgv.doc, prepared by staff of the House Local Government & Veterans' Affairs Subcommittee (March 10, 2004).

²⁶ Ch. 2012-231, LOF; Staff analysis h0267a.CMAS, prepared by staff of the Community & Military Affairs Subcommittee (Jan. 5, 2012).

²⁷ Ch. 67-1240, LOF, as referenced in Ch. 2000-392, s. 2, LOF.

²⁸ Data as of 10/31/2013, from "Fire Districts Merger Initiative – Merger Playbook," p. 20, at <http://ggfire.com/index.asp> and <http://enfd.org/> (accessed 3/4/2014).

²⁹ Ch. 2000-392, LOF; Staff analysis h0865z.ca, prepared by staff of House Committee on Community Affairs (May 8, 2000).

³⁰ Ch. 98-489, s. 1, LOF.

³¹ 18,731 total ballots cast. Merger Playbook, supra at 2.

³² Merger Playbook, supra at 2, 6-11.

³³ Merger Playbook, supra at 13-14, 17-18.

³⁴ Merger Playbook, supra at 23.

- The bill defines the boundaries for the merged GNFD, incorporating all areas currently under the respective territorial jurisdictions of ENFD and GGFD. Section 4 of the bill, creating section 2.02 of the proposed GNFD charter, includes the boundary description for the Isles of Capri Municipal Rescue and Fire Services Capital Improvement District (Isles of Capri District), a municipal services taxing unit,³⁵ and references HB 949 also filed in the 2014 Session. Now CS/HB 949, that bill proposes the annexation of the Isles of Capri District into ENFD. If CS/HB 949 becomes law and the annexation subsequently approved by the voters, CS/HB 951 provides the area of the proposed annexation will be included in GNFD.
- GNFD is established as an independent special fire control district with all the powers stated in the bill and under chapters 189 and 191, F.S.
- The bill establishes an eight member governing board for the GNFD, composed of the five present members of the ENFD board and the three present members of the GGFD board. The charter provides a transition period of four years. In 2018, three seats on the board are eliminated and the board reduced to five members.
- **Section 191.005(1)(a), F.S., requires an independent special fire control district to have a five member board. The provision in section 3 of the bill for an eight member board for the new GNFD, with a four year transition period, is an exception to this general law.**
- Charter section 4.03 (section 4 of the bill) requires each member of the board to be a qualified elector in accordance with chapter 191, F.S., at the time of qualifying for election and continually throughout the term. As each member of the board must be a qualified elector,³⁶ and the statute defines “elector” as a person who resides in the district,³⁷ each member of the board must be a resident of the district at the time of qualifying and throughout their tenure.
- The bill immunizes GNFD, its officers, agents, and employees, from tort liability, subject to the waiver of immunity and other provisions of s. 768.28, F.S., applicable to other governmental entities.
- The bill provides express directions for judicial interpretation, if necessary. The provisions of the bill are to be interpreted liberally and any provisions held invalid are to be severed so the remaining valid parts will continue in effect.
- If there is any conflict between the provisions of the bill as enacted and any other act, the terms of this bill control.³⁸
- The bill expressly limits the authority of GNFD to levy ad valorem taxes to a millage rate of 1.5 mills, the current rate imposed in both ENFD and GGFD.³⁹ Although this present rate is less than the maximum millage rate of 3.75 mills independent special fire districts may impose for ad

³⁵ The Isles of Capri District was created by the Collier County Commission pursuant to s. 125.01(1)(q), F.S. Collier County, Florida, Code of Ordinances, Part I, Ch. 122, Art. LXVII, section 122-1876, at <http://library.municode.com/index.aspx?clientId=10578&stateId=9&stateName=Florida> (accessed 3/5/2014).

³⁶ Section 191.005(2), F.S. A member who ceases to be a qualified elector is automatically removed from office by this statute.

³⁷ Section 191.003(3), F.S.: “Elector” means a person who is a resident of the district and is qualified to vote in a general election within the local general-purpose government jurisdiction in which the district is located.

³⁸ This provision enables the initial creation in the bill of an 8 member board for GNFD, later reduced to 5 members, despite the requirement in s. 191.005(1)(a), F.S. Although s. 191.004, F.S., preempts provisions in other laws, to the extent this bill may conflict with Ch. 191, F.S., the terms of this bill should be interpreted as the most recent expression of legislative intent. *J.M. v. Florida Agency for Persons with Disabilities*, 938 So. 2d 535, 540-541 (Fla. 1st DCA 2006).

³⁹ The present millage rate in the Isles of Capri District is 2 mills. <http://www.marconews.com/news/2012/nov/14/isle-of-capri-fire-officials-to-discuss-possible/> (accessed 3/5/2014).

valorem assessments,⁴⁰ the bill conditions any increase above 1.5 mills to voter approval in a subsequent referendum.

- The bill expressly transfers all assets and liabilities of both ENFD and GGFD to GNFD. The bill exempts all property and assets of GNFD from taxation.⁴¹ All contracts and obligations of ENFD and GGFD continue in full force and effect after the merger is approved.
- The bill repeals the laws establishing and chartering ENFD⁴² and GGFD,⁴³ respectively.
- The bill requires the question of merging ENFD and GGFD be submitted to a referendum of the qualified electors in the affected districts. Sections 1 – 10, 12, and 13 of the bill take effect only if the question of merger is approved by a majority vote of the qualified electors. Only bill section 11, creating the ballot question for the referendum, and section 14, requiring a referendum for approval, take effect upon the act becoming law.
- According to bill section 14, the referendum is to be conducted within the boundary area described in section 2.01 of the proposed charter (section 4 of the bill), including the present territorial descriptions of ENFD & GGFD, and including in ENFD the area of the Isles of Capri District described in section 2.02 of the proposed charter (if the voters in Isles of Capri approve annexation into ENFD in an August 26, 2014 referendum).⁴⁴ The bill specifies the referendum question must be approved by separate majorities of the electors in each district. .

Compliance with s. 189.404(2), F.S.

As noted above, the proposed charter must comply with the mandatory requirements of s. 189.404(2), F.S. The following chart shows compliance with the mandate:

Statutory Mandate	Specific Statute	Requirement	Compliance with Mandate	
			Yes/No	Bill/Charter Section or Statement to Legislature
189.404(2)(a)		Charter must include the minimum requirements of s. 189.404(3), F.S.	Y	
	189.404(3)(a)	Purpose of district	Y	Bill s. 2; Charter s. 3.01
	189.404(3)(b)	Powers/functions/duties of district re: <ul style="list-style-type: none"> • Ad valorem taxation • Issuing bonds • Other revenue-raising capabilities • Budget preparation • Budget approval • Liens • Foreclosure of liens • Use of tax deeds, tax 	Y	Charter s. 3.03: "district shall have all powers and duties granted by this charter and chapters 189 and 191..." <ul style="list-style-type: none"> • Charter s. 5.01 • Budget: also at Charter s. 5.03

⁴⁰ Section 191.009(1), F.S.

⁴¹ Section 191.007, F.S.

⁴² Chapters 2000-392, 2004-433, and 2012-231, LOF.

⁴³ Chapter 2000-444, LOF.

⁴⁴ CS/HB 951 expressly makes the inclusion of this area in the merged fire districts contingent on the referendum provided in CS/HB 949.

		certificates for non-ad valorem assessments		
	189.404(3)(c)	Method of establishing district	Y	<ul style="list-style-type: none"> s. 191.003(5), F.S. Special Act: Bill ss. 1 & 2 Referendum: Bill ss. 11 & 14
	189.404(3)(d)	Method of amending charter	Y	Bill s. 2
	189.404(3)(e)	Governing board of district: <ul style="list-style-type: none"> Membership Organization If elected on basis of 1 acre = 1 vote, requires 5 member board; 3 member quorum. 	Y	<ul style="list-style-type: none"> Membership: Charter ss. 4.02, 4.03 Organization: Charter s. 4.04
	189.404(3)(f)	Maximum compensation of board members	Y	Charter s. 4.05
	189.404(3)(g)	Administrative duties of board	Y	Charter ss. 4.08, 4.09
	189.404(3)(h)	Applicable requirements for: <ul style="list-style-type: none"> Financial disclosure Noticing Reporting 	Y	All in Charter s. 6.01
189.404(2)(a)	189.404(3)(i)	If district is authorized to issue bonds, procedures & requirements for issuing	Y	Charter s. 5.01, incorporating ss. 189.4085, 191.012, F.S.
	189.404(3)(j)	<ul style="list-style-type: none"> Procedures to conduct any district election/referenda Qualifications of district elector 	Y	Charter s. 4.07
	189.404(3)(k)	District financing methods	Y	Charter s. 5.01
	189.404(3)(l)	If district authorized to levy ad valorem taxes – millage rate	Y	Charter ss. 5.02 & 10
	189.404(3)(m)	Method to collect non-ad valorem assessments, fees, charges	Y	Charter ss. 5.05, 5.06
	189.404(3)(n)	Planning requirements	Y	Charter ss. 3.01, 3.03; s. 191.006, F.S.
	189.404(3)(o)	Geographic boundary limits of district	Y	Charter Art. II
189.404(2)(b)	189.405	District elections must comply with s. 189.405, F.S.	Y	Charter s. 4.07

189.404(2)(c)	189.408	District bond referenda must comply with s. 189.408, F.S.	Y	Charter s. 5.01, incorporating ss. 189.4085, 191.012, F.S.
189.404(2)(d)	189.4085 189.415 189.417 189.418	District must comply with reporting, notice, public meetings requirements	Y	All covered in charter s. 6.01; Charter s. 5.01, incorporating ss. 189.4085, 191.012, F.S.
189.404(2)(e)		Statement to Legislature documenting:	Y	
	189.404(2)(e)1.	Purpose of proposed district	Y	Bill s. 2
	189.404(2)(e)2.	Authority of proposed district	Y	Bill s. 2; Charter Arts. III, V
	189.404(2)(e)3.	Explanation why dist. is best alt.	Y	Local Bill Certification
	189.404(2)(e)4.	Resolution/official statement of governing body/administrator of local jurisdiction within which proposed district is located: <ul style="list-style-type: none"> • Creation of district is consistent with approved local plans of local gov't • No objection to creation 	Y	Resolutions of boards of each district, Interlocal operating agreement

Because the bill is conditioned on approval by vote of the electors in the affected areas, prior publication of the intent to seek enactment is not required.⁴⁵

B. SECTION DIRECTORY:

- Section 1: Merges the East Naples Fire Control and Rescue District (ENFD) and the Golden Gate Fire Control and Rescue District (GGFD) to create the Greater Naples Fire Rescue District (GNFD).
- Section 2: Incorporates all lands in Collier County described in section 2.01 of the proposed charter into GNFD. Declares GNFD to be an independent special fire and rescue district, organized and existing for all purposes, holding all powers set forth in the act and chapters 189 and 191, F.S. Specifies the district charter may be amended only by special act of the Legislature.
- Section 3: Redesignates the commission seats for ENFD (5) and GGFD (3) upon approval of the proposed merger as the 8 seat commission for GNFD, creating an exception to general law.
- Section 4: Creates the charter for GNFD. The charter names GNFD as an independent special fire district in Collier County, describes the lands to be incorporated in GNFD, describes the powers of the district, creates the structure and organization of the GNFD governing board, describes the powers, functions, and duties pertaining to the financing and authority of GNFD, and requires compliance with existing law pertaining to financial disclosure, meeting notices, reporting, public records, and reimbursement of per diem expenses to officers and employees.

- Section 5: Creates immunity from tort liability for GNFD, its officers, agents, employees, subject to the waiver of sovereign immunity and other provisions of Chapter 768, F.S.
- Section 6: Provides the new, merged district, GNFD, may be dissolved only by subsequent special act of the Legislature, subject to voter approval. Exempts the property and assets of GNFD from taxation and continues in full force and effect all contracts and obligations of ENFD and GGFD.
- Section 7: Requires the provisions of the act be liberally construed.
- Section 8: Provides for severability of any part of the act held invalid, maintaining the validity of the remaining portions.
- Section 9: If the bill conflicts with any other act, the terms of the bill control.
- Section 10: Limits the millage rate GNFD may impose to the present maximum of 1.5 mills imposed in ENFD and GGFD. Any increase in this amount will require approval by the voters in the district.
- Section 11: Creates the ballot question for referendum on whether to approve the merger.
- Section 12: Repeals Chs. 2000-392, 2004-433, 2012-231, and 2000-444, Laws of Florida.
- Section 13: Transfers all assets and liabilities of ENFD and GGFD to GNFD.
- Section 14: If the bill is enacted, provides the act takes effect only upon approval by separate majorities of the qualified voters within each area described in section 2.01 of the Charter (and section 2.02, if applicable), created in section 4 of the bill. Provides only bill section 11, creating the ballot question, and section 14, requiring the referendum on the merger, take effect upon the bill becoming law.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN?

WHERE?

B. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN? The next general, special, or other election held in Collier County.

C. LOCAL BILL CERTIFICATION FILED? Yes, attached No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached No

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

The bill as amended appears to comply with the requirement for "approval by a vote of the electors in the area affected." (Art. III, s. 10, Fla. Const.)

B. RULE-MAKING AUTHORITY:

Any rulemaking authority necessary to implement the duties of the new independent special fire and rescue district is provided in the statutes expressly referenced in the bill and applying to GNFD, including chapters 189 & 191, F.S.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On March 27, 2014, the Local & Federal Affairs Committee adopted two amendments without objection.

Amendment 1 made technical corrections to the legal description of the area for ENFD, recited in section 2.01 of the Charter, section 4 of the bill, conforming with the description for the identical area in CS/HB 949. The Amendment also clarified the referendum on the proposed merger will be conducted at the general election held on November 4, 2014.

Amendment 2 made two substantial changes to the bill:

1. Specifying the qualified electors in the Isles of Capri District may vote as part of the ENFD only if these same voters approve the proposed annexation of the Isles of Capri District as provided in CS/HB 949.
2. Specifying the proposed merger must be approved by a majority of the qualified electors in ENFD and a separate majority of the qualified electors in GGFD.

This analysis is drawn to the bill as amended.

1 A bill to be entitled
2 An act relating to Collier County; merging the East
3 Naples Fire Control and Rescue District and the Golden
4 Gate Fire Control and Rescue District to create a new
5 district; creating and establishing an independent
6 special fire control district to be known as the
7 Greater Naples Fire Rescue District; providing that
8 the district is an independent special district;
9 providing legislative intent; providing for
10 applicability of chapters 191 and 189, F.S., and other
11 general laws; providing a district charter; providing
12 boundaries; providing for a district board; providing
13 an exception to general law; providing authority of
14 the board; providing for staff; providing duties and
15 powers of the board; providing for elections to the
16 board; providing for salaries of board members;
17 providing for removal of board members; providing a
18 savings clause for the existing district authority to
19 levy up to 1.5 mills; providing for bonds; providing
20 for raising of revenue; providing for taxation;
21 providing findings; providing for impact fees;
22 providing for collection and disbursement of such
23 fees; providing for deposit of taxes, assessments, and
24 fees and authority to disburse funds; providing for
25 immunity from tort liability; providing for liberal
26 construction; providing for severability; providing

27 that this act shall take precedence over any
 28 conflicting law to the extent of such conflict;
 29 providing for the determination of millage; repealing
 30 chapters 2000-392, 2012-231, 2004-433, and 2000-444,
 31 Laws of Florida, relating to the East Naples Fire
 32 Control and Rescue District and the Golden Gate Fire
 33 Control and Rescue District; transferring all assets
 34 and liabilities of the existing districts to the
 35 Greater Naples Fire Rescue District; requiring a
 36 referendum; providing an effective date.

37

38 Be It Enacted by the Legislature of the State of Florida:

39

40 Section 1. The East Naples Fire Control and Rescue
 41 District and the Golden Gate Fire Control and Rescue District
 42 are hereby merged to create the Greater Naples Fire Rescue
 43 District ("district").

44 Section 2. Corporate status.—All of the incorporated lands
 45 in Collier County, as described in section 2.01 of section 4,
 46 shall be incorporated into the district under the name of the
 47 Greater Naples Fire Rescue District. The district is an
 48 independent special fire control and rescue district in Collier
 49 County. The district is organized and exists for all purposes
 50 and shall hold all powers set forth in this act and chapters 189
 51 and 191, Florida Statutes. The district charter may be amended
 52 only by special act of the Legislature.

53 Section 3. The East Naples Fire Control and Rescue
 54 District and the Golden Gate Fire Control and Rescue District
 55 commission seats shall be redesignated as following upon merger:
 56

East Naples Fire Control
and Rescue District ("EN")
and Golden Gate Fire
Control and Rescue
District ("GG")

Greater Naples Fire
Rescue District ("ENGG")

57	<u>EN Seat 1</u>	<u>ENGG Seat 6</u>
58	<u>EN Seat 2</u>	<u>ENGG Seat 1</u>
59	<u>EN Seat 3</u>	<u>ENGG Seat 2</u>
60	<u>EN Seat 4</u>	<u>ENGG Seat 3</u>
61	<u>EN Seat 5</u>	<u>ENGG Seat 7</u>
62	<u>GG Seat 1</u>	<u>ENGG Seat 4</u>
63	<u>GG Seat 2</u>	<u>ENGG Seat 5</u>
64	<u>GG Seat 3</u>	<u>ENGG Seat 8</u>
65		

66 Section 4. The charter for the Greater Naples Fire Rescue
 67 District is created to read:

68 ARTICLE I

69 NAME OF THE DISTRICT

70 Section 1.01 The name of the district shall be the Greater
 71 Naples Fire Rescue District ("district").

72 Section 1.02 The district shall be an independent special
 73 district of the State of Florida and a body corporate and
 74 politic.

75 ARTICLE II

76 BOUNDARIES OF THE DISTRICT

77 Section 2.01 The lands to be incorporated within the
 78 Greater Naples Fire Rescue District consist of the following
 79 described lands in Collier County:

- 80
- 81 A. Township 48 South, Range 26 East, Sections 25, 26,
 82 27, 28, 33, 34, 35, 36. Township 48 South, Range 27
 83 East, Sections 29, 30, 31, 32. Township 49 South,
 84 Range 26 East, Sections 1, 2, 3, 4, 9, 10, 11, 12, 13,
 85 14, 15, 16, 17, 20, 21, 22, 23, 24, 25, 26, 27, 28,
 86 33, 34, 35, 36. Township 49 South, Range 27 East,
 87 Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13,
 88 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26,
 89 27, 28, 29, 30, 31, 32, 33, 34, 35, 36. Township 49
 90 South, Range 28 East, Sections 4, 5, 6, 7, 8, 9, 16,
 91 17, 18, 19, 20, 21, 28, 29, 30, 31, 32, 33. Township

92 50 South, Range 26 East, Sections 2, 3, 4, 9, 10, 11,
 93 14, 15, 16.

94
 95 Hereinafter referred to as the "Golden Gate Division;"

96
 97 and also,

98
 99 B. Beginning at the northeast corner of the Northwest
 100 quarter of Section 27, Township 49 South, Range 25
 101 East, thence along the north line of said Section 27,
 102 east 45 feet to the east right-of-way line of C-851
 103 (also known as Goodlette-Frank Road), (which right-of-
 104 way line lies 45 feet east of, measured at right
 105 angles to, and parallel with the north and south
 106 quarter section line of said Section 27), to the north
 107 line of Lot 11, Naples Improvement Company's Little
 108 Farms, Plat Book 2, Page 2; thence east to the east
 109 section line of Section 27, Township 49 South, Range
 110 25 East; then north along the east line of said
 111 Section 27 to the northeast corner of said Section 27;
 112 said point also being the southeast corner of Section
 113 23 Township 49 South, Range 25 East thence east along
 114 the north line of Section 26, Township 49 South, Range
 115 25 East to a point 990.0 feet west of the west right-
 116 of-way line of Airport-Pulling Road; thence south
 117 01°30'00" East, 1320.0 feet; thence north 89°25'40"

118 East, 660.0 feet; thence north 01°30'00" West, 1320.0
 119 feet to the north line of said Section 26; thence east
 120 along said north line of Section 26 to the west right-
 121 of-way line of Airport-Pulling Road; to the south line
 122 of said Section 26 (said right-of-way line lying 50
 123 feet west of the southeast corner of said Section 26);
 124 thence westerly along said south line to the southwest
 125 corner of said Section 26; thence northerly along the
 126 west line of said Section 26; to the southerly right-
 127 of-way line of Golden Gate Parkway (100 feet wide);
 128 thence easterly along said southerly right-of-way line
 129 to a point lying 1220.00 feet west of the west line of
 130 said Airport-Pulling Road; thence northerly parallel
 131 with said west right-of-way line to the northerly
 132 right-of-way line of said Golden Gate Parkway; thence
 133 westerly along the north right-of-way of Golden Gate
 134 Parkway to a point 620 feet east and 235.46 feet south
 135 of the northwest corner of Lot 8, Naples Improvement
 136 Company's Little Farms; thence north 235.46 feet to
 137 the north line of Lot 8; thence west along said north
 138 line 620 feet to the northwest corner of said Lot 8;
 139 thence southerly to that angle point in said east
 140 right-of-way line which lies on a line 400.00 feet
 141 northerly of (measured at right angles to) and
 142 parallel with the north line of Section 34, Township
 143 49 South, Range 25 East; thence continuing along said

144 east right-of-way to the north line of Gordon River
 145 Homes Subdivision; thence east along the north line of
 146 Lots 50, 49, and 48 to a point 22.5 feet east of the
 147 northwest corner of Lot 48; thence south parallel to
 148 the west line of Lot 48 to the south line of Lot 48;
 149 thence west along the south line of Lots 48, 49, and
 150 50 to the east right-of-way line of Goodlette-Frank
 151 Road; thence continuing along said east right-of-way
 152 line, which line lies 100.00 feet east of, measured at
 153 right angles to, and parallel with the north and south
 154 quarter section line of said Section 34; thence
 155 continuing along said east right-of-way line to a
 156 point on the north line of the southwest quarter of
 157 the northeast quarter of Section 34, Township 49
 158 South, Range 25 East; thence continue on said right of
 159 way line 460.0 feet; thence north 89°41'30" East
 160 494.99 feet; thence south 0°34'06" East 615.88 feet to
 161 a point of curvature; thence southwesterly 343.97 feet
 162 along the arc of a tangential circular curve, concave
 163 to the northwest have a radius of 243.97 feet and
 164 subtended by a chord which bears south 44°33'25" West
 165 345.84 feet; thence south 89°41'30" West 250.0 feet to
 166 the easterly right of way line of Goodlette-Frank
 167 Road; thence south along said right-of-way line to a
 168 point 48.41 feet south of the north line of the south
 169 half of Section 34, Township 49 South, Range 25 East;

170 thence north 89°56'59" East 249.79 feet; thence
 171 northeasterly 173.98 feet along the arc of a circular
 172 curve concave to the northwest having a radius of
 173 293.97 feet and being subtended by a chord which bears
 174 north 72°59'41" East 171.46 feet; thence south
 175 89°47'31" East 808.79 feet; thence north 89°55'05"
 176 East 993.64 feet to a point on that bulkhead line as
 177 shown on Plate recorded in Bulkhead Line Plan Book 1,
 178 Page 25 Collier County Public Records, Collier County,
 179 Florida; thence run the following courses along the
 180 said Bulkhead line, 47.27 feet along the arc of a non-
 181 tangential circular curve concave to the west, having
 182 a radius of 32.68 feet and subtended by a chord having
 183 a bearing of south 14°08'50" East and a length of
 184 43.26 feet to a point of tangency; south 27°17'25"
 185 West for 202.44 feet to a point of curvature; 296.89
 186 feet along the arc of a curve concave to the
 187 southeast, having a radius of 679.46 feet and
 188 subtended by a chord having a bearing of south
 189 14°46'21" West and a length of 294.54 feet to a point
 190 of reverse curvature; 157.10 feet along the arc of a
 191 curve concave to the northwest, having a radius of
 192 541.70 feet, and subtended by a chord having a bearing
 193 of south 10°33'47" West and a length of 156.55 feet to
 194 a point of reverse curvature; 307.67 feet along the
 195 arc of a curve concave to the northeast; having a

196 radius of 278.30 feet, and subtended by a chord having
 197 a bearing of south 12°47'59" East and a length of
 198 292.24 feet to a point of reverse curvature; 135.31
 199 feet along the arc of a curve concave to the southwest
 200 having a radius of 100.00 feet and subtended by a
 201 chord having a bearing of south 05°42'27" East and a
 202 length of 125.21 feet to a point of tangency; thence
 203 South 33°03'21" West for 295.10 feet; and South
 204 33°27'51" West 1.93 feet to the north line of the
 205 River Park East Subdivision which is also the north
 206 line of the south half of the southeast quarter of
 207 Section 34, Township 49 South, Range 25 East; thence
 208 along the north line of the south half of the
 209 southeast quarter of said Section 34, easterly to the
 210 west line of Section 35, Township 49 South, Range 25
 211 East; thence along the west line of said Section 35,
 212 northerly 1320 feet more or less to the northwest
 213 corner of the south half of said Section 35; thence
 214 along the north line of the south half of said Section
 215 35, easterly to the west right-of-way line of State
 216 Road No. 31 (Airport Road), which right-of-way lies
 217 50.0 feet west of, measured at right angles to, and
 218 parallel with the east line of said Section 35; thence
 219 along said right-of-way line of State Road No. 31,
 220 south 00°13'57" West 1800 feet more or less to a point
 221 on said west right-of-way line, which lies north

222 00°13'57" East 848.02 feet and south 89°46'03" West
 223 50.00 feet from the southeast corner of said Section
 224 35; thence continuing along said west right-of-way
 225 line southerly 325.02 feet along the arc of a
 226 tangential circular curve concave to the east, radius
 227 2914.93 feet, subtended by a chord which bears south
 228 2°57'43" East 324.87 feet; thence continuing along
 229 said west right-of-way line, tangentially south
 230 6°09'22" East 3.13 feet, thence southerly along a
 231 curve concave to the southwest, having a central angle
 232 of 6°23'18" and a radius of 1860.08 feet, a distance of
 233 207.34 feet; thence south 0°13'57" West 313.03 feet
 234 more or less to a point on the north line of and 20
 235 feet west of the northeast corner of Section 2,
 236 Township 50 South, Range 25 East; thence
 237 southeasterly, 300.7 feet more or less to a point on
 238 the east line of said Section 2 which point lies 300.0
 239 feet south of the northeast corner of said Section 2;
 240 thence along the east line of the north half of said
 241 Section 2, southerly to the southeast corner of the
 242 north half of said Section 2; thence along the south
 243 line of the north half of said Section 2; westerly to
 244 the northeast corner of the southeast quarter of
 245 Section 3, Township 50 South, Range 25 East; thence
 246 southerly along the east line of the southeast corner
 247 of said Section 3 for a distance of 2013.98 feet;

248 thence North 89°37'20" East 662.04 feet; thence South
 249 00°17'20" East 119.26 feet; thence South 89°27'40"
 250 West 322.00 feet; thence South 00°17'20" East 10.00
 251 feet; thence South 89°27'40" West 68.00 feet; thence
 252 South 00°17'20" East 361.00 feet; thence North
 253 89°27'40" East 68.00 feet; thence South 00°17'20" East
 254 140.00 feet; thence South 89°27'40" West 221.81 feet;
 255 thence North 01°05'56" West 6.99 feet; thence westerly
 256 along the arc of a non-tangential circular curve
 257 concave to the north having a radius of 370.00 feet
 258 through a central angle of 18°34'13"and being
 259 subtended by a chord which bears North 81°50'17" West
 260 119.40 feet for a distance of 119.92 feet to a point
 261 on the east line of said Section 3; thence southerly
 262 along the east line of Section 3, and along the east
 263 lines of Sections 10, 15, 22, and 27, all in Township
 264 50 South, Range 25 East, to the southeast corner of
 265 said Section 27, Township 50 South, Range 25 East;
 266 thence westerly along the south line of said Section
 267 27, Township 50 South, Range 25 East, and along the
 268 western prolongation of said south line to a point
 269 1,000 feet west of the mean low water line of the Gulf
 270 of Mexico; thence southeasterly along said shoreline
 271 to the south line of Section 3, Township 51 South,
 272 Range 25 East, thence easterly along the south line of
 273 said Section 3, Section 2, Section 1, Township 51

274 South; thence along the south corner of said Section
 275 5; thence north along the east line of Section 5,
 276 Township 51 South, Range 26 East; thence continue on
 277 the north line of Section 25, 26 and part of Section
 278 27, Township 49 South, Range 25 East to the point of
 279 beginning and also,

280
 281 C. All those lands in Collier County described as:
 282 Sections 21, 22, 23, 26, 27, 28, 33, 34 and 35,
 283 Township 50 South, Range 26 East; Section 2, 3, 4, 9,
 284 10, 11, 12, 13, 14, 15, 16, 17, 18, 23, 24, 25, 26, 35
 285 and 36, Township 51 South, Range 26 East; Sections 1,
 286 2, 3 and those portions of Sections 10, 11, 12, and
 287 13, Township 52 South, Range 26 East, that lie North
 288 of the Marco River; those portions of Sections 5, 6, 7
 289 and 18, Township 52 South, Range 27 East, that lie
 290 West and North of State Road 92; and Sections 7, 8,
 291 16, 17, 18, 19, 20, 21, 22, 27, 28, 29, 30 and 31,
 292 Township 51 South, Range 27 East, and those portions
 293 of Sections 32 and 33, Township 51 South, Range 27
 294 East, that lie west and North of State Road 92,

295
 296 D. Less and except the North 1/2 of Section 2 of
 297 Township 50 South, Range 25 East and the South 1/2 of
 298 Section 35 of Township 49 South, Range 25 East.

300 E. Less and except approximately 21.99 acres, more or
 301 less: A portion of Lots 7 through 9 of Naples
 302 Improvement Company's Little Farms as recorded in Plat
 303 Book 2 at page 2 of the Public Records of Collier
 304 County, Florida, being more particularly described as
 305 follows:

306
 307 Commence at the intersection of the East right-of-way
 308 of Goodlette-Frank Road (C.R. 851) and the South
 309 right-of-way of Golden Gate Parkway; thence run along
 310 said South right-of-way for the following four (4)
 311 courses:

312
 313 (1) Thence run North 44°42'45" East, for a distance
 314 of 35.36 feet;

315
 316 (2) Thence run North 89°42'45" East, for a distance
 317 of 122.57 feet;

318
 319 (3) Thence run North 80°12'12" East, for a distance
 320 of 159.63 feet;

321
 322 (4) To a point on a circular curve concave northwest,
 323 whose radius point bears North 11°26'26" West, a
 324 distance of 813.94 feet therefrom; thence run
 325 Northeasterly along the arc of said curve to the left,

326 having a radius of 813.94 feet, through a central
 327 angle of 22°36"33", subtended by a chord of 319.10
 328 feet at a bearing of North 67°15'18" East, for an arc
 329 length of 321.18 feet to the intersection of the South
 330 right-of-way of said Golden Gate Parkway and the West
 331 line of the East 338.24 feet of the West 958.34 feet
 332 of Lot 7 of Naples Improvements Company's Little Farms
 333 Subdivision as recorded in Plat Book 2 at page 2 of
 334 the Public Records of Collier County, Florida, also
 335 being the point of beginning of the parcel of land
 336 herein described; thence run South 00°16'32" East,
 337 along the West line of the East 338.24 feet of the
 338 West 958.34 feet of said Lot 7, for a distance of
 339 302.90 feet to a point on the South line of said Lot
 340 7; thence run along said South line for the following
 341 two (2) courses:

342
 343 (1) Thence run North 89°41'51" East, for a distance
 344 of 338.41 feet;

345
 346 (2) Thence run North 89°50'24" East, for
 347 approximately 850 feet to a point on the mean high
 348 water line of the west bank of Gordon River, said
 349 point herein called Point "A", thence return to the
 350 aforementioned point of beginning, thence run along

351 the south right-of-way of said Golden Gate Parkway for
 352 the following four (4) courses:

353
 354 (1) Beginning at a point on a circular curve concave
 355 northwest, whose radius point bears North 34°02'58"
 356 West a distance of 813.94 feet therefrom; thence run
 357 Northeasterly along the arc of said curve to the left,
 358 having a radius of 813.94 feet, through a central
 359 angle of 05°09'09", subtended by a chord of 73.17 feet
 360 at a bearing of North 53°22'27" East, for an arc
 361 length of 73.20 feet to the end of said curve;

362
 363 (2) Thence run North 50°47'53" East, for a distance
 364 of 459.55 feet

365
 366 (3) To the beginning of a tangential circular curve
 367 concave south; thence run Easterly along the arc of
 368 said curve to the right, having a radius of 713.94
 369 feet; through a central angle of 38°52'20"; subtended
 370 by a chord of 475.13 feet at a bearing of North
 371 70°14'03" East, for an arc length of 484.37 feet to
 372 the end of said curve;

373
 374 (4) Thence run North 89°40'13" East, for
 375 approximately 724 feet to a point on the mean high
 376 water line of the west bank of Gordon River; thence

377 meander Southwesterly along the mean high water line
 378 for approximately 900 feet to the aforementioned Point
 379 "A" and the point of ending.

380
 381 F. Less and except approximately 112.82 acres, more
 382 or less: All of East Naples Industrial Park, according
 383 to the plat thereof recorded in Plat Book 10, Pages
 384 114 and 115, of the Public Records of Collier County,
 385 Florida; all of East Naples Industrial Park Replat No.
 386 1, according to the Plat thereof recorded in Plat Book
 387 17, Pages 38 and 39, of the Public Records of Collier
 388 County, Florida; and the Northerly 200 feet of the
 389 Southerly 510 feet of the Easterly 250 feet of the
 390 Northeast 1/4 of Section 35, Township 49 South, Range
 391 25 East, Collier County, Florida, less and excepting
 392 the Easterly 50 feet thereof.

393
 394 G. Less and except approximately 6.17 acres, more or
 395 less: All that part of Lots 12, 13, and 14, Naples
 396 Improvement Company's Little Farms, as recorded in
 397 Plat Book 2, Page 2 of the Public Records of Collier
 398 County, Florida, being more particularly described as
 399 follows:

400
 401 Commencing at the Southwest corner of Lot 12, thence
 402 along the South line of said Lot 12, North 89°26'51"

403 East 20.00 feet to the East right-of-way line of
 404 Goodlette-Frank Road; thence along the East right-of-
 405 way line North 00°39'49" East 10.00 feet to the Point
 406 of Beginning of the herein described parcel; thence
 407 continue along said East right-of-way North 00°39'49"
 408 West 580.00 feet; thence leaving said East right-of-
 409 way North 89°20'11" East 260.12 feet; thence North
 410 59°31'13" East, 153.66 feet; thence South 30°28'42"
 411 East, 119.01 feet; thence South 00°33'09" East, 554.02
 412 feet to a line lying 10 feet North of and parallel
 413 with said South line of Lot 12; thence along the said
 414 parallel line South 89°26'51" West, 451.54 feet to the
 415 point of beginning of the herein described parcel.

416
 417 Bearings are based on the said East line Goodlette-
 418 Frank Road being North 00°33'49" East.

419
 420 H. Less and except approximately 12.77 acres, more or
 421 less: The West one-half (W 1/2) of the Northwest one-
 422 quarter (NW 1/4) of the Northwest one-quarter (NW 1/4)
 423 of Section 11, Township 50 South, Range 25 East, lying
 424 South of State Road 90 (Tamiami Trail, U.S. 41), in
 425 Collier County, Florida, except the South 264 feet,
 426 and All that part of the South 264 feet of the
 427 Southwest one-quarter (SW 1/4) of the Northwest one-
 428 quarter (NW 1/4) of the Northwest one-quarter (NW 1/4)

429 of Section 11, Township 50 South, Range 25 East, in
 430 Collier County, Florida, lying north of the north line
 431 of Walker's Subdivision as delineated on a Plat of
 432 record in plat book 1, at page 36, of the Public
 433 Records of Collier County, Florida.

434
 435 TOGETHER WITH:

436
 437 Lots 1 to 8, inclusive, COL-LEE-CO TERRACE, according
 438 to plat in Plat Book 1, Page 32, Public Records of
 439 Collier County, Florida.

440
 441 LESS AND EXCEPT

442
 443 Those parcels described in Official Records Book 1969,
 444 Page 977, and Official Records Book 2119, Page 1344
 445 both of the Public Records of Collier County, Florida.

446
 447 I. Less and except approximately 6.16 acres, more or
 448 less: Being a part of Estuary at Grey Oaks Roadway,
 449 Clubhouse and Maintenance Facility Tract, Plat Book
 450 36, pages 9-16, Estuary at Grey Oaks Tract B, Plat
 451 Book 37, pages 13-18 and part of Section 26, Township
 452 49 South, Range 25 East, Collier County, Florida.

453

454 All that part of Estuary at Grey Oaks Roadway,
 455 Clubhouse and Maintenance Facility Tracts according to
 456 the plat thereof as recorded in Plat Book 36, pages 9-
 457 16, Estuary at Grey Oaks Tract B according to the plat
 458 thereof as recorded in Plat Book 37, pages 13-18,
 459 Public Records of Collier County, Florida, and part of
 460 Section 26, Township 49 South, Range 25 East, Collier
 461 County, Florida being more particularly described as
 462 follows:

463
 464 Commencing at the northwest corner of Tract M of said
 465 Estuary at Grey Oaks Roadway, Clubhouse and
 466 Maintenance Facility Tracts;

467
 468 Thence along the west line of said Tract M South
 469 00°East 613.48 feet to the Point of Beginning of the
 470 parcel herein described;

471
 472 Thence continue South 00°20'09" East 406.67 feet;
 473 Thence North 89°24'29" West 660.00 feet;

474
 475 Thence North 00°20'09" West 406.66 feet to a point on
 476 the boundary of Golf Course Tract 1 of said Estuary at
 477 Grey Oaks Tract B;

478

479 Thence along said boundary South 89°24'33" East 660.00
 480 feet to the Point of Beginning of the parcel herein
 481 described;

482
 483 Bearings are based on the west line of said Tract M
 484 being South 00°20'09" East.

485
 486 Hereinafter referred to as the "East Naples Division."

487
 488 Section 2.02 If the annexation authorized by HB 949, 2014
 489 Regular Session, is approved at referendum, the East Naples
 490 Division shall also include the following described lands in
 491 Collier County:

492
 493 All that land located within Sections 19, 20, 21, 22,
 494 27, 28, 29, 30, 31, 32, 33 and 34 of Township 51
 495 South, Range 26 East, and those portions of Sections
 496 4, 5 and 6 of Township 52 South, Range 26 East, which
 497 lie north of the Marco River, Collier County, Florida.
 498 Bearings are based on the west line of said Tract M
 499 being South 00°20'09" East.

500
 501 Section 2.03 Chapter 171, Florida Statutes, shall apply to
 502 all annexations by a municipality within the district's
 503 boundaries.

504 ARTICLE III

POWERS OF THE DISTRICT

Section 3.01 The district shall have the authority and responsibility for and on behalf of the people residing, visiting, or passing through the district to establish, equip, operate, and maintain a fire department and rescue service, including, but not limited to, providing fire hydrants or other types of water supply, buildings for housing fire equipment and personnel, training facilities for fire and rescue, and other buildings deemed necessary by the district board to provide adequate protection from unwanted fire and to carry out rescue operations. In addition, the district shall have the authority to extend its services beyond the district boundaries, provided it is in cooperation with another governmental entity, whether federal, state, county, or municipal.

Section 3.02 The district shall have the authority to provide a paid staff to carry out its responsibilities. This staff shall serve at the pleasure of the district board.

Section 3.03 The district shall have all powers and duties granted by this charter and chapters 189 and 191, Florida Statutes.

ARTICLE IV

GOVERNING BOARD

Section 4.01 The business and affairs of the district shall be conducted and administered by a board of fire commissioners elected pursuant to chapter 191, Florida Statutes, by the electors of the district in a nonpartisan election held

531 at the time and in the manner prescribed for holding general
 532 elections in s. 189.405(2)(a), Florida Statutes. Except as
 533 expressly provided in this charter, each member of the board
 534 shall be elected for a term of 4 years and shall serve until his
 535 or her successor assumes office.

536 Section 4.02 The office of each board member is designated
 537 as a seat on the board, distinguished from each of the other
 538 seats by a numeral. Each candidate must designate, at the time
 539 he or she qualifies, the seat on the board for which he or she
 540 is qualifying. The name of each candidate who qualifies shall be
 541 included on the ballot in a way that clearly indicates the seat
 542 for which he or she is a candidate. The candidate for each seat
 543 who receives the most votes shall be elected to the board. The
 544 cost of such elections shall be paid from funds of the district.
 545 The board of commissioners shall initially be composed of eight
 546 members. The commissioners holding seats 2, 5, 6, and 7 shall
 547 have initial terms that expire in November 2016. Commissioners
 548 for seats 6 and 7 shall subsequently be elected to 2-year terms
 549 that expire in November 2018. The commissioners holding seats 1,
 550 3, 4, and 8 shall have initial terms that expire in November
 551 2018. Seats 6, 7, and 8 shall be eliminated in November 2018.
 552 The foregoing provisions establish, after the November 2018
 553 election, a board having five commissioners with 4-year
 554 staggered terms. Seats 1 and 2 shall be elected as at-large
 555 seats for the East Naples Division. Seats 4 and 5 shall be
 556 elected as at-large seats for the Golden Gate Division. Seat 3

557 shall be elected as an at-large seat for the district as a
 558 whole.

559 Section 4.03 In accordance with chapter 191, Florida
 560 Statutes, each member of the board must be a qualified elector
 561 at the time he or she qualifies and continually throughout his
 562 or her term.

563 Section 4.04 Each elected member shall assume office 10
 564 days after the member's election. Within 60 days after the newly
 565 elected members have taken office, the board shall meet and
 566 elect from its membership a chair, vice chair, secretary, and
 567 treasurer or secretary-treasurer.

568 Section 4.05 In accordance with s. 191.005, Florida
 569 Statutes, members of the board may each be paid, from the funds
 570 of the district, a salary or honorarium for his or her services
 571 in an amount not to exceed \$500 per month for each member. In
 572 addition, members may be reimbursed for travel and per diem
 573 expenses as provided in s. 112.061, Florida Statutes.

574 Section 4.06 If a vacancy occurs on the board due to the
 575 resignation, death, or removal of a board member or the failure
 576 of anyone to qualify for a board seat, the remaining members may
 577 appoint a qualified person to fill the seat until the next
 578 general election, at which time an election shall be held to
 579 fill the vacancy for the remaining term, if any. The board shall
 580 remove any member who has three consecutive, unexcused absences
 581 from regularly scheduled meetings. The board shall adopt
 582 policies by resolution defining excused and unexcused absences.

583 Section 4.07 The procedures for conducting district
 584 elections or referenda and for qualification of electors shall
 585 be pursuant to chapters 189 and 191, Florida Statutes.

586 Section 4.08 The board shall have those administrative
 587 duties set forth in this charter and chapters 189 and 191,
 588 Florida Statutes.

589 Section 4.09 The board is authorized to adopt rules and
 590 regulations for the prevention of fire and for fire control in
 591 the district, which rules and regulations shall have the same
 592 force and effect as law 10 days after copies thereof executed by
 593 the chair and secretary of the board have been posted in at
 594 least three public places.

595 Section 4.10 A quorum of the board shall be a majority of
 596 its members. In order to take official action, an affirmative
 597 vote of a majority of those voting members present shall be
 598 required.

599 Section 4.11 It shall be considered a conflict of interest
 600 and unlawful for board members to enter into any type of
 601 agreement with the district which will bring about personal,
 602 monetary, or other gain, or to individually interfere with the
 603 day-to-day operations of the district staff.

604 ARTICLE V

605 FINANCES

606 Section 5.01 The powers, functions, and duties of the
 607 district regarding ad valorem taxation, bond issuance, other
 608 revenue-raising capabilities, budget preparation and approval,

609 liens and foreclosure of liens, use of tax deeds and tax
 610 certificates as appropriate for non-ad valorem assessments, and
 611 contractual agreements, and the methods for financing the
 612 district and for collecting non-ad valorem assessments, fees, or
 613 service charges, shall be as set forth in this charter, in
 614 chapters 170, 189, 191, and 197, Florida Statutes, and in any
 615 applicable general or special law.

616 Section 5.02 The district shall levy and collect ad
 617 valorem taxes in accordance with s. 191.009, Florida Statutes,
 618 and chapter 200, Florida Statutes. The taxes levied and assessed
 619 by the district shall be a lien upon the land so assessed along
 620 with the county taxes assessed against such land until such
 621 assessments and taxes have been paid, and if the taxes levied by
 622 the district become delinquent, such taxes shall be considered a
 623 part of the county tax subject to the same penalties, charges,
 624 fees, and remedies for enforcement and collection and shall be
 625 enforced and collected as provided by general law for the
 626 collection of such taxes. The district shall have the authority
 627 to levy a millage rate up to 1.5. This charter does not prevent
 628 the district from levying a millage rate as provided for in s.
 629 191.009, Florida Statutes, which has been approved by
 630 referendum.

631 Section 5.03 The board shall annually prepare, consider,
 632 and adopt a district budget pursuant to the applicable
 633 requirements of chapters 189 and 191, Florida Statutes. The
 634 fiscal year shall be from October 1 through September 30. The

635 budget shall state the purpose for which the money is required
 636 and the amount necessary to be raised by taxation within the
 637 district. Such budget and proposed millage rate shall be
 638 noticed, heard, and adopted in accordance with chapters 189,
 639 192, and 200, Florida Statutes.

640 Section 5.04 All warrants for the payment of labor,
 641 equipment, materials, and other allowable expenses incurred by
 642 the district board in carrying out the provisions of this
 643 charter shall be payable on accounts and vouchers approved by
 644 the district board.

645 Section 5.05 The methods for assessing and collecting non-
 646 ad valorem assessments, fees, or service charges shall be as set
 647 forth in this charter, chapter 170, Florida Statutes, chapter
 648 189, Florida Statutes, chapter 191, Florida Statutes, or chapter
 649 197, Florida Statutes.

650 Section 5.06 Impact fees.-

651 (1) The district shall have the authority to charge and
 652 collect impact fees for capital improvements on new construction
 653 within the district as prescribed in chapter 191, Florida
 654 Statutes, or any other applicable general law.

655 (2) The district shall comply with the requirements in ss.
 656 163.31801 and 191.009(4), Florida Statutes, in its collection
 657 and use of impact fees. New facilities and equipment shall be as
 658 provided for in s. 191.009(4), Florida Statutes.

659 (3) The district is authorized to enter into agreements
 660 regarding the collection of impact fees.

661 ARTICLE VI

662 MISCELLANEOUS

663 Section 6.01 Requirements for financial disclosure,
 664 meeting notices, reporting, public records maintenance, and per
 665 diem expenses for officers and employees shall be as set forth
 666 in this charter and chapters 112, 119, 189, 191, and 286,
 667 Florida Statutes.

668 Section 5. Immunity from tort liability.-

669 (1) The district and its officers, agents, and employees
 670 shall have the same immunity from tort liability as other
 671 agencies and subdivisions of the state. The provisions of
 672 chapter 768, Florida Statutes, shall apply to all claims
 673 asserted against the district.

674 (2) The district commissioners and all officers, agents,
 675 and employees of the district shall have the same immunity and
 676 exemption from personal liability as is provided by chapter 768,
 677 Florida Statutes.

678 (3) In accordance with chapter 768, Florida Statutes, the
 679 district shall defend all claims against the district
 680 commissioners and officers, agents, and employees of the
 681 district which arise within the scope of employment or purposes
 682 of the district and shall pay all judgments against such
 683 persons, except where such persons acted in bad faith or with
 684 malicious purpose or in a manner exhibiting wanton and willful
 685 disregard of human rights, safety, or property.

686 Section 6. Miscellaneous.-

687 (1) The district shall exist until the Legislature
 688 approves a special act providing for its dissolution, and such
 689 special act is contingent upon approval by the electors of the
 690 district.

691 (2) The district's property and assets are exempt from
 692 taxation pursuant to s. 191.007, Florida Statutes.

693 (3) All contracts and obligations existing on the date of
 694 enactment of this act shall remain in full force and effect, and
 695 this act shall in no way affect the validity of such contracts
 696 or obligations.

697 Section 7. Liberal construction.—The provisions of this
 698 act shall be liberally construed in order to effectively carry
 699 out the purposes of this act in the interest of the public
 700 health, welfare, and safety of the citizens served by the
 701 district.

702 Section 8. Severability.—It is declared to be the intent
 703 of the Legislature that if any section, subsection, sentence,
 704 clause, phrase, or portion of this act is for any reason held
 705 invalid or unconstitutional by a court of competent
 706 jurisdiction, such portion shall be deemed a separate, distinct,
 707 and independent provision, and such holding shall not affect the
 708 validity of the remaining portions hereof.

709 Section 9. Conflict.—In the event of a conflict of any
 710 provision of this act with the provisions of any other act, the
 711 provisions of this act shall control to the extent of such
 712 conflict.

713 Section 10. Determination of millage.—The district shall
 714 maintain the authority to levy a millage rate up to 1.5 mills
 715 that was previously approved by referendum in each independent
 716 special district as required by the State Constitution and
 717 chapter 191, Florida Statutes. The maximum millage rate approved
 718 within each independent special district may not increase absent
 719 a subsequent referendum. The district is authorized to continue
 720 or conclude procedures under chapter 200, Florida Statutes, on
 721 behalf of the component independent special districts.

722 Section 11. Referendum.—At the special referendum election
 723 called pursuant to this act, the ballot question shall be
 724 substantially as follows:

725
 726 Shall the East Naples Fire Control and Rescue District
 727 and the Golden Gate Fire Control and Rescue District
 728 be merged to create a new district known as the
 729 Greater Naples Fire Rescue District, for the purpose
 730 of providing fire protection and prevention services
 731 to the district, with such district retaining the
 732 authority to levy no more than the current rate of 1.5
 733 mills of ad valorem taxation on property located
 734 within the district?

735
 736 Section 12. Chapters 2000-392, 2012-231, 2004-433, and
 737 2000-444, Laws of Florida, are repealed.

738 Section 13. All assets and liabilities of the East Naples
 739 Fire Control and Rescue District and the Golden Gate Fire
 740 Control and Rescue District are transferred to the Greater
 741 Naples Fire Rescue District.

742 Section 14. This act shall take effect only upon its
 743 approval by a majority vote of those qualified electors in the
 744 East Naples Division, as described in section 2.01 of Article II
 745 and, if applicable, section 2.02 of Article II, and a majority
 746 vote of those qualified electors in the Golden Gate Division, as
 747 described in section 2.01 of Article II, voting in a referendum
 748 to be held in conjunction with the general election to be held
 749 in Collier County on November 4, 2014, except that this section
 750 and section 11 shall take effect upon this act becoming a law.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1223 Medical Tourism
SPONSOR(S): Rooney, Jr.
TIED BILLS: IDEN./SIM. **BILLS:** CS/CS/SB 1150

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Finance & Tax Subcommittee		Pewitt <i>JP</i>	Langston <i>DL</i>
2) Appropriations Committee			
3) Economic Affairs Committee			

SUMMARY ANALYSIS

SB 1150 directs Enterprise Florida, Inc., and the Florida Tourism Industry Marketing Corporation (Visit Florida) to promote medical tourism and market the state as a healthcare destination.

Visit Florida is required to include medical tourism in the 4-year marketing plan and showcase Florida providers. The bill allocates \$3.5 million annually from the appropriation for Visit Florida in the General Appropriations Act (GAA) for this purpose.

The bill also requires Visit Florida to create a matching grant program for local and regional economic development organizations to create targeted medical tourism marketing initiatives. The bill allocates \$1.5 million annually from the appropriation for Visit Florida in the GAA to be used for this purpose.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Medical Tourism

Medical tourism is a term used to describe when consumers travel to receive medical treatment. Traditionally, the term meant to travel across international boundaries but consumer travel across state lines has increased and is referred to as domestic medical tourism. Medical tourism can include sophisticated treatments such as cardiac surgery and orthopedics, as well as elective or routine procedures for dental care or cosmetic surgeries. Medical tourism seems to be occurring for a variety of reasons including the globalization of healthcare services and increases in geriatric populations in the United States and Europe. The industry has "medical tourism facilitators" that market medical tourism "models" to consumers. The function of facilitators is comparable to travel agents and presents legal uncertainties in the interaction between facilitators and providers.

Medical tourism occurs for a variety of reasons. Consumer preference in medical care will depend on factors that a consumer normally applies when purchasing a good. These factors can include cost, income, substitutions, or complimentary goods. Due to the size and scope of the healthcare industry, there is no one "trend" in medical tourism.

Medical tourism is often presented as a way to lower costs for medical treatment. Cost savings is an incentive for some employers to adopt domestic medical tourism practices within the United States. Changes to healthcare law in the United States have brought medical treatment cost disparity into the spotlight. In May 2013, NPR reported on data released by the Federal Department of Health and Human Services on hospital charges for treatment of Medicare patients.¹ NPR reported that there were large differences in the costs of the 100 most common treatments that require hospitalization. Differences occurred across states and hospitals miles from each other. The differences in cost ranged in multiples of 5 to 40. Similar reports found supporting examples including a joint replacement procedure that cost \$297,000 at Centinela Hospital and \$84,000 at St. John's Health Center, two California hospitals about 12 miles apart.² The reports suggest similar levels of disparity in costs to private insurers and uninsured patients.

Visit Florida

Visit Florida is the state's public/private partnership for tourism marketing. Enterprise Florida, Inc. (EFI), contracts with Visit Florida to promote the state for tourism. EFI's Division of Tourism Marketing supports Visit Florida in its activities. Visit Florida is also required to adopt a 4-year tourism marketing plan.³ According to Visit Florida, tourism in Florida was responsible for 91.5 million tourists in 2012 who spent more than \$71.8 billion, generated 23 percent of the state's sales tax revenue and employed more than one million Floridians.⁴ The Fiscal Year 2013-14 General Appropriations Act appropriated over \$63 million to Visit Florida.⁵ Visit Florida raises matching funds from the private sector, and in 2012 achieved an almost 2:1 ratio, dollar per dollar.⁶

¹ NPR, *Government Data Reveals Wild Disparity in Health Care Costs* (May 8, 2013), available at: <http://www.npr.org/templates/story/story.php?storyId=182337915> (Last visited March 28, 2014).

² Christian Science Monitor, *New report reveals stunning disparities in health-care costs* (May 8, 2013), available at: <http://www.csmonitor.com/Business/2013/0508/New-report-reveals-stunning-disparities-in-health-care-costs> (Last visited March 28, 2014).

³ Section 288.923(4), F.S.

⁴ Visit Florida, available at: <http://www.visitflorida.com/en-us/about-visit-florida.html> (Last visited March 28, 2014).

⁵ Fiscal Year 2013-14 General Appropriations Act, Line Item 2228, ch. 2013-40, L.O.F.

⁶ Visit Florida, available at: <http://www.visitflorida.com/en-us/about-visit-florida.html> (Last visited March 28, 2014).

Proposed Changes

The bill directs EFI to market the state as a health care destination and to promote quality health care services in Florida. It also requires the inclusion of promotion of medical tourism as a part of Visit Florida's 4-year tourism marketing plan.

The bill requires Visit Florida to include specific initiatives to advance Florida as a healthcare destination within the 4-year marketing plan. The marketing plan must:

- Promote national and international awareness of the qualifications, scope of services, and specialized healthcare expertise of providers in Florida; and
- Include an initiative that showcases select qualified providers offering bundled healthcare packages and support services.

The showcased providers must be selected through a solicitation of proposals from licensed providers for plans. The plans should include available services, provider qualifications, logistic arrangements, and other services and amenities to be provided to patients and their families. Single proposals may include offers made through a network of providers.

Visit Florida shall assess the qualifications and credentials of providers submitting proposals. To the extent funding is available, all qualified providers must be selected to be in the showcase.

To be qualified for the showcase, a provider must:

- Ensure that all providers in a proposal must have full, active, and unencumbered Florida licenses;
- Unconditional accreditation from a nationally recognized accrediting body;
- Be recognized as a Cancer Center of Excellence or have a current national or international recognition in a specialty area; and
- Meet other criteria established by Visit Florida in collaboration with the Florida Agency for Health Care Administration (AHCA) and the Department of Health.

Visit Florida is also required to create a matching grant program to provide funding to local or regional economic development organizations for targeted medical tourism marketing initiatives. The initiatives must promote Florida as a destination for healthcare service. Providers involved in the local initiative must meet the criteria specified for qualified providers in the showcase. The local or regional economic development organization must show an ability to involve a variety of businesses to collaboratively welcome and support patients and their families who travel to Florida for medical services. The cash or in-kind services available from the local or regional economic development board must be at least equal to the amount of state financial support. Proposals must be submitted by November 1 of each year. Funds must be equally divided among all selected applicants.

The bill requires \$3.5 million of the funds appropriated in the GAA to Visit Florida to be allocated annually for the development and implementation of the medical tourism marketing plan. An additional \$1.5 million must be allocated annually for the matching grant program.

B. SECTION DIRECTORY:

Section 1 amends s. 288.901, F.S., to direct EFI to market the state as a health care destination and to promote quality health care services in Florida.

Section 2 amends s. 288.923, F.S., to include the promotion of medical tourism as a part of Visit Florida's 4-year tourism marketing plan.

Section 3 creates s. 288.924, F.S., to set forth requirements for a medical tourism marketing plan and creates a matching grant program to support local medical tourism marketing.

Section 4 provides an effective date of July 1, 2014.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The bill does not appropriate any additional funds. The bill allocates \$5 million annually from the appropriations in the GAA to Visit Florida to implement s. 288.924, F.S.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill could result in an increase in medical tourism in the state, increasing tourism dollars spent along with spending on health care.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

1 A bill to be entitled
 2 An act relating to medical tourism; amending s.
 3 288.901, F.S.; requiring Enterprise Florida, Inc., to
 4 collaborate with the Department of Economic
 5 Opportunity to market this state as a health care
 6 destination; amending s. 288.923, F.S.; requiring the
 7 Division of Tourism Marketing to include in its 4-year
 8 plan a discussion of the promotion of medical tourism;
 9 creating s. 288.924, F.S.; requiring the plan to
 10 promote national and international awareness of the
 11 qualifications, scope of services, and specialized
 12 expertise of health care providers in this state and
 13 to include an initiative to showcase qualified health
 14 care providers; requiring a specified amount of funds
 15 appropriated to the Florida Tourism Industry Marketing
 16 Corporation to be allocated for the medical tourism
 17 marketing plan; requiring the Florida Tourism Industry
 18 Marketing Corporation to create a matching grant
 19 program; specifying criteria for the grant program;
 20 requiring that a specified amount of funds
 21 appropriated to the Florida Tourism Industry Marketing
 22 Corporation be allocated for the grant program;
 23 providing an effective date.

24
 25 Be It Enacted by the Legislature of the State of Florida:
 26

27 Section 1. Subsection (2) of section 288.901, Florida
 28 Statutes, is amended to read:

29 288.901 Enterprise Florida, Inc.—

30 (2) PURPOSES.—Enterprise Florida, Inc., shall act as the
 31 economic development organization for the state, using ~~utilizing~~
 32 private sector and public sector expertise in collaboration with
 33 the department to:

34 (a) Increase private investment in Florida;

35 (b) Advance international and domestic trade
 36 opportunities;

37 (c) Market the state both as a probusiness location for
 38 new investment and as an unparalleled tourist destination;

39 (d) Revitalize Florida's space and aerospace industries,
 40 and promote emerging complementary industries;

41 (e) Promote opportunities for minority-owned businesses;

42 (f) Assist and market professional and amateur sport teams
 43 and sporting events in Florida; ~~and~~

44 (g) Assist, promote, and enhance economic opportunities in
 45 this state's rural and urban communities; and

46 (h) Market the state as a health care destination by using
 47 the medical tourism initiatives as described in s. 288.924 to
 48 promote quality health care services in this state.

49 Section 2. Paragraph (c) of subsection (4) of section
 50 288.923, Florida Statutes, is amended to read:

51 288.923 Division of Tourism Marketing; definitions;
 52 responsibilities.—

53 (4) The division's responsibilities and duties include,
 54 but are not limited to:

55 (c) Developing a 4-year marketing plan.

56 1. At a minimum, the marketing plan shall discuss the
 57 following:

58 a. Continuation of overall tourism growth in this state.

59 b. Expansion to new or under-represented tourist markets.

60 c. Maintenance of traditional and loyal tourist markets.

61 d. Coordination of efforts with county destination
 62 marketing organizations, other local government marketing
 63 groups, privately owned attractions and destinations, and other
 64 private sector partners to create a seamless, four-season
 65 advertising campaign for the state and its regions.

66 e. Development of innovative techniques or promotions to
 67 build repeat visitation by targeted segments of the tourist
 68 population.

69 f. Consideration of innovative sources of state funding
 70 for tourism marketing.

71 g. Promotion of nature-based tourism and heritage tourism.

72 h. Promotion of medical tourism, as provided under s.
 73 288.924.

74 ~~i.h.~~ Development of a component to address emergency
 75 response to natural and manmade disasters from a marketing
 76 standpoint.

77 2. The plan shall be annual in construction and ongoing in
 78 nature. Any annual revisions of the plan shall carry forward the

79 concepts of the remaining 3-year portion of the plan and
 80 consider a continuum portion to preserve the 4-year timeframe of
 81 the plan. The plan also shall include recommendations for
 82 specific performance standards and measurable outcomes for the
 83 division and direct-support organization. The department, in
 84 consultation with the board of directors of Enterprise Florida,
 85 Inc., shall base the actual performance metrics on these
 86 recommendations.

87 3. The 4-year marketing plan shall be developed in
 88 collaboration with the Florida Tourism Industry Marketing
 89 Corporation. The plan shall be annually reviewed and approved by
 90 the board of directors of Enterprise Florida, Inc.

91 Section 3. Section 288.924, Florida Statutes, is created
 92 to read:

93 288.924 Medical tourism.-

94 (1) MEDICAL TOURISM MARKETING PLAN.-The Division of
 95 Tourism Marketing shall include within the 4-year marketing plan
 96 required under s. 288.923(4)(c) specific initiatives to advance
 97 this state as a destination for quality health care services.

98 The plan must:

99 (a) Promote national and international awareness of the
 100 qualifications, scope of services, and specialized expertise of
 101 health care providers throughout this state; and

102 (b) Include an initiative that showcases selected,
 103 qualified providers offering bundled packages of health care and
 104 support services for defined care episodes. The selection of

105 providers to be showcased must be conducted through a
 106 solicitation of proposals from Florida hospitals and other
 107 licensed providers for plans that describe available services,
 108 provider qualifications, and special arrangements for food,
 109 lodging, transportation, or other support services and amenities
 110 that may be provided to visiting patients and their families. A
 111 single health care provider may submit a proposal describing the
 112 available health care services that will be offered through a
 113 network of multiple providers and explaining any support
 114 services or other amenities associated with the care episode.
 115 The Florida Tourism Industry Marketing Corporation shall assess
 116 the qualifications and credentials of providers submitting
 117 proposals. To the extent funding is available, all qualified
 118 providers shall be selected to be showcased in the initiative.
 119 To be qualified, a health care provider must:
 120 1. Have a full, active, and unencumbered Florida license
 121 and ensure that all health care providers participating in the
 122 proposal have full, active, and unencumbered Florida licenses;
 123 2. Have a current accreditation that is not conditional or
 124 provisional from a nationally recognized accrediting body;
 125 3. Be recognized as a Cancer Center of Excellence under s.
 126 381.925 or have a current national or international recognition
 127 in another specialty area, if such recognition is given through
 128 a specific qualifying process; and
 129 4. Meet other criteria as determined by the Florida
 130 Tourism Industry Marketing Corporation in collaboration with the

131 Agency for Health Care Administration and the Department of
 132 Health.

133 (2) ALLOCATION OF FUNDS FOR MARKETING PLAN.—Annually, at
 134 least \$3.5 million of the funds appropriated in the General
 135 Appropriations Act to the Florida Tourism Industry Marketing
 136 Corporation shall be allocated for the development and
 137 implementation of the medical tourism marketing plan.

138 (3) MEDICAL TOURISM MATCHING GRANTS.—The Florida Tourism
 139 Industry Marketing Corporation shall create a matching grant
 140 program to provide funding to local or regional economic
 141 development organizations for targeted medical tourism marketing
 142 initiatives. The initiatives must promote and advance Florida as
 143 a destination for quality health care services.

144 (a) Selection of recipients of a matching grant shall be
 145 based on the following criteria:

146 1. The providers involved in the local initiative must
 147 meet the criteria specified in subsection (1).

148 2. The local or regional economic development organization
 149 must demonstrate an ability to involve a variety of businesses
 150 in a collaborative effort to welcome and support patients and
 151 their families who travel to this state to obtain medical
 152 services.

153 3. The cash or in-kind services available from the local
 154 or regional economic development organization must be at least
 155 equal to the amount of available state financial support.

156 (b) Proposals must be submitted by November 1 of each

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2014

157 year. Funds must be equally divided among all selected
 158 applicants.

159 (4) ALLOCATION OF FUNDS FOR MATCHING GRANTS.—Annually, at
 160 least \$1.5 million of the funds appropriated in the General
 161 Appropriations Act to the Florida Tourism Industry Marketing
 162 Corporation shall be allocated for the matching grant program.

163 Section 4. This act shall take effect July 1, 2014.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

Bill #: CS/HB 1237 Special Districts
SPONSOR(S): Local & Federal Affairs Committee, Metz
TIED BILLS: IDEN./SIM. **BILLS:** CS/SB 1632

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local & Federal Affairs Committee	14 Y, 0 N	Miller	Rojas
2) Finance & Tax Subcommittee		Wolfgang <i>W</i>	Langston <i>D</i>
3) State Affairs Committee			

SUMMARY ANALYSIS

Special districts are used to create, fund, administer, and oversee provision and delivery of a variety of local services in Florida. Often they are established with the authority to impose ad valorem taxes, fees, and charges. Independent districts are often created by special act and are not subsidiary to local general-purpose governments such as cities or counties. Independent districts have their own governing structure, their governing board members often are elected by the voters within the district, and their budgets are not subject to local government veto. In contrast, a dependent special district usually is created by local ordinance and often one or more of its governing body members in turn sit on the board of an interested local government.

Some types of special districts, such as community development districts, have a separate governing statute, but most special districts, independent and dependent alike, are governed by Ch. 189, F.S. This statute provides guidance and authority for creating, governing, administering, financing, operating, and overseeing special districts.

The bill renumbers sections and subsections in Ch. 189, F.S., makes substantive changes to the oversight and enforcement of special district financial reporting, revises the type of enforcement proceedings which may be brought against noncompliant districts, and increases the notice provided to the legislative presiding officers. The Governor's power to suspend county officers, and the power to suspend and remove certain municipal officers, is extended to permit suspension or removal of special district governing board members.

The bill revises the local government requirements for overseeing and reviewing special districts. Additionally the bill makes conforming changes to a number of related statutes.

The bill provides an effective date of July 1, 2014.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Introduction

A “special district” is “a local unit of special purpose... government within a limited boundary, created by general law, special act, local ordinance, or by rule of the Governor and Cabinet.”¹ Special districts are created to provide a variety of services, such as mosquito control, beach facilities, children’s services,² fire control and rescue,³ or drainage control.⁴ An “independent special district” is characterized by having a governing board the members of which are not identical in membership to, nor all appointed by, nor any removable at will by, the governing body of a single county or municipality, and the district budget cannot be affirmed or vetoed by the governing body of a single county or municipality.⁵ A “dependent special district” is a special district meeting at least one of the following criteria:

- the members of the district governing body are identical to those on the governing body of a county or municipality;
- the members of the governing body are appointed by the governing body of a single county or municipality;
- the members of the district’s governing body may be removed at will by the governing body of a single county or municipality; or
- the district budget is subject to approval or veto by the governing body of a single county or municipality.⁶

The Special District Information Program (SDI Program) in the Department of Economic Opportunity (DEO) is responsible for maintaining a master list of independent and dependent special districts.⁷ At present the SDI Program reports the following totals:

- 1,639 total special districts: 1,627 active districts and 12 inactive districts
 - 1,000 total independent districts: 991 active and 9 inactive
 - 639 total dependent districts: 636 active and 3 inactive.⁸

Ch. 189, F.S.: The “Uniform Special District Accountability Act of 1989”⁹

1. Current Situation

In 1989 the Legislature restructured and centralized the laws governing special districts. Ch. 189, F.S., applies to the formation, governance, administration, supervision, merger, and dissolution of special districts unless otherwise expressly provided in law.¹⁰ The Act includes an extensive statement of legislative intent emphasizing improved accountability to state and local governments, better communication and coordination in monitoring required reporting of special districts, improved

¹ Section 189.403(1), F.S.

² Section 125.901, F.S.

³ Section 191.002, F.S.

⁴ Section 298.01, F.S.

⁵ Section 189.403(3), F.S.

⁶ Section 189.403(2), F.S.

⁷ Section 189.412(2), F.S.

⁸ At <http://dca.deo.myflorida.com/fhcd/sdip/OfficialListdeo/criteria.cfm> (accessed 3/23/2014).

⁹ Section 189.401, F.S.

¹⁰ For example, the creation of community development districts and their charters is exclusively controlled by Ch. 190, F.S. Section 190.004, F.S.

uniformity in special district elections and non-ad valorem assessments, and specifying the elements required in the charter of each new district.¹¹

2. Effect of Proposed Changes

The bill reorganizes Ch. 189, F.S., into the following eight new parts:

- Part I: "General Provisions"
- Part II: "Dependent Special Districts"
- Part III: "Independent Special Districts"
- Part IV: "Elections"
- Part V: "Finance"
- Part VI: "Oversight and Accountability"
- Part VII: "Merger and Dissolution"
- Part VIII: "Comprehensive Planning"

The bill extensively renumbers and relocates sections and subsections of the present statutes in order to group them with other related sections under one of the eight parts. As discussed below, some sections are revised extensively and new sections created. The bill also conforms a number of statutes and sections to the revised numbering system.

This portion of the analysis examines the substantive changes proposed in the bill, primarily to those statutes amended or created for inclusion in new Parts III and VI. Except where noted, the revisions of statutes proposed for inclusion in Parts I, II, IV, V, VII, and VIII are primarily conforming and will be described in the Section Directory.

Independent Special Districts (Proposed Part III)

Legislative Intent

1. Current Situation

Section 189.402, F.S., includes extensive statements of legislative intent for the adoption of Ch. 189, F.S. Subsections (3), (4), (5), and (8) state the perceived needs for independent special districts to assist with managing and financing basic infrastructure, facilities, and services, and the need for uniformity in managing and operating these districts.

2. Effect of Proposed Changes

The bill restructures the statements of intent and places them in different Parts to align more closely with the subject matter of specific statutes. The present subsections pertaining to independent special districts are placed in Part III and portions of the statements of intent are deleted.

Mandatory Charter Requirements

1. Current Situation

With the exception of community development districts¹² the charter for any new independent special district must include the elements required in s. 189.404(3), F.S.¹³ The statute¹⁴ expressly prohibits any special law or general law of local application which:

¹¹ Section 189.402(2), F.S.

¹² Sections 189.4031(2), 190.004, F.S.

¹³ Section 189.404(1), F.S.

¹⁴ Section 189.404(2), F.S.

- (a) Create special districts that do not conform with the minimum requirements for district charters under s. 189.404(3), F.S.;
- (b) Exempt district elections from the requirements of s. 189.405, F.S.;
- (c) Exempt a district from the requirements for bond referenda under s. 189.408, F.S.;
- (d) Exempt a district from the requirements for reporting, notice, or public meetings under ss. 189.4085, 189.415, 189.417, or 189.418, F.S.;
- (e) Create a district for which a statement documenting the following is not submitted to the Legislature:
 - 1. The purpose of the proposed district;
 - 2. The authority of the proposed district;
 - 3. An explanation of why the district is the best alternative; and
 - 4. A resolution or official statement from the local general-government jurisdiction where the proposed district will be located stating the district is consistent with approved local planning and the local government does not object to creation of the district.

Ch. 189, F.S., was passed by a 3/5 majority in each chamber.¹⁵ Under the Florida Constitution, a law passed with a 3/5 majority vote may be amended or repealed only by another 3/5 majority vote.¹⁶

2. *Effect of Proposed Change*

The bill renumbers and relocates ss. 189.405, 189.408, 189.4085, 189.415, 189.417, and 189.418, F.S. The bill thus proposes conforming changes to the statutory references in present s. 189.404(2), F.S. Whether a conforming change to statutory references within a statute originally passed under the 3/5 majority requirement of the Constitution is an “amendment” requiring passage by another 3/5 majority is unclear.

Oversight and Accountability (Proposed Part VI)

Special District Financial and Operations Reporting

1. *Current Situation*

a. Annual Financial Reporting

All special districts are required to file annual financial reports.¹⁷ Each independent special district must file a copy of its annual financial report with the Department of Financial Services (DFS).¹⁸ A dependent special district qualifying as a “component unit” of a local government must provide that entity with financial information necessary to comply with the statutory reporting requirement.¹⁹ A dependent special district that is neither a component unit nor required to file an audit under s. 218.39, F.S., must submit a financial report directly to DFS.²⁰

Special districts with revenues or total expenditures and expenses exceeding \$100,000 (or between \$50,000 and \$100,000 if the district has not been audited for the prior two fiscal years) must have a financial audit of accounts and records prepared by an independent certified public accountant.²¹ A

¹⁵ Ch. 89-169, s. 67, LOF.

¹⁶ Art. III, s. 11(a)(21), Fla. Const.; *School Board of Escambia Co. v. State*, 353 So. 2d 834, 839 (Fla. 1977). The exact text of Art. III, s. 11(a)(21), Fla. Const., is “SECTION 11. Prohibited special laws.— (a) There shall be no special law or general law of local application pertaining to: ... (21) any subject when prohibited by general law passed by a three-fifths vote of the membership of each house. Such law may be amended or repealed by like vote.”

¹⁷ Section 189.418(9), F.S.

¹⁸ Section 218.32(1)(a), F.S.

¹⁹ Section 218.32(1)(b), F.S.

²⁰ Section 218.32(1)(e), F.S.

²¹ Section 218.39(1)(c), (1)(h), F.S.

dependent special district may satisfy this requirement by providing sufficient information for the local government on which the district is dependent to include the district in its own annual audit but an independent district must provide for its own audited report.²² Audit reports must be filed both with DFS²³ and the Auditor General.²⁴

DFS must report a special district's failure to file an annual financial report under s. 218.32, F.S., to the Legislative Auditing Committee (LAC)²⁵ and DEO.²⁶ The Auditor General must report a special district's failure to file a required financial audit report under s. 218.39, F.S., to the LAC²⁷ and DEO.²⁸ On receiving such reports the LAC may conduct a hearing to determine whether the special district should be subject to further action.²⁹ On finding further action is necessary, the LAC must notify DEO which in turn must proceed either to determine if the special district should be found inactive³⁰ or to assist the district into compliance.³¹

b. Retirement System Reporting

Special districts participating in, operating, or administering a retirement system or plan for public employees, funded in any part by public funds, must comply with "Florida Protection for Public Employees Retirement Benefits Act."³² At least every three years each retirement system or plan must have an actuarial report prepared by an enrolled actuary.³³ A copy of the report must be furnished to the Department of Management Services (DMS).³⁴ DMS must report any failure to file to DEO.³⁵

c. Bond Issue Reporting

Special districts authorized to issue bonds³⁶ must report the following information to the Division of Bond Finance of the State Board of Administration (SBA):

- a complete description of every new general obligation or general revenue bond;
- advance notice of impending sales of new bonds;
- copies of final official statements of bond sales, if prepared;³⁷
- specific information on the sale of bonds by public auction³⁸ or negotiated sale;³⁹ and
- at the request of SBA, verify the information held by the Division pertaining to the special district's bond obligations.⁴⁰

²² Section 218.39(3)(a), F.S.

²³ Section 218.32(1)(d), F.S.

²⁴ Section 218.39(7), F.S.

²⁵ Section 218.32(1)(f), F.S. The LAC is a standing joint committee authorized by joint rule of the Legislature.

²⁶ Sections 189.419(5), 218.32(1)(f), F.S.

²⁷ Section 11.45(7)(a), F.S.

²⁸ Section 189.419(5), F.S.

²⁹ Section 11.40(2), F.S.

³⁰ Section 189.4044, F.S. The PCS makes changes to DEO's authority to find a special district is inactive which are described below in the discussion on inactive districts.

³¹ Section 189.421, F.S. DEO's assistive and enforcement authority is discussed under paragraph e in this section of the analysis.

³² Ch. 112, Part VII, F.S. This requirement is at s. 112.62, F.S.

³³ "Enrolled actuary" means an actuary who is enrolled under Subtitle C of Title III of the Employee Retirement Income Security Act of 1974 and who is a member of the Society of Actuaries or the American Academy of Actuaries." Section 112.625(3), F.S.

³⁴ Section 112.63(2), F.S.

³⁵ Section 189.419(4), F.S.

³⁶ Section 189.404(3)(b), F.S. Some types of special districts have separate statutes providing bond authority, such as community development districts (s. 190.006(11), F.S.), special fire and rescue districts (s. 191.012, F.S.), and drainage and water control districts (s. 298.47, F.S.).

³⁷ Section 218.38(1)(a), F.S.

³⁸ Section 218.38(1)(b), F.S.

³⁹ Section 218.38(1)(c), F.S.

⁴⁰ Section 218.38(2), F.S.

SBA must report any failure to file the foregoing information to the LAC⁴¹ and DEO.⁴²

d. Other Required Reports

Special districts must provide each local general-purpose government in which the district is located with the following information:

- an initial report of the district's public facilities and annual reports of changes to those facilities⁴³
- a schedule of regular meetings of the governing body of the district, provided either quarterly, semiannually, or annually.

e. Oversight/Enforcement Authority of DEO

On receiving a report from a local government of an independent special district's noncompliance with the statutory reporting requirements,⁴⁴ or a report of an independent or dependent special district failure to file a required financial report, DEO is first required to attempt to bring the district into compliance. A certified letter is sent to the district describing the required report, the deadline for submission, contact information if the district needs technical assistance to complete the report, where the report must be filed, providing a 60 day deadline to file the report at the direction of the letter, and explaining the potential consequences for failing to comply.⁴⁵

The district must file the report or respond within the time allowed and state why it cannot meet the deadline.⁴⁶ DEO must forward such a response to:

- the LAC, if the report is required under ss. 218.32 or 218.39, F.S.;⁴⁷
- the applicable local governments, if the report pertains to information required under ss. 189.415, 189.416, 189.417, F.S., or financial information requested under s. 189.419(9), F.S.
- DMS, if the report is required under s. 112.63, F.S.

If a special district fails to file a required actuarial review, financial report, or annual audit under s. 112.63, 218.32, or 218.39, F.S., respectively, after the 60 day opportunity provided in the DEO letter, DEO is authorized to seek a writ of certiorari in the circuit court for Leon County, Florida.⁴⁸

2. *Effect of Proposed Change*

The bill revises the duty of the LAC to provide notice upon determining the failure of a special district to make certain financial reports requires additional state action. In addition to DEO, the LAC will provide notice to the Speaker of the House of Representatives, the President of the Senate, the standing committees of the Senate and the House charged with special district oversight as determined by the

⁴¹ Section 218.38(3), F.S.

⁴² Section 189.419(3), F.S.

⁴³ Section 189.415(2), F.S. The statute exempts the Reedy Creek Improvement District from this requirement. Section 189.415(9), F.S.

⁴⁴ For the district's failure to report as required under ss. 189.415, 189.416, 189.417, F.S., or provide financial information requested under s. 189.418(9), F.S.

⁴⁵ Section 189.421(1)(a), F.S. If a dependent district, a copy of the letter is sent to the chair of the local governing authority on which the district is dependent.

⁴⁶ Section 189.421(1)(b), F.S.

⁴⁷ Section 189.421(1)(b)1., F.S.

⁴⁸ Section 189.421(2), (3), (4), F.S. Generally, a writ of certiorari is a method for the court to review a decision from a lower tribunal when there is not a right to an appeal. Philip J. Padovano, *Appellate Practice*, s. 30:5 "Certiorari" (West Florida Practice Series). The failure to comply is deemed the district's final action and the reporting requirements are deemed essential requirements of law. Section 189.421(2), F.S. Basically, the present statute provides a mechanism for DEO to seek review in circuit court of a special district's "decision" not to file a required report. Other than providing an award of costs and attorney fees to the prevailing party, the statute does not provide any additional remedies for failing to provide a required report.

presiding officers of each chamber, and the legislators who represent a portion of the geographical jurisdiction of the special district. The LAC may also request DEO proceed to file legal action against the district.

The bill revises the type of action DEO may bring to enforce the duties of a special district. Instead of seeking certiorari review, DEO will be authorized to file a petition in circuit court seeking declaratory, injunctive, any other equitable relief, or any remedy provided in law. Venue will be in Leon County and the prevailing party will be entitled to an award of costs and reasonable attorney fees.

Special District Oversight

1. Current Situation

a. Local Government Oversight

In conjunction with the local facility reporting process,⁴⁹ local general-purpose governments are authorized to review independent special districts within their respective jurisdictions.⁵⁰ The purpose for such review includes improving decision making about the future role of the district and improvements in delivering services.⁵¹ The statute provides criteria for such reviews,⁵² the opportunity for the district to provide additional information,⁵³ and requires the reviewing government to provide a copy of the report to the government that created the district.⁵⁴ Certain deepwater ports, airport authorities, and special districts created to operate health systems and facilities licensed under Chs. 395, 400, or 429, F.S., are exempt from this review process.⁵⁵

b. Oversight Role of the Legislature

When in session each house of the Legislature is authorized by the Constitution to compel the attendance of witnesses and production of documents or other evidence on any matter under investigation by that chamber or one of its committees.⁵⁶ By general law the powers to investigate, require the attendance of witnesses, and order production of documents and evidence may be conferred upon committees to be exercised when the Legislature is not in session.⁵⁷

By statute,⁵⁸ standing and select legislative committees, and their related subcommittees, are authorized to request the appearance of witnesses for the purpose of obtaining information. These committees are authorized and empowered to inspect and investigate books, records, and other information specified in the statute. While the statute provides for the committees to issue subpoenas necessary to compel the attendance of witnesses or the production of certain materials, but such subpoenas may be issued only in accordance with the rules of the of the chamber in which the committee is located.⁵⁹

2. Effect of Proposed Changes

⁴⁹ Section 189.415, F.S.

⁵⁰ Section 189.428, F.S.

⁵¹ Section 189.428(1), F.S.

⁵² Section 189.428(5), F.S.

⁵³ Section 189.428(6), F.S.

⁵⁴ Section 189.428(7), F.S.

⁵⁵ Section 189.428(9), F.S.

⁵⁶ Art. III, s. 5, Fla. Const.

⁵⁷ Id. This does not include the power to punish contempt or refusal to obey a lawful legislative summons. Contempt of an interim legislative committee is by judicial proceedings when provided in law.

⁵⁸ Section 11.143, F.S.

⁵⁹ Section 11.143(3)(a), F.S.

The bill requires certain notices and information be provided to the Speaker of the House of Representatives, the President of the Senate, the standing committees of the Senate and the House charged with special district oversight as determined by the presiding officers of each chamber, and the legislators who represent a portion of the geographical jurisdiction of the special district.

Certain requirements for the order of local oversight review are deleted, including reporting requirements and the exemption from local oversight review for certain deepwater ports, airports, and health system and facilities districts.

The bill creates s. 189.034, F.S. requiring LAC notice to the Speaker of the House of Representatives, the President of the Senate, the standing committees of the Senate and the House charged with special district oversight as determined by the presiding officers of each chamber, and the legislators who represent a portion of the geographical jurisdiction of the special district, when a district fails to file a required financial report. The LAC is authorized to convene a hearing on the district's noncompliance as well as general oversight issues at the direction of the Speaker and the President. The statute provides an extensive list of documents and material the LAC may request, and the special district must provide, prior to the hearing.

Section 189.035, F.S., is also created as a parallel provision to s. 189.034, governing oversight of special districts created by local ordinance. Instead of the legislative presiding officers, committees, and certain members, the LAC will provide notice of a district's noncompliance to the chair of the local general-purpose government. The local government may convene a hearing within 6 months and request the same type of documents as separately provided in s. 189.034.

The bill creates s. 112.511, F.S., authorizing the Governor to suspend or remove members of a special district governing body. Those members of a governing body who also exercise the powers and duties of a state or county officer remain subject to the Governor's constitutional suspension power.⁶⁰ Those governing body members exercising power and duties other than as a state or county officer are subject to the Governor's statutory power of suspension and removal.⁶¹ The bill requires the Governor and the authority with the power to appoint replacement governing body members ensure a sufficient number of members are maintained to constitute a quorum.

Access to Information about Special Districts

1. Current Situation

DEO, through the SDI Program, maintains the official list of all special districts in the state. The list is available through the DEO website⁶² and is sortable based on a variety of factors. Districts are required to submit their status to DEO for proper listing as independent or dependent.⁶³ If the district's listed status differs from the status submitted to DEO, the district may request a declaratory statement clarifying DEO's conclusion or may seek an amendment to conform its charter to the listed status.⁶⁴ The SDI Program is also responsible for collecting and maintaining reports from LAC, the Auditor General, DFS, DMS, and SBA of district noncompliance with financial reporting requirements, publishing the "Florida Special District Handbook," and providing technical assistance.⁶⁵

⁶⁰ Art. IV, s. 7(a), Fla. Const.

⁶¹ Section 112.51, F.S.

⁶² At <http://dca.deo.myflorida.com/fhcd/sdip/OfficialListdeo/criteria.cfm> (accessed 3/29/2014). Web access is required by s. 189.4035(5), F.S. See also Special District Information Program available at <http://www.floridajobs.org/community-planning-and-development/assistance-for-governments-and-organizations/special-district-information-program> (last visited 3/29/2014).

⁶³ Section 189.4035(2), F.S.

⁶⁴ Section 189.4035(6), F.S.

⁶⁵ Section 189.412, F.S.

Other than general references to the financial disclosure, noticing, and reporting requirements included in every special district charter,⁶⁶ the statute does not impose an express duty on a special district to make documents, reports, and information available on the internet.

2. Effect of Proposed Change

The bill creates s. 189.069, F.S., requiring each special district to update and maintain an internet website on which the district must publish extensive information. Included are the full legal name of the district, its public purpose, the full text of the district charter, contact information for each member on the district's governing body, a description of the district's boundaries, a listing of all taxes, fees, and charges imposed by the district, the code of ethics applicable to the district, all governmental entities with oversight authority for the district, and the district's annual budget and financial reports. DEO is required to provide separate links to each district website complying with the new provision.

DEO Declaration of Inactive Special Districts

1. Current Situation

DEO is required to declare a special district inactive under certain circumstances.⁶⁷ If the governing body of a district unanimously adopts a resolution declaring the district inactive the district shall be responsible for paying its dissolution expenses.⁶⁸ If a district created by special act becomes inactive, DEO is required to notify the Speaker of the House and the President of the Senate of the declaration of inactive status; the declaration is sufficient notice under the Constitution to authorize repeal of any special law establishing the district and its authority.⁶⁹

2. Effect of Proposed Change

The bill clarifies a special district declared inactive on the unanimous vote of its governing body may be dissolved without a referendum. For districts created by special act, DEO must send the declaration of inactive status to the Speaker of the House of Representatives, the President of the Senate, the standing committees of the Senate and the House charged with special district oversight as determined by the presiding officers of each chamber, and the legislators who represent a portion of the geographical jurisdiction of the special district.

The bill prohibits a district declared inactive by DEO from collecting taxes, fees, or assessments unless the declaration is withdrawn or ruled invalid after the district brings a timely challenge to the declaration. The challenge may be brought as an administrative proceeding under Ch. 120, F.S., or by filing an action for declaratory and injunctive relief under Ch. 86, F.S., in the circuit court for the judicial circuit where the majority of the district is located. The prevailing party is entitled to an award of costs and attorney fees. If DEO prevails on the challenge, it may bring a subsequent petition to enforce the prohibitions on collections in the circuit court for Leon County.

Repeal of Community Improvement Authority Act

1. Current Situation

Created in 2000, the Community Improvement Authority Act was intended to facilitate improvement of port areas.⁷⁰ Part of the stated purpose was improving existing and developing new facilities in "major downtown areas," including professional sports facilities, by creating a means to provide

⁶⁶ Section 189.404(3)(h), F.S.

⁶⁷ Section 189.4044, F.S.

⁶⁸ Section 189.4044(2)(a)5., F.S.

⁶⁹ Section 189.4044(3), F.S.

⁷⁰ Ch. 2000-348, LOF.

comprehensive methods and sources of financing for such projects. The Official List of Special Districts maintained by DEO contains no such districts and the SDI Program has never received a report of any such district being created.⁷¹

2. *Effect of Proposed Change*

The bill repeals the Act by repealing ss. 189.430 – 189.444, F.S.

B. SECTION DIRECTORY:

Section 1. Divides Ch. 189, F.S., as amended by the bill, into Parts I – VIII.

Section 2. Amends s. 11.40, F.S., to revise the duty of the Legislative Auditing Committee to give certain notices.

Section 3. Amends s. 112.312(2), F.S., to add “special district” to the definition of “agency.”

Section 4. Creates s. 112.511, F.S., providing for the suspension or removal by the Governor of members of special district governing boards.

Section 5. Makes conforming changes to s. 125.901, F.S., and deletes the power of the chair of a local legislative delegation to appoint a member of the Legislature to the 33 member board of a children’s services special district.

Section 6. Renumbers, transfers, and amends s. 189.401, F.S.

Section 7. Renumbers and transfers s. 189.402(1), (6), (7), F.S., making conforming changes.

Section 8. Renumbers and transfers s. 189.402(2), F.S., making conforming changes.

Section 9. Renumbers and transfers s. 189.402(3), (4), (5), (8), F.S., removing legislative intent, making conforming changes.

Section 10. Renumbers and transfers s. 189.403, F.S., revising definitions, making conforming changes.

Section 11. Renumbers and transfers s. 189.4031(1), F.S., and creates a new catchline.

Section 12. Renumbers and transfers s. 189.4031(2), F.S., making conforming changes.

Section 13. Renumbers and transfers s. 189.4035, F.S., requiring DEO provide a web link for certain required public information, deleting text on seeking amendments to district charters, and making conforming changes.

Section 14. Renumbers and transfers s. 189.404, F.S., making conforming changes.

Section 15. Renumbers and transfers s. 189.40401, F.S.

Section 16. Renumbers and transfers s. 189.4041, F.S., making conforming changes.

Section 17. Renumbers and transfers s. 189.4042(1), F.S., making conforming changes.

Section 18. Renumbers and transfers s. 189.4042(2), F.S., making conforming changes.

Section 19. Renumbers and transfers s. 189.4042(3), F.S., making conforming changes.

Section 20. Renumbers and transfers s. 189.4042(4), F.S., making conforming changes.

Section 21. Renumbers and transfers s. 189.4042(5), F.S., making conforming changes.

Section 22. Renumbers and transfers s. 189.4042(6), F.S., making conforming changes.

Section 23. Renumbers and transfers s. 189.4042(7), F.S., making conforming changes.

Section 24. Renumbers and transfers s. 189.4044, F.S., revising certain proceedings to dissolve a special district, making conforming changes.

Section 25. Renumbers and transfers s. 189.4045, F.S.

Section 26. Renumbers and transfers s. 189.4047, F.S.

Section 27. Renumbers and transfers s. 189.405(1), (2), (3), (4), (6), (7), F.S., making conforming changes.

⁷¹ March 19, 2014 email from Jack Gaskins, Jr., Special District Information Program, in possession of staff of the Local & Federal Affairs Committee.

- Section 28. Renumbers and transfers s. 189.405(5), F.S., making conforming changes.
- Section 29. Renumbers and transfers s. 189.4051, F.S., making conforming changes.
- Section 30. Renumbers and transfers s. 189.4065, F.S.
- Section 31. Renumbers and transfers s. 189.408, F.S.
- Section 32. Renumbers and transfers s. 189.4085, F.S.
- Section 33. Renumbers and transfers s. 189.412, F.S., revising and deleting certain terms, requiring compliance with public bidding requirements if DEO uses third-party vendors to provide certain technical assistance, making conforming changes.
- Section 34. Renumbers and transfers s. 189.413, F.S., making conforming changes.
- Section 35. Renumbers and transfers s. 189.415, F.S.
- Section 36. Renumbers and transfers s. 189.4155, F.S.
- Section 37. Renumbers and transfers s. 189.4156, F.S.
- Section 38. Renumbers and transfers s. 189.416, F.S., making conforming changes.
- Section 39. Renumbers and transfers s. 189.417, F.S., making conforming changes.
- Section 40. Renumbers and transfers s. 189.418, F.S., making conforming changes.
- Section 41. Renumbers and transfers s. 189.419, F.S., adding requirements for notice by the LAC to Legislative presiding officers, committees, and certain members, and to certain local government officials, making conforming changes.
- Section 42. Renumbers and transfers s. 189.420, F.S.
- Section 43. Renumbers and transfers s. 189.421, F.S., authorizing DEO on receiving notice from the LAC to petition for enforcement of certain reporting requirements in circuit court, deleting a provision for DEO to bring enforcement action on receiving notice from DMS, making conforming changes.
- Section 44. Renumbers and transfers s. 189.4221, F.S.
- Section 45. Renumbers and transfers s. 189.423, F.S.
- Section 46. Renumbers and transfers s. 189.425, F.S.
- Section 47. Renumbers and transfers s. 189.427, F.S., making conforming changes.
- Section 48. Renumbers and transfers s. 189.428, F.S., deleting legislative intent and certain oversight review provisions, deleting an exemption for certain ports, airports, and health system and facilities districts, making conforming changes.
- Section 49. Renumbers and transfers s. 189.429, F.S., making conforming changes.
- Section 50. Repeals ss. 189.430 – 189.444, F.S.
- Section 51. Creates s. 189.034, F.S., providing procedures of oversight of special districts created by special act.
- Section 52. Creates s. 189.035, F.S., providing procedures of oversight of special districts created by local ordinance.
- Section 53. Creates s. 189.055, F.S., providing special districts are to be treated as municipalities for purposes of exempting their property from taxation under s. 196.199(1), F.S.
- Section 54. Creates s. 189.069, F.S., requiring special districts as of July 1, 2015, to provide and maintain certain information on an official Internet website.
- Section 55. Creates s. 189.0691, F.S., requiring DEO to report financial reporting violations to the Governor, authorizing suspension or removal of governing body members under s. 112.511, requiring appointment of sufficient members to form a quorum.
- Section 56. Makes conforming changes to s. 11.45, F.S.
- Section 57. Makes conforming changes to s. 100.11(4)(c), F.S.
- Section 58. Makes conforming changes to s. 101.657(1)(f), F.S.
- Section 59. Makes conforming changes to s. 112.061(14)(a), F.S.
- Section 60. Makes conforming changes to s. 112.63(4)(d), F.S.

- Section 61. Makes conforming changes to s. 112.665(1), F.S.
- Section 62. Makes conforming changes to s. 121.021(9), F.S.
- Section 63. Makes conforming changes to s. 121.051(2)(b), F.S.
- Section 64. Makes conforming changes to s. 153.94(1), F.S.
- Section 65. Makes conforming changes to s. 163.08(2)(a), F.S.
- Section 66. Makes conforming changes to s. 165.031(7), F.S.
- Section 67. Makes conforming changes to s. 165.0615(1)(b), (8), (16), F.S.
- Section 68. Makes conforming changes to s. 171.202(3), F.S.
- Section 69. Makes conforming changes to s. 175.032(16), F.S.
- Section 70. Makes conforming changes to s. 190.011(6), F.S.
- Section 71. Makes conforming changes to s. 190.046(8), F.S.
- Section 72. Makes conforming changes to s. 190.049, F.S.
- Section 73. Makes conforming changes to s. 191.003(5), F.S.
- Section 74. Makes conforming changes to s. 191.005(1)(a), (8), F.S.
- Section 75. Makes conforming changes to s. 191.013(2), F.S.
- Section 76. Makes conforming changes to s. 191.014(1), F.S.
- Section 77. Makes conforming changes to s. 191.015, F.S.
- Section 78. Makes conforming changes to s. 200.001(8)(c), (d), (e), F.S.
- Section 79. Makes conforming changes to s. 218.31(1), (5), (6), (7), F.S.
- Section 80. Makes conforming changes to s. 218.32(1)(a), (1)(f), (2), F.S.
- Section 81. Makes conforming changes to s. 218.37(1)(g), F.S.
- Section 82. Makes conforming changes to s. 255.20(1)(j), F.S.
- Section 83. Makes conforming changes to s. 298.225(4), F.S.
- Section 84. Makes conforming changes to s. 343.922(7), F.S.
- Section 85. Makes conforming changes to s. 348.0004(5), F.S.
- Section 86. Makes conforming changes to s. 373.711, F.S.
- Section 87. Makes conforming changes to s. 408.0891(3)(b), F.S.
- Section 88. Makes conforming changes to s. 582.32(1), F.S.
- Section 89. Makes conforming changes to s. 1013.355(a)(3), F.S.
- Section 90. Provides an effective date of July 1, 2014.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None

2. Expenditures:

Apparent minimal compliance costs for DEO to maintain Internet weblinks to special district information.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None

2. Expenditures:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None

D. FISCAL COMMENTS:

None

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not appear to require counties or municipalities to take any action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

2. Other:

The bill raises an issue as to whether proposed conforming changes to s. 189.404(2), F.S., require a 3/5 vote of both houses in order to pass.

B. RULE-MAKING AUTHORITY:

None

C. DRAFTING ISSUES OR OTHER COMMENTS:

None

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

At its meeting of March 27, 2014, the Local & Federal Affairs Committee considered, approved, and reported favorably a Proposed Committee Substitute revising the original bill. This analysis is drawn to the PCS.

1 A bill to be entitled
 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.; revising membership criteria;
 13 transferring, renumbering, and amending s. 189.401,
 14 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
 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; deleting
 58 provisions related to available remedies for the
 59 failure of a special district to disclose required
 60 financial reports; transferring and renumbering ss.
 61 189.4221, 189.423, and 189.425, F.S.; transferring,
 62 renumbering, and amending s. 189.427, F.S.; providing
 63 for the deposit of administration fees into the
 64 Operating Trust Fund rather than the Grants and
 65 Donations Trust Fund; transferring, renumbering, and
 66 amending s. 189.428, F.S.; revising the oversight
 67 review process for special districts; transferring and
 68 renumbering s. 189.429, F.S.; repealing ss. 189.430,
 69 189.431, 189.432, 189.433, 189.434, 189.435, 189.436,
 70 189.437, 189.438, 189.439, 189.440, 189.441, 189.442,
 71 189.443, and 189.444, F.S., relating to the Community
 72 Improvement Authority Act; creating ss. 189.034 and
 73 189.035, F.S.; requiring the Legislative Auditing
 74 Committee to provide notice of the failure of special
 75 districts to file certain required reports to certain
 76 persons and bodies; authorizing the Legislative
 77 Auditing Committee to convene a public hearing;
 78 requiring a special district to provide certain

79 information before the public hearing at the request
 80 of the Legislative Auditing Committee or the reviewing
 81 entity; creating s. 189.055, F.S.; requiring special
 82 districts to be treated as municipalities for certain
 83 purposes; creating s. 189.069, F.S.; requiring special
 84 districts to maintain an official Internet website for
 85 certain purposes; requiring special districts to
 86 annually update and maintain certain information on
 87 the website; requiring special districts to submit the
 88 web address of their respective websites to the
 89 department; requiring that the department's online
 90 list of special districts include a link to the
 91 website of certain special districts; creating s.
 92 189.0691, F.S.; providing for the suspension of
 93 special district governing body members by the
 94 Governor under certain conditions; requiring the
 95 Governor and appointing authority to ensure that the
 96 governing body maintains a sufficient number of
 97 members to constitute a quorum; amending ss. 11.45,
 98 100.011, 101.657, 112.061, 112.63, 112.665, 121.021,
 99 121.051, 153.94, 163.08, 165.031, 165.0615, 171.202,
 100 175.032, 190.011, 190.046, 190.049, 191.003, 191.005,
 101 191.013, 191.014, 191.015, 200.001, 218.31, 218.32,
 102 218.37, 255.20, 298.225, 343.922, 348.0004, 373.711,
 103 403.0891, 582.32, and 1013.355, F.S.; conforming
 104 cross-references and provisions to changes made by the

131 and entitled "Oversight and Accountability."

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

136 (8) Part VIII, consisting of sections 189.08, 189.081, and
 137 189.082, Florida Statutes, as created by this act, and entitled
 138 "Comprehensive Planning."

139 Section 2. Paragraph (b) of subsection (2) of section
 140 11.40, Florida Statutes, is amended to read:

141 11.40 Legislative Auditing Committee.—

142 (2) Following notification by the Auditor General, the
 143 Department of Financial Services, or the Division of Bond
 144 Finance of the State Board of Administration of the failure of a
 145 local governmental entity, district school board, charter
 146 school, or charter technical career center to comply with the
 147 applicable provisions within s. 11.45(5)-(7), s. 218.32(1), or
 148 s. 218.38, the Legislative Auditing Committee may schedule a
 149 hearing to determine if the entity should be subject to further
 150 state action. If the committee determines that the entity should
 151 be subject to further state action, the committee shall:

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

153 1. A special act, notify the President of the Senate, the
 154 Speaker of the House of Representatives, the standing committees
 155 of the Senate and the House of Representatives charged with
 156 special district oversight as determined by the presiding

131 and entitled "Oversight and Accountability."

132 (7) Part VII, consisting of sections 189.07, 189.071,
 133 189.072, 189.073, 189.074, 189.075, 189.076, and 189.0761,
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 147 applicable provisions within s. 11.45(5)-(7), s. 218.32(1), or
 148 s. 218.38, the Legislative Auditing Committee may schedule a
 149 hearing to determine if the entity should be subject to further
 150 state action. If the committee determines that the entity should
 151 be subject to further state action, the committee shall:

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

153 1. A special act, notify the President of the Senate, the
 154 Speaker of the House of Representatives, the standing committees
 155 of the Senate and the House of Representatives charged with
 156 special district oversight as determined by the presiding

157 officers of each respective chamber, the legislators who
 158 represent a portion of the geographical jurisdiction of the
 159 special district and the Department of Economic Opportunity that
 160 the special district has failed to comply with the law. Upon
 161 receipt of notification, the Department of Economic Opportunity
 162 shall proceed pursuant to s. 189.062 or s. 189.067. If the
 163 special district remains in noncompliance after the process set
 164 forth in s. 189.034(3), the Legislative Auditing Committee may
 165 request the department to proceed pursuant to s. 189.067(3) ~~s.~~
 166 ~~189.4044 or s. 189.421.~~

167 2. A local ordinance, notify the chair or equivalent of
 168 the local general-purpose government pursuant to s. 189.034(2)
 169 and the Department of Economic Opportunity that the special
 170 district has failed to comply with the law. Upon receipt of
 171 notification, the department shall proceed pursuant to s.
 172 189.062 or s. 189.067. If the special district remains in
 173 noncompliance after the process set forth s. 189.035(3), the
 174 Legislative Auditing Committee may request the department to
 175 proceed pursuant to s. 189.067(3).

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

178 112.312 Definitions.—As used in this part and for purposes
 179 of the provisions of s. 8, Art. II of the State Constitution,
 180 unless the context otherwise requires:

181 (2) "Agency" means any state, regional, county, local, or
 182 municipal government entity of this state, whether executive,

183 judicial, or legislative; any department, division, bureau,
 184 commission, authority, or political subdivision of this state
 185 therein; ~~or~~ any public school, community college, or state
 186 university; or any special district as defined in s. 189.012.

187 Section 4. Section 112.511, Florida Statutes, is created
 188 to read:

189 112.511 Members of special district governing bodies;
 190 suspension; removal from office.-

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

196 (2) A member of the governing body of a special district,
 197 as defined in s. 189.012, who exercises powers and duties other
 198 than that of a state or county officer, is subject to the
 199 suspension and removal procedures under s. 112.51.

200 Section 5. Subsections (1), (4), and (6) of section
 201 125.901, Florida Statutes, are amended to read:

202 125.901 Children's services; independent special district;
 203 council; powers, duties, and functions; public records
 204 exemption.-

205 (1) Each county may by ordinance create an independent
 206 special district, as defined in ss. 189.012 ~~189.403(3)~~ and
 207 200.001(8)(e), to provide funding for children's services
 208 throughout the county in accordance with this section. The

209 boundaries of such district shall be coterminous with the
 210 boundaries of the county. The county governing body shall obtain
 211 approval, by a majority vote of those electors voting on the
 212 question, to annually levy ad valorem taxes which shall not
 213 exceed the maximum millage rate authorized by this section. Any
 214 district created pursuant to the provisions of this subsection
 215 shall be required to levy and fix millage subject to the
 216 provisions of s. 200.065. Once such millage is approved by the
 217 electorate, the district shall not be required to seek approval
 218 of the electorate in future years to levy the previously
 219 approved millage.

220 (a) The governing body ~~board~~ of the district shall be a
 221 council on children's services, which may also be known as a
 222 juvenile welfare board or similar name as established in the
 223 ordinance by the county governing body. Such council shall
 224 consist of 10 members, including: the superintendent of schools;
 225 a local school board member; the district administrator from the
 226 appropriate district of the Department of Children and Family
 227 Services, or his or her designee who is a member of the Senior
 228 Management Service or of the Selected Exempt Service; one member
 229 of the county governing body; and the judge assigned to juvenile
 230 cases who shall sit as a voting member of the board, except that
 231 said judge shall not vote or participate in the setting of ad
 232 valorem taxes under this section. If there is more than one
 233 judge assigned to juvenile cases in a county, the chief judge
 234 shall designate one of said juvenile judges to serve on the

235 board. The remaining five members shall be appointed by the
 236 Governor, and shall, to the extent possible, represent the
 237 demographic diversity of the population of the county. After
 238 soliciting recommendations from the public, the county governing
 239 body shall submit to the Governor the names of at least three
 240 persons for each vacancy occurring among the five members
 241 appointed by the Governor, and the Governor shall appoint
 242 members to the council from the candidates nominated by the
 243 county governing body. The Governor shall make a selection
 244 within a 45-day period or request a new list of candidates. All
 245 members appointed by the Governor shall have been residents of
 246 the county for the previous 24-month period. Such members shall
 247 be appointed for 4-year terms, except that the length of the
 248 terms of the initial appointees shall be adjusted to stagger the
 249 terms. The Governor may remove a member for cause or upon the
 250 written petition of the county governing body. If any of the
 251 members of the council required to be appointed by the Governor
 252 under the provisions of this subsection shall resign, die, or be
 253 removed from office, the vacancy thereby created shall, as soon
 254 as practicable, be filled by appointment by the Governor, using
 255 the same method as the original appointment, and such
 256 appointment to fill a vacancy shall be for the unexpired term of
 257 the person who resigns, dies, or is removed from office.

258 (b) However, any county as defined in s. 125.011(1) may
 259 instead have a governing body ~~board~~ consisting of 33 members,
 260 including: the superintendent of schools; two representatives of

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

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

312 (c) This subsection does not prohibit a county from

313 exercising such power as is provided by general or special law
 314 to provide children's services or to create a special district
 315 to provide such services.

316 (4)(a) Any district created pursuant to this section may
 317 be dissolved by a special act of the Legislature, or the county
 318 governing body may by ordinance dissolve the district subject to
 319 the approval of the electorate.

320 (b)1.a. Notwithstanding paragraph (a), the governing body
 321 of the county shall submit the question of retention or
 322 dissolution of a district with voter-approved taxing authority
 323 to the electorate in the general election according to the
 324 following schedule:

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

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

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

335 b. A referendum by the electorate on or after July 1,
 336 2010, creating a new district with taxing authority may specify
 337 that the district is not subject to reauthorization or may
 338 specify the number of years for which the initial authorization

339 shall remain effective. If the referendum does not prescribe
 340 terms of reauthorization, the governing body of the county shall
 341 submit the question of retention or dissolution of the district
 342 to the electorate in the general election 12 years after the
 343 initial authorization.

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

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

361 4. Nothing in this paragraph precludes the governing body
 362 ~~board~~ of a district from requesting that the governing body of
 363 the county submit the question of retention or dissolution of a
 364 district with voter-approved taxing authority to the electorate

365 at a date earlier than the year prescribed in subparagraph 1. If
 366 the governing body of the county accepts the request and submits
 367 the question to the electorate, the governing body satisfies the
 368 requirement of that subparagraph.

369
 370 If any district is dissolved pursuant to this subsection, each
 371 county must first obligate itself to assume the debts,
 372 liabilities, contracts, and outstanding obligations of the
 373 district within the total millage available to the county
 374 governing body for all county and municipal purposes as provided
 375 for under s. 9, Art. VII of the State Constitution. Any district
 376 may also be dissolved pursuant to s. part VII of chapter 189
 377 ~~189.4042~~.

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

385 Section 6. Section 189.401, Florida Statutes, is
 386 transferred, renumbered as section 189.01, Florida Statutes, and
 387 amended to read:

388 189.01 ~~189.401~~ Short title.—This chapter may be cited as
 389 the "Uniform Special District Accountability Act ~~of 1989~~."

390 Section 7. Subsections (1), (6), and (7) of section

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391 189.402, Florida Statutes, are transferred and renumbered as
 392 subsections (1), (2), and (3), respectively, of section 189.011,
 393 Florida Statutes, and present subsection (6) of that section is
 394 amended, to read:

395 189.011 ~~189.402~~ Statement of legislative purpose and
 396 intent.—

397 ~~(2)(6)~~ The Legislature finds that special districts serve
 398 a necessary and useful function by providing services to
 399 residents and property in the state. The Legislature finds
 400 further that special districts operate to serve a public purpose
 401 and that this is best secured by certain minimum standards of
 402 accountability designed to inform the public and appropriate
 403 general-purpose local governments of the status and activities
 404 of special districts. It is the intent of the Legislature that
 405 this public trust be secured by requiring each independent
 406 special district in the state to register and report its
 407 financial and other activities. The Legislature further finds
 408 that failure of an independent special district to comply with
 409 the minimum disclosure requirements set forth in this chapter
 410 may result in action against officers of such district body
 411 ~~board~~.

412 Section 8. Subsection (2) of section 189.402, Florida
 413 Statutes, is transferred, renumbered as section 189.06, Florida
 414 Statutes, and amended to read:

415 189.06 ~~189.402~~ Legislative intent; centralized location
 416 ~~Statement of legislative purpose and intent.—~~

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

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

423 (2)~~(b)~~ Improve communication and coordination between
 424 state agencies with respect to required special district
 425 reporting and state monitoring.

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

430 (4)~~(d)~~ Move toward greater uniformity in special district
 431 elections and non-ad valorem assessment collection procedures at
 432 the local level without hampering the efficiency and
 433 effectiveness of the current procedures.

434 (5)~~(e)~~ Clarify special district definitions and creation
 435 methods in order to ensure consistent application of those
 436 definitions and creation methods across all levels of
 437 government.

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

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

442 (8)~~(h)~~ Encourage the creation of municipal service taxing

443 units and municipal service benefit units for providing
 444 municipal services in unincorporated areas of each county.

445 Section 9. Subsections (3), (4), (5), and (8) of section
 446 189.402, Florida Statutes, are transferred, renumbered as
 447 subsections (1), (2), (3), and (4), respectively, of section
 448 189.03, Florida Statutes, and amended to read:

449 189.03 ~~189.402~~ Statement of legislative purpose and
 450 intent; independent special districts.-

451 (1)~~(3)~~ The Legislature finds that:

452 (a) There is a need for uniform, focused, and fair
 453 procedures in state law to provide a reasonable alternative for
 454 the establishment, powers, operation, and duration of
 455 independent special districts ~~to manage and finance basic~~
 456 ~~capital infrastructure, facilities, and services; and that,~~
 457 ~~based upon a proper and fair determination of applicable facts,~~
 458 ~~an independent special district can constitute a timely,~~
 459 ~~efficient, effective, responsive, and economic way to deliver~~
 460 ~~these basic services, thereby providing a means of solving the~~
 461 ~~state's planning, management, and financing needs for delivery~~
 462 ~~of capital infrastructure, facilities, and services in order to~~
 463 ~~provide for projected growth without overburdening other~~
 464 ~~governments and their taxpayers.~~

465 (b) It is in the public interest that any independent
 466 special district created pursuant to state law not outlive its
 467 usefulness and that the operation of such a district and the
 468 exercise by the district of its powers be consistent with

469 applicable due process, disclosure, accountability, ethics, and
 470 government-in-the-sunshine requirements which apply both to
 471 governmental entities and to their elected and appointed
 472 officials.

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

477 (2)(4) It is the policy of this state:

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

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

487 (3)(5) It is the legislative intent ~~and purpose, based~~
 488 ~~upon, and consistent with, its findings of fact and declarations~~
 489 ~~of policy,~~ to authorize a uniform procedure by general law to
 490 create an independent special district, ~~as an alternative method~~
 491 ~~to manage and finance basic capital infrastructure, facilities,~~
 492 ~~and services. It is further the legislative intent and purpose~~
 493 to provide by general law for the uniform operation, exercise of
 494 power, and procedure for termination of any such independent

495 special district.

496 ~~(4)(8)~~ The Legislature finds and declares that:

497 (a) Growth and development issues transcend the boundaries
 498 and responsibilities of individual units of government, and
 499 often no single unit of government can plan or implement
 500 policies to deal with these issues without affecting other units
 501 of government.

502 (b) The provision of capital infrastructure, facilities,
 503 and services for the preservation and enhancement of the quality
 504 of life of the people of this state may require the creation of
 505 multicounty and multijurisdictional districts.

506 Section 10. Section 189.403, Florida Statutes, is
 507 transferred, renumbered as section 189.012, Florida Statutes,
 508 reordered, and amended to read:

509 189.012 ~~189.403~~ Definitions.—As used in this chapter, the
 510 term:

511 ~~(6)(1)~~ "Special district" means a ~~local~~ unit of local
 512 government created for a ~~of~~ special purpose, as opposed to a
 513 general purpose ~~general purpose~~, which has jurisdiction to
 514 operate ~~government~~ within a limited geographic boundary and is,
 515 created by general law, special act, local ordinance, or by rule
 516 of the Governor and Cabinet. ~~The special purpose or purposes of~~
 517 ~~special districts are implemented by specialized functions and~~
 518 ~~related prescribed powers. For the purpose of s. 196.199(1),~~
 519 ~~special districts shall be treated as municipalities.~~ The term
 520 does not include a school district, a community college

521 district, a special improvement district created pursuant to s.
 522 285.17, a municipal service taxing or benefit unit as specified
 523 in s. 125.01, or a board which provides electrical service and
 524 which is a political subdivision of a municipality or is part of
 525 a municipality.

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

528 (a) The membership of its governing body is identical to
 529 that of the governing body of a single county or a single
 530 municipality.

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

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

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

539
 540 This subsection is for purposes of definition only. Nothing in
 541 this subsection confers additional authority upon local
 542 governments not otherwise authorized by the provisions of the
 543 special acts or general acts of local application creating each
 544 special district, as amended.

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

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

550 (1)~~(4)~~ "Department" means the Department of Economic
 551 Opportunity.

552 (4)~~(5)~~ "Local governing authority" means the governing
 553 body of a unit of local general-purpose government. However, if
 554 the special district is a political subdivision of a
 555 municipality, "local governing authority" means the
 556 municipality.

557 (7)~~(6)~~ "Water management district" for purposes of this
 558 chapter means a special taxing district which is a regional
 559 water management district created and operated pursuant to
 560 chapter 373 or chapter 61-691, Laws of Florida, or a flood
 561 control district created and operated pursuant to chapter 25270,
 562 Laws of Florida, 1949, as modified by s. 373.149.

563 (5)~~(7)~~ "Public facilities" means major capital
 564 improvements, including, but not limited to, transportation
 565 facilities, sanitary sewer facilities, solid waste facilities,
 566 water management and control facilities, potable water
 567 facilities, alternative water systems, educational facilities,
 568 parks and recreational facilities, health systems and
 569 facilities, and, except for spoil disposal by those ports listed
 570 in s. 311.09(1), spoil disposal sites for maintenance dredging
 571 in waters of the state.

572 Section 11. Subsection (1) of section 189.4031, Florida

573 Statutes, is transferred and renumbered as section 189.013,
 574 Florida Statutes, and the catchline of that section shall read:
 575 "Special districts; creation, dissolution, and reporting
 576 requirements."

577 Section 12. Subsection (2) of section 189.4031, Florida
 578 Statutes, is transferred, renumbered as section 189.0311,
 579 Florida Statutes, and amended to read:

580 189.0311 ~~189.4031~~ Independent special districts ~~Special~~
 581 ~~districts; creation, dissolution, and reporting requirements;~~
 582 ~~charter requirements.-~~

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

593 Section 13. Section 189.4035, Florida Statutes, is
 594 transferred and renumbered as section 189.061, Florida Statutes,
 595 and subsections (1), (5), and (6) of that section are amended,
 596 to read:

597 189.061 ~~189.4035~~ ~~Preparation of~~ Official list of special
 598 districts.-

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

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

614 (6) ~~Preparation of~~ The official list of special districts
 615 or the determination of status does not constitute final agency
 616 action pursuant to chapter 120. If the status of a special
 617 district on the official list is inconsistent with the status
 618 submitted by the district, the district may request the
 619 department to issue a declaratory statement setting forth the
 620 requirements necessary to resolve the inconsistency. If
 621 necessary, upon issuance of a declaratory statement by the
 622 department which is not appealed pursuant to chapter 120, the
 623 governing body ~~board~~ of any special district receiving such a
 624 declaratory statement shall apply to the entity which originally

625 established the district for an amendment to its charter
 626 correcting the specified defects in its original charter. This
 627 amendment shall be for the sole purpose of resolving
 628 inconsistencies between a district charter and the status of a
 629 district as it appears on the official list. ~~Such application~~
 630 ~~shall occur as follows:~~

631 ~~(a) In the event a special district was created by a local~~
 632 ~~general purpose government or state agency and applies for an~~
 633 ~~amendment to its charter to confirm its independence, said~~
 634 ~~application shall be granted as a matter of right. If~~
 635 ~~application by an independent district is not made within 6~~
 636 ~~months of rendition of a declaratory statement, the district~~
 637 ~~shall be deemed dependent and become a political subdivision of~~
 638 ~~the governing body which originally established it by operation~~
 639 ~~of law.~~

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

647 Section 14. Section 189.404, Florida Statutes, is
 648 transferred and renumbered as section 189.031, Florida Statutes,
 649 and subsection (2) and paragraphs (e), (f), and (g) of
 650 subsection (3) of that section are amended, to read:

651 189.031 ~~189.404~~ Legislative intent for the creation of
 652 independent special districts; special act prohibitions; model
 653 elements and other requirements; general-purpose local
 654 government/Governor and Cabinet creation authorizations.—

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

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

661 (b) Exempt independent special district elections from the
 662 appropriate requirements in s. 189.04 ~~189.405~~;

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

665 (d) Exempt an independent special district from the
 666 reporting, notice, or public meetings requirements of s.
 667 189.051, s. 189.08, s. 189.015, or s. 189.016 ~~189.4085, s.~~
 668 ~~189.415, s. 189.417, or s. 189.418~~;

669 (e) Create an independent special district for which a
 670 statement has not been submitted to the Legislature that
 671 documents the following:

- 672 1. The purpose of the proposed district;
- 673 2. The authority of the proposed district;
- 674 3. An explanation of why the district is the best
 675 alternative; and
- 676 4. A resolution or official statement of the governing

677 body or an appropriate administrator of the local jurisdiction
 678 within which the proposed district is located stating that the
 679 creation of the proposed district is consistent with the
 680 approved local government plans of the local governing body and
 681 that the local government has no objection to the creation of
 682 the proposed district.

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

687 (e) The membership and organization of the governing body
 688 ~~board~~ of the district. If a district created after September 30,
 689 1989, uses a one-acre/one-vote election principle, it shall
 690 provide for a governing body ~~board~~ consisting of five members.
 691 Three members shall constitute a quorum.

692 (f) The maximum compensation of a governing body ~~board~~
 693 member.

694 (g) The administrative duties of the governing body ~~board~~
 695 of the district.

696 Section 15. Section 189.40401, Florida Statutes, is
 697 transferred and renumbered as section 189.033, Florida Statutes.

698 Section 16. Section 189.4041, Florida Statutes, is
 699 transferred and renumbered as section 189.02, Florida Statutes,
 700 and paragraph (e) of subsection (4) of that section is amended,
 701 to read:

702 189.02 ~~189.4041~~ Dependent special districts.—

703 (4) Dependent special districts created by a county or
 704 municipality shall be created by adoption of an ordinance that
 705 includes:

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

708 Section 17. Subsection (1) of section 189.4042, Florida
 709 Statutes, is transferred, renumbered as section 189.07, Florida
 710 Statutes, and amended to read:

711 189.07 ~~189.4042~~ Definitions ~~Merger and dissolution~~
 712 ~~procedures.~~

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

714 (1)(a) "Component independent special district" means an
 715 independent special district that proposes to be merged into a
 716 merged independent district, or an independent special district
 717 as it existed before its merger into the merged independent
 718 district of which it is now a part.

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

725 (3)(e) "Governing body" means the governing body of the
 726 independent special district in which the general legislative,
 727 governmental, or public powers of the district are vested and by
 728 authority of which the official business of the district is

729 conducted.

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

733 (5)~~(e)~~ "Joint merger plan" means the merger plan that is
 734 adopted by resolution of the governing bodies of two or more
 735 independent special districts that outlines the terms and
 736 agreements for the official merger of the districts and that is
 737 finalized and approved by the governing bodies pursuant to this
 738 part section.

739 (6)~~(f)~~ "Merged independent district" means a single
 740 independent special district that results from a successful
 741 merger of two or more independent special districts pursuant to
 742 this part section.

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

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

750 (9)~~(i)~~ "Proposed elector-initiated merger plan" means a
 751 written document that contains the terms and information
 752 regarding the merger of two or more independent special
 753 districts and that accompanies the petition initiated by the
 754 qualified electors of the districts but that is not yet

755 finalized and approved by the governing bodies of each component
 756 independent special district pursuant to this part section.

757 (10)~~(j)~~ "Proposed joint merger plan" means a written
 758 document that contains the terms and information regarding the
 759 merger of two or more independent special districts and that has
 760 been prepared pursuant to a resolution of the governing bodies
 761 of the districts but that is not yet finalized and approved by
 762 the governing bodies of each component independent special
 763 district pursuant to this part section.

764 (11)~~(k)~~ "Qualified elector" means an individual at least
 765 18 years of age who is a citizen of the United States, a
 766 permanent resident of this state, and a resident of the district
 767 who registers with the supervisor of elections of a county
 768 within which the district lands are located when the
 769 registration books are open.

770 Section 18. Subsection (2) of section 189.4042, Florida
 771 Statutes, is transferred, renumbered as section 189.071, Florida
 772 Statutes, and amended to read:

773 189.071 ~~189.4042~~ Merger or ~~and~~ dissolution of a dependent
 774 special district procedures.—

775 ~~(2) MERGER OR DISSOLUTION OF A DEPENDENT SPECIAL~~
 776 ~~DISTRICT.~~—

777 (1)~~(a)~~ The merger or dissolution of a dependent special
 778 district may be effectuated by an ordinance of the general-
 779 purpose local governmental entity wherein the geographical area
 780 of the district or districts is located. However, a county may

781 not dissolve a special district that is dependent to a
 782 municipality or vice versa, or a dependent district created by
 783 special act.

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

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

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

797 Section 19. Subsection (3) of section 189.4042, Florida
 798 Statutes, is transferred, renumbered as section 189.072, Florida
 799 Statutes, and amended to read:

800 189.072 ~~189.4042~~ Dissolution of an independent special
 801 district Merger and dissolution procedures.-

802 ~~(3) DISSOLUTION OF AN INDEPENDENT SPECIAL DISTRICT.~~

803 (1)~~(a)~~ *Voluntary dissolution.*-If the governing body ~~board~~
 804 of an independent special district created and operating
 805 pursuant to a special act elects, by a majority vote plus one,
 806 to dissolve the district, the voluntary dissolution of an

807 independent special district created and operating pursuant to a
 808 special act may be effectuated only by the Legislature unless
 809 otherwise provided by general law.

810 (2)~~(b)~~ *Other dissolutions.*-

811 (a)~~1~~. In order for the Legislature to dissolve an active
 812 independent special district created and operating pursuant to a
 813 special act, the special act dissolving the active independent
 814 special district must be approved by a majority of the resident
 815 electors of the district or, for districts in which a majority
 816 of governing body ~~board~~ members are elected by landowners, a
 817 majority of the landowners voting in the same manner by which
 818 the independent special district's governing body is elected. If
 819 a local general-purpose government passes an ordinance or
 820 resolution in support of the dissolution, the local general-
 821 purpose government must pay any expenses associated with the
 822 referendum required under this paragraph ~~subparagraph~~.

823 (b)~~2~~. If an independent special district was created by a
 824 county or municipality by referendum or any other procedure, the
 825 county or municipality that created the district may dissolve
 826 the district pursuant to a referendum or any other procedure by
 827 which the independent special district was created. However, if
 828 the independent special district has ad valorem taxation powers,
 829 the same procedure required to grant the independent special
 830 district ad valorem taxation powers is required to dissolve the
 831 district.

832 (3)~~(e)~~ *Inactive independent special districts.*-An

833 independent special district that meets any criteria for being
 834 declared inactive, or that has already been declared inactive,
 835 pursuant to s. 189.062 ~~189.4044~~ may be dissolved by special act
 836 without a referendum. If an inactive independent special
 837 district was created by a county or municipality through a
 838 referendum, the county or municipality that created the district
 839 may dissolve the district after publishing notice as described
 840 in s. 189.062 ~~189.4044~~.

841 ~~(4)(d)~~ *Debts and assets.*—Financial allocations of the
 842 assets and indebtedness of a dissolved independent special
 843 district shall be pursuant to s. 189.076 ~~189.4045~~.

844 Section 20. Subsection (4) of section 189.4042, Florida
 845 Statutes, is transferred, renumbered as section 189.073, Florida
 846 Statutes, and amended to read:

847 189.073 ~~189.4042~~ Legislative merger of independent special
 848 districts ~~Merger and dissolution procedures.~~—

849 ~~(4) LEGISLATIVE MERGER OF INDEPENDENT SPECIAL DISTRICTS.~~—

850 The Legislature, by special act, may merge independent special
 851 districts created and operating pursuant to special act.

852 Section 21. Subsection (5) of section 189.4042, Florida
 853 Statutes, is transferred, renumbered as section 189.074, Florida
 854 Statutes, and amended to read:

855 189.074 ~~189.4042~~ Voluntary merger of independent special
 856 districts ~~Merger and dissolution procedures.~~—

857 ~~(5) VOLUNTARY MERGER OF INDEPENDENT SPECIAL DISTRICTS.~~—Two
 858 or more contiguous independent special districts created by

859 special act which have similar functions and elected governing
 860 bodies may elect to merge into a single independent district
 861 through the act of merging the component independent special
 862 districts.

863 (1)~~(a)~~ *Initiation.*—Merger proceedings may commence by:

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

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

868 (2)~~(b)~~ *Joint merger plan by resolution.*—The governing
 869 bodies of two or more contiguous independent special districts
 870 may, by joint resolution, endorse a proposed joint merger plan
 871 to commence proceedings to merge the districts pursuant to this
 872 section ~~subsection~~.

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

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

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

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

879 4.~~d.~~ The territorial boundaries of the proposed merged
 880 independent district;

881 5.~~e.~~ The governmental organization of the proposed merged
 882 independent district insofar as it concerns elected and
 883 appointed officials and public employees, along with a
 884 transitional plan and schedule for elections and appointments of

885 officials;

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

888 ~~7.g.~~ Each component independent special district's assets,
889 including, but not limited to, real and personal property, and
890 the current value thereof;

891 ~~8.h.~~ Each component independent special district's
892 liabilities and indebtedness, bonded and otherwise, and the
893 current value thereof;

894 ~~9.i.~~ Terms for the assumption and disposition of existing
895 assets, liabilities, and indebtedness of each component
896 independent special district jointly, separately, or in defined
897 proportions;

898 ~~10.j.~~ Terms for the common administration and uniform
899 enforcement of existing laws within the proposed merged
900 independent district;

901 ~~11.k.~~ The times and places for public hearings on the
902 proposed joint merger plan;

903 ~~12.l.~~ The times and places for a referendum in each
904 component independent special district on the proposed joint
905 merger plan, along with the referendum language to be presented
906 for approval; and

907 ~~13.m.~~ The effective date of the proposed merger.

908 ~~(b)2.~~ The resolution endorsing the proposed joint merger
909 plan must be approved by a majority vote of the governing bodies
910 of each component independent special district and adopted at

911 least 60 business days before any general or special election on
 912 the proposed joint merger plan.

913 ~~(c)3.~~ Within 5 business days after the governing bodies
 914 approve the resolution endorsing the proposed joint merger plan,
 915 the governing bodies must:

916 1.a. Cause a copy of the proposed joint merger plan, along
 917 with a descriptive summary of the plan, to be displayed and be
 918 readily accessible to the public for inspection in at least
 919 three public places within the territorial limits of each
 920 component independent special district, unless a component
 921 independent special district has fewer than three public places,
 922 in which case the plan must be accessible for inspection in all
 923 public places within the component independent special district;

924 ~~2.b.~~ If applicable, cause the proposed joint merger plan,
 925 along with a descriptive summary of the plan and a reference to
 926 the public places within each component independent special
 927 district where a copy of the merger plan may be examined, to be
 928 displayed on a website maintained by each district or on a
 929 website maintained by the county or municipality in which the
 930 districts are located; and

931 3.e. Arrange for a descriptive summary of the proposed
 932 joint merger plan, and a reference to the public places within
 933 the district where a copy may be examined, to be published in a
 934 newspaper of general circulation within the component
 935 independent special districts at least once each week for 4
 936 successive weeks.

937 (d)4. The governing body of each component independent
 938 special district shall set a time and place for one or more
 939 public hearings on the proposed joint merger plan. Each public
 940 hearing shall be held on a weekday at least 7 business days
 941 after the day the first advertisement is published on the
 942 proposed joint merger plan. The hearing or hearings may be held
 943 jointly or separately by the governing bodies of the component
 944 independent special districts. Any interested person residing in
 945 the respective district shall be given a reasonable opportunity
 946 to be heard on any aspect of the proposed merger at the public
 947 hearing.

948 1.a. Notice of the public hearing addressing the
 949 resolution for the proposed joint merger plan must be published
 950 pursuant to the notice requirements in s. 189.015 ~~189.417~~ and
 951 must provide a descriptive summary of the proposed joint merger
 952 plan and a reference to the public places within the component
 953 independent special districts where a copy of the plan may be
 954 examined.

955 2.b. After the final public hearing, the governing bodies
 956 of each component independent special district may amend the
 957 proposed joint merger plan if the amended version complies with
 958 the notice and public hearing requirements provided in this
 959 section ~~subsection~~. Thereafter, the governing bodies may approve
 960 a final version of the joint merger plan or decline to proceed
 961 further with the merger. Approval by the governing bodies of the
 962 final version of the joint merger plan must occur within 60

963 business days after the final hearing.

964 (e)~~5.~~ After the final public hearing, the governing bodies
 965 shall notify the supervisors of elections of the applicable
 966 counties in which district lands are located of the adoption of
 967 the resolution by each governing body. The supervisors of
 968 elections shall schedule a separate referendum for each
 969 component independent special district. The referenda may be
 970 held in each district on the same day, or on different days, but
 971 no more than 20 days apart.

972 1.a. Notice of a referendum on the merger of independent
 973 special districts must be provided pursuant to the notice
 974 requirements in s. 100.342. At a minimum, the notice must
 975 include:

976 a.~~(I)~~ A brief summary of the resolution and joint merger
 977 plan;

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

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

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

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

987 2.b. The referenda must be held in accordance with the
 988 Florida Election Code and may be held pursuant to ss. 101.6101-

989 101.6107. All costs associated with the referenda shall be borne
 990 by the respective component independent special district.

991 ~~3.e.~~ The ballot question in such referendum placed before
 992 the qualified electors of each component independent special
 993 district to be merged must be in substantially the following
 994 form:

995 "Shall ...(name of component independent special
 996 district)... and ...(name of component independent special
 997 district or districts)... be merged into ...(name of newly
 998 merged independent district)...?

999
 1000YES

1001NO"

1002
 1003 ~~4.d.~~ If the component independent special districts
 1004 proposing to merge have disparate millage rates, the ballot
 1005 question in the referendum placed before the qualified electors
 1006 of each component independent special district must be in
 1007 substantially the following form:

1008
 1009 "Shall ...(name of component independent special
 1010 district)... and ...(name of component independent special
 1011 district or districts)... be merged into ...(name of newly
 1012 merged independent district)... if the voter-approved maximum
 1013 millage rate within each independent special district will not
 1014 increase absent a subsequent referendum?

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....YES
....NO"

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

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

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

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

(f)6. Component independent special districts merged

1041 pursuant to a joint merger plan by resolution shall continue to
 1042 be governed as before the merger until the effective date
 1043 specified in the adopted joint merger plan.

1044 (3)~~(e)~~ *Qualified elector-initiated merger plan.*—The
 1045 qualified electors of two or more contiguous independent special
 1046 districts may commence a merger proceeding by each filing a
 1047 petition with the governing body of their respective independent
 1048 special district proposing to be merged. The petition must
 1049 contain the signatures of at least 40 percent of the qualified
 1050 electors of each component independent special district and must
 1051 be submitted to the appropriate component independent special
 1052 district governing body no later than 1 year after the start of
 1053 the qualified elector-initiated merger process.

1054 (a)~~1.~~ The petition must comply with, and be circulated in,
 1055 the following form:

PETITION FOR

INDEPENDENT SPECIAL DISTRICT MERGER

1058 We, the undersigned electors and legal voters of ...(name
 1059 of independent special district)..., qualified to vote at the
 1060 next general or special election, respectfully petition that
 1061 there be submitted to the electors and legal voters of ...(name
 1062 of independent special district or districts proposed to be
 1063 merged)..., for their approval or rejection at a referendum held
 1064 for that purpose, a proposal to merge ...(name of component
 1065 independent special district)... and ...(name of component
 1066 independent special district or districts)....

1067 In witness thereof, we have signed our names on the date
1068 indicated next to our signatures.

1069 Date Name Home Address
1070 (print under signature)

1071
1072

1073 (b)2 The petition must be validated by a signed statement
1074 by a witness who is a duly qualified elector of one of the
1075 component independent special districts, a notary public, or
1076 another person authorized to take acknowledgments.

1077 1.a A statement that is signed by a witness who is a duly
1078 qualified elector of the respective district shall be accepted
1079 for all purposes as the equivalent of an affidavit. Such
1080 statement must be in substantially the following form:

1081 "I, ...(name of witness)..., state that I am a duly
1082 qualified voter of ...(name of independent special district)....
1083 Each of the ...(insert number)... persons who have signed this
1084 petition sheet has signed his or her name in my presence on the
1085 dates indicated above and identified himself or herself to be
1086 the same person who signed the sheet. I understand that this
1087 statement will be accepted for all purposes as the equivalent of
1088 an affidavit and, if it contains a materially false statement,
1089 shall subject me to the penalties of perjury."

1090 Date Signature of Witness

1091 2.b A statement that is signed by a notary public or
1092 another person authorized to take acknowledgments must be in

1093 substantially the following form:

1094 "On the date indicated above before me personally came each
 1095 of the ...(insert number)... electors and legal voters whose
 1096 signatures appear on this petition sheet, who signed the
 1097 petition in my presence and who, being by me duly sworn, each
 1098 for himself or herself, identified himself or herself as the
 1099 same person who signed the petition, and I declare that the
 1100 foregoing information they provided was true."

1101 Date Signature of Witness

1102 3.e. An alteration or correction of information appearing
 1103 on a petition's signature line, other than an uninitialed
 1104 signature and date, does not invalidate such signature. In
 1105 matters of form, this subsection ~~paragraph~~ shall be liberally
 1106 construed, not inconsistent with substantial compliance thereto
 1107 and the prevention of fraud.

1108 4.d. The appropriately signed petition must be filed with
 1109 the governing body of each component independent special
 1110 district. The petition must be submitted to the supervisors of
 1111 elections of the counties in which the district lands are
 1112 located. The supervisors shall, within 30 business days after
 1113 receipt of the petitions, certify to the governing bodies the
 1114 number of signatures of qualified electors contained on the
 1115 petitions.

1116 (c)3. Upon verification by the supervisors of elections of
 1117 the counties within which component independent special district
 1118 lands are located that 40 percent of the qualified electors have

1119 petitioned for merger and that all such petitions have been
 1120 executed within 1 year after the date of the initiation of the
 1121 qualified-electoral merger process, the governing bodies of each
 1122 component independent special district shall meet within 30
 1123 business days to prepare and approve by resolution a proposed
 1124 electoral-initiated merger plan. The proposed plan must include:

1125 1.a. The name of each component independent special
 1126 district to be merged;

1127 2.b. The name of the proposed merged independent district;

1128 3.c. The rights, duties, and obligations of the merged
 1129 independent district;

1130 4.d. The territorial boundaries of the proposed merged
 1131 independent district;

1132 5.e. The governmental organization of the proposed merged
 1133 independent district insofar as it concerns elected and
 1134 appointed officials and public employees, along with a
 1135 transitional plan and schedule for elections and appointments of
 1136 officials;

1137 6.f. A fiscal estimate of the potential cost or savings as
 1138 a result of the merger;

1139 7.g. Each component independent special district's assets,
 1140 including, but not limited to, real and personal property, and
 1141 the current value thereof;

1142 8.h. Each component independent special district's
 1143 liabilities and indebtedness, bonded and otherwise, and the
 1144 current value thereof;

1145 9.~~4.~~ Terms for the assumption and disposition of existing
 1146 assets, liabilities, and indebtedness of each component
 1147 independent special district, jointly, separately, or in defined
 1148 proportions;

1149 10.~~3.~~ Terms for the common administration and uniform
 1150 enforcement of existing laws within the proposed merged
 1151 independent district;

1152 11.~~2.~~ The times and places for public hearings on the
 1153 proposed joint merger plan; and

1154 12.~~1.~~ The effective date of the proposed merger.

1155 (d)~~4.~~ The resolution endorsing the proposed elector-
 1156 initiated merger plan must be approved by a majority vote of the
 1157 governing bodies of each component independent special district
 1158 and must be adopted at least 60 business days before any general
 1159 or special election on the proposed elector-initiated plan.

1160 (e)~~5.~~ Within 5 business days after the governing bodies of
 1161 each component independent special district approve the proposed
 1162 elector-initiated merger plan, the governing bodies shall:

1163 1.~~a.~~ Cause a copy of the proposed elector-initiated merger
 1164 plan, along with a descriptive summary of the plan, to be
 1165 displayed and be readily accessible to the public for inspection
 1166 in at least three public places within the territorial limits of
 1167 each component independent special district, unless a component
 1168 independent special district has fewer than three public places,
 1169 in which case the plan must be accessible for inspection in all
 1170 public places within the component independent special district;

1171 ~~2.b.~~ If applicable, cause the proposed elector-initiated
 1172 merger plan, along with a descriptive summary of the plan and a
 1173 reference to the public places within each component independent
 1174 special district where a copy of the merger plan may be
 1175 examined, to be displayed on a website maintained by each
 1176 district or otherwise on a website maintained by the county or
 1177 municipality in which the districts are located; and

1178 ~~3.e.~~ Arrange for a descriptive summary of the proposed
 1179 elector-initiated merger plan, and a reference to the public
 1180 places within the district where a copy may be examined, to be
 1181 published in a newspaper of general circulation within the
 1182 component independent special districts at least once each week
 1183 for 4 successive weeks.

1184 ~~(f)6.~~ The governing body of each component independent
 1185 special district shall set a time and place for one or more
 1186 public hearings on the proposed elector-initiated merger plan.
 1187 Each public hearing shall be held on a weekday at least 7
 1188 business days after the day the first advertisement is published
 1189 on the proposed elector-initiated merger plan. The hearing or
 1190 hearings may be held jointly or separately by the governing
 1191 bodies of the component independent special districts. Any
 1192 interested person residing in the respective district shall be
 1193 given a reasonable opportunity to be heard on any aspect of the
 1194 proposed merger at the public hearing.

1195 ~~1.a.~~ Notice of the public hearing on the proposed elector-
 1196 initiated merger plan must be published pursuant to the notice

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1197 requirements in s. 189.015 ~~189.417~~ and must provide a
 1198 descriptive summary of the elector-initiated merger plan and a
 1199 reference to the public places within the component independent
 1200 special districts where a copy of the plan may be examined.

1201 ~~2.b.~~ After the final public hearing, the governing bodies
 1202 of each component independent special district may amend the
 1203 proposed elector-initiated merger plan if the amended version
 1204 complies with the notice and public hearing requirements
 1205 provided in this section ~~subsection~~. The governing bodies must
 1206 approve a final version of the merger plan within 60 business
 1207 days after the final hearing.

1208 ~~(g)7.~~ After the final public hearing, the governing bodies
 1209 shall notify the supervisors of elections of the applicable
 1210 counties in which district lands are located of the adoption of
 1211 the resolution by each governing body. The supervisors of
 1212 elections shall schedule a date for the separate referenda for
 1213 each district. The referenda may be held in each district on the
 1214 same day, or on different days, but no more than 20 days apart.

1215 ~~1.a.~~ Notice of a referendum on the merger of the component
 1216 independent special districts must be provided pursuant to the
 1217 notice requirements in s. 100.342. At a minimum, the notice must
 1218 include:

1219 ~~a.(I)~~ A brief summary of the resolution and elector-
 1220 initiated merger plan;

1221 ~~b.(II)~~ A statement as to where a copy of the resolution
 1222 and petition for merger may be examined;

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1223 c.~~(III)~~ The names of the component independent special
 1224 districts to be merged and a description of their territory;
 1225 d.~~(IV)~~ The times and places at which the referendum will
 1226 be held; and
 1227 e.~~(V)~~ Such other matters as may be necessary to call,
 1228 provide for, and give notice of the referendum and to provide
 1229 for the conduct thereof and the canvass of the returns.
 1230 2.b. The referenda must be held in accordance with the
 1231 Florida Election Code and may be held pursuant to ss. 101.6101-
 1232 101.6107. All costs associated with the referenda shall be borne
 1233 by the respective component independent special district.
 1234 3.e. The ballot question in such referendum placed before
 1235 the qualified electors of each component independent special
 1236 district to be merged must be in substantially the following
 1237 form:
 1238 "Shall ...(name of component independent special
 1239 district)... and ...(name of component independent special
 1240 district or districts)... be merged into ...(name of newly
 1241 merged independent district)...?
 1242 YES
 1243 NO"
 1244 4.d. If the component independent special districts
 1245 proposing to merge have disparate millage rates, the ballot
 1246 question in the referendum placed before the qualified electors
 1247 of each component independent special district must be in
 1248 substantially the following form:

1249 "Shall ...(name of component independent special
 1250 district)... and ...(name of component independent special
 1251 district or districts)... be merged into ...(name of newly
 1252 merged independent district)... if the voter-approved maximum
 1253 millage rate within each independent special district will not
 1254 increase absent a subsequent referendum?

1255YES

1256NO"

1257 5.e. In any referendum held pursuant to this section
 1258 ~~subsection~~, the ballots shall be counted, returns made and
 1259 canvassed, and results certified in the same manner as other
 1260 elections or referenda for the component independent special
 1261 districts.

1262 6.f. The merger may not take effect unless a majority of
 1263 the votes cast in each component independent special district
 1264 are in favor of the merger. If one of the component independent
 1265 special districts does not obtain a majority vote, the
 1266 referendum fails, and merger does not take effect.

1267 7.g. If the merger is approved by a majority of the votes
 1268 cast in each component independent special district, the merged
 1269 district shall notify the Special District Accountability
 1270 ~~Information~~ Program pursuant to s. 189.016(2) ~~189.418(2)~~ and the
 1271 local general-purpose governments in which any part of the
 1272 component independent special districts is situated pursuant to
 1273 s. 189.016(7) ~~189.418(7)~~.

1274 8.h. If the referendum fails, the merger process under

1275 | this subsection ~~paragraph~~ may not be initiated for the same
 1276 | purpose within 2 years after the date of the referendum.

1277 | (h)~~g~~. Component independent special districts merged
 1278 | pursuant to an elector-initiated merger plan shall continue to
 1279 | be governed as before the merger until the effective date
 1280 | specified in the adopted elector-initiated merger plan.

1281 | (4)~~(d)~~ *Effective date.*—The effective date of the merger
 1282 | shall be as provided in the joint merger plan or elector-
 1283 | initiated merger plan, as appropriate, and is not contingent
 1284 | upon the future act of the Legislature.

1285 | (a)~~1~~. However, as soon as practicable, the merged
 1286 | independent district shall, at its own expense, submit a unified
 1287 | charter for the merged district to the Legislature for approval.
 1288 | The unified charter must make the powers of the district
 1289 | consistent within the merged independent district and repeal the
 1290 | special acts of the districts which existed before the merger.

1291 | (b)~~2~~. Within 30 business days after the effective date of
 1292 | the merger, the merged independent district's governing body, as
 1293 | indicated in this section ~~subsection~~, shall hold an
 1294 | organizational meeting to implement the provisions of the joint
 1295 | merger plan or elector-initiated merger plan, as appropriate.

1296 | (5)~~(e)~~ *Restrictions during transition period.*—Until the
 1297 | Legislature formally approves the unified charter pursuant to a
 1298 | special act, each component independent special district is
 1299 | considered a subunit of the merged independent district subject
 1300 | to the following restrictions:

1301 (a)~~1.~~ During the transition period, the merged independent
 1302 district is limited in its powers and financing capabilities
 1303 within each subunit to those powers that existed within the
 1304 boundaries of each subunit which were previously granted to the
 1305 component independent special district in its existing charter
 1306 before the merger. The merged independent district may not,
 1307 solely by reason of the merger, increase its powers or financing
 1308 capability.

1309 (b)~~2.~~ During the transition period, the merged independent
 1310 district shall exercise only the legislative authority to levy
 1311 and collect revenues within the boundaries of each subunit which
 1312 was previously granted to the component independent special
 1313 district by its existing charter before the merger, including
 1314 the authority to levy ad valorem taxes, non-ad valorem
 1315 assessments, impact fees, and charges.

1316 1.a.~~a.~~ The merged independent district may not, solely by
 1317 reason of the merger or the legislatively approved unified
 1318 charter, increase ad valorem taxes on property within the
 1319 original limits of a subunit beyond the maximum millage rate
 1320 approved by the electors of the component independent special
 1321 district unless the electors of such subunit approve an increase
 1322 at a subsequent referendum of the subunit's electors. Each
 1323 subunit may be considered a separate taxing unit.

1324 2.b.~~b.~~ The merged independent district may not, solely by
 1325 reason of the merger, charge non-ad valorem assessments, impact
 1326 fees, or other new fees within a subunit which were not

1327 otherwise previously authorized to be charged.

1328 (c)~~3~~. During the transition period, each component
 1329 independent special district of the merged independent district
 1330 must continue to file all information and reports required under
 1331 this chapter as subunits until the Legislature formally approves
 1332 the unified charter pursuant to a special act.

1333 (d)~~4~~. The intent of this part ~~section~~ is to preserve and
 1334 transfer to the merged independent district all authority that
 1335 exists within each subunit and was previously granted by the
 1336 Legislature and, if applicable, by referendum.

1337 (6)~~(f)~~ *Effect of merger, generally.*—On and after the
 1338 effective date of the merger, the merged independent district
 1339 shall be treated and considered for all purposes as one entity
 1340 under the name and on the terms and conditions set forth in the
 1341 joint merger plan or elector-initiated merger plan, as
 1342 appropriate.

1343 (a)~~1~~. All rights, privileges, and franchises of each
 1344 component independent special district and all assets, real and
 1345 personal property, books, records, papers, seals, and equipment,
 1346 as well as other things in action, belonging to each component
 1347 independent special district before the merger shall be deemed
 1348 as transferred to and vested in the merged independent district
 1349 without further act or deed.

1350 (b)~~2~~. All property, rights-of-way, and other interests are
 1351 as effectually the property of the merged independent district
 1352 as they were of the component independent special district

1353 before the merger. The title to real estate, by deed or
 1354 otherwise, under the laws of this state vested in any component
 1355 independent special district before the merger may not be deemed
 1356 to revert or be in any way impaired by reason of the merger.

1357 (c)3- The merged independent district is in all respects
 1358 subject to all obligations and liabilities imposed and possesses
 1359 all the rights, powers, and privileges vested by law in other
 1360 similar entities.

1361 (d)4- Upon the effective date of the merger, the joint
 1362 merger plan or elector-initiated merger plan, as appropriate, is
 1363 subordinate in all respects to the contract rights of all
 1364 holders of any securities or obligations of the component
 1365 independent special districts outstanding at the effective date
 1366 of the merger.

1367 (e)5- The new registration of electors is not necessary as
 1368 a result of the merger, but all elector registrations of the
 1369 component independent special districts shall be transferred to
 1370 the proper registration books of the merged independent
 1371 district, and new registrations shall be made as provided by law
 1372 as if no merger had taken place.

1373 (7)(g) *Governing body of merged independent district.-*

1374 (a)1- From the effective date of the merger until the next
 1375 general election, the governing body of the merged independent
 1376 district shall be comprised of the governing body members of
 1377 each component independent special district, with such members
 1378 serving until the governing body members elected at the next

1379 general election take office.

1380 (b)2- Beginning with the next general election following
 1381 the effective date of merger, the governing body of the merged
 1382 independent district shall be comprised of five members. The
 1383 office of each governing body member shall be designated by
 1384 seat, which shall be distinguished from other body member seats
 1385 by an assigned numeral: 1, 2, 3, 4, or 5. The governing body
 1386 members that are elected in this initial election following the
 1387 merger shall serve unequal terms of 2 and 4 years in order to
 1388 create staggered membership of the governing body, with:

1389 1.a- Member seats 1, 3, and 5 being designated for 4-year
 1390 terms; and

1391 2.b- Member seats 2 and 4 being designated for 2-year
 1392 terms.

1393 (c)3- In general elections thereafter, all governing body
 1394 members shall serve 4-year terms.

1395 (8)(h) *Effect on employees.*—Except as otherwise provided
 1396 by law and except for those officials and employees protected by
 1397 tenure of office, civil service provisions, or a collective
 1398 bargaining agreement, upon the effective date of merger, all
 1399 appointive offices and positions existing in all component
 1400 independent special districts involved in the merger are subject
 1401 to the terms of the joint merger plan or elector-initiated
 1402 merger plan, as appropriate. Such plan may provide for instances
 1403 in which there are duplications of positions and for other
 1404 matters such as varying lengths of employee contracts, varying

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1405 pay levels or benefits, different civil service regulations in
 1406 the constituent entities, and differing ranks and position
 1407 classifications for similar positions. For those employees who
 1408 are members of a bargaining unit certified by the Public
 1409 Employees Relations Commission, the requirements of chapter 447
 1410 apply.

1411 (9)~~(i)~~ *Effect on debts, liabilities, and obligations.*—

1412 (a)~~1.~~ All valid and lawful debts and liabilities existing
 1413 against a merged independent district, or which may arise or
 1414 accrue against the merged independent district, which but for
 1415 merger would be valid and lawful debts or liabilities against
 1416 one or more of the component independent special districts, are
 1417 debts against or liabilities of the merged independent district
 1418 and accordingly shall be defrayed and answered to by the merged
 1419 independent district to the same extent, and no further than,
 1420 the component independent special districts would have been
 1421 bound if a merger had not taken place.

1422 (b)~~2.~~ The rights of creditors and all liens upon the
 1423 property of any of the component independent special districts
 1424 shall be preserved unimpaired. The respective component
 1425 districts shall be deemed to continue in existence to preserve
 1426 such rights and liens, and all debts, liabilities, and duties of
 1427 any of the component districts attach to the merged independent
 1428 district.

1429 (c)~~3.~~ All bonds, contracts, and obligations of the
 1430 component independent special districts which exist as legal

1431 obligations are obligations of the merged independent district,
 1432 and all such obligations shall be issued or entered into by and
 1433 in the name of the merged independent district.

1434 (10)~~(j)~~ *Effect on actions and proceedings.*—In any action
 1435 or proceeding pending on the effective date of merger to which a
 1436 component independent special district is a party, the merged
 1437 independent district may be substituted in its place, and the
 1438 action or proceeding may be prosecuted to judgment as if merger
 1439 had not taken place. Suits may be brought and maintained against
 1440 a merged independent district in any state court in the same
 1441 manner as against any other independent special district.

1442 (11)~~(k)~~ *Effect on annexation.*—Chapter 171 continues to
 1443 apply to all annexations by a city within the component
 1444 independent special districts' boundaries after merger occurs.
 1445 Any moneys owed to a component independent special district
 1446 pursuant to s. 171.093, or any interlocal service boundary
 1447 agreement as a result of annexation predating the merger, shall
 1448 be paid to the merged independent district after merger.

1449 (12)~~(l)~~ *Effect on millage calculations.*—The merged
 1450 independent special district is authorized to continue or
 1451 conclude procedures under chapter 200 on behalf of the component
 1452 independent special districts. The merged independent special
 1453 district shall make the calculations required by chapter 200 for
 1454 each component individual special district separately.

1455 (13)~~(m)~~ *Determination of rights.*—If any right, title,
 1456 interest, or claim arises out of a merger or by reason thereof

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1457 which is not determinable by reference to this subsection, the
 1458 joint merger plan or elector-initiated merger plan, as
 1459 appropriate, or otherwise under the laws of this state, the
 1460 governing body of the merged independent district may provide
 1461 therefor in a manner conforming to law.

1462 (14)~~(n)~~ *Exemption.*—This section ~~subsection~~ does not apply
 1463 to independent special districts whose governing bodies are
 1464 elected by district landowners voting the acreage owned within
 1465 the district.

1466 (15)~~(o)~~ *Preemption.*—This section ~~subsection~~ preempts any
 1467 special act to the contrary.

1468 Section 22. Subsection (6) of section 189.4042, Florida
 1469 Statutes, is transferred, renumbered as section 189.075, Florida
 1470 Statutes, and amended to read:

1471 189.075 ~~189.4042~~ Involuntary merger of independent special
 1472 districts ~~Merger and dissolution procedures.~~—

1473 ~~(6) INVOLUNTARY MERGER OF INDEPENDENT SPECIAL DISTRICTS.~~

1474 (1)~~(a)~~ *Independent special districts created by special*
 1475 *act.*—In order for the Legislature to merge an active independent
 1476 special district or districts created and operating pursuant to
 1477 a special act, the special act merging the active independent
 1478 special district or districts must be approved at separate
 1479 referenda of the impacted local governments by a majority of the
 1480 resident electors or, for districts in which a majority of
 1481 governing body ~~board~~ members are elected by landowners, a
 1482 majority of the landowners voting in the same manner by which

1483 each independent special district's governing body is elected.
 1484 The special act merging the districts must include a plan of
 1485 merger that addresses transition issues such as the effective
 1486 date of the merger, governance, administration, powers,
 1487 pensions, and assumption of all assets and liabilities. If a
 1488 local general-purpose government passes an ordinance or
 1489 resolution in support of the merger of an active independent
 1490 special district, the local general-purpose government must pay
 1491 any expenses associated with the referendum required under this
 1492 subsection ~~paragraph~~.

1493 (2) ~~(b)~~ *Independent special districts created by a county*
 1494 *or municipality.*—A county or municipality may merge an
 1495 independent special district created by the county or
 1496 municipality pursuant to a referendum or any other procedure by
 1497 which the independent special district was created. However, if
 1498 the independent special district has ad valorem taxation powers,
 1499 the same procedure required to grant the independent special
 1500 district ad valorem taxation powers is required to merge the
 1501 district. The political subdivisions proposing the involuntary
 1502 merger of an active independent special district must pay any
 1503 expenses associated with the referendum required under this
 1504 subsection ~~paragraph~~.

1505 (3) ~~(e)~~ *Inactive independent special districts.*—An
 1506 independent special district that meets any criteria for being
 1507 declared inactive, or that has already been declared inactive,
 1508 pursuant to s. 189.062 ~~189.4044~~ may be merged by special act

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1509 without a referendum.

1510 Section 23. Subsection (7) of section 189.4042, Florida
 1511 Statutes, is transferred and renumbered as section 189.0761,
 1512 Florida Statutes, and amended to read:

1513 189.0761 ~~189.4042~~ ~~Merger and dissolution procedures.~~

1514 ~~(7)~~ Exemptions.—This part ~~section~~ does not apply to
 1515 community development districts implemented pursuant to chapter
 1516 190 or to water management districts created and operated
 1517 pursuant to chapter 373.

1518 Section 24. Section 189.4044, Florida Statutes, is
 1519 transferred and renumbered as section 189.062, Florida Statutes,
 1520 subsections (1) and (3) of that section are amended, and
 1521 subsections (5) and (6) are added to that section, to read:

1522 189.062 ~~189.4044~~ Special procedures for inactive
 1523 districts.—

1524 (1) The department shall declare inactive any special
 1525 district in this state by documenting that:

1526 (a) The special district meets one of the following
 1527 criteria:

1528 1. The registered agent of the district, the chair of the
 1529 governing body of the district, or the governing body of the
 1530 appropriate local general-purpose government notifies the
 1531 department in writing that the district has taken no action for
 1532 2 or more years;

1533 2. ~~Following an inquiry from the department,~~ The
 1534 registered agent of the district, the chair of the governing

1535 body of the district, or the governing body of the appropriate
 1536 local general-purpose government notifies the department in
 1537 writing that the district has not had a governing body ~~board~~ or
 1538 a sufficient number of governing body ~~board~~ members to
 1539 constitute a quorum for 2 or more years;

1540 3. ~~or~~ The registered agent of the district, the chair of
 1541 the governing body of the district, or the governing body of the
 1542 appropriate local general-purpose government fails to respond to
 1543 an the department's inquiry by the department within 21 days;

1544 4.3. ~~The~~ department determines, pursuant to s. 189.067
 1545 ~~189.421~~, that the district has failed to file any of the reports
 1546 listed in s. 189.066 ~~189.419~~;

1547 5.4. The district has not had a registered office and
 1548 agent on file with the department for 1 or more years; ~~or~~

1549 6.5. The governing body of a special district provides
 1550 documentation to the department that it has unanimously adopted
 1551 a resolution declaring the special district inactive. The
 1552 special district shall be responsible for payment of any
 1553 expenses associated with its dissolution. A special district
 1554 declared inactive pursuant to this subparagraph may be dissolved
 1555 without a referendum; or

1556 (b) The department, special district, or local general-
 1557 purpose government published a notice of proposed declaration of
 1558 inactive status in a newspaper of general circulation in the
 1559 county or municipality in which the territory of the special
 1560 district is located and sent a copy of such notice by certified

1561 mail to the registered agent or chair of the governing body
 1562 ~~board~~, if any. Such notice must include the name of the special
 1563 district, the law under which it was organized and operating, a
 1564 general description of the territory included in the special
 1565 district, and a statement that any objections must be filed
 1566 pursuant to chapter 120 within 21 days after the publication
 1567 date; and

1568 (c) Twenty-one days have elapsed from the publication date
 1569 of the notice of proposed declaration of inactive status and no
 1570 administrative appeals were filed.

1571 (3) In the case of a district created by special act of
 1572 the Legislature, the department shall send a notice of
 1573 declaration of inactive status to the Speaker of the House of
 1574 Representatives and the President of the Senate, and the
 1575 standing committees of the Senate and the House of
 1576 Representatives charged with special district oversight as
 1577 determined by the presiding officers of each respective chamber
 1578 and the Legislative Auditing Committee. The notice of
 1579 declaration of inactive status shall reference each known
 1580 special act creating or amending the charter of any special
 1581 district declared to be inactive under this section. The
 1582 declaration of inactive status shall be sufficient notice as
 1583 required by s. 10, Art. III of the State Constitution to
 1584 authorize the Legislature to repeal any special laws so
 1585 reported. In the case of a district created by one or more local
 1586 general-purpose governments, the department shall send a notice

1587 of declaration of inactive status to the chair of the governing
 1588 body of each local general-purpose government that created the
 1589 district. In the case of a district created by interlocal
 1590 agreement, the department shall send a notice of declaration of
 1591 inactive status to the chair of the governing body of each local
 1592 general-purpose government which entered into the interlocal
 1593 agreement.

1594 (5) A special district declared inactive under this
 1595 section may not collect taxes, fees, or assessments unless the
 1596 declaration is:

1597 (a) Withdrawn or revoked by the department; or

1598 (b) Invalidated in proceedings initiated by the special
 1599 district within 30 days after the date written notice of the
 1600 declaration was provided to the special district governing body
 1601 by physical or electronic delivery, receipt confirmed. The
 1602 special district governing body may initiate proceedings within
 1603 the period authorized in this paragraph by:

1604 1. Filing with the department a petition for an
 1605 administrative hearing pursuant to s. 120.569; or

1606 2. Filing an action for declaratory and injunctive relief
 1607 under chapter 86 in the circuit court of the judicial circuit in
 1608 which the majority of the area of the district is located.

1609 (c) If a timely challenge to the declaration is not
 1610 initiated by the special district governing body, or the
 1611 department prevails in a proceeding initiated under paragraph
 1612 (b), the department may enforce the prohibitions in this

1613 subsection by filing a petition for enforcement with the circuit
 1614 court in and for Leon County. The petition may request
 1615 declaratory, injunctive, or other equitable relief, including
 1616 the appointment of a receiver, and any forfeiture or other
 1617 remedy provided by law.

1618 (d) The prevailing party shall be awarded costs of
 1619 litigation and reasonable attorney fees in any proceeding
 1620 brought under this subsection.

1621 Section 25. Section 189.4045, Florida Statutes, is
 1622 transferred and renumbered as section 189.076, Florida Statutes.

1623 Section 26. Section 189.4047, Florida Statutes, is
 1624 transferred and renumbered as section 189.021, Florida Statutes.

1625 Section 27. Subsections (1), (2), (3), (4), (6), and (7)
 1626 of section 189.405, Florida Statutes, are transferred and
 1627 renumbered as subsections (1) through (6) of section 189.04,
 1628 Florida Statutes, respectively, and present subsection (1),
 1629 paragraph (c) of present subsection (2), and present subsections
 1630 (3), (4), and (7) of that section are amended, to read:

1631 189.04 ~~189.405~~ Elections; general requirements and
 1632 ~~procedures; education programs.-~~

1633 (1) If a dependent special district has an elected
 1634 governing body ~~board~~, elections shall be conducted by the
 1635 supervisor of elections of the county wherein the district is
 1636 located in accordance with the Florida Election Code, chapters
 1637 97-106.

1638 (2)

1639 (c) A candidate for a position on a governing body ~~board~~
 1640 of a single-county special district that has its elections
 1641 conducted by the supervisor of elections shall qualify for the
 1642 office with the county supervisor of elections in whose
 1643 jurisdiction the district is located. Elections for governing
 1644 body ~~board~~ members elected by registered electors shall be
 1645 nonpartisan, except when partisan elections are specified by a
 1646 district's charter. Candidates shall qualify as directed by
 1647 chapter 99. The qualifying fee shall be remitted to the general
 1648 revenue fund of the qualifying officer to help defray the cost
 1649 of the election.

1650 (3) (a) If a multicounty special district has a popularly
 1651 elected governing body ~~board~~, elections for the purpose of
 1652 electing members to such governing body ~~board~~ shall conform to
 1653 the Florida Election Code, chapters 97-106.

1654 (b) With the exception of those districts conducting
 1655 elections on a one-acre/one-vote basis, qualifying for
 1656 multicounty special district governing body ~~board~~ positions
 1657 shall be coordinated by the Department of State. Elections for
 1658 governing body ~~board~~ members elected by registered electors
 1659 shall be nonpartisan, except when partisan elections are
 1660 specified by a district's charter. Candidates shall qualify as
 1661 directed by chapter 99. The qualifying fee shall be remitted to
 1662 the Department of State.

1663 (4) With the exception of elections of special district
 1664 governing body ~~board~~ members conducted on a one-acre/one-vote

1665 basis, in any election conducted in a special district the
 1666 decision made by a majority of those voting shall prevail,
 1667 except as otherwise specified by law.

1668 ~~(6)(7)~~ Nothing in this act requires that a special
 1669 district governed by an appointed governing body ~~board~~ convert
 1670 to an elected governing body ~~board~~.

1671 Section 28. Subsection (5) of section 189.405, Florida
 1672 Statutes, is transferred, renumbered as section 189.063, Florida
 1673 Statutes, and amended to read:

1674 189.063 ~~189.405~~ Education programs for new members of
 1675 district governing bodies ~~Elections; general requirements and~~
 1676 ~~procedures; education programs.-~~

1677 ~~(1)(5)(a)~~ The department may provide, contract for, or
 1678 assist in conducting education programs, as its budget permits,
 1679 for all newly elected or appointed members of district governing
 1680 bodies ~~boards~~. The education programs shall include, but are not
 1681 limited to, courses on the code of ethics for public officers
 1682 and employees, public meetings and public records requirements,
 1683 public finance, and parliamentary procedure. ~~Course content may~~
 1684 ~~be offered by means of the following: videotapes, live seminars,~~
 1685 ~~workshops, conferences, teleconferences, computer based~~
 1686 ~~training, multimedia presentations, or other available~~
 1687 ~~instructional methods.~~

1688 ~~(2)(b)~~ An individual district governing body ~~board~~, at its
 1689 discretion, may bear the costs associated with educating its
 1690 members. Governing body ~~Board~~ members of districts which have

1691 qualified for a zero annual fee for the most recent invoicing
 1692 period pursuant to s. 189.018 are ~~189.427~~ shall not be required
 1693 to pay a fee for any education program the department provides,
 1694 contracts for, or assists in conducting.

1695 Section 29. Section 189.4051, Florida Statutes, is
 1696 transferred, renumbered as section 189.041, Florida Statutes,
 1697 and amended to read:

1698 189.041 ~~189.4051~~ Elections; special requirements and
 1699 procedures for districts with governing bodies ~~boards~~ elected on
 1700 a one-acre/one-vote basis.—

1701 (1) DEFINITIONS.—As used in this section:

1702 (a) "Qualified elector" means any person at least 18 years
 1703 of age who is a citizen of the United States, a permanent
 1704 resident of Florida, and a freeholder or freeholder's spouse and
 1705 resident of the district who registers with the supervisor of
 1706 elections of a county within which the district lands are
 1707 located when the registration books are open.

1708 (b) "Urban area" means a contiguous developed and
 1709 inhabited urban area within a district with a minimum average
 1710 resident population density of at least 1.5 persons per acre as
 1711 defined by the latest official census, special census, or
 1712 population estimate or a minimum density of one single-family
 1713 home per 2.5 acres with access to improved roads or a minimum
 1714 density of one single-family home per 5 acres within a recorded
 1715 plat subdivision. Urban areas shall be designated by the
 1716 governing body ~~board~~ of the district with the assistance of all

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1717 local general-purpose governments having jurisdiction over the
 1718 area within the district.

1719 (c) "Governing body board member" means any duly elected
 1720 member of the governing body board of a special district elected
 1721 pursuant to this section, provided that a any board member
 1722 elected by popular vote shall be a qualified district elector
 1723 and a any board member elected on a one-acre/one-vote basis
 1724 shall meet the requirements of s. 298.11 for election to the
 1725 governing body board.

1726 (d) "Contiguous developed urban area" means any reasonably
 1727 compact urban area located entirely within a special district.
 1728 The separation of urban areas by a publicly owned park, right-
 1729 of-way, highway, road, railroad, canal, utility, body of water,
 1730 watercourse, or other minor geographical division of a similar
 1731 nature shall not prevent such areas from being defined as urban
 1732 areas.

1733 (2) POPULAR ELECTIONS; REFERENDUM; DESIGNATION OF URBAN
 1734 AREAS.—

1735 (a) *Referendum*.—

1736 1. A referendum shall be called by the governing body
 1737 ~~board~~ of a special district where the governing body board is
 1738 elected on a one-acre/one-vote basis on the question of whether
 1739 certain members of a district governing body board should be
 1740 elected by qualified electors, provided each of the following
 1741 conditions has been satisfied at least 60 days before ~~prior to~~
 1742 the general or special election at which the referendum is to be

1743 held:

1744 a. The district shall have a total population, according
 1745 to the latest official state census, a special census, or a
 1746 population estimate, of at least 500 qualified electors.

1747 b. A petition signed by 10 percent of the qualified
 1748 electors of the district shall have been filed with the
 1749 governing body ~~board~~ of the district. The petition shall be
 1750 submitted to the supervisor of elections of the county or
 1751 counties in which the lands are located. The supervisor shall,
 1752 within 30 days after the receipt of the petitions, certify to
 1753 the governing body ~~board~~ the number of signatures of qualified
 1754 electors contained on the petition.

1755 2. Upon verification by the supervisor or supervisors of
 1756 elections of the county or counties within which district lands
 1757 are located that 10 percent of the qualified electors of the
 1758 district have petitioned the governing body ~~board~~, a referendum
 1759 election shall be called by the governing body ~~board~~ at the next
 1760 regularly scheduled election of governing body ~~board~~ members
 1761 occurring at least 30 days after verification of the petition or
 1762 within 6 months of verification, whichever is earlier.

1763 3. If the qualified electors approve the election
 1764 procedure described in this subsection, the governing body ~~board~~
 1765 of the district shall be increased to five members and elections
 1766 shall be held pursuant to the criteria described in this
 1767 subsection beginning with the next regularly scheduled election
 1768 of governing body ~~board~~ members or at a special election called

1769 within 6 months following the referendum and final unappealed
 1770 approval of district urban area maps as provided in paragraph
 1771 (b), whichever is earlier.

1772 4. If the qualified electors of the district disapprove
 1773 the election procedure described in this subsection, elections
 1774 of the members of the governing body ~~board~~ shall continue as
 1775 described by s. 298.12 or the enabling legislation for the
 1776 district. No further referendum on the question shall be held
 1777 for a minimum period of 2 years following the referendum.

1778 (b) *Designation of urban areas.*—

1779 1. Within 30 days after approval of the election process
 1780 described in this subsection by qualified electors of the
 1781 district, the governing body ~~board~~ shall direct the district
 1782 staff to prepare and present maps of the district describing the
 1783 extent and location of all urban areas within the district. Such
 1784 determination shall be based upon the criteria contained within
 1785 paragraph (1)(b).

1786 2. Within 60 days after approval of the election process
 1787 described in this subsection by qualified electors of the
 1788 district, the maps describing urban areas within the district
 1789 shall be presented to the governing body ~~board~~.

1790 3. Any district landowner or elector may contest the
 1791 accuracy of the urban area maps prepared by the district staff
 1792 within 30 days after submission to the governing body ~~board~~.
 1793 Upon notice of objection to the maps, the governing body ~~board~~
 1794 shall request the county engineer to prepare and present maps of

1795 the district describing the extent and location of all urban
 1796 areas within the district. Such determination shall be based
 1797 upon the criteria contained within paragraph (1)(b). Within 30
 1798 days after the governing body ~~board~~ request, the county engineer
 1799 shall present the maps to the governing body ~~board~~.

1800 4. Upon presentation of the maps by the county engineer,
 1801 the governing body ~~board~~ shall compare the maps submitted by
 1802 both the district staff and the county engineer and make a
 1803 determination as to which set of maps to adopt. Within 60 days
 1804 after presentation of all such maps, the governing body ~~board~~
 1805 may amend and shall adopt the official maps at a regularly
 1806 scheduled meeting of the governing body ~~board meeting~~.

1807 5. Any district landowner or qualified elector may contest
 1808 the accuracy of the urban area maps adopted by the governing
 1809 body ~~board~~ within 30 days after adoption by petition to the
 1810 circuit court with jurisdiction over the district. Accuracy
 1811 shall be determined pursuant to paragraph (1)(b). Any petitions
 1812 so filed shall be heard expeditiously, and the maps shall either
 1813 be approved or approved with necessary amendments to render the
 1814 maps accurate and shall be certified to the governing body
 1815 ~~board~~.

1816 6. Upon adoption by the governing body ~~board~~ or
 1817 certification by the court, the district urban area maps shall
 1818 serve as the official maps for determination of the extent of
 1819 urban area within the district and the number of governing body
 1820 ~~board~~ members to be elected by qualified electors and by the

1821 one-acre/one-vote principle at the next regularly scheduled
 1822 election of governing body ~~board~~ members.

1823 7. Upon a determination of the percentage of urban area
 1824 within the district as compared with total area within the
 1825 district, the governing body ~~board~~ shall order elections in
 1826 accordance with the percentages pursuant to paragraph (3)(a).
 1827 The landowners' meeting date shall be designated by the
 1828 governing body ~~board~~.

1829 8. The maps shall be updated and readopted every 5 years
 1830 or sooner in the discretion of the governing body ~~board~~.

1831 (3) GOVERNING BODY ~~BOARD~~.-

1832 (a) *Composition of* ~~board~~.-

1833 1. Members of the governing body ~~board~~ of the district
 1834 shall be elected in accordance with the following determinations
 1835 of urban area:

1836 a. If urban areas constitute 25 percent or less of the
 1837 district, one governing body ~~board~~ member shall be elected by
 1838 the qualified electors and four governing body ~~board~~ members
 1839 shall be elected in accordance with the one-acre/one-vote
 1840 principle contained within s. 298.11 or the district-enabling
 1841 legislation.

1842 b. If urban areas constitute 26 percent to 50 percent of
 1843 the district, two governing body ~~board~~ members shall be elected
 1844 by the qualified electors and three governing body ~~board~~ members
 1845 shall be elected in accordance with the one-acre/one-vote
 1846 principle contained within s. 298.11 or the district-enabling

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1847 legislation.

1848 c. If urban areas constitute 51 percent to 70 percent of
 1849 the district, three governing body ~~board~~ members shall be
 1850 elected by the qualified electors and two governing body ~~board~~
 1851 members shall be elected in accordance with the one-acre/one-
 1852 vote principle contained within s. 298.11 or the district-
 1853 enabling legislation.

1854 d. If urban areas constitute 71 percent to 90 percent of
 1855 the district, four governing body ~~board~~ members shall be elected
 1856 by the qualified electors and one governing body ~~board~~ member
 1857 shall be elected in accordance with the one-acre/one-vote
 1858 principle contained within s. 298.11 or the district-enabling
 1859 legislation.

1860 e. If urban areas constitute 91 percent or more of the
 1861 district, all governing body ~~board~~ members shall be elected by
 1862 the qualified electors.

1863 2. All governing body ~~board~~ members elected by qualified
 1864 electors shall be elected at large.

1865 (b) *Term of office.*—All governing body ~~board~~ members
 1866 elected by qualified electors shall have a term of 4 years
 1867 except for governing body ~~board~~ members elected at the first
 1868 election and the first landowners' meeting following the
 1869 referendum prescribed in paragraph (2)(a). Governing body ~~board~~
 1870 members elected at the first election and the first landowners'
 1871 meeting following the referendum shall serve as follows:

1872 1. If one governing body ~~board~~ member is elected by the

1873 qualified electors and four are elected on a one-acre/one-vote
 1874 basis, the governing body ~~board~~ member elected by the qualified
 1875 electors shall be elected for a period of 4 years. Governing
 1876 body ~~board~~ members elected on a one-acre/one-vote basis shall be
 1877 elected for periods of 1, 2, 3, and 4 years, respectively, as
 1878 prescribed by ss. 298.11 and 298.12.

1879 2. If two governing body ~~board~~ members are elected by the
 1880 qualified electors and three are elected on a one-acre/one-vote
 1881 basis, the governing body ~~board~~ members elected by the electors
 1882 shall be elected for a period of 4 years. Governing body ~~board~~
 1883 members elected on a one-acre/one-vote basis shall be elected
 1884 for periods of 1, 2, and 3 years, respectively, as prescribed by
 1885 ss. 298.11 and 298.12.

1886 3. If three governing body ~~board~~ members are elected by
 1887 the qualified electors and two are elected on a one-acre/one-
 1888 vote basis, two of the governing body ~~board~~ members elected by
 1889 the electors shall be elected for a term of 4 years and the
 1890 other governing body ~~board~~ member elected by the electors shall
 1891 be elected for a term of 2 years. Governing body ~~board~~ members
 1892 elected on a one-acre/one-vote basis shall be elected for terms
 1893 of 1 and 2 years, respectively, as prescribed by ss. 298.11 and
 1894 298.12.

1895 4. If four governing body ~~board~~ members are elected by the
 1896 qualified electors and one is elected on a one-acre/one-vote
 1897 basis, two of the governing body ~~board~~ members elected by the
 1898 electors shall be elected for a term of 2 years and the other

1899 two for a term of 4 years. The governing body ~~board~~ member
 1900 elected on a one-acre/one-vote basis shall be elected for a term
 1901 of 1 year as prescribed by ss. 298.11 and 298.12.

1902 5. If five governing body ~~board~~ members are elected by the
 1903 qualified electors, three shall be elected for a term of 4 years
 1904 and two for a term of 2 years.

1905 6. If any vacancy occurs in a seat occupied by a governing
 1906 body ~~board~~ member elected by the qualified electors, the
 1907 remaining members of the governing body ~~board~~ shall, within 45
 1908 days after the vacancy occurs, appoint a person who would be
 1909 eligible to hold the office to the unexpired term.

1910 (c) *Landowners' meetings.*—

1911 1. An annual landowners' meeting shall be held pursuant to
 1912 s. 298.11 and at least one governing body ~~board~~ member shall be
 1913 elected on a one-acre/one-vote basis pursuant to s. 298.12 for
 1914 so long as 10 percent or more of the district is not contained
 1915 in an urban area. In the event all district governing body ~~board~~
 1916 members are elected by qualified electors, there shall be no
 1917 further landowners' meetings.

1918 2. At any landowners' meeting called pursuant to this
 1919 section, 50 percent of the district acreage shall not be
 1920 required to constitute a quorum and each governing body ~~board~~
 1921 member shall be elected by a majority of the acreage represented
 1922 either by owner or proxy present and voting at said meeting.

1923 3. All landowners' meetings of districts operating
 1924 pursuant to this section shall be set by the governing body

1925 ~~board~~ within the month preceding the month of the election of
 1926 the governing body ~~board~~ members by the electors.

1927 4. Vacancies on the governing body ~~board~~ shall be filled
 1928 pursuant to s. 298.12 except as otherwise provided in
 1929 subparagraph (b)6.

1930 (4) QUALIFICATIONS.—Elections for governing body ~~board~~
 1931 members elected by qualified electors shall be nonpartisan.
 1932 Qualifications shall be pursuant to the Florida Election Code
 1933 and shall occur during the qualifying period established by s.
 1934 99.061. Qualification requirements shall only apply to those
 1935 governing body ~~board~~ member candidates elected by qualified
 1936 electors. Following the first election pursuant to this section,
 1937 elections to the governing body ~~board~~ by qualified electors
 1938 shall occur at the next regularly scheduled election closest in
 1939 time to the expiration date of the term of the elected governing
 1940 body ~~board~~ member. If the next regularly scheduled election is
 1941 beyond the normal expiration time for the term of an elected
 1942 governing body ~~board~~ member, the governing body ~~board~~ member
 1943 shall hold office until the election of a successor.

1944 (5) Those districts established as single-purpose water
 1945 control districts, and which continue to act as single-purpose
 1946 water control districts, pursuant to chapter 298, pursuant to a
 1947 special act, pursuant to a local government ordinance, or
 1948 pursuant to a judicial decree, shall be exempt from the
 1949 provisions of this section. All other independent special
 1950 districts with governing bodies ~~boards~~ elected on a one-

1951 | acre/one-vote basis shall be subject to the provisions of this
 1952 | section.

1953 | (6) The provisions of this section shall not apply to
 1954 | community development districts established pursuant to chapter
 1955 | 190.

1956 | Section 30. Section 189.4065, Florida Statutes, is
 1957 | transferred and renumbered as section 189.05, Florida Statutes.

1958 | Section 31. Section 189.408, Florida Statutes, is
 1959 | transferred and renumbered as section 189.042, Florida Statutes.

1960 | Section 32. Section 189.4085, Florida Statutes, is
 1961 | transferred and renumbered as section 189.051, Florida Statutes.

1962 | Section 33. Section 189.412, Florida Statutes, is
 1963 | transferred and renumbered as section 189.064, Florida Statutes,
 1964 | and amended to read:

1965 | 189.064 ~~189.412~~ Special District Accountability
 1966 | ~~Information~~ Program; duties and responsibilities.—The Special
 1967 | District Accountability ~~Information~~ Program of the department of
 1968 | ~~Economic Opportunity~~ is created and has the following ~~special~~
 1969 | duties:

1970 | (1) Electronically publishing ~~The collection and~~
 1971 | ~~maintenance of~~ special district noncompliance status reports
 1972 | from the department of ~~Management Services~~, the Department of
 1973 | Financial Services, the Division of Bond Finance of the State
 1974 | Board of Administration, the Auditor General, and the
 1975 | Legislative Auditing Committee, for the reporting required in
 1976 | ss. 112.63, 218.32, 218.38, and 218.39. The noncompliance

1977 reports must list those special districts that did not comply
 1978 with the statutory reporting requirements and be made available
 1979 to the public electronically.

1980 (2) Maintaining the official list of special districts ~~The~~
 1981 ~~maintenance of a master list of independent and dependent~~
 1982 ~~special districts which shall be available on the department's~~
 1983 ~~website.~~

1984 (3) ~~The~~ Publishing and updating of a "Florida Special
 1985 District Handbook" that contains, at a minimum:

1986 (a) A section that specifies definitions of special
 1987 districts and status distinctions in the statutes.

1988 (b) A section or sections that specify current statutory
 1989 provisions for special district creation, implementation,
 1990 modification, dissolution, and operating procedures.

1991 (c) A section that summarizes the reporting requirements
 1992 applicable to all types of special districts as provided in ss.
 1993 189.015 and 189.016 ~~189.417 and 189.418.~~

1994 ~~(4) When feasible, securing and maintaining access to~~
 1995 ~~special district information collected by all state agencies in~~
 1996 ~~existing or newly created state computer systems.~~

1997 ~~(4)(5) Coordinating and communicating~~ The facilitation of
 1998 ~~coordination and communication~~ among state agencies regarding
 1999 special districts ~~district information.~~

2000 ~~(6) The conduct of studies relevant to special districts.~~

2001 ~~(5)(7) Providing technical advisory~~ The provision of
 2002 assistance ~~related to~~ special districts regarding the and

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2003 ~~appropriate in the performance of~~ requirements specified in this
 2004 chapter which may be performed by the department or by a
 2005 qualified third-party vendor pursuant to a contract entered into
 2006 in accordance with applicable bidding requirements, ~~including~~
 2007 ~~assisting with an annual conference sponsored by the Florida~~
 2008 ~~Association of Special Districts or its successor.~~

2009 (6) ~~(8)~~ Providing assistance to local general-purpose
 2010 governments and ~~certain~~ state agencies in collecting delinquent
 2011 reports or information. 7

2012 (7) Helping special districts comply with reporting
 2013 requirements. 7

2014 (8) Declaring special districts inactive when ~~appropriate,~~
 2015 ~~and, when~~ directed by the Legislative Auditing Committee or
 2016 required by this chapter. 7

2017 (9) Initiating enforcement proceedings ~~provisions~~ as
 2018 provided in ss. 189.062, 189.066, and 189.067 ~~189.4044, 189.419,~~
 2019 ~~and 189.421.~~

2020 Section 34. Section 189.413, Florida Statutes, is
 2021 transferred and renumbered as section 189.065, Florida Statutes,
 2022 and amended to read:

2023 189.065 ~~189.413~~ Special districts; oversight of state
 2024 funds use.—Any state agency administering funding programs for
 2025 which special districts are eligible shall be responsible for
 2026 oversight of the use of such funds by special districts. The
 2027 oversight responsibilities shall include, but not be limited to:

2028 (1) Reporting the existence of the program to the Special

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2029 District Accountability Information ~~Information~~ Program of the department.

2030 (2) Submitting annually a list of special districts
 2031 participating in a state funding program to the Special District
 2032 Accountability Information ~~Information~~ Program of the department. This list
 2033 must indicate the special districts, if any, that are not in
 2034 compliance with state funding program requirements.

2035 Section 35. Section 189.415, Florida Statutes, is
 2036 transferred and renumbered as section 189.08, Florida Statutes.

2037 Section 36. Section 189.4155, Florida Statutes, is
 2038 transferred and renumbered as section 189.081, Florida Statutes.

2039 Section 37. Section 189.4156, Florida Statutes, is
 2040 transferred and renumbered as section 189.082, Florida Statutes.

2041 Section 38. Section 189.416, Florida Statutes, is
 2042 transferred and renumbered as section 189.014, Florida Statutes,
 2043 and subsection (1) of that section is amended, to read:

2044 189.014 ~~189.416~~ Designation of registered office and
 2045 agent.—

2046 (1) Within 30 days after the first meeting of its
 2047 governing body ~~board~~, each special district in the state shall
 2048 designate a registered office and a registered agent and file
 2049 such information with the local governing authority or
 2050 authorities and with the department. The registered agent shall
 2051 be an agent of the district upon whom any process, notice, or
 2052 demand required or permitted by law to be served upon the
 2053 district may be served. A registered agent shall be an
 2054 individual resident of this state whose business address is

2055 identical with the registered office of the district. The
 2056 registered office may be, but need not be, the same as the place
 2057 of business of the special district.

2058 Section 39. Section 189.417, Florida Statutes, is
 2059 transferred and renumbered as section 189.015, Florida Statutes,
 2060 and subsection (1) of that section is amended, to read:

2061 189.015 ~~189.417~~ Meetings; notice; required reports.—

2062 (1) The governing body of each special district shall file
 2063 quarterly, semiannually, or annually a schedule of its regular
 2064 meetings with the local governing authority or authorities. The
 2065 schedule shall include the date, time, and location of each
 2066 scheduled meeting. The schedule shall be published quarterly,
 2067 semiannually, or annually in a newspaper of general paid
 2068 circulation in the manner required in this subsection. The
 2069 governing body of an independent special district shall
 2070 advertise the day, time, place, and purpose of any meeting other
 2071 than a regular meeting or any recessed and reconvened meeting of
 2072 the governing body, at least 7 days before ~~prior to~~ such
 2073 meeting, in a newspaper of general paid circulation in the
 2074 county or counties in which the special district is located,
 2075 unless a bona fide emergency situation exists, in which case a
 2076 meeting to deal with the emergency may be held as necessary,
 2077 with reasonable notice, so long as it is subsequently ratified
 2078 by the governing body ~~board~~. No approval of the annual budget
 2079 shall be granted at an emergency meeting. The advertisement
 2080 shall be placed in that portion of the newspaper where legal

2081 notices and classified advertisements appear. The advertisement
 2082 shall appear in a newspaper that is published at least 5 days a
 2083 week, unless the only newspaper in the county is published fewer
 2084 than 5 days a week. The newspaper selected must be one of
 2085 general interest and readership in the community and not one of
 2086 limited subject matter, pursuant to chapter 50. Any other
 2087 provision of law to the contrary notwithstanding, and except in
 2088 the case of emergency meetings, water management districts may
 2089 provide reasonable notice of public meetings held to evaluate
 2090 responses to solicitations issued by the water management
 2091 district, by publication in a newspaper of general paid
 2092 circulation in the county where the principal office of the
 2093 water management district is located, or in the county or
 2094 counties where the public work will be performed, no less than 7
 2095 days before such meeting.

2096 Section 40. Section 189.418, Florida Statutes, is
 2097 transferred and renumbered as section 189.016, Florida Statutes,
 2098 and subsections (2) and (10) of that section are amended, to
 2099 read:

2100 189.016 ~~189.418~~ Reports; budgets; audits.—

2101 (2) Any amendment, modification, or update of the document
 2102 by which the district was created, including changes in
 2103 boundaries, must be filed with the department within 30 days
 2104 after adoption. The department may initiate proceedings against
 2105 special districts as provided in s. 189.067 ~~189.421~~ for failure
 2106 to file the information required by this subsection. However,

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2107 for the purposes of this section and s. 175.101(1), the
 2108 boundaries of a district shall be deemed to include an area that
 2109 has been annexed until the completion of the 4-year period
 2110 specified in s. 171.093(4) or other mutually agreed upon
 2111 extension, or when a district is providing services pursuant to
 2112 an interlocal agreement entered into pursuant to s. 171.093(3).

2113 (10) All reports or information required to be filed with
 2114 a local general-purpose government or governing authority under
 2115 ss. 189.08, 189.014, and 189.015 ~~189.415, 189.416, and 189.417~~
 2116 and subsection (8) must:

2117 (a) If the local general-purpose government or governing
 2118 authority is a county, be filed with the clerk of the board of
 2119 county commissioners.

2120 (b) If the district is a multicounty district, be filed
 2121 with the clerk of the county commission in each county.

2122 (c) If the local general-purpose government or governing
 2123 authority is a municipality, be filed at the place designated by
 2124 the municipal governing body.

2125 Section 41. Section 189.419, Florida Statutes, is
 2126 transferred, renumbered as section 189.066, Florida Statutes,
 2127 and amended to read:

2128 189.066 ~~189.419~~ Effect of failure to file certain reports
 2129 or information.—

2130 (1) If an independent special district fails to file the
 2131 reports or information required under s. 189.08, s. 189.014, s.
 2132 189.015, or s. 189.016(9) ~~189.415, s. 189.416, s. 189.417, or s.~~

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2133 | ~~189.418(9)~~ with the local general-purpose government or
 2134 | governments in which it is located, the person authorized to
 2135 | receive and read the reports or information or the local
 2136 | general-purpose government shall notify the district's
 2137 | registered agent. If requested by the district, the local
 2138 | general-purpose government shall grant an extension of up to 30
 2139 | days for filing the required reports or information. If the
 2140 | governing body of the local general-purpose government or
 2141 | governments determines that there has been an unjustified
 2142 | failure to file these reports or information, it shall ~~may~~
 2143 | notify the department, and the department may proceed pursuant
 2144 | to s. 189.067(1) ~~189.421(1)~~.

2145 | (2) If a dependent special district fails to file the
 2146 | reports or information required under s. 189.014, s. 189.015, or
 2147 | s. 189.016(9) ~~189.416~~, ~~s. 189.417~~, or ~~s. 189.418(9)~~ with the
 2148 | local governing authority to which it is dependent, the local
 2149 | governing authority shall take whatever steps it deems necessary
 2150 | to enforce the special district's accountability. Such steps may
 2151 | include, as authorized, withholding funds, removing governing
 2152 | body ~~board~~ members at will, vetoing the special district's
 2153 | budget, conducting the oversight review process set forth in s.
 2154 | 189.068 ~~189.428~~, or amending, merging, or dissolving the special
 2155 | district in accordance with the provisions contained in the
 2156 | ordinance that created the dependent special district.

2157 | (3) If a special district fails to file the reports or
 2158 | information required under s. 218.38 with the appropriate state

2159 agency, the agency shall notify the department, and the
 2160 department shall send a certified technical assistance letter to
 2161 the special district which summarizes the requirements and
 2162 compels ~~encourages~~ the special district to take steps to prevent
 2163 the noncompliance from reoccurring.

2164 (4) If a special district fails to file the reports or
 2165 information required under s. 112.63 with the appropriate state
 2166 agency, the agency shall notify the department and the
 2167 department shall proceed pursuant to s. 189.067(1) ~~189.421(1)~~.

2168 (5) If a special district fails to file the reports or
 2169 information required under s. 218.32 or s. 218.39 with the
 2170 appropriate state agency or office, the state agency or office
 2171 shall, and the Legislative Auditing Committee may, notify the
 2172 department and the department shall proceed pursuant to s.
 2173 189.067 ~~189.421~~.

2174 (6) If a special district created by special act of the
 2175 Legislature fails to file the reports or information required
 2176 under s. 218.32 or s. 218.39 with the appropriate state agency
 2177 or office, the Legislative Auditing Committee shall notify the
 2178 Speaker of the House of Representatives and the President of the
 2179 Senate, and the standing committees of the Senate and the House
 2180 of Representatives charged with special district oversight as
 2181 determined by the presiding officers of each respective chamber
 2182 in writing, pursuant to s. 189.034.

2183 (7) If a special district created by ordinance fails to
 2184 file the reports or information required under s. 218.32 or

2185 218.39 with the appropriate state agency or office, the
 2186 Legislative Auditing Committee shall notify the department and
 2187 the chair or equivalent of the local general-purpose government
 2188 that created the district, in writing, pursuant to s. 189.035.

2189 Section 42. Section 189.420, Florida Statutes, is
 2190 transferred and renumbered as section 189.052, Florida Statutes.

2191 Section 43. Section 189.421, Florida Statutes, is
 2192 transferred, renumbered as section 189.067, Florida Statutes,
 2193 and amended to read:

2194 189.067 ~~189.421~~ Failure of district to disclose financial
 2195 reports.—

2196 (1)(a) If notified pursuant to s. 189.066(1) ~~189.419(1)~~,
 2197 (4), or (5), the department shall attempt to assist a special
 2198 district in complying with its financial reporting requirements
 2199 by sending a certified letter to the special district, and, if
 2200 the special district is dependent, sending a copy of that letter
 2201 to the chair of the local governing authority. The letter must
 2202 include a description of the required report, including
 2203 statutory submission deadlines, a contact telephone number for
 2204 technical assistance to help the special district comply, a 60-
 2205 day deadline for filing the required report with the appropriate
 2206 entity, the address where the report must be filed, and an
 2207 explanation of the penalties for noncompliance.

2208 (b) A special district that is unable to meet the 60-day
 2209 reporting deadline must provide written notice to the department
 2210 before the expiration of the deadline stating the reason the

2211 special district is unable to comply with the deadline, the
 2212 steps the special district is taking to prevent the
 2213 noncompliance from reoccurring, and the estimated date that the
 2214 special district will file the report with the appropriate
 2215 agency. The district's written response does not constitute an
 2216 extension by the department; however, the department shall
 2217 forward the written response as follows ~~to~~:

2218 1. If the written response refers to the reports required
 2219 under s. 218.32 or s. 218.39, to the Legislative Auditing
 2220 Committee for its consideration in determining whether the
 2221 special district should be subject to further state action in
 2222 accordance with s. 11.40(2)(b).

2223 2. If the written response refers to the reports or
 2224 information requirements listed in s. 189.066(1) ~~189.419(1)~~, to
 2225 the local general-purpose government or governments for their
 2226 consideration in determining whether the oversight review
 2227 process set forth in s. 189.068 ~~189.428~~ should be undertaken.

2228 3. If the written response refers to the reports or
 2229 information required under s. 112.63, to the Department of
 2230 Management Services for its consideration in determining whether
 2231 the special district should be subject to further state action
 2232 in accordance with s. 112.63(4)(d)2.

2233 (2) Failure of a special district to comply with the
 2234 actuarial and financial reporting requirements under s. 112.63,
 2235 s. 218.32, or s. 218.39 after the procedures of subsection (1)
 2236 are exhausted shall be deemed final action of the special

2237 district. The actuarial and financial reporting requirements are
 2238 declared to be essential requirements of law. Remedies ~~Remedy~~
 2239 for noncompliance shall be as provided in ss. 189.034 and s.
 2240 189.035 ~~by writ of certiorari as set forth in subsection (4).~~

2241 (3) Pursuant to s. 11.40(2)(b), the Legislative Auditing
 2242 Committee may ~~shall~~ notify the department of those districts
 2243 that fail to file the required reports. If the procedures
 2244 described in subsection (1) have not yet been initiated, the
 2245 department shall initiate such procedures upon receiving the
 2246 notice from the Legislative Auditing Committee. Otherwise,
 2247 within 60 days after receiving such notice, or within 60 days
 2248 after the expiration of the 60-day deadline provided in
 2249 subsection (1), whichever occurs later, the department,
 2250 notwithstanding the provisions of chapter 120, shall file a
 2251 petition for enforcement ~~writ of certiorari~~ with the circuit
 2252 court. The petition may request declaratory, injunctive, any
 2253 other equitable relief, or any remedy provided by law. Venue for
 2254 all actions pursuant to this subsection is in Leon County. The
 2255 court shall award the prevailing party reasonable attorney's
 2256 fees and costs unless affirmatively waived by all parties. A
 2257 ~~writ of certiorari shall be issued unless a respondent~~
 2258 ~~establishes that the notification of the Legislative Auditing~~
 2259 ~~Committee was issued as a result of material error. Proceedings~~
 2260 ~~under this subsection are otherwise governed by the Rules of~~
 2261 ~~Appellate Procedure.~~

2262 ~~(4) Pursuant to s. 112.63(4)(d)2., the Department of~~

2263 ~~Management Services may notify the department of those special~~
 2264 ~~districts that have failed to file the required adjustments,~~
 2265 ~~additional information, or report or statement after the~~
 2266 ~~procedures of subsection (1) have been exhausted. Within 60 days~~
 2267 ~~after receiving such notice or within 60 days after the 60-day~~
 2268 ~~deadline provided in subsection (1), whichever occurs later, the~~
 2269 ~~department, notwithstanding chapter 120, shall file a petition~~
 2270 ~~for writ of certiorari with the circuit court. Venue for all~~
 2271 ~~actions pursuant to this subsection is in Leon County. The court~~
 2272 ~~shall award the prevailing party attorney's fees and costs~~
 2273 ~~unless affirmatively waived by all parties. A writ of certiorari~~
 2274 ~~shall be issued unless a respondent establishes that the~~
 2275 ~~notification of the Department of Management Services was issued~~
 2276 ~~as a result of material error. Proceedings under this subsection~~
 2277 ~~are otherwise governed by the Rules of Appellate Procedure.~~

2278 Section 44. Section 189.4221, Florida Statutes, is
 2279 transferred and renumbered as section 189.053, Florida Statutes.

2280 Section 45. Section 189.423, Florida Statutes, is
 2281 transferred and renumbered as section 189.054, Florida Statutes.

2282 Section 46. Section 189.425, Florida Statutes, is
 2283 transferred and renumbered as section 189.017, Florida Statutes.

2284 Section 47. Section 189.427, Florida Statutes, is
 2285 transferred and renumbered as section 189.018, Florida Statutes,
 2286 and amended to read:

2287 189.018 ~~189.427~~ Fee schedule; Operating Grants and
 2288 Donations Trust Fund.—The department of ~~Economic Opportunity~~, by

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2289 rule, shall establish a schedule of fees to pay one-half of the
 2290 costs incurred by the department in administering this act,
 2291 except that the fee may not exceed \$175 per district per year.
 2292 The fees collected under this section shall be deposited in the
 2293 Operating Grants and Donations Trust Fund, ~~which shall be~~
 2294 administered by the department ~~of Economic Opportunity~~. Any fee
 2295 rule must consider factors such as the dependent and independent
 2296 status of the district and district revenues for the most recent
 2297 fiscal year as reported to the Department of Financial Services.
 2298 The department may assess fines of not more than \$25, with an
 2299 aggregate total not to exceed \$50, as penalties against special
 2300 districts that fail to remit required fees to the department. It
 2301 is the intent of the Legislature that general revenue funds will
 2302 be made available to the department to pay one-half of the cost
 2303 of administering this act.

2304 Section 48. Section 189.428, Florida Statutes, is
 2305 transferred and renumbered as section 189.068, Florida Statutes,
 2306 and amended, to read:

2307 189.068 ~~189.428~~ Special districts; oversight review
 2308 process.-

2309 (1) The Legislature finds it to be in the public interest
 2310 to establish an oversight review process for special districts
 2311 wherein each special district in the state may be reviewed by
 2312 the local general-purpose government in which the district
 2313 exists. The Legislature further finds and determines that such
 2314 law fulfills an important state interest. It is the intent of

2315 the Legislature that the oversight review process shall
 2316 contribute to informed decisionmaking. These decisions may
 2317 involve the continuing existence or dissolution of a district,
 2318 the appropriate future role and focus of a district,
 2319 improvements in the functioning or delivery of services by a
 2320 district, and the need for any transition, adjustment, or
 2321 special implementation periods or provisions. Any final
 2322 recommendations from the oversight review process that are
 2323 adopted and implemented by the appropriate level of government
 2324 shall not be implemented in a manner that would impair the
 2325 obligation of contracts.

2326 ~~(2) It is the intent of the Legislature that any oversight~~
 2327 ~~review process be conducted in conjunction with special district~~
 2328 ~~public facilities reporting and the local government evaluation~~
 2329 ~~and appraisal report process described in s. 189.415(2).~~

2330 ~~(3) The order in which Special districts may be subject to~~
 2331 ~~oversight review shall be determined by the reviewer and shall~~
 2332 ~~occur as follows:~~

2333 (2)(a) All dependent special districts may be reviewed by
 2334 the general-purpose local government to which they are
 2335 dependent.

2336 ~~(b) All single county independent special districts may be~~
 2337 ~~reviewed by a county or municipality in which they are located~~
 2338 ~~or the government that created the district. Any single county~~
 2339 ~~independent district that serves an area greater than the~~
 2340 ~~boundaries of one general purpose local government may only be~~

2341 ~~reviewed by the county on the county's own initiative or upon~~
 2342 ~~receipt of a request from any municipality served by the special~~
 2343 ~~district.~~

2344 ~~(e) All multicounty independent special districts may be~~
 2345 ~~reviewed by the government that created the district. Any~~
 2346 ~~general-purpose local governments within the boundaries of a~~
 2347 ~~multicounty district may prepare a preliminary review of a~~
 2348 ~~multicounty special district for possible reference or inclusion~~
 2349 ~~in the full review report.~~

2350 ~~(d) Upon request by the reviewer, any special district~~
 2351 ~~within all or a portion of the same county as the special~~
 2352 ~~district being reviewed may prepare a preliminary review of the~~
 2353 ~~district for possible reference or inclusion in the full~~
 2354 ~~oversight review report.~~

2355 (3)~~(4)~~ All special districts, governmental entities, and
 2356 state agencies shall cooperate with the Legislature and with any
 2357 general-purpose local government seeking information or
 2358 assistance with the oversight review process and with the
 2359 preparation of an oversight review report.

2360 (4)~~(5)~~ Those conducting the oversight review process
 2361 shall, at a minimum, consider the listed criteria for evaluating
 2362 the special district, but may also consider any additional
 2363 factors relating to the district and its performance. If any of
 2364 the listed criteria does not apply to the special district being
 2365 reviewed, it need not be considered. The criteria to be
 2366 considered by the reviewer include:

2367 (a) The degree to which the service or services offered by
 2368 the special district are essential or contribute to the well-
 2369 being of the community.

2370 (b) The extent of continuing need for the service or
 2371 services currently provided by the special district.

2372 (c) The extent of municipal annexation or incorporation
 2373 activity occurring or likely to occur within the boundaries of
 2374 the special district and its impact on the delivery of services
 2375 by the special district.

2376 (d) Whether there is a less costly alternative method of
 2377 delivering the service or services that would adequately provide
 2378 the district residents with the services provided by the
 2379 district.

2380 (e) Whether transfer of the responsibility for delivery of
 2381 the service or services to an entity other than the special
 2382 district being reviewed could be accomplished without
 2383 jeopardizing the district's existing contracts, bonds, or
 2384 outstanding indebtedness.

2385 (f) Whether the Auditor General has notified the
 2386 Legislative Auditing Committee that the special district's audit
 2387 report, reviewed pursuant to s. 11.45(7), indicates that the
 2388 district has met any of the conditions specified in s.
 2389 218.503(1) or that a deteriorating financial condition exists
 2390 that may cause a condition described in s. 218.503(1) to occur
 2391 if actions are not taken to address such condition.

2392 (g) Whether the district is inactive according to the

2393 official list of special districts, and whether the district is
 2394 meeting and discharging its responsibilities as required by its
 2395 charter, as well as projected increases or decreases in district
 2396 activity.

2397 (h) Whether the special district has failed to comply with
 2398 any of the reporting requirements in this chapter, including
 2399 preparation of the public facilities report.

2400 (i) Whether the special district has designated a
 2401 registered office and agent as required by s. 189.014 ~~189.416~~,
 2402 and has complied with all open public records and meeting
 2403 requirements.

2404 ~~(6) Any special district may at any time provide the~~
 2405 ~~Legislature and the general purpose local government conducting~~
 2406 ~~the review or making decisions based upon the final oversight~~
 2407 ~~review report with written responses to any questions, concerns,~~
 2408 ~~preliminary reports, draft reports, or final reports relating to~~
 2409 ~~the district.~~

2410 ~~(7) The final report of a reviewing government shall be~~
 2411 ~~filed with the government that created the district and shall~~
 2412 ~~serve as the basis for any modification to the district charter~~
 2413 ~~or dissolution or merger of the district.~~

2414 ~~(8) If legislative dissolution or merger of a district is~~
 2415 ~~proposed in the final report, the reviewing government shall~~
 2416 ~~also propose a plan for the merger or dissolution, and the plan~~
 2417 ~~shall address the following factors in evaluating the proposed~~
 2418 ~~merger or dissolution:~~

2419 ~~(a) Whether, in light of independent fiscal analysis,~~
 2420 ~~level-of-service implications, and other public policy~~
 2421 ~~considerations, the proposed merger or dissolution is the best~~
 2422 ~~alternative for delivering services and facilities to the~~
 2423 ~~affected area.~~

2424 ~~(b) Whether the services and facilities to be provided~~
 2425 ~~pursuant to the merger or dissolution will be compatible with~~
 2426 ~~the capacity and uses of existing local services and facilities.~~

2427 ~~(c) Whether the merger or dissolution is consistent with~~
 2428 ~~applicable provisions of the state comprehensive plan, the~~
 2429 ~~strategic regional policy plan, and the local government~~
 2430 ~~comprehensive plans of the affected area.~~

2431 ~~(d) Whether the proposed merger adequately provides for~~
 2432 ~~the assumption of all indebtedness.~~

2433
 2434 ~~The reviewing government shall consider the report in a public~~
 2435 ~~hearing held within the jurisdiction of the district. If adopted~~
 2436 ~~by the governing board of the reviewing government, the request~~
 2437 ~~for legislative merger or dissolution of the district may~~
 2438 ~~proceed. The adopted plan shall be filed as an attachment to the~~
 2439 ~~economic impact statement regarding the proposed special act or~~
 2440 ~~general act of local application dissolving a district.~~

2441 ~~(9) This section does not apply to a deepwater port listed~~
 2442 ~~in s. 311.09(1) which is in compliance with a port master plan~~
 2443 ~~adopted pursuant to s. 163.3178(2)(k), or to an airport~~
 2444 ~~authority operating in compliance with an airport master plan~~

2445 ~~approved by the Federal Aviation Administration, or to any~~
 2446 ~~special district organized to operate health systems and~~
 2447 ~~facilities licensed under chapter 395, chapter 400, or chapter~~
 2448 ~~429.~~

2449 Section 49. Section 189.429, Florida Statutes, is
 2450 transferred and renumbered as section 189.019, Florida Statutes,
 2451 and subsection (1) of that section is amended, to read:

2452 189.019 ~~189.429~~ Codification.—

2453 (1) Each district, by December 1, 2004, shall submit to
 2454 the Legislature a draft codified charter, at its expense, so
 2455 that its special acts may be codified into a single act for
 2456 reenactment by the Legislature, if there is more than one
 2457 special act for the district. The Legislature may adopt a
 2458 schedule for individual district codification. Any codified act
 2459 relating to a district, which act is submitted to the
 2460 Legislature for reenactment, shall provide for the repeal of all
 2461 prior special acts of the Legislature relating to the district.
 2462 The codified act shall be filed with the department pursuant to
 2463 s. 189.016(2) ~~189.418(2)~~.

2464 Section 50. Sections 189.430, 189.431, 189.432, 189.433,
 2465 189.434, 189.435, 189.436, 189.437, 189.438, 189.439, 189.440,
 2466 189.441, 189.442, 189.443, and 189.444, Florida Statutes, are
 2467 repealed.

2468 Section 51. Section 189.034, Florida Statutes, is created
 2469 to read:

2470 189.034 Oversight of special districts created by special

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2471 act of the Legislature.-

2472 (1) This section applies to any special district created
 2473 by special act of the Legislature.

2474 (2) If a special district fails to file required reports
 2475 or requested information with the appropriate state agency
 2476 pursuant to ss. 11.45(7), 218.32, 218.39, and 218.503(3), with
 2477 the appropriate state agency or office, the Legislative Auditing
 2478 Committee or its designee shall provide written notice of the
 2479 district's noncompliance to the Speaker of the House of
 2480 Representatives, the President of the Senate, the standing
 2481 committees of the Senate and the House of Representatives
 2482 charged with special district oversight as determined by the
 2483 presiding officers of each respective chamber, and the
 2484 legislators who represent a portion of the geographical
 2485 jurisdiction of the special district.

2486 (3) The Legislative Auditing Committee may convene a
 2487 public hearing on the issue of noncompliance, as well as general
 2488 oversight of the district as provided in s. 189.068, at the
 2489 direction of the Speaker of the House of Representatives and the
 2490 President of the Senate.

2491 (4) Before the public hearing as provided in subsection
 2492 (3), the special district shall provide the following
 2493 information at the request of the Legislative Auditing
 2494 Committee:

2495 (a) The district's annual financial report for the prior
 2496 fiscal year.

2497 (b) The district's audit report for the previous fiscal
 2498 year.

2499 (c) An annual report for the previous fiscal year
 2500 providing a detailed review of the performance of the special
 2501 district, including the following information:

2502 1. The purpose of the special district.

2503 2. The sources of funding for the special district.

2504 3. A description of the major activities, programs, and
 2505 initiatives the special district has undertaken in the most
 2506 recently completed fiscal year and the benchmarks or criteria
 2507 under which the success or failure of the district was
 2508 determined by its governing body.

2509 4. Any challenges or obstacles faced by the special
 2510 district in fulfilling its purpose and related responsibilities.

2511 5. Ways the special district believes it could better
 2512 fulfill its purpose and related responsibilities and a
 2513 description of the actions that it intends to take during the
 2514 ensuing fiscal year.

2515 6. Proposed changes to the special act that established
 2516 the special district and justification for such changes.

2517 7. Any other information reasonably required to provide
 2518 the Legislative Auditing Committee with an accurate
 2519 understanding of the purpose for which the special district
 2520 exists and how it is fulfilling its responsibilities to
 2521 accomplish that purpose.

2522 8. Any reasons for the district's noncompliance.

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2523 9. If the district is currently in compliance and plans to
 2524 correct any recurring issues of noncompliance.

2525 10. Efforts to promote transparency, including maintenance
 2526 of the district's website in accordance with s. 189.069.

2527 Section 52. Section 189.035, Florida Statutes, is created
 2528 to read:

2529 189.035 Oversight of special districts created by local
 2530 ordinance.--

2531 (1) If a special district created by local ordinance fails
 2532 to file required reports or requested information under ss.
 2533 11.45(7), 218.32, 218.39, and 218.503(3), with the appropriate
 2534 state agency, the Legislative Auditing Committee or its designee
 2535 shall provide written notice of the district's noncompliance to
 2536 the chair or equivalent of the local general-purpose government.

2537 (2) The chair or equivalent of the local general-purpose
 2538 government may convene a public hearing on the issue of
 2539 noncompliance within 6 months after receipt of notice of
 2540 noncompliance from the Legislative Auditing Committee.

2541 (3) Before the public hearing regarding the special
 2542 district's noncompliance, the local general-purpose government
 2543 may request the following information from the special district:

2544 (a) The district's annual financial report for the
 2545 previous fiscal year.

2546 (b) The district's audit report for the previous fiscal
 2547 year.

2548 (c) An annual report for the previous fiscal year, which

2549 must provide a detailed review of the performance of the special
 2550 district and include the following information:

- 2551 1. The purpose of the special district.
- 2552 2. The sources of funding for the special district.
- 2553 3. A description of the major activities, programs, and
 2554 initiatives the special district undertook in the most recently
 2555 completed fiscal year and the benchmarks or criteria under which
 2556 the success or failure of the district was determined by its
 2557 governing body.
- 2558 4. Any challenges or obstacles faced by the special
 2559 district in fulfilling its purpose and related responsibilities.
- 2560 5. Ways the special district believes it could better
 2561 fulfill its purpose and related responsibilities and a
 2562 description of the actions that it intends to take during the
 2563 ensuing fiscal year.
- 2564 6. Proposed changes to the ordinance that established the
 2565 special district and justification for such changes.
- 2566 7. Any other information reasonably required to provide
 2567 the reviewing entity with an accurate understanding of the
 2568 purpose for which the special district exists and how it is
 2569 fulfilling its responsibilities to accomplish that purpose.
- 2570 8. Any reasons for the district's noncompliance.
- 2571 9. Whether the district is currently in compliance.
- 2572 10. Plans to correct any recurring issues of
 2573 noncompliance.
- 2574 11. Efforts to promote transparency, including maintenance

2575 of the district's website in accordance with s. 189.069.

2576 Section 53. Section 189.055, Florida Statutes, is created
2577 to read:

2578 189.055 Treatment of special districts.—For the purpose of
2579 s. 196.199(1), special districts shall be treated as
2580 municipalities.

2581 Section 54. Section 189.069, Florida Statutes, is created
2582 to read:

2583 189.069 Special districts; required reporting of
2584 information; web-based public access.—

2585 (1) Beginning on July 1, 2015, each special district shall
2586 maintain an official Internet website containing the information
2587 required by this section in accordance with s. 189.016. Special
2588 districts shall submit their official Internet website addresses
2589 to the department.

2590 (a) Independent special districts shall maintain a
2591 separate internet website.

2592 (b) Dependent special districts shall be preeminently
2593 displayed on the home page of the Internet website of the
2594 general-purpose government that created the special district
2595 with a hyperlink to such webpages as are necessary to provide
2596 the information required by this section. Dependent special
2597 districts may maintain a separate Internet website providing the
2598 information required by this section.

2599 (2)(a) A special district shall post the following
2600 information, at a minimum, on the district's official website:

- 2601 1. The full legal name of the special district.
- 2602 2. The public purpose of the special district.
- 2603 3. The name, address, e-mail address, and, if applicable,
 2604 the term and appointing authority for each member of the
 2605 governing body of the special district.
- 2606 4. The fiscal year of the special district.
- 2607 5. The full text of the special district's charter, the
 2608 date of establishment, the establishing entity, and the statute
 2609 or statutes under which the special district operates, if
 2610 different from the statute or statutes under which the special
 2611 district was established. Community development districts may
 2612 reference chapter 190, as the uniform charter, but must include
 2613 information relating to any grant of special powers.
- 2614 6. The mailing address, e-mail address, telephone number,
 2615 and Internet website uniform resource locator of the special
 2616 district.
- 2617 7. A description of the boundaries or service area of, and
 2618 the services provided by, the special district.
- 2619 8. A listing of all taxes, fees, or charges imposed and
 2620 collected by the special district, including the rates or
 2621 amounts charged for the fiscal year and the statutory authority
 2622 for the levy of the tax, fee, or charge.
- 2623 9. The primary contact information for the special
 2624 district for purposes of communication from the department.
- 2625 10. A code of ethics adopted by the special district, and
 2626 a hyperlink to generally applicable ethics provisions.

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2627 11. The budget of each special district, in addition to
 2628 amendments in accordance with s. 189.418.

2629 12. The final, complete audit report for the most recent
 2630 completed fiscal year, and audit reports required by law or
 2631 authorized by the governing body of the special district.

2632 (b) The department's Internet website list of special
 2633 districts in the state required under s. 189.061 shall include a
 2634 link for each special district that provides web-based access to
 2635 the public for all information and documentation required for
 2636 submission to the department pursuant to subsection (1).

2637 Section 55. Section 189.0691, Florida Statutes, is created
 2638 to read:

2639 189.0691 Suspension of special district governing body
 2640 members.—If, after due notification of noncompliance pursuant to
 2641 this chapter and expiration of the time allowed for correction,
 2642 a special district continues to violate the requirements of this
 2643 chapter, the department shall report such violations, and
 2644 provide all appropriate proof of the violations, to the
 2645 Governor, who may take action against a governing body member of
 2646 the special district as authorized in s. 112.511; however, the
 2647 Governor and appointing authority shall ensure that the
 2648 governing body maintains a sufficient number of members to
 2649 constitute a quorum.

2650 Section 56. Paragraph (e) of subsection (1) and paragraph
 2651 (c) of subsection (7) of section 11.45, Florida Statutes, are
 2652 amended to read:

2653 11.45 Definitions; duties; authorities; reports; rules.—

2654 (1) DEFINITIONS.—As used in ss. 11.40-11.51, the term:

2655 (e) "Local governmental entity" means a county agency,
 2656 municipality, or special district as defined in s. 189.012
 2657 ~~189.403~~, but does not include any housing authority established
 2658 under chapter 421.

2659 (7) AUDITOR GENERAL REPORTING REQUIREMENTS.—

2660 (c) The Auditor General shall provide annually a list of
 2661 those special districts which are not in compliance with s.
 2662 218.39 to the Special District Accountability Information
 2663 Program of the Department of Economic Opportunity.

2664 Section 57. Paragraph (c) of subsection (4) of section
 2665 100.011, Florida Statutes, is amended to read:

2666 100.011 Opening and closing of polls, all elections;
 2667 expenses.—

2668 (4)

2669 (c) The provisions of any special law to the contrary
 2670 notwithstanding, all independent and dependent special district
 2671 elections, with the exception of community development district
 2672 elections, shall be conducted in accordance with the
 2673 requirements of ss. 189.04 and 189.041 ~~189.405 and 189.4051~~.

2674 Section 58. Paragraph (f) of subsection (1) of section
 2675 101.657, Florida Statutes, is amended to read:

2676 101.657 Early voting.—

2677 (1)

2678 (f) Notwithstanding the requirements of s. 189.04 ~~189.405~~,

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2679 special districts may provide early voting in any district
 2680 election not held in conjunction with county or state elections.
 2681 If a special district provides early voting, it may designate as
 2682 many sites as necessary and shall conduct its activities in
 2683 accordance with the provisions of paragraphs (a)-(c). The
 2684 supervisor is not required to conduct early voting if it is
 2685 provided pursuant to this subsection.

2686 Section 59. Paragraph (a) of subsection (14) of section
 2687 112.061, Florida Statutes, is amended to read:

2688 112.061 Per diem and travel expenses of public officers,
 2689 employees, and authorized persons.—

2690 (14) APPLICABILITY TO COUNTIES, COUNTY OFFICERS, DISTRICT
 2691 SCHOOL BOARDS, SPECIAL DISTRICTS, AND METROPOLITAN PLANNING
 2692 ORGANIZATIONS.—

2693 (a) The following entities may establish rates that vary
 2694 from the per diem rate provided in paragraph (6)(a), the
 2695 subsistence rates provided in paragraph (6)(b), or the mileage
 2696 rate provided in paragraph (7)(d) if those rates are not less
 2697 than the statutorily established rates that are in effect for
 2698 the 2005-2006 fiscal year:

2699 1. The governing body of a county by the enactment of an
 2700 ordinance or resolution;

2701 2. A county constitutional officer, pursuant to s. 1(d),
 2702 Art. VIII of the State Constitution, by the establishment of
 2703 written policy;

2704 3. The governing body of a district school board by the

2705 adoption of rules;

2706 4. The governing body of a special district, as defined in
 2707 s. 189.012 ~~189.403(1)~~, except those special districts that are
 2708 subject to s. 166.021(9), by the enactment of a resolution; or

2709 5. Any metropolitan planning organization created pursuant
 2710 to s. 339.175 or any other separate legal or administrative
 2711 entity created pursuant to s. 339.175 of which a metropolitan
 2712 planning organization is a member, by the enactment of a
 2713 resolution.

2714 Section 60. Paragraph (d) of subsection (4) of section
 2715 112.63, Florida Statutes, is amended to read:

2716 112.63 Actuarial reports and statements of actuarial
 2717 impact; review.—

2718 (4) Upon receipt, pursuant to subsection (2), of an
 2719 actuarial report, or, pursuant to subsection (3), of a statement
 2720 of actuarial impact, the Department of Management Services shall
 2721 acknowledge such receipt, but shall only review and comment on
 2722 each retirement system's or plan's actuarial valuations at least
 2723 on a triennial basis.

2724 (d) In the case of an affected special district, the
 2725 Department of Management Services shall also notify the
 2726 Department of Economic Opportunity. Upon receipt of
 2727 notification, the Department of Economic Opportunity shall
 2728 proceed pursuant to s. 189.067 ~~189.421~~.

2729 1. Failure of a special district to provide a required
 2730 report or statement, to make appropriate adjustments, or to

2731 provide additional material information after the procedures
 2732 specified in s. 189.067(1) ~~189.421(1)~~ are exhausted shall be
 2733 deemed final action by the special district.

2734 2. The Department of Management Services may notify the
 2735 Department of Economic Opportunity of those special districts
 2736 that failed to come into compliance. Upon receipt of
 2737 notification, the Department of Economic Opportunity shall
 2738 proceed pursuant to s. 189.067(4) ~~189.421(4)~~.

2739 Section 61. Subsection (1) of section 112.665, Florida
 2740 Statutes, is amended to read:

2741 112.665 Duties of Department of Management Services.—

2742 (1) The Department of Management Services shall:

2743 (a) Gather, catalog, and maintain complete, computerized
 2744 data information on all public employee retirement systems or
 2745 plans in the state based upon a review of audits, reports, and
 2746 other data pertaining to the systems or plans;

2747 (b) Receive and comment upon all actuarial reviews of
 2748 retirement systems or plans maintained by units of local
 2749 government;

2750 (c) Cooperate with local retirement systems or plans on
 2751 matters of mutual concern and provide technical assistance to
 2752 units of local government in the assessment and revision of
 2753 retirement systems or plans;

2754 (d) Annually issue, by January 1, a report to the
 2755 President of the Senate and the Speaker of the House of
 2756 Representatives, which details division activities, findings,

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2757 and recommendations concerning all governmental retirement
 2758 systems. The report may include legislation proposed to carry
 2759 out such recommendations;

2760 (e) Provide a fact sheet for each participating local
 2761 government defined benefit pension plan which summarizes the
 2762 plan's actuarial status. The fact sheet should provide a summary
 2763 of the plan's most current actuarial data, minimum funding
 2764 requirements as a percentage of pay, and a 5-year history of
 2765 funded ratios. The fact sheet must include a brief explanation
 2766 of each element in order to maximize the transparency of the
 2767 local government plans. The fact sheet must also contain the
 2768 information specified in s. 112.664(1). These documents shall be
 2769 posted on the department's website. Plan sponsors that have
 2770 websites must provide a link to the department's website;

2771 (f) Annually issue, by January 1, a report to the Special
 2772 District Accountability Information ~~Information~~ Program of the Department of
 2773 Economic Opportunity which includes the participation in and
 2774 compliance of special districts with the local government
 2775 retirement system provisions in s. 112.63 and the state-
 2776 administered retirement system provisions specified in part I of
 2777 chapter 121; and

2778 (g) Adopt reasonable rules to administer this part.

2779 Section 62. Subsection (9) of section 121.021, Florida
 2780 Statutes, is amended to read:

2781 121.021 Definitions.—The following words and phrases as
 2782 used in this chapter have the respective meanings set forth

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2783 unless a different meaning is plainly required by the context:

2784 (9) "Special district" means an independent special
 2785 district as defined in s. 189.012 ~~189.403(3)~~.

2786 Section 63. Paragraph (b) of subsection (2) of section
 2787 121.051, Florida Statutes, is amended to read:

2788 121.051 Participation in the system.—

2789 (2) OPTIONAL PARTICIPATION.—

2790 (b)1. The governing body of any municipality, metropolitan
 2791 planning organization, or special district in the state may
 2792 elect to participate in the Florida Retirement System upon
 2793 proper application to the administrator and may cover all of its
 2794 units as approved by the Secretary of Health and Human Services
 2795 and the administrator. The department shall adopt rules
 2796 establishing procedures for the submission of documents
 2797 necessary for such application. Before being approved for
 2798 participation in the system, the governing body of a
 2799 municipality, metropolitan planning organization, or special
 2800 district that has a local retirement system must submit to the
 2801 administrator a certified financial statement showing the
 2802 condition of the local retirement system within 3 months before
 2803 the proposed effective date of membership in the Florida
 2804 Retirement System. The statement must be certified by a
 2805 recognized accounting firm that is independent of the local
 2806 retirement system. All required documents necessary for
 2807 extending Florida Retirement System coverage must be received by
 2808 the department for consideration at least 15 days before the

2809 proposed effective date of coverage. If the municipality,
 2810 metropolitan planning organization, or special district does not
 2811 comply with this requirement, the department may require that
 2812 the effective date of coverage be changed.

2813 2. A municipality, metropolitan planning organization, or
 2814 special district that has an existing retirement system covering
 2815 the employees in the units that are to be brought under the
 2816 Florida Retirement System may participate only after holding a
 2817 referendum in which all employees in the affected units have the
 2818 right to participate. Only those employees electing coverage
 2819 under the Florida Retirement System by affirmative vote in the
 2820 referendum are eligible for coverage under this chapter, and
 2821 those not participating or electing not to be covered by the
 2822 Florida Retirement System shall remain in their present systems
 2823 and are not eligible for coverage under this chapter. After the
 2824 referendum is held, all future employees are compulsory members
 2825 of the Florida Retirement System.

2826 3. At the time of joining the Florida Retirement System,
 2827 the governing body of a municipality, metropolitan planning
 2828 organization, or special district complying with subparagraph 1.
 2829 may elect to provide, or not provide, benefits based on past
 2830 service of officers and employees as described in s. 121.081(1).
 2831 However, if such employer elects to provide past service
 2832 benefits, such benefits must be provided for all officers and
 2833 employees of its covered group.

2834 4. Once this election is made and approved it may not be

2835 | revoked, except pursuant to subparagraphs 5. and 6., and all
 2836 | present officers and employees electing coverage and all future
 2837 | officers and employees are compulsory members of the Florida
 2838 | Retirement System.

2839 | 5. Subject to subparagraph 6., the governing body of a
 2840 | hospital licensed under chapter 395 which is governed by the
 2841 | governing body ~~board~~ of a special district as defined in s.
 2842 | 189.012 ~~189.403~~ or by the board of trustees of a public health
 2843 | trust created under s. 154.07, hereinafter referred to as
 2844 | "hospital district," and which participates in the Florida
 2845 | Retirement System, may elect to cease participation in the
 2846 | system with regard to future employees in accordance with the
 2847 | following:

2848 | a. No more than 30 days and at least 7 days before
 2849 | adopting a resolution to partially withdraw from the system and
 2850 | establish an alternative retirement plan for future employees, a
 2851 | public hearing must be held on the proposed withdrawal and
 2852 | proposed alternative plan.

2853 | b. From 7 to 15 days before such hearing, notice of intent
 2854 | to withdraw, specifying the time and place of the hearing, must
 2855 | be provided in writing to employees of the hospital district
 2856 | proposing partial withdrawal and must be published in a
 2857 | newspaper of general circulation in the area affected, as
 2858 | provided by ss. 50.011-50.031. Proof of publication must be
 2859 | submitted to the Department of Management Services.

2860 | c. The governing body of a hospital district seeking to

2861 partially withdraw from the system must, before such hearing,
 2862 have an actuarial report prepared and certified by an enrolled
 2863 actuary, as defined in s. 112.625, illustrating the cost to the
 2864 hospital district of providing, through the retirement plan that
 2865 the hospital district is to adopt, benefits for new employees
 2866 comparable to those provided under the system.

2867 d. Upon meeting all applicable requirements of this
 2868 subparagraph, and subject to subparagraph 6., partial withdrawal
 2869 from the system and adoption of the alternative retirement plan
 2870 may be accomplished by resolution duly adopted by the hospital
 2871 district board. The hospital district board must provide written
 2872 notice of such withdrawal to the division by mailing a copy of
 2873 the resolution to the division, postmarked by December 15, 1995.
 2874 The withdrawal shall take effect January 1, 1996.

2875 6. Following the adoption of a resolution under sub-
 2876 subparagraph 5.d., all employees of the withdrawing hospital
 2877 district who were members of the system before January 1, 1996,
 2878 shall remain as members of the system for as long as they are
 2879 employees of the hospital district, and all rights, duties, and
 2880 obligations between the hospital district, the system, and the
 2881 employees remain in full force and effect. Any employee who is
 2882 hired or appointed on or after January 1, 1996, may not
 2883 participate in the system, and the withdrawing hospital district
 2884 has no obligation to the system with respect to such employees.

2885 Section 64. Subsection (1) of section 153.94, Florida
 2886 Statutes, is amended to read:

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2887 153.94 Applicability of other laws.—Except as expressly
 2888 provided in this act:

2889 (1) With respect to any wastewater facility privatization
 2890 contract entered into under this act, a public entity is subject
 2891 to s. 125.3401, s. 180.301, s. 189.054 ~~189.423~~, or s. 190.0125
 2892 but is not subject to the requirements of chapter 287.

2893 Section 65. Paragraph (a) of subsection (2) of section
 2894 163.08, Florida Statutes, is amended to read:

2895 163.08 Supplemental authority for improvements to real
 2896 property.—

2897 (2) As used in this section, the term:

2898 (a) "Local government" means a county, a municipality, a
 2899 dependent special district as defined in s. 189.012 ~~189.403~~, or
 2900 a separate legal entity created pursuant to s. 163.01(7).

2901 Section 66. Subsection (7) of section 165.031, Florida
 2902 Statutes, is amended to read:

2903 165.031 Definitions.—The following terms and phrases, when
 2904 used in this chapter, shall have the meanings ascribed to them
 2905 in this section, except where the context clearly indicates a
 2906 different meaning:

2907 (7) "Special district" means a local unit of special
 2908 government, as defined in s. 189.012 ~~189.403(1)~~. This term
 2909 includes dependent special districts, as defined in s. 189.012
 2910 ~~189.403(2)~~, and independent special districts, as defined in s.
 2911 189.012 ~~189.403(3)~~. All provisions of s. 200.001(8)(d) and (e)
 2912 shall be considered provisions of this chapter.

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2913 Section 67. Paragraph (b) of subsection (1) and
 2914 subsections (8) and (16) of section 165.0615, Florida Statutes,
 2915 are amended to read:

2916 165.0615 Municipal conversion of independent special
 2917 districts upon elector-initiated and approved referendum.—

2918 (1) The qualified electors of an independent special
 2919 district may commence a municipal conversion proceeding by
 2920 filing a petition with the governing body of the independent
 2921 special district proposed to be converted if the district meets
 2922 all of the following criteria:

2923 (b) It is designated as an improvement district and
 2924 created pursuant to chapter 298 or is designated as a
 2925 stewardship district and created pursuant to s. 189.031 ~~189.404~~.

2926 (8) Notice of the final public hearing on the proposed
 2927 elector-initiated combined municipal incorporation plan must be
 2928 published pursuant to the notice requirements in s. 189.015
 2929 ~~189.417~~ and must provide a descriptive summary of the elector-
 2930 initiated municipal incorporation plan and a reference to the
 2931 public places within the independent special district where a
 2932 copy of the plan may be examined.

2933 (16) If the incorporation plan is approved by a majority
 2934 of the votes cast in the independent special district, the
 2935 district shall notify the special district accountability
 2936 ~~information~~ program pursuant to s. 189.016(2) ~~189.418(2)~~ and the
 2937 local general-purpose governments in which any part of the
 2938 independent special district is situated pursuant to s.

2939 | 189.016(7) ~~189.418(7)~~.

2940 | Section 68. Subsection (3) of section 171.202, Florida
2941 | Statutes, is amended to read:

2942 | 171.202 Definitions.—As used in this part, the term:

2943 | (3) "Independent special district" means an independent
2944 | special district, as defined in s. 189.012 ~~189.403~~, which
2945 | provides fire, emergency medical, water, wastewater, or
2946 | stormwater services.

2947 | Section 69. Subsection (16) of section 175.032, Florida
2948 | Statutes, is amended to read:

2949 | 175.032 Definitions.—For any municipality, special fire
2950 | control district, chapter plan, local law municipality, local
2951 | law special fire control district, or local law plan under this
2952 | chapter, the following words and phrases have the following
2953 | meanings:

2954 | (16) "Special fire control district" means a special
2955 | district, as defined in s. 189.012 ~~189.403(1)~~, established for
2956 | the purposes of extinguishing fires, protecting life, and
2957 | protecting property within the incorporated or unincorporated
2958 | portions of any county or combination of counties, or within any
2959 | combination of incorporated and unincorporated portions of any
2960 | county or combination of counties. The term does not include any
2961 | dependent or independent special district, as defined in s.
2962 | 189.012 ~~189.403(2)~~ and ~~(3)~~, respectively, the employees of which
2963 | are members of the Florida Retirement System pursuant to s.
2964 | 121.051(1) or (2).

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2965 Section 70. Subsection (6) of section 190.011, Florida
 2966 Statutes, is amended to read:

2967 190.011 General powers.—The district shall have, and the
 2968 body ~~board~~ may exercise, the following powers:

2969 (6) To maintain an office at such place or places as it
 2970 may designate within a county in which the district is located
 2971 or within the boundaries of a development of regional impact or
 2972 a Florida Quality Development, or a combination of a development
 2973 of regional impact and a Florida Quality Development, which
 2974 includes the district, which office must be reasonably
 2975 accessible to the landowners. Meetings pursuant to s. 189.015(3)
 2976 ~~189.417(3)~~ of a district within the boundaries of a development
 2977 of regional impact or Florida Quality Development, or a
 2978 combination of a development of regional impact and a Florida
 2979 Quality Development, may be held at such office.

2980 Section 71. Subsection (8) of section 190.046, Florida
 2981 Statutes, is amended to read:

2982 190.046 Termination, contraction, or expansion of
 2983 district.—

2984 (8) In the event the district has become inactive pursuant
 2985 to s. 189.062 ~~189.4044~~, the respective board of county
 2986 commissioners or city commission shall be informed and it shall
 2987 take appropriate action.

2988 Section 72. Section 190.049, Florida Statutes, is amended
 2989 to read:

2990 190.049 Special acts prohibited.—Pursuant to s. 11(a)(21),

2991 Art. III of the State Constitution, there shall be no special
 2992 law or general law of local application creating an independent
 2993 special district which has the powers enumerated in two or more
 2994 of the paragraphs contained in s. 190.012, unless such district
 2995 is created pursuant to the provisions of s. 189.031 ~~189.404~~.

2996 Section 73. Subsection (5) of section 191.003, Florida
 2997 Statutes, is amended to read:

2998 191.003 Definitions.—As used in this act:

2999 (5) "Independent special fire control district" means an
 3000 independent special district as defined in s. 189.012 ~~189.403~~,
 3001 created by special law or general law of local application,
 3002 providing fire suppression and related activities within the
 3003 jurisdictional boundaries of the district. The term does not
 3004 include a municipality, a county, a dependent special district
 3005 as defined in s. 189.012 ~~189.403~~, a district providing primarily
 3006 emergency medical services, a community development district
 3007 established under chapter 190, or any other multiple-power
 3008 district performing fire suppression and related services in
 3009 addition to other services.

3010 Section 74. Paragraph (a) of subsection (1) and subsection
 3011 (8) of section 191.005, Florida Statutes, are amended to read:

3012 191.005 District boards of commissioners; membership,
 3013 officers, meetings.—

3014 (1)(a) With the exception of districts whose governing
 3015 boards are appointed collectively by the Governor, the county
 3016 commission, and any cooperating city within the county, the

3017 business affairs of each district shall be conducted and
 3018 administered by a five-member board. All three-member boards
 3019 existing on the effective date of this act shall be converted to
 3020 five-member boards, except those permitted to continue as a
 3021 three-member board by special act adopted in 1997 or thereafter.
 3022 The board shall be elected in nonpartisan elections by the
 3023 electors of the district. Except as provided in this act, such
 3024 elections shall be held at the time and in the manner prescribed
 3025 by law for holding general elections in accordance with s.
 3026 189.04(2)(a) ~~189.405(2)(a)~~ and (3), and each member shall be
 3027 elected for a term of 4 years and serve until the member's
 3028 successor assumes office. Candidates for the board of a district
 3029 shall qualify as directed by chapter 99.

3030 (8) All meetings of the board shall be open to the public
 3031 consistent with chapter 286, s. 189.015 ~~189.417~~, and other
 3032 applicable general laws.

3033 Section 75. Subsection (2) of section 191.013, Florida
 3034 Statutes, is amended to read:

3035 191.013 Intergovernmental coordination.—

3036 (2) Each independent special fire control district shall
 3037 adopt a 5-year plan to identify the facilities, equipment,
 3038 personnel, and revenue needed by the district during that 5-year
 3039 period. The plan shall be updated in accordance with s. 189.08
 3040 ~~189.415~~ and shall satisfy the requirement for a public
 3041 facilities report required by s. 189.08(2) ~~189.415(2)~~.

3042 Section 76. Subsection (1) of section 191.014, Florida

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3043 Statutes, is amended to read:

3044 191.014 District creation and expansion.—

3045 (1) New districts may be created only by the Legislature
3046 under s. 189.031 ~~189.404~~.

3047 Section 77. Section 191.015, Florida Statutes, is amended
3048 to read:

3049 191.015 Codification.—Each fire control district existing
3050 on the effective date of this section, by December 1, 2004,
3051 shall submit to the Legislature a draft codified charter, at its
3052 expense, so that its special acts may be codified into a single
3053 act for reenactment by the Legislature, if there is more than
3054 one special act for the district. The Legislature may adopt a
3055 schedule for individual district codification. Any codified act
3056 relating to a district, which act is submitted to the
3057 Legislature for reenactment, shall provide for the repeal of all
3058 prior special acts of the Legislature relating to the district.
3059 The codified act shall be filed with the Department of Economic
3060 Opportunity pursuant to s. 189.016(2) ~~189.418(2)~~.

3061 Section 78. Paragraphs (c), (d), and (e) of subsection (8)
3062 of section 200.001, Florida Statutes, are amended to read:

3063 200.001 Millages; definitions and general provisions.—

3064 (8)

3065 (c) "Special district" means a special district as defined
3066 in s. 189.012 ~~189.403(1)~~.

3067 (d) "Dependent special district" means a dependent special
3068 district as defined in s. 189.012 ~~189.403(2)~~. Dependent special

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3069 district millage, when added to the millage of the governing
 3070 body to which it is dependent, shall not exceed the maximum
 3071 millage applicable to such governing body.

3072 (e) "Independent special district" means an independent
 3073 special district as defined in s. 189.012 ~~189.403(3)~~, with the
 3074 exception of a downtown development authority established prior
 3075 to the effective date of the 1968 State Constitution as an
 3076 independent body, either appointed or elected, regardless of
 3077 whether or not the budget is approved by the local governing
 3078 body, if the district levies a millage authorized as of the
 3079 effective date of the 1968 State Constitution. Independent
 3080 special district millage shall not be levied in excess of a
 3081 millage amount authorized by general law and approved by vote of
 3082 the electors pursuant to s. 9(b), Art. VII of the State
 3083 Constitution, except for those independent special districts
 3084 levying millage for water management purposes as provided in
 3085 that section and municipal service taxing units as specified in
 3086 s. 125.01(1)(q) and (r). However, independent special district
 3087 millage authorized as of the date the 1968 State Constitution
 3088 became effective need not be so approved, pursuant to s. 2, Art.
 3089 XII of the State Constitution.

3090 Section 79. Subsections (1), (5), (6), and (7) of section
 3091 218.31, Florida Statutes, are amended to read:

3092 218.31 Definitions.—As used in this part, except where the
 3093 context clearly indicates a different meaning:

3094 (1) "Local governmental entity" means a county agency, a

3095 municipality, or a special district as defined in s. 189.012
 3096 ~~189.403~~. For purposes of s. 218.32, the term also includes a
 3097 housing authority created under chapter 421.

3098 (5) "Special district" means a special district as defined
 3099 in s. 189.012 ~~189.403(1)~~.

3100 (6) "Dependent special district" means a dependent special
 3101 district as defined in s. 189.012 ~~189.403(2)~~.

3102 (7) "Independent special district" means an independent
 3103 special district as defined in s. 189.012 ~~189.403(3)~~.

3104 Section 80. Paragraph (a) and (f) of subsection (1) and
 3105 subsection (2) of section 218.32, Florida Statutes, are amended
 3106 to read:

3107 218.32 Annual financial reports; local governmental
 3108 entities.—

3109 (1)(a) Each local governmental entity that is determined
 3110 to be a reporting entity, as defined by generally accepted
 3111 accounting principles, and each independent special district as
 3112 defined in s. 189.012 ~~189.403~~, shall submit to the department a
 3113 copy of its annual financial report for the previous fiscal year
 3114 in a format prescribed by the department. The annual financial
 3115 report must include a list of each local governmental entity
 3116 included in the report and each local governmental entity that
 3117 failed to provide financial information as required by paragraph
 3118 (b). The chair of the governing body and the chief financial
 3119 officer of each local governmental entity shall sign the annual
 3120 financial report submitted pursuant to this subsection attesting

3121 to the accuracy of the information included in the report. The
 3122 county annual financial report must be a single document that
 3123 covers each county agency.

3124 (f) If the department does not receive a completed annual
 3125 financial report from a local governmental entity within the
 3126 required period, it shall notify the Legislative Auditing
 3127 Committee and the Special District Accountability ~~Information~~
 3128 Program of the Department of Economic Opportunity of the
 3129 entity's failure to comply with the reporting requirements.

3130 (2) The department shall annually by December 1 file a
 3131 verified report with the Governor, the Legislature, the Auditor
 3132 General, and the Special District Accountability ~~Information~~
 3133 Program of the Department of Economic Opportunity showing the
 3134 revenues, both locally derived and derived from
 3135 intergovernmental transfers, and the expenditures of each local
 3136 governmental entity, regional planning council, local government
 3137 finance commission, and municipal power corporation that is
 3138 required to submit an annual financial report. The report must
 3139 include, but is not limited to:

3140 (a) The total revenues and expenditures of each local
 3141 governmental entity that is a component unit included in the
 3142 annual financial report of the reporting entity.

3143 (b) The amount of outstanding long-term debt by each local
 3144 governmental entity. For purposes of this paragraph, the term
 3145 "long-term debt" means any agreement or series of agreements to
 3146 pay money, which, at inception, contemplate terms of payment

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3147 exceeding 1 year in duration.

3148 Section 81. Paragraph (g) of subsection (1) of section
3149 218.37, Florida Statutes, is amended to read:

3150 218.37 Powers and duties of Division of Bond Finance;
3151 advisory council.—

3152 (1) The Division of Bond Finance of the State Board of
3153 Administration, with respect to both general obligation bonds
3154 and revenue bonds, shall:

3155 (g) By January 1 each year, provide the Special District
3156 Accountability ~~Information~~ Program of the Department of Economic
3157 Opportunity with a list of special districts that are not in
3158 compliance with the requirements in s. 218.38.

3159 Section 82. Paragraph (j) of subsection (1) of section
3160 255.20, Florida Statutes, is amended to read:

3161 255.20 Local bids and contracts for public construction
3162 works; specification of state-produced lumber.—

3163 (1) A county, municipality, special district as defined in
3164 chapter 189, or other political subdivision of the state seeking
3165 to construct or improve a public building, structure, or other
3166 public construction works must competitively award to an
3167 appropriately licensed contractor each project that is estimated
3168 in accordance with generally accepted cost-accounting principles
3169 to cost more than \$300,000. For electrical work, the local
3170 government must competitively award to an appropriately licensed
3171 contractor each project that is estimated in accordance with
3172 generally accepted cost-accounting principles to cost more than

3173 \$75,000. As used in this section, the term "competitively award"
 3174 means to award contracts based on the submission of sealed bids,
 3175 proposals submitted in response to a request for proposal,
 3176 proposals submitted in response to a request for qualifications,
 3177 or proposals submitted for competitive negotiation. This
 3178 subsection expressly allows contracts for construction
 3179 management services, design/build contracts, continuation
 3180 contracts based on unit prices, and any other contract
 3181 arrangement with a private sector contractor permitted by any
 3182 applicable municipal or county ordinance, by district
 3183 resolution, or by state law. For purposes of this section, cost
 3184 includes the cost of all labor, except inmate labor, and the
 3185 cost of equipment and materials to be used in the construction
 3186 of the project. Subject to the provisions of subsection (3), the
 3187 county, municipality, special district, or other political
 3188 subdivision may establish, by municipal or county ordinance or
 3189 special district resolution, procedures for conducting the
 3190 bidding process.

3191 (j) A county, municipality, special district as defined in
 3192 s. 189.012 ~~189.403~~, or any other political subdivision of the
 3193 state that owns or operates a public-use airport as defined in
 3194 s. 332.004 is exempt from this section when performing repairs
 3195 or maintenance on the airport's buildings, structures, or public
 3196 construction works using the local government's own services,
 3197 employees, and equipment.

3198 Section 83. Subsection (4) of section 298.225, Florida

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3199 Statutes, is amended to read:

3200 298.225 Water control plan; plan development and
3201 amendment.—

3202 (4) Information contained within a district's facilities
3203 plan prepared pursuant to s. 189.08 ~~189.415~~ which satisfies any
3204 of the provisions of subsection (3) may be used as part of the
3205 district water control plan.

3206 Section 84. Subsection (7) of section 343.922, Florida
3207 Statutes, is amended to read:

3208 343.922 Powers and duties.—

3209 (7) The authority shall comply with all statutory
3210 requirements of general application which relate to the filing
3211 of any report or documentation required by law, including the
3212 requirements of ss. 189.015, 189.016, 189.051, and 189.08
3213 ~~189.4085, 189.415, 189.417, and 189.418.~~

3214 Section 85. Subsection (5) of section 348.0004, Florida
3215 Statutes, is amended to read:

3216 348.0004 Purposes and powers.—

3217 (5) Any authority formed pursuant to this act shall comply
3218 with all statutory requirements of general application which
3219 relate to the filing of any report or documentation required by
3220 law, including the requirements of ss. 189.015, 189.016,
3221 189.051, and 189.08 ~~189.4085, 189.415, 189.417, and 189.418.~~

3222 Section 86. Section 373.711, Florida Statutes, is amended
3223 to read:

3224 373.711 Technical assistance to local governments.—The

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3225 water management districts shall assist local governments in the
 3226 development and future revision of local government
 3227 comprehensive plan elements or public facilities report as
 3228 required by s. 189.08 ~~189.415~~, related to water resource issues.

3229 Section 87. Paragraph (b) of subsection (3) of section
 3230 403.0891, Florida Statutes, is amended to read:

3231 403.0891 State, regional, and local stormwater management
 3232 plans and programs.—The department, the water management
 3233 districts, and local governments shall have the responsibility
 3234 for the development of mutually compatible stormwater management
 3235 programs.

3236 (3)

3237 (b) Local governments are encouraged to consult with the
 3238 water management districts, the Department of Transportation,
 3239 and the department before adopting or updating their local
 3240 government comprehensive plan or public facilities report as
 3241 required by s. 189.08 ~~189.415~~, whichever is applicable.

3242 Section 88. Subsection (1) of section 582.32, Florida
 3243 Statutes, is amended to read:

3244 582.32 Effect of dissolution.—

3245 (1) Upon issuance of a certificate of dissolution, s.
 3246 189.076(2) ~~189.4045(2)~~ applies and all land use regulations in
 3247 effect within such districts are void.

3248 Section 89. Paragraph (a) of subsection (3) of section
 3249 1013.355, Florida Statutes, is amended to read:

3250 1013.355 Educational facilities benefit districts.—

3251 (3)(a) An educational facilities benefit district may be
 3252 created pursuant to this act and chapters 125, 163, 166, and
 3253 189. An educational facilities benefit district charter may be
 3254 created by a county or municipality by entering into an
 3255 interlocal agreement, as authorized by s. 163.01, with the
 3256 district school board and any local general purpose government
 3257 within whose jurisdiction a portion of the district is located
 3258 and adoption of an ordinance that includes all provisions
 3259 contained within s. 189.02 ~~189.4041~~. The creating entity shall
 3260 be the local general purpose government within whose boundaries
 3261 a majority of the educational facilities benefit district's
 3262 lands are located.

3263 Section 90. This act shall take effect July 1, 2014.

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COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED _____ (Y/N)
 ADOPTED AS AMENDED _____ (Y/N)
 ADOPTED W/O OBJECTION _____ (Y/N)
 FAILED TO ADOPT _____ (Y/N)
 WITHDRAWN _____ (Y/N)
 OTHER _____

1 Committee/Subcommittee hearing bill: Finance & Tax Subcommittee
 2 Representative Metz offered the following:

Amendment (with title amendment)

5 Remove everything after the enacting clause and insert:

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

8 (1) Part I, consisting of sections 189.01, 189.011,
 9 189.012, 189.013, 189.014, 189.015, 189.016, 189.017, 189.018,
 10 and 189.019, Florida Statutes, as created by this act, and
 11 entitled "General Provisions."

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

15 (3) Part III, consisting of sections 189.03, 189.031,
 16 189.0311, 189.033, 189.034, and 189.035, Florida Statutes, as

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17 created by this act, and entitled "Independent Special
18 Districts."

19 (4) Part IV, consisting of sections 189.04, 189.041, and
20 189.042, Florida Statutes, as created by this act, and entitled
21 "Elections."

22 (5) Part V, consisting of sections 189.05, 189.051,
23 189.052, 189.053, 189.054, and 189.055, Florida Statutes, as
24 created by this act, and entitled "Finance."

25 (6) Part VI, consisting of sections 189.06, 189.061,
26 189.062, 189.063, 189.064, 189.065, 189.066, 189.067, 189.068,
27 189.069, and 189.0691, Florida Statutes, as created by this act,
28 and entitled "Oversight and Accountability."

29 (7) Part VII, consisting of sections 189.07, 189.071,
30 189.072, 189.073, 189.074, 189.075, 189.076, and 189.0761,
31 Florida Statutes, as created by this act, and entitled "Merger
32 and Dissolution."

33 (8) Part VIII, consisting of sections 189.08, 189.081, and
34 189.082, Florida Statutes, as created by this act, and entitled
35 "Comprehensive Planning."

36 Section 2. Paragraph (b) of subsection (2) of section
37 11.40, Florida Statutes, is amended to read:

38 11.40 Legislative Auditing Committee.—

39 (2) Following notification by the Auditor General, the
40 Department of Financial Services, or the Division of Bond
41 Finance of the State Board of Administration of the failure of a
42 local governmental entity, district school board, charter

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43 | school, or charter technical career center to comply with the
44 | applicable provisions within s. 11.45(5)-(7), s. 218.32(1), ~~or~~
45 | s. 218.38, or s. 218.503(3), the Legislative Auditing Committee
46 | may schedule a hearing to determine if the entity should be
47 | subject to further state action. If the committee determines
48 | that the entity should be subject to further state action, the
49 | committee shall:

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

51 | 1. A special act, notify the President of the Senate, the
52 | Speaker of the House of Representatives, the standing committees
53 | of the Senate and the House of Representatives charged with
54 | special district oversight as determined by the presiding
55 | officers of each respective chamber, the legislators who
56 | represent a portion of the geographical jurisdiction of the
57 | special district and the Department of Economic Opportunity that
58 | the special district pursuant to s. 189.034(2) has failed to
59 | comply with the law. Upon receipt of notification, the
60 | Department of Economic Opportunity shall proceed pursuant to s.
61 | 189.062 or s. 189.067. If the special district remains in
62 | noncompliance after the process set forth in s. 189.034(3), the
63 | Legislative Auditing Committee may request the department to
64 | proceed pursuant to s. 189.067(3) ~~s. 189.4044 or s. 189.421.~~

65 | 2. A local ordinance, notify the chair or equivalent of
66 | the local general-purpose government pursuant to s. 189.035(1)
67 | and the Department of Economic Opportunity that the special
68 | district has failed to comply with the law. Upon receipt of

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69 notification, the department shall proceed pursuant to s.
70 189.062 or s. 189.067. If the special district remains in
71 noncompliance after the process set forth in s. 189.035(2) or if
72 a public hearing has not been held within 6 months, the
73 Legislative Auditing Committee may request the department to
74 proceed pursuant to s. 189.067(3).

75 3. Any manner other than a special act or local ordinance,
76 notify the Department of Economic Opportunity that the special
77 district has failed to comply with the law. Upon receipt of
78 notification, the department shall proceed pursuant to s.
79 189.062 or s. 189.067(3).

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

82 112.312 Definitions.—As used in this part and for purposes
83 of the provisions of s. 8, Art. II of the State Constitution,
84 unless the context otherwise requires:

85 (2) "Agency" means any state, regional, county, local, or
86 municipal government entity of this state, whether executive,
87 judicial, or legislative; any department, division, bureau,
88 commission, authority, or political subdivision of this state
89 therein; ~~or~~ any public school, community college, or state
90 university; or any special district as defined in s. 189.012.

91 Section 4. Section 112.511, Florida Statutes, is created
92 to read:

93 112.511 Members of special district governing bodies;
94 suspension; removal from office.—

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

100 (2) A member of the governing body of a special district,
101 as defined in s. 189.012, who exercises powers and duties other
102 than that of a state or county officer, is subject to the
103 suspension and removal procedures under s. 112.51.

104 Section 5. Subsections (1), (4), and (6) of section
105 125.901, Florida Statutes, are amended to read:

106 125.901 Children's services; independent special district;
107 council; powers, duties, and functions; public records
108 exemption.—

109 (1) Each county may by ordinance create an independent
110 special district, as defined in ss. 189.012 ~~189.403(3)~~ and
111 200.001(8)(e), to provide funding for children's services
112 throughout the county in accordance with this section. The
113 boundaries of such district shall be coterminous with the
114 boundaries of the county. The county governing body shall obtain
115 approval, by a majority vote of those electors voting on the
116 question, to annually levy ad valorem taxes which shall not
117 exceed the maximum millage rate authorized by this section. Any
118 district created pursuant to the provisions of this subsection
119 shall be required to levy and fix millage subject to the
120 provisions of s. 200.065. Once such millage is approved by the

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121 electorate, the district shall not be required to seek approval
122 of the electorate in future years to levy the previously
123 approved millage.

124 (a) The governing body ~~board~~ of the district shall be a
125 council on children's services, which may also be known as a
126 juvenile welfare board or similar name as established in the
127 ordinance by the county governing body. Such council shall
128 consist of 10 members, including: the superintendent of schools;
129 a local school board member; the district administrator from the
130 appropriate district of the Department of Children and Family
131 Services, or his or her designee who is a member of the Senior
132 Management Service or of the Selected Exempt Service; one member
133 of the county governing body; and the judge assigned to juvenile
134 cases who shall sit as a voting member of the board, except that
135 said judge shall not vote or participate in the setting of ad
136 valorem taxes under this section. If there is more than one
137 judge assigned to juvenile cases in a county, the chief judge
138 shall designate one of said juvenile judges to serve on the
139 board. The remaining five members shall be appointed by the
140 Governor, and shall, to the extent possible, represent the
141 demographic diversity of the population of the county. After
142 soliciting recommendations from the public, the county governing
143 body shall submit to the Governor the names of at least three
144 persons for each vacancy occurring among the five members
145 appointed by the Governor, and the Governor shall appoint
146 members to the council from the candidates nominated by the

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147 county governing body. The Governor shall make a selection
148 within a 45-day period or request a new list of candidates. All
149 members appointed by the Governor shall have been residents of
150 the county for the previous 24-month period. Such members shall
151 be appointed for 4-year terms, except that the length of the
152 terms of the initial appointees shall be adjusted to stagger the
153 terms. The Governor may remove a member for cause or upon the
154 written petition of the county governing body. If any of the
155 members of the council required to be appointed by the Governor
156 under the provisions of this subsection shall resign, die, or be
157 removed from office, the vacancy thereby created shall, as soon
158 as practicable, be filled by appointment by the Governor, using
159 the same method as the original appointment, and such
160 appointment to fill a vacancy shall be for the unexpired term of
161 the person who resigns, dies, or is removed from office.

162 (b) However, any county as defined in s. 125.011(1) may
163 instead have a governing body ~~board~~ consisting of 33 members,
164 including: the superintendent of schools; two representatives of
165 public postsecondary education institutions located in the
166 county; the county manager or the equivalent county officer; the
167 district administrator from the appropriate district of the
168 Department of Children and Family Services, or the
169 administrator's designee who is a member of the Senior
170 Management Service or the Selected Exempt Service; the director
171 of the county health department or the director's designee; the
172 state attorney for the county or the state attorney's designee;

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173 the chief judge assigned to juvenile cases, or another juvenile
174 judge who is the chief judge's designee and who shall sit as a
175 voting member of the board, except that the judge may not vote
176 or participate in setting ad valorem taxes under this section;
177 an individual who is selected by the board of the local United
178 Way or its equivalent; a member of a locally recognized faith-
179 based coalition, selected by that coalition; a member of the
180 local chamber of commerce, selected by that chamber or, if more
181 than one chamber exists within the county, a person selected by
182 a coalition of the local chambers; a member of the early
183 learning coalition, selected by that coalition; a representative
184 of a labor organization or union active in the county; a member
185 of a local alliance or coalition engaged in cross-system
186 planning for health and social service delivery in the county,
187 selected by that alliance or coalition; a member of the local
188 Parent-Teachers Association/Parent-Teacher-Student Association,
189 selected by that association; a youth representative selected by
190 the local school system's student government; a local school
191 board member appointed by the chair of the school board; the
192 mayor of the county or the mayor's designee; one member of the
193 county governing body, appointed by the chair of that body; a
194 member of the state Legislature who represents residents of the
195 county, ~~selected by the chair of the local legislative~~
196 ~~delegation~~; an elected official representing the residents of a
197 municipality in the county, selected by the county municipal
198 league; and 4 members-at-large, appointed to the council by the

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199 majority of sitting council members. The remaining 7 members
200 shall be appointed by the Governor in accordance with procedures
201 set forth in paragraph (a), except that the Governor may remove
202 a member for cause or upon the written petition of the council.
203 Appointments by the Governor must, to the extent reasonably
204 possible, represent the geographic and demographic diversity of
205 the population of the county. Members who are appointed to the
206 council by reason of their position are not subject to the
207 length of terms and limits on consecutive terms as provided in
208 this section. The remaining appointed members of the governing
209 body board shall be appointed to serve 2-year terms, except that
210 those members appointed by the Governor shall be appointed to
211 serve 4-year terms, and the youth representative and the
212 legislative delegate shall be appointed to serve 1-year terms. A
213 member may be reappointed; however, a member may not serve for
214 more than three consecutive terms. A member is eligible to be
215 appointed again after a 2-year hiatus from the council.

216 (c) This subsection does not prohibit a county from
217 exercising such power as is provided by general or special law
218 to provide children's services or to create a special district
219 to provide such services.

220 (4) (a) Any district created pursuant to this section may
221 be dissolved by a special act of the Legislature, or the county
222 governing body may by ordinance dissolve the district subject to
223 the approval of the electorate.

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224 (b)1.a. Notwithstanding paragraph (a), the governing body
 225 of the county shall submit the question of retention or
 226 dissolution of a district with voter-approved taxing authority
 227 to the electorate in the general election according to the
 228 following schedule:

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

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

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

239 b. A referendum by the electorate on or after July 1,
 240 2010, creating a new district with taxing authority may specify
 241 that the district is not subject to reauthorization or may
 242 specify the number of years for which the initial authorization
 243 shall remain effective. If the referendum does not prescribe
 244 terms of reauthorization, the governing body of the county shall
 245 submit the question of retention or dissolution of the district
 246 to the electorate in the general election 12 years after the
 247 initial authorization.

248 2. The governing body ~~board~~ of the district may specify,
 249 and submit to the governing body of the county no later than 9

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250 months before the scheduled election, that the district is not
251 subsequently subject to reauthorization or may specify the
252 number of years for which a reauthorization under this paragraph
253 shall remain effective. If the governing body ~~board~~ of the
254 district makes such specification and submission, the governing
255 body of the county shall include that information in the
256 question submitted to the electorate. If the governing body
257 ~~board~~ of the district does not specify and submit such
258 information, the governing body of the county shall resubmit the
259 question of reauthorization to the electorate every 12 years
260 after the year prescribed in subparagraph 1. The governing body
261 ~~board~~ of the district may recommend to the governing body of the
262 county language for the question submitted to the electorate.

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

265 4. Nothing in this paragraph precludes the governing body
266 ~~board~~ of a district from requesting that the governing body of
267 the county submit the question of retention or dissolution of a
268 district with voter-approved taxing authority to the electorate
269 at a date earlier than the year prescribed in subparagraph 1. If
270 the governing body of the county accepts the request and submits
271 the question to the electorate, the governing body satisfies the
272 requirement of that subparagraph.

273
274 If any district is dissolved pursuant to this subsection, each
275 county must first obligate itself to assume the debts,

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276 liabilities, contracts, and outstanding obligations of the
277 district within the total millage available to the county
278 governing body for all county and municipal purposes as provided
279 for under s. 9, Art. VII of the State Constitution. Any district
280 may also be dissolved pursuant to s. part VII of chapter 189
281 ~~189.4042~~.

282 (6) Any district created pursuant to the provisions of
283 this section shall comply with all other statutory requirements
284 of general application which relate to the filing of any
285 financial reports or compliance reports required under part III
286 of chapter 218, or any other report or documentation required by
287 law, including the requirements of ss. 189.08, 189.015, and
288 189.016 ~~189.415, 189.417, and 189.418~~.

289 Section 6. Section 189.401, Florida Statutes, is
290 transferred, renumbered as section 189.01, Florida Statutes, and
291 amended to read:

292 189.01 ~~189.401~~ Short title.—This chapter may be cited as
293 the "Uniform Special District Accountability Act ~~of 1989~~."

294 Section 7. Subsections (1), (6), and (7) of section
295 189.402, Florida Statutes, are transferred and renumbered as
296 subsections (1), (2), and (3), respectively, of section 189.011,
297 Florida Statutes, and present subsection (6) of that section is
298 amended, to read:

299 189.011 ~~189.402~~ Statement of legislative purpose and
300 intent.—

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301 ~~(2)(6)~~ The Legislature finds that special districts serve
302 a necessary and useful function by providing services to
303 residents and property in the state. The Legislature finds
304 further that special districts operate to serve a public purpose
305 and that this is best secured by certain minimum standards of
306 accountability designed to inform the public and appropriate
307 general-purpose local governments of the status and activities
308 of special districts. It is the intent of the Legislature that
309 this public trust be secured by requiring each independent
310 special district in the state to register and report its
311 financial and other activities. The Legislature further finds
312 that failure of an independent special district to comply with
313 the minimum disclosure requirements set forth in this chapter
314 may result in action against officers of such district body
315 board.

316 Section 8. Subsection (2) of section 189.402, Florida
317 Statutes, is transferred, renumbered as section 189.06, Florida
318 Statutes, and amended to read:

319 189.06 ~~189.402~~ Legislative intent; centralized location
320 ~~Statement of legislative purpose and intent.~~

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

324 (1)(a) Improve the enforcement of statutes currently in
325 place that help ensure the accountability of special districts
326 to state and local governments.

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327 ~~(2)(b)~~ Improve communication and coordination between
328 state agencies with respect to required special district
329 reporting and state monitoring.

330 ~~(3)(e)~~ Improve communication and coordination between
331 special districts and other local entities with respect to ad
332 valorem taxation, non-ad valorem assessment collection, special
333 district elections, and local government comprehensive planning.

334 ~~(4)(d)~~ Move toward greater uniformity in special district
335 elections and non-ad valorem assessment collection procedures at
336 the local level without hampering the efficiency and
337 effectiveness of the current procedures.

338 ~~(5)(e)~~ Clarify special district definitions and creation
339 methods in order to ensure consistent application of those
340 definitions and creation methods across all levels of
341 government.

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

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

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

349 Section 9. Subsections (3), (4), (5), and (8) of section
350 189.402, Florida Statutes, are transferred, renumbered as
351 subsections (1), (2), (3), and (4), respectively, of section
352 189.03, Florida Statutes, and amended to read:

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353 189.03 ~~189.402~~ Statement of legislative purpose and
354 intent; independent special districts.—

355 ~~(1)(3)~~ The Legislature finds that:

356 (a) There is a need for uniform, focused, and fair
357 procedures in state law to provide a reasonable alternative for
358 the establishment, powers, operation, and duration of
359 independent special districts ~~to manage and finance basic~~
360 ~~capital infrastructure, facilities, and services; and that,~~
361 ~~based upon a proper and fair determination of applicable facts,~~
362 ~~an independent special district can constitute a timely,~~
363 ~~efficient, effective, responsive, and economic way to deliver~~
364 ~~these basic services, thereby providing a means of solving the~~
365 ~~state's planning, management, and financing needs for delivery~~
366 ~~of capital infrastructure, facilities, and services in order to~~
367 ~~provide for projected growth without overburdening other~~
368 ~~governments and their taxpayers.~~

369 (b) It is in the public interest that any independent
370 special district created pursuant to state law not outlive its
371 usefulness and that the operation of such a district and the
372 exercise by the district of its powers be consistent with
373 applicable due process, disclosure, accountability, ethics, and
374 government-in-the-sunshine requirements which apply both to
375 governmental entities and to their elected and appointed
376 officials.

377 ~~(c) It is in the public interest that long range planning,~~
378 ~~management, and financing and long term maintenance, upkeep, and~~

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379 ~~operation of basic services by independent special districts be~~
380 ~~uniform.~~

381 ~~(2)(4)~~ It is the policy of this state:

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

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

391 ~~(3)(5)~~ It is the legislative intent ~~and purpose, based~~
392 ~~upon, and consistent with, its findings of fact and declarations~~
393 ~~of policy,~~ to authorize a uniform procedure by general law to
394 create an independent special district, ~~as an alternative method~~
395 ~~to manage and finance basic capital infrastructure, facilities,~~
396 ~~and services. It is further the legislative intent and purpose~~
397 to provide by general law for the uniform operation, exercise of
398 power, and procedure for termination of any such independent
399 special district.

400 ~~(4)(8)~~ The Legislature finds and declares that:

401 (a) Growth and development issues transcend the boundaries
402 and responsibilities of individual units of government, and
403 often no single unit of government can plan or implement

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404 policies to deal with these issues without affecting other units
405 of government.

406 (b) The provision of capital infrastructure, facilities,
407 and services for the preservation and enhancement of the quality
408 of life of the people of this state may require the creation of
409 multicounty and multijurisdictional districts.

410 Section 10. Section 189.403, Florida Statutes, is
411 transferred, renumbered as section 189.012, Florida Statutes,
412 reordered, and amended to read:

413 189.012 ~~189.403~~ Definitions.—As used in this chapter, the
414 term:

415 (6) ~~(1)~~ "Special district" means a ~~local~~ unit of local
416 government created for a special purpose, as opposed to a
417 general purpose general-purpose, which has jurisdiction to
418 operate government within a limited geographic boundary and is,
419 created by general law, special act, local ordinance, or by rule
420 of the Governor and Cabinet. ~~The special purpose or purposes of~~
421 ~~special districts are implemented by specialized functions and~~
422 ~~related prescribed powers. For the purpose of s. 196.199(1),~~
423 ~~special districts shall be treated as municipalities.~~ The term
424 does not include a school district, a community college
425 district, a special improvement district created pursuant to s.
426 285.17, a municipal service taxing or benefit unit as specified
427 in s. 125.01, or a board which provides electrical service and
428 which is a political subdivision of a municipality or is part of
429 a municipality.

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

432 (a) The membership of its governing body is identical to
433 that of the governing body of a single county or a single
434 municipality.

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

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

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

443
444 This subsection is for purposes of definition only. Nothing in
445 this subsection confers additional authority upon local
446 governments not otherwise authorized by the provisions of the
447 special acts or general acts of local application creating each
448 special district, as amended.

449 (3) "Independent special district" means a special
450 district that is not a dependent special district as defined in
451 subsection (2). A district that includes more than one county is
452 an independent special district unless the district lies wholly
453 within the boundaries of a single municipality.

454 ~~(1)(4)~~ "Department" means the Department of Economic
455 Opportunity.

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456 ~~(4)-(5)~~ "Local governing authority" means the governing
457 body of a unit of local general-purpose government. However, if
458 the special district is a political subdivision of a
459 municipality, "local governing authority" means the
460 municipality.

461 ~~(7)-(6)~~ "Water management district" for purposes of this
462 chapter means a special taxing district which is a regional
463 water management district created and operated pursuant to
464 chapter 373 or chapter 61-691, Laws of Florida, or a flood
465 control district created and operated pursuant to chapter 25270,
466 Laws of Florida, 1949, as modified by s. 373.149.

467 ~~(5)-(7)~~ "Public facilities" means major capital
468 improvements, including, but not limited to, transportation
469 facilities, sanitary sewer facilities, solid waste facilities,
470 water management and control facilities, potable water
471 facilities, alternative water systems, educational facilities,
472 parks and recreational facilities, health systems and
473 facilities, and, except for spoil disposal by those ports listed
474 in s. 311.09(1), spoil disposal sites for maintenance dredging
475 in waters of the state.

476 Section 11. Subsection (1) of section 189.4031, Florida
477 Statutes, is transferred and renumbered as section 189.013,
478 Florida Statutes, and the catchline of that section shall read:
479 "Special districts; creation, dissolution, and reporting
480 requirements."

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481 Section 12. Subsection (2) of section 189.4031, Florida
482 Statutes, is transferred, renumbered as section 189.0311,
483 Florida Statutes, and amended to read:

484 189.0311 ~~189.4031~~ Independent special districts ~~Special~~
485 ~~districts; creation, dissolution, and reporting requirements;~~
486 charter requirements.-

487 ~~(2)~~ Notwithstanding any general law, special act, or
488 ordinance of a local government to the contrary, any independent
489 special district charter enacted after September 30, 1989, ~~the~~
490 ~~effective date of this section~~ shall contain the information
491 required by s. 189.031(3) ~~189.404(3)~~. Recognizing that the
492 exclusive charter for a community development district is the
493 statutory charter contained in ss. 190.006-190.041, community
494 development districts established after July 1, 1980, pursuant
495 to the provisions of chapter 190 shall be deemed in compliance
496 with this requirement.

497 Section 13. Section 189.4035, Florida Statutes, is
498 transferred and renumbered as section 189.061, Florida Statutes,
499 and subsections (1), (5), and (6) of that section are amended,
500 to read:

501 189.061 ~~189.4035~~ ~~Preparation of~~ Official list of special
502 districts.-

503 (1) The department ~~of Economic Opportunity~~ shall maintain
504 ~~compile~~ the official list of special districts. The official
505 list of special districts shall include all special districts in
506 this state and shall indicate the independent or dependent

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507 status of each district. All special districts on ~~in~~ the list
508 shall be sorted by county. The definitions in s. 189.012 ~~189.403~~
509 shall be the criteria for determination of the independent or
510 dependent status of each special district on the official list.
511 The status of community development districts shall be
512 independent on the official list of special districts.

513 (5) The official list of special districts shall be
514 available on the department's website and must include a link to
515 the website of each special district that provides web-based
516 access to the public of the information and documentation
517 required under s. 189.069.

518 (6) ~~Preparation of~~ The official list of special districts
519 or the determination of status does not constitute final agency
520 action pursuant to chapter 120. If the status of a special
521 district on the official list is inconsistent with the status
522 submitted by the district, the district may request the
523 department to issue a declaratory statement setting forth the
524 requirements necessary to resolve the inconsistency. If
525 necessary, upon issuance of a declaratory statement by the
526 department which is not appealed pursuant to chapter 120, the
527 governing body ~~board~~ of any special district receiving such a
528 declaratory statement shall apply to the entity which originally
529 established the district for an amendment to its charter
530 correcting the specified defects in its original charter. This
531 amendment shall be for the sole purpose of resolving
532 inconsistencies between a district charter and the status of a

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533 district as it appears on the official list. ~~Such application~~
534 ~~shall occur as follows:~~

535 ~~(a) In the event a special district was created by a local~~
536 ~~general purpose government or state agency and applies for an~~
537 ~~amendment to its charter to confirm its independence, said~~
538 ~~application shall be granted as a matter of right. If~~
539 ~~application by an independent district is not made within 6~~
540 ~~months of rendition of a declaratory statement, the district~~
541 ~~shall be deemed dependent and become a political subdivision of~~
542 ~~the governing body which originally established it by operation~~
543 ~~of law.~~

544 ~~(b) If the Legislature created a special district, the~~
545 ~~district shall request, by resolution, an amendment to its~~
546 ~~charter by the Legislature. Failure to apply to the Legislature~~
547 ~~for an amendment to its charter during the next regular~~
548 ~~legislative session following rendition of a declaratory~~
549 ~~statement or failure of the Legislature to pass a special act~~
550 ~~shall render the district dependent.~~

551 Section 14. Section 189.404, Florida Statutes, is
552 transferred and renumbered as section 189.031, Florida Statutes,
553 and subsection (2) and paragraphs (e), (f), and (g) of
554 subsection (3) of that section are amended, to read:

555 189.031 ~~189.404~~ Legislative intent for the creation of
556 independent special districts; special act prohibitions; model
557 elements and other requirements; general-purpose local
558 government/Governor and Cabinet creation authorizations.-

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

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

565 (b) Exempt independent special district elections from the
566 appropriate requirements in s. 189.04 ~~189.405~~;

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

569 (d) Exempt an independent special district from the
570 reporting, notice, or public meetings requirements of s.
571 189.051, s. 189.08, s. 189.015, or s. 189.016 ~~189.4085, s.~~
572 ~~189.415, s. 189.417, or s. 189.418~~;

573 (e) Create an independent special district for which a
574 statement has not been submitted to the Legislature that
575 documents the following:

576 1. The purpose of the proposed district;

577 2. The authority of the proposed district;

578 3. An explanation of why the district is the best
579 alternative; and

580 4. A resolution or official statement of the governing
581 body or an appropriate administrator of the local jurisdiction
582 within which the proposed district is located stating that the
583 creation of the proposed district is consistent with the
584 approved local government plans of the local governing body and

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585 that the local government has no objection to the creation of
586 the proposed district.

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

591 (e) The membership and organization of the governing body
592 ~~board~~ of the district. If a district created after September 30,
593 1989, uses a one-acre/one-vote election principle, it shall
594 provide for a governing body ~~board~~ consisting of five members.
595 Three members shall constitute a quorum.

596 (f) The maximum compensation of a governing body ~~board~~
597 member.

598 (g) The administrative duties of the governing body ~~board~~
599 of the district.

600 Section 15. Section 189.40401, Florida Statutes, is
601 transferred and renumbered as section 189.033, Florida Statutes.

602 Section 16. Section 189.4041, Florida Statutes, is
603 transferred and renumbered as section 189.02, Florida Statutes,
604 and paragraph (e) of subsection (4) of that section is amended,
605 to read:

606 189.02 ~~189.4041~~ Dependent special districts.—

607 (4) Dependent special districts created by a county or
608 municipality shall be created by adoption of an ordinance that
609 includes:

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

612 Section 17. Subsection (1) of section 189.4042, Florida
613 Statutes, is transferred, renumbered as section 189.07, Florida
614 Statutes, and amended to read:

615 189.07 ~~189.4042~~ Definitions ~~Merger and dissolution~~
616 ~~procedures.~~-

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

618 (1) ~~(a)~~ "Component independent special district" means an
619 independent special district that proposes to be merged into a
620 merged independent district, or an independent special district
621 as it existed before its merger into the merged independent
622 district of which it is now a part.

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

629 (3) ~~(c)~~ "Governing body" means the governing body of the
630 independent special district in which the general legislative,
631 governmental, or public powers of the district are vested and by
632 authority of which the official business of the district is
633 conducted.

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

637 ~~(5)(e)~~ "Joint merger plan" means the merger plan that is
638 adopted by resolution of the governing bodies of two or more
639 independent special districts that outlines the terms and
640 agreements for the official merger of the districts and that is
641 finalized and approved by the governing bodies pursuant to this
642 part section.

643 ~~(6)(f)~~ "Merged independent district" means a single
644 independent special district that results from a successful
645 merger of two or more independent special districts pursuant to
646 this part section.

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

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

654 ~~(9)(i)~~ "Proposed elector-initiated merger plan" means a
655 written document that contains the terms and information
656 regarding the merger of two or more independent special
657 districts and that accompanies the petition initiated by the
658 qualified electors of the districts but that is not yet

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659 finalized and approved by the governing bodies of each component
660 independent special district pursuant to this part section.

661 ~~(10)(j)~~ "Proposed joint merger plan" means a written
662 document that contains the terms and information regarding the
663 merger of two or more independent special districts and that has
664 been prepared pursuant to a resolution of the governing bodies
665 of the districts but that is not yet finalized and approved by
666 the governing bodies of each component independent special
667 district pursuant to this part section.

668 ~~(11)(k)~~ "Qualified elector" means an individual at least
669 18 years of age who is a citizen of the United States, a
670 permanent resident of this state, and a resident of the district
671 who registers with the supervisor of elections of a county
672 within which the district lands are located when the
673 registration books are open.

674 Section 18. Subsection (2) of section 189.4042, Florida
675 Statutes, is transferred, renumbered as section 189.071, Florida
676 Statutes, and amended to read:

677 189.071 ~~189.4042~~ Merger or and dissolution of a dependent
678 special district procedures.—

679 ~~(2) MERGER OR DISSOLUTION OF A DEPENDENT SPECIAL~~
680 ~~DISTRICT.~~—

681 ~~(1)(a)~~ The merger or dissolution of a dependent special
682 district may be effectuated by an ordinance of the general-
683 purpose local governmental entity wherein the geographical area
684 of the district or districts is located. However, a county may

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685 not dissolve a special district that is dependent to a
686 municipality or vice versa, or a dependent district created by
687 special act.

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

692 ~~(3)(e)~~ A dependent special district that meets any
693 criteria for being declared inactive, or that has already been
694 declared inactive, pursuant to s. 189.062 ~~189.4044~~ may be
695 dissolved or merged by special act without a referendum.

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

701 Section 19. Subsection (3) of section 189.4042, Florida
702 Statutes, is transferred, renumbered as section 189.072, Florida
703 Statutes, and amended to read:

704 189.072 ~~189.4042~~ Dissolution of an independent special
705 district Merger and dissolution procedures.—

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

707 ~~(1)(a)~~ Voluntary dissolution.—If the governing body ~~board~~
708 of an independent special district created and operating
709 pursuant to a special act elects, by a majority vote plus one,
710 to dissolve the district, the voluntary dissolution of an

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711 independent special district created and operating pursuant to a
712 special act may be effectuated only by the Legislature unless
713 otherwise provided by general law.

714 ~~(2)(b)~~ *Other dissolutions.*—

715 ~~(a)1.~~ In order for the Legislature to dissolve an active
716 independent special district created and operating pursuant to a
717 special act, the special act dissolving the active independent
718 special district must be approved by a majority of the resident
719 electors of the district or, for districts in which a majority
720 of governing body ~~board~~ members are elected by landowners, a
721 majority of the landowners voting in the same manner by which
722 the independent special district's governing body is elected. If
723 a local general-purpose government passes an ordinance or
724 resolution in support of the dissolution, the local general-
725 purpose government must pay any expenses associated with the
726 referendum required under this paragraph ~~subparagraph~~.

727 ~~(b)2.~~ If an independent special district was created by a
728 county or municipality by referendum or any other procedure, the
729 county or municipality that created the district may dissolve
730 the district pursuant to a referendum or any other procedure by
731 which the independent special district was created. However, if
732 the independent special district has ad valorem taxation powers,
733 the same procedure required to grant the independent special
734 district ad valorem taxation powers is required to dissolve the
735 district.

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736 ~~(3)(e)~~ *Inactive independent special districts.*—An
737 independent special district that meets any criteria for being
738 declared inactive, or that has already been declared inactive,
739 pursuant to s. 189.062 ~~189.4044~~ may be dissolved by special act
740 without a referendum. If an inactive independent special
741 district was created by a county or municipality through a
742 referendum, the county or municipality that created the district
743 may dissolve the district after publishing notice as described
744 in s. 189.062 ~~189.4044~~.

745 ~~(4)(d)~~ *Debts and assets.*—Financial allocations of the
746 assets and indebtedness of a dissolved independent special
747 district shall be pursuant to s. 189.076 ~~189.4045~~.

748 Section 20. Subsection (4) of section 189.4042, Florida
749 Statutes, is transferred, renumbered as section 189.073, Florida
750 Statutes, and amended to read:

751 189.073 ~~189.4042~~ Legislative merger of independent special
752 districts Merger and dissolution procedures.—

753 ~~(4) LEGISLATIVE MERGER OF INDEPENDENT SPECIAL DISTRICTS.~~
754 The Legislature, by special act, may merge independent special
755 districts created and operating pursuant to special act.

756 Section 21. Subsection (5) of section 189.4042, Florida
757 Statutes, is transferred, renumbered as section 189.074, Florida
758 Statutes, and amended to read:

759 189.074 ~~189.4042~~ Voluntary merger of independent special
760 districts Merger and dissolution procedures.—

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761 ~~(5) VOLUNTARY MERGER OF INDEPENDENT SPECIAL DISTRICTS.—~~Two
762 or more contiguous independent special districts created by
763 special act which have similar functions and elected governing
764 bodies may elect to merge into a single independent district
765 through the act of merging the component independent special
766 districts.

767 (1)(a) *Initiation.*—Merger proceedings may commence by:

768 (a)1. A joint resolution of the governing bodies of each
769 independent special district which endorses a proposed joint
770 merger plan; or

771 (b)2. A qualified elector initiative.

772 (2)(b) *Joint merger plan by resolution.*—The governing
773 bodies of two or more contiguous independent special districts
774 may, by joint resolution, endorse a proposed joint merger plan
775 to commence proceedings to merge the districts pursuant to this
776 section subsection.

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

778 1.a. The name of each component independent special
779 district to be merged;

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

781 3.e. The rights, duties, and obligations of the proposed
782 merged independent district;

783 4.d. The territorial boundaries of the proposed merged
784 independent district;

785 5.e. The governmental organization of the proposed merged
786 independent district insofar as it concerns elected and

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787 appointed officials and public employees, along with a
788 transitional plan and schedule for elections and appointments of
789 officials;

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

792 ~~7.g.~~ Each component independent special district's assets,
793 including, but not limited to, real and personal property, and
794 the current value thereof;

795 ~~8.h.~~ Each component independent special district's
796 liabilities and indebtedness, bonded and otherwise, and the
797 current value thereof;

798 ~~9.i.~~ Terms for the assumption and disposition of existing
799 assets, liabilities, and indebtedness of each component
800 independent special district jointly, separately, or in defined
801 proportions;

802 ~~10.j.~~ Terms for the common administration and uniform
803 enforcement of existing laws within the proposed merged
804 independent district;

805 ~~11.k.~~ The times and places for public hearings on the
806 proposed joint merger plan;

807 ~~12.l.~~ The times and places for a referendum in each
808 component independent special district on the proposed joint
809 merger plan, along with the referendum language to be presented
810 for approval; and

811 ~~13.m.~~ The effective date of the proposed merger.

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812 ~~(b)2.~~ The resolution endorsing the proposed joint merger
813 plan must be approved by a majority vote of the governing bodies
814 of each component independent special district and adopted at
815 least 60 business days before any general or special election on
816 the proposed joint merger plan.

817 ~~(c)3.~~ Within 5 business days after the governing bodies
818 approve the resolution endorsing the proposed joint merger plan,
819 the governing bodies must:

820 ~~1.a.~~ Cause a copy of the proposed joint merger plan, along
821 with a descriptive summary of the plan, to be displayed and be
822 readily accessible to the public for inspection in at least
823 three public places within the territorial limits of each
824 component independent special district, unless a component
825 independent special district has fewer than three public places,
826 in which case the plan must be accessible for inspection in all
827 public places within the component independent special district;

828 ~~2.b.~~ If applicable, cause the proposed joint merger plan,
829 along with a descriptive summary of the plan and a reference to
830 the public places within each component independent special
831 district where a copy of the merger plan may be examined, to be
832 displayed on a website maintained by each district or on a
833 website maintained by the county or municipality in which the
834 districts are located; and

835 ~~3.e.~~ Arrange for a descriptive summary of the proposed
836 joint merger plan, and a reference to the public places within
837 the district where a copy may be examined, to be published in a

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838 newspaper of general circulation within the component
839 independent special districts at least once each week for 4
840 successive weeks.

841 (d)4. The governing body of each component independent
842 special district shall set a time and place for one or more
843 public hearings on the proposed joint merger plan. Each public
844 hearing shall be held on a weekday at least 7 business days
845 after the day the first advertisement is published on the
846 proposed joint merger plan. The hearing or hearings may be held
847 jointly or separately by the governing bodies of the component
848 independent special districts. Any interested person residing in
849 the respective district shall be given a reasonable opportunity
850 to be heard on any aspect of the proposed merger at the public
851 hearing.

852 1.a. Notice of the public hearing addressing the
853 resolution for the proposed joint merger plan must be published
854 pursuant to the notice requirements in s. 189.015 ~~189.417~~ and
855 must provide a descriptive summary of the proposed joint merger
856 plan and a reference to the public places within the component
857 independent special districts where a copy of the plan may be
858 examined.

859 2.b. After the final public hearing, the governing bodies
860 of each component independent special district may amend the
861 proposed joint merger plan if the amended version complies with
862 the notice and public hearing requirements provided in this
863 section ~~subsection~~. Thereafter, the governing bodies may approve

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864 a final version of the joint merger plan or decline to proceed
865 further with the merger. Approval by the governing bodies of the
866 final version of the joint merger plan must occur within 60
867 business days after the final hearing.

868 ~~(e)5-~~ After the final public hearing, the governing bodies
869 shall notify the supervisors of elections of the applicable
870 counties in which district lands are located of the adoption of
871 the resolution by each governing body. The supervisors of
872 elections shall schedule a separate referendum for each
873 component independent special district. The referenda may be
874 held in each district on the same day, or on different days, but
875 no more than 20 days apart.

876 ~~1.a-~~ Notice of a referendum on the merger of independent
877 special districts must be provided pursuant to the notice
878 requirements in s. 100.342. At a minimum, the notice must
879 include:

880 ~~a.(I)~~ A brief summary of the resolution and joint merger
881 plan;

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

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

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

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888 ~~e.(v)~~ Such other matters as may be necessary to call,
889 provide for, and give notice of the referendum and to provide
890 for the conduct thereof and the canvass of the returns.

891 ~~2.b.~~ The referenda must be held in accordance with the
892 Florida Election Code and may be held pursuant to ss. 101.6101-
893 101.6107. All costs associated with the referenda shall be borne
894 by the respective component independent special district.

895 ~~3.e.~~ The ballot question in such referendum placed before
896 the qualified electors of each component independent special
897 district to be merged must be in substantially the following
898 form:

899 "Shall ...(name of component independent special
900 district)... and ...(name of component independent special
901 district or districts)... be merged into ...(name of newly
902 merged independent district)...?"

903
904 YES

905 NO"

906
907 ~~4.d.~~ If the component independent special districts
908 proposing to merge have disparate millage rates, the ballot
909 question in the referendum placed before the qualified electors
910 of each component independent special district must be in
911 substantially the following form:

912

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913 "Shall ... (name of component independent special
914 district)... and ... (name of component independent special
915 district or districts)... be merged into ... (name of newly
916 merged independent district)... if the voter-approved maximum
917 millage rate within each independent special district will not
918 increase absent a subsequent referendum?

919

920YES

921NO"

922

923 5.e. In any referendum held pursuant to this section
924 ~~subsection~~, the ballots shall be counted, returns made and
925 canvassed, and results certified in the same manner as other
926 elections or referenda for the component independent special
927 districts.

928 6.f. The merger may not take effect unless a majority of
929 the votes cast in each component independent special district
930 are in favor of the merger. If one of the component districts
931 does not obtain a majority vote, the referendum fails, and
932 merger does not take effect.

933 7.g. If the merger is approved by a majority of the votes
934 cast in each component independent special district, the merged
935 independent district is created. Upon approval, the merged
936 independent district shall notify the Special District
937 Accountability Information Program pursuant to s. 189.016(2)
938 ~~189.418(2)~~ and the local general-purpose governments in which

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

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

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

948 ~~(3)(e)~~ *Qualified elector-initiated merger plan.*—The
949 qualified electors of two or more contiguous independent special
950 districts may commence a merger proceeding by each filing a
951 petition with the governing body of their respective independent
952 special district proposing to be merged. The petition must
953 contain the signatures of at least 40 percent of the qualified
954 electors of each component independent special district and must
955 be submitted to the appropriate component independent special
956 district governing body no later than 1 year after the start of
957 the qualified elector-initiated merger process.

958 ~~(a)1.~~ The petition must comply with, and be circulated in,
959 the following form:

960 PETITION FOR

961 INDEPENDENT SPECIAL DISTRICT MERGER

962 We, the undersigned electors and legal voters of ... (name
963 of independent special district) ..., qualified to vote at the
964 next general or special election, respectfully petition that

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965 there be submitted to the electors and legal voters of ... (name
 966 of independent special district or districts proposed to be
 967 merged) ..., for their approval or rejection at a referendum held
 968 for that purpose, a proposal to merge ... (name of component
 969 independent special district) ... and ... (name of component
 970 independent special district or districts)

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

Date	Name	Home Address
(print under signature)		
.....
.....

977 ~~1.b.~~ The petition must be validated by a signed statement
 978 by a witness who is a duly qualified elector of one of the
 979 component independent special districts, a notary public, or
 980 another person authorized to take acknowledgments.

981 ~~1.a.~~ A statement that is signed by a witness who is a duly
 982 qualified elector of the respective district shall be accepted
 983 for all purposes as the equivalent of an affidavit. Such
 984 statement must be in substantially the following form:

985 "I, ... (name of witness) ..., state that I am a duly
 986 qualified voter of ... (name of independent special district)
 987 Each of the ... (insert number) ... persons who have signed this
 988 petition sheet has signed his or her name in my presence on the
 989 dates indicated above and identified himself or herself to be
 990 the same person who signed the sheet. I understand that this

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991 statement will be accepted for all purposes as the equivalent of
992 an affidavit and, if it contains a materially false statement,
993 shall subject me to the penalties of perjury."

994 Date Signature of Witness

995 2.b. A statement that is signed by a notary public or
996 another person authorized to take acknowledgments must be in
997 substantially the following form:

998 "On the date indicated above before me personally came each
999 of the ...(insert number)... electors and legal voters whose
1000 signatures appear on this petition sheet, who signed the
1001 petition in my presence and who, being by me duly sworn, each
1002 for himself or herself, identified himself or herself as the
1003 same person who signed the petition, and I declare that the
1004 foregoing information they provided was true."

1005 Date Signature of Witness

1006 3.e. An alteration or correction of information appearing
1007 on a petition's signature line, other than an uninitialed
1008 signature and date, does not invalidate such signature. In
1009 matters of form, this subsection ~~paragraph~~ shall be liberally
1010 construed, not inconsistent with substantial compliance thereto
1011 and the prevention of fraud.

1012 4.d. The appropriately signed petition must be filed with
1013 the governing body of each component independent special
1014 district. The petition must be submitted to the supervisors of
1015 elections of the counties in which the district lands are
1016 located. The supervisors shall, within 30 business days after

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1017 receipt of the petitions, certify to the governing bodies the
1018 number of signatures of qualified electors contained on the
1019 petitions.

1020 ~~(c)3.~~ Upon verification by the supervisors of elections of
1021 the counties within which component independent special district
1022 lands are located that 40 percent of the qualified electors have
1023 petitioned for merger and that all such petitions have been
1024 executed within 1 year after the date of the initiation of the
1025 qualified-electoral merger process, the governing bodies of each
1026 component independent special district shall meet within 30
1027 business days to prepare and approve by resolution a proposed
1028 elector-initiated merger plan. The proposed plan must include:

1029 ~~1.a.~~ The name of each component independent special
1030 district to be merged;

1031 ~~2.b.~~ The name of the proposed merged independent district;

1032 ~~3.e.~~ The rights, duties, and obligations of the merged
1033 independent district;

1034 ~~4.d.~~ The territorial boundaries of the proposed merged
1035 independent district;

1036 ~~5.e.~~ The governmental organization of the proposed merged
1037 independent district insofar as it concerns elected and
1038 appointed officials and public employees, along with a
1039 transitional plan and schedule for elections and appointments of
1040 officials;

1041 ~~6.f.~~ A fiscal estimate of the potential cost or savings as
1042 a result of the merger;

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1043 ~~7.g.~~ Each component independent special district's assets,
1044 including, but not limited to, real and personal property, and
1045 the current value thereof;

1046 ~~8.h.~~ Each component independent special district's
1047 liabilities and indebtedness, bonded and otherwise, and the
1048 current value thereof;

1049 ~~9.i.~~ Terms for the assumption and disposition of existing
1050 assets, liabilities, and indebtedness of each component
1051 independent special district, jointly, separately, or in defined
1052 proportions;

1053 ~~10.j.~~ Terms for the common administration and uniform
1054 enforcement of existing laws within the proposed merged
1055 independent district;

1056 ~~11.k.~~ The times and places for public hearings on the
1057 proposed joint merger plan; and

1058 ~~12.l.~~ The effective date of the proposed merger.

1059 ~~(d)4.~~ The resolution endorsing the proposed elector-
1060 initiated merger plan must be approved by a majority vote of the
1061 governing bodies of each component independent special district
1062 and must be adopted at least 60 business days before any general
1063 or special election on the proposed elector-initiated plan.

1064 ~~(e)5.~~ Within 5 business days after the governing bodies of
1065 each component independent special district approve the proposed
1066 elector-initiated merger plan, the governing bodies shall:

1067 ~~1.a.~~ Cause a copy of the proposed elector-initiated merger
1068 plan, along with a descriptive summary of the plan, to be

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1069 displayed and be readily accessible to the public for inspection
1070 in at least three public places within the territorial limits of
1071 each component independent special district, unless a component
1072 independent special district has fewer than three public places,
1073 in which case the plan must be accessible for inspection in all
1074 public places within the component independent special district;

1075 ~~2.b.~~ If applicable, cause the proposed elector-initiated
1076 merger plan, along with a descriptive summary of the plan and a
1077 reference to the public places within each component independent
1078 special district where a copy of the merger plan may be
1079 examined, to be displayed on a website maintained by each
1080 district or otherwise on a website maintained by the county or
1081 municipality in which the districts are located; and

1082 ~~3.e.~~ Arrange for a descriptive summary of the proposed
1083 elector-initiated merger plan, and a reference to the public
1084 places within the district where a copy may be examined, to be
1085 published in a newspaper of general circulation within the
1086 component independent special districts at least once each week
1087 for 4 successive weeks.

1088 ~~(f)6.~~ The governing body of each component independent
1089 special district shall set a time and place for one or more
1090 public hearings on the proposed elector-initiated merger plan.
1091 Each public hearing shall be held on a weekday at least 7
1092 business days after the day the first advertisement is published
1093 on the proposed elector-initiated merger plan. The hearing or
1094 hearings may be held jointly or separately by the governing

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1095 bodies of the component independent special districts. Any
1096 interested person residing in the respective district shall be
1097 given a reasonable opportunity to be heard on any aspect of the
1098 proposed merger at the public hearing.

1099 ~~1.a.~~ Notice of the public hearing on the proposed elector-
1100 initiated merger plan must be published pursuant to the notice
1101 requirements in s. 189.015 ~~189.417~~ and must provide a
1102 descriptive summary of the elector-initiated merger plan and a
1103 reference to the public places within the component independent
1104 special districts where a copy of the plan may be examined.

1105 ~~2.b.~~ After the final public hearing, the governing bodies
1106 of each component independent special district may amend the
1107 proposed elector-initiated merger plan if the amended version
1108 complies with the notice and public hearing requirements
1109 provided in this section ~~subsection~~. The governing bodies must
1110 approve a final version of the merger plan within 60 business
1111 days after the final hearing.

1112 ~~(g)7.~~ After the final public hearing, the governing bodies
1113 shall notify the supervisors of elections of the applicable
1114 counties in which district lands are located of the adoption of
1115 the resolution by each governing body. The supervisors of
1116 elections shall schedule a date for the separate referenda for
1117 each district. The referenda may be held in each district on the
1118 same day, or on different days, but no more than 20 days apart.

1119 ~~1.a.~~ Notice of a referendum on the merger of the component
1120 independent special districts must be provided pursuant to the

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1121 notice requirements in s. 100.342. At a minimum, the notice must
1122 include:

1123 ~~a.(I)~~ A brief summary of the resolution and elector-
1124 initiated merger plan;

1125 ~~b.(II)~~ A statement as to where a copy of the resolution
1126 and petition for merger may be examined;

1127 ~~c.(III)~~ The names of the component independent special
1128 districts to be merged and a description of their territory;

1129 ~~d.(IV)~~ The times and places at which the referendum will
1130 be held; and

1131 ~~e.(V)~~ Such other matters as may be necessary to call,
1132 provide for, and give notice of the referendum and to provide
1133 for the conduct thereof and the canvass of the returns.

1134 ~~2.b.~~ The referenda must be held in accordance with the
1135 Florida Election Code and may be held pursuant to ss. 101.6101-
1136 101.6107. All costs associated with the referenda shall be borne
1137 by the respective component independent special district.

1138 ~~3.e.~~ The ballot question in such referendum placed before
1139 the qualified electors of each component independent special
1140 district to be merged must be in substantially the following
1141 form:

1142 "Shall ...(name of component independent special
1143 district)... and ...(name of component independent special
1144 district or districts)... be merged into ...(name of newly
1145 merged independent district)...?"

1146YES

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1147 NO"

1148 4.d. If the component independent special districts
1149 proposing to merge have disparate millage rates, the ballot
1150 question in the referendum placed before the qualified electors
1151 of each component independent special district must be in
1152 substantially the following form:

1153 "Shall ...(name of component independent special
1154 district)... and ...(name of component independent special
1155 district or districts)... be merged into ...(name of newly
1156 merged independent district)... if the voter-approved maximum
1157 millage rate within each independent special district will not
1158 increase absent a subsequent referendum?

1159 YES

1160 NO"

1161 5.e. In any referendum held pursuant to this section
1162 ~~subsection~~, the ballots shall be counted, returns made and
1163 canvassed, and results certified in the same manner as other
1164 elections or referenda for the component independent special
1165 districts.

1166 6.f. The merger may not take effect unless a majority of
1167 the votes cast in each component independent special district
1168 are in favor of the merger. If one of the component independent
1169 special districts does not obtain a majority vote, the
1170 referendum fails, and merger does not take effect.

1171 7.g. If the merger is approved by a majority of the votes
1172 cast in each component independent special district, the merged

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1173 district shall notify the Special District Accountability
1174 ~~Information~~ Program pursuant to s. 189.016(2) ~~189.418(2)~~ and the
1175 local general-purpose governments in which any part of the
1176 component independent special districts is situated pursuant to
1177 s. 189.016(7) ~~189.418(7)~~.

1178 8.h. If the referendum fails, the merger process under
1179 this subsection ~~paragraph~~ may not be initiated for the same
1180 purpose within 2 years after the date of the referendum.

1181 (h)8. Component independent special districts merged
1182 pursuant to an elector-initiated merger plan shall continue to
1183 be governed as before the merger until the effective date
1184 specified in the adopted elector-initiated merger plan.

1185 (4)(d) *Effective date.*—The effective date of the merger
1186 shall be as provided in the joint merger plan or elector-
1187 initiated merger plan, as appropriate, and is not contingent
1188 upon the future act of the Legislature.

1189 (a)1. However, as soon as practicable, the merged
1190 independent district shall, at its own expense, submit a unified
1191 charter for the merged district to the Legislature for approval.
1192 The unified charter must make the powers of the district
1193 consistent within the merged independent district and repeal the
1194 special acts of the districts which existed before the merger.

1195 (b)2. Within 30 business days after the effective date of
1196 the merger, the merged independent district's governing body, as
1197 indicated in this section ~~subsection~~, shall hold an

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1198 organizational meeting to implement the provisions of the joint
1199 merger plan or elector-initiated merger plan, as appropriate.

1200 ~~(5)(e)~~ *Restrictions during transition period.*—Until the
1201 Legislature formally approves the unified charter pursuant to a
1202 special act, each component independent special district is
1203 considered a subunit of the merged independent district subject
1204 to the following restrictions:

1205 ~~(a)1.~~ During the transition period, the merged independent
1206 district is limited in its powers and financing capabilities
1207 within each subunit to those powers that existed within the
1208 boundaries of each subunit which were previously granted to the
1209 component independent special district in its existing charter
1210 before the merger. The merged independent district may not,
1211 solely by reason of the merger, increase its powers or financing
1212 capability.

1213 ~~(b)2.~~ During the transition period, the merged independent
1214 district shall exercise only the legislative authority to levy
1215 and collect revenues within the boundaries of each subunit which
1216 was previously granted to the component independent special
1217 district by its existing charter before the merger, including
1218 the authority to levy ad valorem taxes, non-ad valorem
1219 assessments, impact fees, and charges.

1220 ~~1.a.~~ The merged independent district may not, solely by
1221 reason of the merger or the legislatively approved unified
1222 charter, increase ad valorem taxes on property within the
1223 original limits of a subunit beyond the maximum millage rate

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1224 approved by the electors of the component independent special
1225 district unless the electors of such subunit approve an increase
1226 at a subsequent referendum of the subunit's electors. Each
1227 subunit may be considered a separate taxing unit.

1228 ~~2.b.~~ The merged independent district may not, solely by
1229 reason of the merger, charge non-ad valorem assessments, impact
1230 fees, or other new fees within a subunit which were not
1231 otherwise previously authorized to be charged.

1232 ~~(c)3.~~ During the transition period, each component
1233 independent special district of the merged independent district
1234 must continue to file all information and reports required under
1235 this chapter as subunits until the Legislature formally approves
1236 the unified charter pursuant to a special act.

1237 ~~(d)4.~~ The intent of this part section is to preserve and
1238 transfer to the merged independent district all authority that
1239 exists within each subunit and was previously granted by the
1240 Legislature and, if applicable, by referendum.

1241 ~~(6)(f)~~ *Effect of merger, generally.*—On and after the
1242 effective date of the merger, the merged independent district
1243 shall be treated and considered for all purposes as one entity
1244 under the name and on the terms and conditions set forth in the
1245 joint merger plan or elector-initiated merger plan, as
1246 appropriate.

1247 ~~(a)1.~~ All rights, privileges, and franchises of each
1248 component independent special district and all assets, real and
1249 personal property, books, records, papers, seals, and equipment,

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1250 as well as other things in action, belonging to each component
1251 independent special district before the merger shall be deemed
1252 as transferred to and vested in the merged independent district
1253 without further act or deed.

1254 (b)2- All property, rights-of-way, and other interests are
1255 as effectually the property of the merged independent district
1256 as they were of the component independent special district
1257 before the merger. The title to real estate, by deed or
1258 otherwise, under the laws of this state vested in any component
1259 independent special district before the merger may not be deemed
1260 to revert or be in any way impaired by reason of the merger.

1261 (c)3- The merged independent district is in all respects
1262 subject to all obligations and liabilities imposed and possesses
1263 all the rights, powers, and privileges vested by law in other
1264 similar entities.

1265 (d)4- Upon the effective date of the merger, the joint
1266 merger plan or elector-initiated merger plan, as appropriate, is
1267 subordinate in all respects to the contract rights of all
1268 holders of any securities or obligations of the component
1269 independent special districts outstanding at the effective date
1270 of the merger.

1271 (e)5- The new registration of electors is not necessary as
1272 a result of the merger, but all elector registrations of the
1273 component independent special districts shall be transferred to
1274 the proper registration books of the merged independent

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1275 district, and new registrations shall be made as provided by law
1276 as if no merger had taken place.

1277 ~~(7)(g)~~ *Governing body of merged independent district.*—

1278 ~~(a)1.~~ From the effective date of the merger until the next
1279 general election, the governing body of the merged independent
1280 district shall be comprised of the governing body members of
1281 each component independent special district, with such members
1282 serving until the governing body members elected at the next
1283 general election take office.

1284 ~~(b)2.~~ Beginning with the next general election following
1285 the effective date of merger, the governing body of the merged
1286 independent district shall be comprised of five members. The
1287 office of each governing body member shall be designated by
1288 seat, which shall be distinguished from other body member seats
1289 by an assigned numeral: 1, 2, 3, 4, or 5. The governing body
1290 members that are elected in this initial election following the
1291 merger shall serve unequal terms of 2 and 4 years in order to
1292 create staggered membership of the governing body, with:

1293 ~~1.a.~~ Member seats 1, 3, and 5 being designated for 4-year
1294 terms; and

1295 ~~2.b.~~ Member seats 2 and 4 being designated for 2-year
1296 terms.

1297 ~~(c)3.~~ In general elections thereafter, all governing body
1298 members shall serve 4-year terms.

1299 ~~(8)(h)~~ *Effect on employees.*—Except as otherwise provided
1300 by law and except for those officials and employees protected by

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1301 tenure of office, civil service provisions, or a collective
1302 bargaining agreement, upon the effective date of merger, all
1303 appointive offices and positions existing in all component
1304 independent special districts involved in the merger are subject
1305 to the terms of the joint merger plan or elector-initiated
1306 merger plan, as appropriate. Such plan may provide for instances
1307 in which there are duplications of positions and for other
1308 matters such as varying lengths of employee contracts, varying
1309 pay levels or benefits, different civil service regulations in
1310 the constituent entities, and differing ranks and position
1311 classifications for similar positions. For those employees who
1312 are members of a bargaining unit certified by the Public
1313 Employees Relations Commission, the requirements of chapter 447
1314 apply.

1315 (9)(i) *Effect on debts, liabilities, and obligations.*—

1316 (a)1. All valid and lawful debts and liabilities existing
1317 against a merged independent district, or which may arise or
1318 accrue against the merged independent district, which but for
1319 merger would be valid and lawful debts or liabilities against
1320 one or more of the component independent special districts, are
1321 debts against or liabilities of the merged independent district
1322 and accordingly shall be defrayed and answered to by the merged
1323 independent district to the same extent, and no further than,
1324 the component independent special districts would have been
1325 bound if a merger had not taken place.

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1326 ~~(b)2-~~ The rights of creditors and all liens upon the
1327 property of any of the component independent special districts
1328 shall be preserved unimpaired. The respective component
1329 districts shall be deemed to continue in existence to preserve
1330 such rights and liens, and all debts, liabilities, and duties of
1331 any of the component districts attach to the merged independent
1332 district.

1333 ~~(c)3-~~ All bonds, contracts, and obligations of the
1334 component independent special districts which exist as legal
1335 obligations are obligations of the merged independent district,
1336 and all such obligations shall be issued or entered into by and
1337 in the name of the merged independent district.

1338 ~~(10)(j)~~ *Effect on actions and proceedings.*—In any action
1339 or proceeding pending on the effective date of merger to which a
1340 component independent special district is a party, the merged
1341 independent district may be substituted in its place, and the
1342 action or proceeding may be prosecuted to judgment as if merger
1343 had not taken place. Suits may be brought and maintained against
1344 a merged independent district in any state court in the same
1345 manner as against any other independent special district.

1346 ~~(11)(k)~~ *Effect on annexation.*—Chapter 171 continues to
1347 apply to all annexations by a city within the component
1348 independent special districts' boundaries after merger occurs.
1349 Any moneys owed to a component independent special district
1350 pursuant to s. 171.093, or any interlocal service boundary

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1351 agreement as a result of annexation predating the merger, shall
1352 be paid to the merged independent district after merger.

1353 (12)~~(1)~~ *Effect on millage calculations.*—The merged
1354 independent special district is authorized to continue or
1355 conclude procedures under chapter 200 on behalf of the component
1356 independent special districts. The merged independent special
1357 district shall make the calculations required by chapter 200 for
1358 each component individual special district separately.

1359 (13)~~(m)~~ *Determination of rights.*—If any right, title,
1360 interest, or claim arises out of a merger or by reason thereof
1361 which is not determinable by reference to this subsection, the
1362 joint merger plan or elector-initiated merger plan, as
1363 appropriate, or otherwise under the laws of this state, the
1364 governing body of the merged independent district may provide
1365 therefor in a manner conforming to law.

1366 (14)~~(n)~~ *Exemption.*—This section ~~subsection~~ does not apply
1367 to independent special districts whose governing bodies are
1368 elected by district landowners voting the acreage owned within
1369 the district.

1370 (15)~~(o)~~ *Preemption.*—This section ~~subsection~~ preempts any
1371 special act to the contrary.

1372 Section 22. Subsection (6) of section 189.4042, Florida
1373 Statutes, is transferred, renumbered as section 189.075, Florida
1374 Statutes, and amended to read:

1375 189.075 ~~189.4042~~ Involuntary merger of independent special
1376 districts ~~Merger and dissolution procedures.~~—

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1377 ~~(6) INVOLUNTARY MERGER OF INDEPENDENT SPECIAL DISTRICTS.~~
1378 (1)(a) *Independent special districts created by special*
1379 *act.*—In order for the Legislature to merge an active independent
1380 special district or districts created and operating pursuant to
1381 a special act, the special act merging the active independent
1382 special district or districts must be approved at separate
1383 referenda of the impacted local governments by a majority of the
1384 resident electors or, for districts in which a majority of
1385 governing body ~~board~~ members are elected by landowners, a
1386 majority of the landowners voting in the same manner by which
1387 each independent special district's governing body is elected.
1388 The special act merging the districts must include a plan of
1389 merger that addresses transition issues such as the effective
1390 date of the merger, governance, administration, powers,
1391 pensions, and assumption of all assets and liabilities. If a
1392 local general-purpose government passes an ordinance or
1393 resolution in support of the merger of an active independent
1394 special district, the local general-purpose government must pay
1395 any expenses associated with the referendum required under this
1396 subsection ~~paragraph~~.
1397 (2)(b) *Independent special districts created by a county*
1398 *or municipality.*—A county or municipality may merge an
1399 independent special district created by the county or
1400 municipality pursuant to a referendum or any other procedure by
1401 which the independent special district was created. However, if
1402 the independent special district has ad valorem taxation powers,

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1403 the same procedure required to grant the independent special
1404 district ad valorem taxation powers is required to merge the
1405 district. The political subdivisions proposing the involuntary
1406 merger of an active independent special district must pay any
1407 expenses associated with the referendum required under this
1408 subsection paragraph.

1409 ~~(3)(e)~~ *Inactive independent special districts.*—An
1410 independent special district that meets any criteria for being
1411 declared inactive, or that has already been declared inactive,
1412 pursuant to s. 189.062 ~~189.4044~~ may be merged by special act
1413 without a referendum.

1414 Section 23. Subsection (7) of section 189.4042, Florida
1415 Statutes, is transferred and renumbered as section 189.0761,
1416 Florida Statutes, and amended to read:

1417 189.0761 ~~189.4042~~ *Merger and dissolution procedures.*—

1418 ~~(7)~~ Exemptions.—This part section does not apply to
1419 community development districts implemented pursuant to chapter
1420 190 or to water management districts created and operated
1421 pursuant to chapter 373.

1422 Section 24. Section 189.4044, Florida Statutes, is
1423 transferred and renumbered as section 189.062, Florida Statutes,
1424 subsections (1) and (3) of that section are amended, and
1425 subsections (5) and (6) are added to that section, to read:

1426 189.062 ~~189.4044~~ *Special procedures for inactive*
1427 *districts.*—

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1428 (1) The department shall declare inactive any special
1429 district in this state by documenting that:

1430 (a) The special district meets one of the following
1431 criteria:

1432 1. The registered agent of the district, the chair of the
1433 governing body of the district, or the governing body of the
1434 appropriate local general-purpose government notifies the
1435 department in writing that the district has taken no action for
1436 2 or more years;

1437 2. ~~Following an inquiry from the department,~~ The
1438 registered agent of the district, the chair of the governing
1439 body of the district, or the governing body of the appropriate
1440 local general-purpose government notifies the department in
1441 writing that the district has not had a governing body ~~board~~ or
1442 a sufficient number of governing body ~~board~~ members to
1443 constitute a quorum for 2 or more years;

1444 3. ~~or~~ The registered agent of the district, the chair of
1445 the governing body of the district, or the governing body of the
1446 appropriate local general-purpose government fails to respond to
1447 an the department's inquiry by the department within 21 days;

1448 4.3. The department determines, pursuant to s. 189.067
1449 ~~189.421~~, that the district has failed to file any of the reports
1450 listed in s. 189.066 ~~189.419~~;

1451 5.4. The district has not had a registered office and
1452 agent on file with the department for 1 or more years; ~~or~~

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1453 6.5- The governing body of a special district provides
1454 documentation to the department that it has unanimously adopted
1455 a resolution declaring the special district inactive. The
1456 special district shall be responsible for payment of any
1457 expenses associated with its dissolution. A special district
1458 declared inactive pursuant to this subparagraph may be dissolved
1459 without a referendum; or

1460 (b) The department, special district, or local general-
1461 purpose government published a notice of proposed declaration of
1462 inactive status in a newspaper of general circulation in the
1463 county or municipality in which the territory of the special
1464 district is located and sent a copy of such notice by certified
1465 mail to the registered agent or chair of the governing body
1466 board, if any. Such notice must include the name of the special
1467 district, the law under which it was organized and operating, a
1468 general description of the territory included in the special
1469 district, and a statement that any objections must be filed
1470 pursuant to chapter 120 within 21 days after the publication
1471 date; and

1472 (c) Twenty-one days have elapsed from the publication date
1473 of the notice of proposed declaration of inactive status and no
1474 administrative appeals were filed.

1475 (3) In the case of a district created by special act of
1476 the Legislature, the department shall send a notice of
1477 declaration of inactive status to the Speaker of the House of
1478 Representatives and the President of the Senate, and the

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1479 standing committees of the Senate and the House of
1480 Representatives charged with special district oversight as
1481 determined by the presiding officers of each respective chamber
1482 and the Legislative Auditing Committee. The notice of
1483 declaration of inactive status shall reference each known
1484 special act creating or amending the charter of any special
1485 district declared to be inactive under this section. The
1486 declaration of inactive status shall be sufficient notice as
1487 required by s. 10, Art. III of the State Constitution to
1488 authorize the Legislature to repeal any special laws so
1489 reported. In the case of a district created by one or more local
1490 general-purpose governments, the department shall send a notice
1491 of declaration of inactive status to the chair of the governing
1492 body of each local general-purpose government that created the
1493 district. In the case of a district created by interlocal
1494 agreement, the department shall send a notice of declaration of
1495 inactive status to the chair of the governing body of each local
1496 general-purpose government which entered into the interlocal
1497 agreement.

1498 (5) A special district declared inactive under this
1499 section may not collect taxes, fees, or assessments unless the
1500 declaration is:

1501 (a) Withdrawn or revoked by the department; or

1502 (b) Invalidated in proceedings initiated by the special
1503 district within 30 days after the date written notice of the
1504 declaration was provided to the special district governing body

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1505 by physical or electronic delivery, receipt confirmed. The
1506 special district governing body may initiate proceedings within
1507 the period authorized in this paragraph by:

1508 1. Filing with the department a petition for an
1509 administrative hearing pursuant to s. 120.569; or

1510 2. Filing an action for declaratory and injunctive relief
1511 under chapter 86 in the circuit court of the judicial circuit in
1512 which the majority of the area of the district is located.

1513 (c) If a timely challenge to the declaration is not
1514 initiated by the special district governing body, or the
1515 department prevails in a proceeding initiated under paragraph
1516 (b), the department may enforce the prohibitions in this
1517 subsection by filing a petition for enforcement with the circuit
1518 court in and for Leon County. The petition may request
1519 declaratory, injunctive, or other equitable relief, including
1520 the appointment of a receiver, and any forfeiture or other
1521 remedy provided by law.

1522 (d) The prevailing party shall be awarded costs of
1523 litigation and reasonable attorney fees in any proceeding
1524 brought under this subsection.

1525 Section 25. Section 189.4045, Florida Statutes, is
1526 transferred and renumbered as section 189.076, Florida Statutes.

1527 Section 26. Section 189.4047, Florida Statutes, is
1528 transferred and renumbered as section 189.021, Florida Statutes.

1529 Section 27. Subsections (1), (2), (3), (4), (6), and (7)
1530 of section 189.405, Florida Statutes, are transferred and

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1531 renumbered as subsections (1) through (6) of section 189.04,
1532 Florida Statutes, respectively, and present subsection (1),
1533 paragraph (c) of present subsection (2), and present subsections
1534 (3), (4), and (7) of that section are amended, to read:

1535 189.04 ~~189.405~~ Elections; general requirements and
1536 procedures; ~~education programs.~~

1537 (1) If a dependent special district has an elected
1538 governing body board, elections shall be conducted by the
1539 supervisor of elections of the county wherein the district is
1540 located in accordance with the Florida Election Code, chapters
1541 97-106.

1542 (2)

1543 (c) A candidate for a position on a governing body board
1544 of a single-county special district that has its elections
1545 conducted by the supervisor of elections shall qualify for the
1546 office with the county supervisor of elections in whose
1547 jurisdiction the district is located. Elections for governing
1548 body board members elected by registered electors shall be
1549 nonpartisan, except when partisan elections are specified by a
1550 district's charter. Candidates shall qualify as directed by
1551 chapter 99. The qualifying fee shall be remitted to the general
1552 revenue fund of the qualifying officer to help defray the cost
1553 of the election.

1554 (3)(a) If a multicounty special district has a popularly
1555 elected governing body board, elections for the purpose of

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1556 electing members to such governing body board shall conform to
1557 the Florida Election Code, chapters 97-106.

1558 (b) With the exception of those districts conducting
1559 elections on a one-acre/one-vote basis, qualifying for
1560 multicounty special district governing body board positions
1561 shall be coordinated by the Department of State. Elections for
1562 governing body board members elected by registered electors
1563 shall be nonpartisan, except when partisan elections are
1564 specified by a district's charter. Candidates shall qualify as
1565 directed by chapter 99. The qualifying fee shall be remitted to
1566 the Department of State.

1567 (4) With the exception of elections of special district
1568 governing body board members conducted on a one-acre/one-vote
1569 basis, in any election conducted in a special district the
1570 decision made by a majority of those voting shall prevail,
1571 except as otherwise specified by law.

1572 ~~(6)-(7)~~ Nothing in this act requires that a special
1573 district governed by an appointed governing body board convert
1574 to an elected governing body board.

1575 Section 28. Subsection (5) of section 189.405, Florida
1576 Statutes, is transferred, renumbered as section 189.063, Florida
1577 Statutes, and amended to read:

1578 189.063 ~~189.405~~ Education programs for new members of
1579 district governing bodies Elections; general requirements and
1580 procedures; education programs.-

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1581 ~~(1)(5)(a)~~ The department may provide, contract for, or
1582 assist in conducting education programs, as its budget permits,
1583 for all newly elected or appointed members of district governing
1584 bodies ~~boards~~. The education programs shall include, but are not
1585 limited to, courses on the code of ethics for public officers
1586 and employees, public meetings and public records requirements,
1587 public finance, and parliamentary procedure. ~~Course content may~~
1588 ~~be offered by means of the following: videotapes, live seminars,~~
1589 ~~workshops, conferences, teleconferences, computer based~~
1590 ~~training, multimedia presentations, or other available~~
1591 ~~instructional methods.~~

1592 ~~(2)(b)~~ An individual district governing body ~~board~~, at its
1593 discretion, may bear the costs associated with educating its
1594 members. Governing body ~~Board~~ members of districts which have
1595 qualified for a zero annual fee for the most recent invoicing
1596 period pursuant to s. 189.018 ~~are 189.427~~ shall not be required
1597 to pay a fee for any education program the department provides,
1598 contracts for, or assists in conducting.

1599 Section 29. Section 189.4051, Florida Statutes, is
1600 transferred, renumbered as section 189.041, Florida Statutes,
1601 and amended to read:

1602 189.041 ~~189.4051~~ Elections; special requirements and
1603 procedures for districts with governing bodies ~~boards~~ elected on
1604 a one-acre/one-vote basis.-

1605 (1) DEFINITIONS.-As used in this section:

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1606 (a) "Qualified elector" means any person at least 18 years
1607 of age who is a citizen of the United States, a permanent
1608 resident of Florida, and a freeholder or freeholder's spouse and
1609 resident of the district who registers with the supervisor of
1610 elections of a county within which the district lands are
1611 located when the registration books are open.

1612 (b) "Urban area" means a contiguous developed and
1613 inhabited urban area within a district with a minimum average
1614 resident population density of at least 1.5 persons per acre as
1615 defined by the latest official census, special census, or
1616 population estimate or a minimum density of one single-family
1617 home per 2.5 acres with access to improved roads or a minimum
1618 density of one single-family home per 5 acres within a recorded
1619 plat subdivision. Urban areas shall be designated by the
1620 governing body board of the district with the assistance of all
1621 local general-purpose governments having jurisdiction over the
1622 area within the district.

1623 (c) "Governing body board member" means any duly elected
1624 member of the governing body board of a special district elected
1625 pursuant to this section, provided that a any board member
1626 elected by popular vote shall be a qualified district elector
1627 and a any board member elected on a one-acre/one-vote basis
1628 shall meet the requirements of s. 298.11 for election to the
1629 governing body board.

1630 (d) "Contiguous developed urban area" means any reasonably
1631 compact urban area located entirely within a special district.

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1632 The separation of urban areas by a publicly owned park, right-
1633 of-way, highway, road, railroad, canal, utility, body of water,
1634 watercourse, or other minor geographical division of a similar
1635 nature shall not prevent such areas from being defined as urban
1636 areas.

1637 (2) POPULAR ELECTIONS; REFERENDUM; DESIGNATION OF URBAN
1638 AREAS.—

1639 (a) *Referendum.*—

1640 1. A referendum shall be called by the governing body
1641 ~~board~~ of a special district where the governing body ~~board~~ is
1642 elected on a one-acre/one-vote basis on the question of whether
1643 certain members of a district governing body ~~board~~ should be
1644 elected by qualified electors, provided each of the following
1645 conditions has been satisfied at least 60 days before ~~prior to~~
1646 the general or special election at which the referendum is to be
1647 held:

1648 a. The district shall have a total population, according
1649 to the latest official state census, a special census, or a
1650 population estimate, of at least 500 qualified electors.

1651 b. A petition signed by 10 percent of the qualified
1652 electors of the district shall have been filed with the
1653 governing body ~~board~~ of the district. The petition shall be
1654 submitted to the supervisor of elections of the county or
1655 counties in which the lands are located. The supervisor shall,
1656 within 30 days after the receipt of the petitions, certify to

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1657 the governing body board the number of signatures of qualified
1658 electors contained on the petition.

1659 2. Upon verification by the supervisor or supervisors of
1660 elections of the county or counties within which district lands
1661 are located that 10 percent of the qualified electors of the
1662 district have petitioned the governing body board, a referendum
1663 election shall be called by the governing body board at the next
1664 regularly scheduled election of governing body board members
1665 occurring at least 30 days after verification of the petition or
1666 within 6 months of verification, whichever is earlier.

1667 3. If the qualified electors approve the election
1668 procedure described in this subsection, the governing body board
1669 of the district shall be increased to five members and elections
1670 shall be held pursuant to the criteria described in this
1671 subsection beginning with the next regularly scheduled election
1672 of governing body board members or at a special election called
1673 within 6 months following the referendum and final unappealed
1674 approval of district urban area maps as provided in paragraph
1675 (b), whichever is earlier.

1676 4. If the qualified electors of the district disapprove
1677 the election procedure described in this subsection, elections
1678 of the members of the governing body board shall continue as
1679 described by s. 298.12 or the enabling legislation for the
1680 district. No further referendum on the question shall be held
1681 for a minimum period of 2 years following the referendum.

1682 (b) *Designation of urban areas.*—

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1683 1. Within 30 days after approval of the election process
1684 described in this subsection by qualified electors of the
1685 district, the governing body ~~board~~ shall direct the district
1686 staff to prepare and present maps of the district describing the
1687 extent and location of all urban areas within the district. Such
1688 determination shall be based upon the criteria contained within
1689 paragraph (1) (b).

1690 2. Within 60 days after approval of the election process
1691 described in this subsection by qualified electors of the
1692 district, the maps describing urban areas within the district
1693 shall be presented to the governing body ~~board~~.

1694 3. Any district landowner or elector may contest the
1695 accuracy of the urban area maps prepared by the district staff
1696 within 30 days after submission to the governing body ~~board~~.
1697 Upon notice of objection to the maps, the governing body ~~board~~
1698 shall request the county engineer to prepare and present maps of
1699 the district describing the extent and location of all urban
1700 areas within the district. Such determination shall be based
1701 upon the criteria contained within paragraph (1) (b). Within 30
1702 days after the governing body ~~board~~ request, the county engineer
1703 shall present the maps to the governing body ~~board~~.

1704 4. Upon presentation of the maps by the county engineer,
1705 the governing body ~~board~~ shall compare the maps submitted by
1706 both the district staff and the county engineer and make a
1707 determination as to which set of maps to adopt. Within 60 days
1708 after presentation of all such maps, the governing body ~~board~~

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1709 may amend and shall adopt the official maps at a regularly
1710 scheduled meeting of the governing body ~~board meeting~~.

1711 5. Any district landowner or qualified elector may contest
1712 the accuracy of the urban area maps adopted by the governing
1713 body ~~board~~ within 30 days after adoption by petition to the
1714 circuit court with jurisdiction over the district. Accuracy
1715 shall be determined pursuant to paragraph (1)(b). Any petitions
1716 so filed shall be heard expeditiously, and the maps shall either
1717 be approved or approved with necessary amendments to render the
1718 maps accurate and shall be certified to the governing body
1719 ~~board~~.

1720 6. Upon adoption by the governing body ~~board~~ or
1721 certification by the court, the district urban area maps shall
1722 serve as the official maps for determination of the extent of
1723 urban area within the district and the number of governing body
1724 ~~board~~ members to be elected by qualified electors and by the
1725 one-acre/one-vote principle at the next regularly scheduled
1726 election of governing body ~~board~~ members.

1727 7. Upon a determination of the percentage of urban area
1728 within the district as compared with total area within the
1729 district, the governing body ~~board~~ shall order elections in
1730 accordance with the percentages pursuant to paragraph (3)(a).
1731 The landowners' meeting date shall be designated by the
1732 governing body ~~board~~.

1733 8. The maps shall be updated and readopted every 5 years
1734 or sooner in the discretion of the governing body ~~board~~.

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1735 (3) GOVERNING BODY BOARD.—

1736 (a) *Composition of board*.—

1737 1. Members of the governing body board of the district
1738 shall be elected in accordance with the following determinations
1739 of urban area:

1740 a. If urban areas constitute 25 percent or less of the
1741 district, one governing body board member shall be elected by
1742 the qualified electors and four governing body board members
1743 shall be elected in accordance with the one-acre/one-vote
1744 principle contained within s. 298.11 or the district-enabling
1745 legislation.

1746 b. If urban areas constitute 26 percent to 50 percent of
1747 the district, two governing body board members shall be elected
1748 by the qualified electors and three governing body board members
1749 shall be elected in accordance with the one-acre/one-vote
1750 principle contained within s. 298.11 or the district-enabling
1751 legislation.

1752 c. If urban areas constitute 51 percent to 70 percent of
1753 the district, three governing body board members shall be
1754 elected by the qualified electors and two governing body board
1755 members shall be elected in accordance with the one-acre/one-
1756 vote principle contained within s. 298.11 or the district-
1757 enabling legislation.

1758 d. If urban areas constitute 71 percent to 90 percent of
1759 the district, four governing body board members shall be elected
1760 by the qualified electors and one governing body board member

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1761 shall be elected in accordance with the one-acre/one-vote
1762 principle contained within s. 298.11 or the district-enabling
1763 legislation.

1764 e. If urban areas constitute 91 percent or more of the
1765 district, all governing body board members shall be elected by
1766 the qualified electors.

1767 2. All governing body board members elected by qualified
1768 electors shall be elected at large.

1769 (b) *Term of office.*—All governing body board members
1770 elected by qualified electors shall have a term of 4 years
1771 except for governing body board members elected at the first
1772 election and the first landowners' meeting following the
1773 referendum prescribed in paragraph (2) (a). Governing body board
1774 members elected at the first election and the first landowners'
1775 meeting following the referendum shall serve as follows:

1776 1. If one governing body board member is elected by the
1777 qualified electors and four are elected on a one-acre/one-vote
1778 basis, the governing body board member elected by the qualified
1779 electors shall be elected for a period of 4 years. Governing
1780 body board members elected on a one-acre/one-vote basis shall be
1781 elected for periods of 1, 2, 3, and 4 years, respectively, as
1782 prescribed by ss. 298.11 and 298.12.

1783 2. If two governing body board members are elected by the
1784 qualified electors and three are elected on a one-acre/one-vote
1785 basis, the governing body board members elected by the electors
1786 shall be elected for a period of 4 years. Governing body board

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1787 members elected on a one-acre/one-vote basis shall be elected
1788 for periods of 1, 2, and 3 years, respectively, as prescribed by
1789 ss. 298.11 and 298.12.

1790 3. If three governing body ~~board~~ members are elected by
1791 the qualified electors and two are elected on a one-acre/one-
1792 vote basis, two of the governing body ~~board~~ members elected by
1793 the electors shall be elected for a term of 4 years and the
1794 other governing body ~~board~~ member elected by the electors shall
1795 be elected for a term of 2 years. Governing body ~~board~~ members
1796 elected on a one-acre/one-vote basis shall be elected for terms
1797 of 1 and 2 years, respectively, as prescribed by ss. 298.11 and
1798 298.12.

1799 4. If four governing body ~~board~~ members are elected by the
1800 qualified electors and one is elected on a one-acre/one-vote
1801 basis, two of the governing body ~~board~~ members elected by the
1802 electors shall be elected for a term of 2 years and the other
1803 two for a term of 4 years. The governing body ~~board~~ member
1804 elected on a one-acre/one-vote basis shall be elected for a term
1805 of 1 year as prescribed by ss. 298.11 and 298.12.

1806 5. If five governing body ~~board~~ members are elected by the
1807 qualified electors, three shall be elected for a term of 4 years
1808 and two for a term of 2 years.

1809 6. If any vacancy occurs in a seat occupied by a governing
1810 body ~~board~~ member elected by the qualified electors, the
1811 remaining members of the governing body ~~board~~ shall, within 45

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1812 days after the vacancy occurs, appoint a person who would be
1813 eligible to hold the office to the unexpired term.

1814 (c) *Landowners' meetings.*—

1815 1. An annual landowners' meeting shall be held pursuant to
1816 s. 298.11 and at least one governing body board member shall be
1817 elected on a one-acre/one-vote basis pursuant to s. 298.12 for
1818 so long as 10 percent or more of the district is not contained
1819 in an urban area. In the event all district governing body board
1820 members are elected by qualified electors, there shall be no
1821 further landowners' meetings.

1822 2. At any landowners' meeting called pursuant to this
1823 section, 50 percent of the district acreage shall not be
1824 required to constitute a quorum and each governing body board
1825 member shall be elected by a majority of the acreage represented
1826 either by owner or proxy present and voting at said meeting.

1827 3. All landowners' meetings of districts operating
1828 pursuant to this section shall be set by the governing body
1829 board within the month preceding the month of the election of
1830 the governing body board members by the electors.

1831 4. Vacancies on the governing body board shall be filled
1832 pursuant to s. 298.12 except as otherwise provided in
1833 subparagraph (b)6.

1834 (4) *QUALIFICATIONS.*—Elections for governing body board
1835 members elected by qualified electors shall be nonpartisan.
1836 Qualifications shall be pursuant to the Florida Election Code
1837 and shall occur during the qualifying period established by s.

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1838 99.061. Qualification requirements shall only apply to those
1839 governing body ~~board~~ member candidates elected by qualified
1840 electors. Following the first election pursuant to this section,
1841 elections to the governing body ~~board~~ by qualified electors
1842 shall occur at the next regularly scheduled election closest in
1843 time to the expiration date of the term of the elected governing
1844 body ~~board~~ member. If the next regularly scheduled election is
1845 beyond the normal expiration time for the term of an elected
1846 governing body ~~board~~ member, the governing body ~~board~~ member
1847 shall hold office until the election of a successor.

1848 (5) Those districts established as single-purpose water
1849 control districts, and which continue to act as single-purpose
1850 water control districts, pursuant to chapter 298, pursuant to a
1851 special act, pursuant to a local government ordinance, or
1852 pursuant to a judicial decree, shall be exempt from the
1853 provisions of this section. All other independent special
1854 districts with governing bodies ~~boards~~ elected on a one-
1855 acre/one-vote basis shall be subject to the provisions of this
1856 section.

1857 (6) The provisions of this section shall not apply to
1858 community development districts established pursuant to chapter
1859 190.

1860 Section 30. Section 189.4065, Florida Statutes, is
1861 transferred and renumbered as section 189.05, Florida Statutes.

1862 Section 31. Section 189.408, Florida Statutes, is
1863 transferred and renumbered as section 189.042, Florida Statutes.

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1864 Section 32. Section 189.4085, Florida Statutes, is
1865 transferred and renumbered as section 189.051, Florida Statutes.

1866 Section 33. Section 189.412, Florida Statutes, is
1867 transferred and renumbered as section 189.064, Florida Statutes,
1868 and amended to read:

1869 189.064 189.412 Special District Accountability
1870 ~~Information~~ Program; duties and responsibilities.—The Special
1871 District Accountability Information Program of the department of
1872 ~~Economic Opportunity~~ is created and has the following special
1873 duties:

1874 (1) Electronically publishing ~~The collection and~~
1875 ~~maintenance of~~ special district noncompliance status reports
1876 from the department of ~~Management Services~~, the Department of
1877 Financial Services, the Division of Bond Finance of the State
1878 Board of Administration, the Auditor General, and the
1879 Legislative Auditing Committee, for the reporting required in
1880 ss. 112.63, 218.32, 218.38, and 218.39. The noncompliance
1881 reports must list those special districts that did not comply
1882 with the statutory reporting requirements and be made available
1883 to the public electronically.

1884 (2) Maintaining the official list of special districts ~~The~~
1885 ~~maintenance of a master list of independent and dependent~~
1886 ~~special districts which shall be available on the department's~~
1887 ~~website.~~

1888 (3) The Publishing and updating of a "Florida Special
1889 District Handbook" that contains, at a minimum:

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1890 (a) A section that specifies definitions of special
1891 districts and status distinctions in the statutes.

1892 (b) A section or sections that specify current statutory
1893 provisions for special district creation, implementation,
1894 modification, dissolution, and operating procedures.

1895 (c) A section that summarizes the reporting requirements
1896 applicable to all types of special districts as provided in ss.
1897 189.015 and 189.016 ~~189.417 and 189.418~~.

1898 ~~(4) When feasible, securing and maintaining access to
1899 special district information collected by all state agencies in
1900 existing or newly created state computer systems.~~

1901 (4)(5) Coordinating and communicating ~~The facilitation of~~
1902 ~~coordination and communication among state agencies regarding~~
1903 ~~special districts district information.~~

1904 ~~(6) The conduct of studies relevant to special districts.~~

1905 (5)(7) Providing technical advisory ~~The provision of~~
1906 ~~assistance related to special districts regarding the and~~
1907 ~~appropriate in the performance of requirements specified in this~~
1908 ~~chapter which may be performed by the department or by a~~
1909 qualified third-party vendor pursuant to a contract entered into
1910 in accordance with applicable bidding requirements, ~~including~~
1911 ~~assisting with an annual conference sponsored by the Florida~~
1912 ~~Association of Special Districts or its successor.~~

1913 (6)(8) Providing assistance to local general-purpose
1914 ~~governments and certain state agencies in collecting delinquent~~
1915 ~~reports or information.~~

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1916 (7) Helping special districts comply with reporting
1917 requirements.

1918 (8) Declaring special districts inactive when ~~appropriate,~~
1919 ~~and, when~~ directed by the Legislative Auditing Committee or
1920 required by this chapter.

1921 (9) Initiating enforcement proceedings ~~provisions~~ as
1922 provided in ss. 189.062, 189.066, and 189.067 ~~189.4044, 189.419,~~
1923 ~~and 189.421.~~

1924 Section 34. Section 189.413, Florida Statutes, is
1925 transferred and renumbered as section 189.065, Florida Statutes,
1926 and amended to read:

1927 189.065 ~~189.413~~ Special districts; oversight of state
1928 funds use.—Any state agency administering funding programs for
1929 which special districts are eligible shall be responsible for
1930 oversight of the use of such funds by special districts. The
1931 oversight responsibilities shall include, but not be limited to:

1932 (1) Reporting the existence of the program to the Special
1933 District Accountability Information ~~Information~~ Program of the department.

1934 (2) Submitting annually a list of special districts
1935 participating in a state funding program to the Special District
1936 Accountability Information ~~Information~~ Program of the department. This list
1937 must indicate the special districts, if any, that are not in
1938 compliance with state funding program requirements.

1939 Section 35. Section 189.415, Florida Statutes, is
1940 transferred and renumbered as section 189.08, Florida Statutes.

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1941 Section 36. Section 189.4155, Florida Statutes, is
1942 transferred and renumbered as section 189.081, Florida Statutes.

1943 Section 37. Section 189.4156, Florida Statutes, is
1944 transferred and renumbered as section 189.082, Florida Statutes.

1945 Section 38. Section 189.416, Florida Statutes, is
1946 transferred and renumbered as section 189.014, Florida Statutes,
1947 and subsection (1) of that section is amended, to read:

1948 189.014 ~~189.416~~ Designation of registered office and
1949 agent.—

1950 (1) Within 30 days after the first meeting of its
1951 governing body ~~board~~, each special district in the state shall
1952 designate a registered office and a registered agent and file
1953 such information with the local governing authority or
1954 authorities and with the department. The registered agent shall
1955 be an agent of the district upon whom any process, notice, or
1956 demand required or permitted by law to be served upon the
1957 district may be served. A registered agent shall be an
1958 individual resident of this state whose business address is
1959 identical with the registered office of the district. The
1960 registered office may be, but need not be, the same as the place
1961 of business of the special district.

1962 Section 39. Section 189.417, Florida Statutes, is
1963 transferred and renumbered as section 189.015, Florida Statutes,
1964 and subsection (1) of that section is amended, to read:

1965 189.015 ~~189.417~~ Meetings; notice; required reports.—

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1966 (1) The governing body of each special district shall file
1967 quarterly, semiannually, or annually a schedule of its regular
1968 meetings with the local governing authority or authorities. The
1969 schedule shall include the date, time, and location of each
1970 scheduled meeting. The schedule shall be published quarterly,
1971 semiannually, or annually in a newspaper of general paid
1972 circulation in the manner required in this subsection. The
1973 governing body of an independent special district shall
1974 advertise the day, time, place, and purpose of any meeting other
1975 than a regular meeting or any recessed and reconvened meeting of
1976 the governing body, at least 7 days before ~~prior to~~ such
1977 meeting, in a newspaper of general paid circulation in the
1978 county or counties in which the special district is located,
1979 unless a bona fide emergency situation exists, in which case a
1980 meeting to deal with the emergency may be held as necessary,
1981 with reasonable notice, so long as it is subsequently ratified
1982 by the governing body ~~board~~. No approval of the annual budget
1983 shall be granted at an emergency meeting. The advertisement
1984 shall be placed in that portion of the newspaper where legal
1985 notices and classified advertisements appear. The advertisement
1986 shall appear in a newspaper that is published at least 5 days a
1987 week, unless the only newspaper in the county is published fewer
1988 than 5 days a week. The newspaper selected must be one of
1989 general interest and readership in the community and not one of
1990 limited subject matter, pursuant to chapter 50. Any other
1991 provision of law to the contrary notwithstanding, and except in

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1992 the case of emergency meetings, water management districts may
1993 provide reasonable notice of public meetings held to evaluate
1994 responses to solicitations issued by the water management
1995 district, by publication in a newspaper of general paid
1996 circulation in the county where the principal office of the
1997 water management district is located, or in the county or
1998 counties where the public work will be performed, no less than 7
1999 days before such meeting.

2000 Section 40. Section 189.418, Florida Statutes, is
2001 transferred and renumbered as section 189.016, Florida Statutes,
2002 and subsections (2) and (10) of that section are amended, to
2003 read:

2004 189.016 ~~189.418~~ Reports; budgets; audits.-

2005 (2) Any amendment, modification, or update of the document
2006 by which the district was created, including changes in
2007 boundaries, must be filed with the department within 30 days
2008 after adoption. The department may initiate proceedings against
2009 special districts as provided in s. 189.067 ~~189.421~~ for failure
2010 to file the information required by this subsection. However,
2011 for the purposes of this section and s. 175.101(1), the
2012 boundaries of a district shall be deemed to include an area that
2013 has been annexed until the completion of the 4-year period
2014 specified in s. 171.093(4) or other mutually agreed upon
2015 extension, or when a district is providing services pursuant to
2016 an interlocal agreement entered into pursuant to s. 171.093(3).

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2017 (10) All reports or information required to be filed with
2018 a local general-purpose government or governing authority under
2019 ss. 189.08, 189.014, and 189.015 ~~189.415, 189.416, and 189.417~~
2020 and subsection (8) must:

2021 (a) If the local general-purpose government or governing
2022 authority is a county, be filed with the clerk of the board of
2023 county commissioners.

2024 (b) If the district is a multicounty district, be filed
2025 with the clerk of the county commission in each county.

2026 (c) If the local general-purpose government or governing
2027 authority is a municipality, be filed at the place designated by
2028 the municipal governing body.

2029 Section 41. Section 189.419, Florida Statutes, is
2030 transferred, renumbered as section 189.066, Florida Statutes,
2031 and amended to read:

2032 189.066 ~~189.419~~ Effect of failure to file certain reports
2033 or information.—

2034 (1) If an independent special district fails to file the
2035 reports or information required under s. 189.08, s. 189.014, s.
2036 189.015, or s. 189.016(9) ~~189.415, s. 189.416, s. 189.417, or s.~~
2037 ~~189.418(9)~~ with the local general-purpose government or
2038 governments in which it is located, the person authorized to
2039 receive and read the reports or information or the local
2040 general-purpose government shall notify the district's
2041 registered agent. If requested by the district, the local
2042 general-purpose government shall grant an extension of up to 30

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2043 days for filing the required reports or information. If the
2044 governing body of the local general-purpose government or
2045 governments determines that there has been an unjustified
2046 failure to file these reports or information, it shall ~~may~~
2047 notify the department, and the department may proceed pursuant
2048 to s. 189.067(1) ~~189.421(1)~~.

2049 (2) If a dependent special district fails to file the
2050 reports or information required under s. 189.014, s. 189.015, or
2051 s. 189.016(9) ~~189.416, s. 189.417, or s. 189.418(9)~~ with the
2052 local governing authority to which it is dependent, the local
2053 governing authority shall take whatever steps it deems necessary
2054 to enforce the special district's accountability. Such steps may
2055 include, as authorized, withholding funds, removing governing
2056 body ~~board~~ members at will, vetoing the special district's
2057 budget, conducting the oversight review process set forth in s.
2058 189.068 ~~189.428~~, or amending, merging, or dissolving the special
2059 district in accordance with the provisions contained in the
2060 ordinance that created the dependent special district.

2061 (3) If a special district fails to file the reports or
2062 information required under s. 218.38 with the appropriate state
2063 agency, the agency shall notify the department, and the
2064 department shall send a certified technical assistance letter to
2065 the special district which summarizes the requirements and
2066 compels ~~encourages~~ the special district to take steps to prevent
2067 the noncompliance from reoccurring.

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2068 (4) If a special district fails to file the reports or
2069 information required under s. 112.63 with the appropriate state
2070 agency, the agency shall notify the department and the
2071 department shall proceed pursuant to s. 189.067(1) ~~189.421(1)~~.

2072 (5) If a special district fails to file the reports or
2073 information required under s. 218.32 or s. 218.39 with the
2074 appropriate state agency or office, the state agency or office
2075 shall, and the Legislative Auditing Committee may, notify the
2076 department and the department shall proceed pursuant to s.
2077 189.067 ~~189.421~~.

2078 Section 42. Section 189.420, Florida Statutes, is
2079 transferred and renumbered as section 189.052, Florida Statutes.

2080 Section 43. Section 189.421, Florida Statutes, is
2081 transferred, renumbered as section 189.067, Florida Statutes,
2082 and amended to read:

2083 189.067 ~~189.421~~ Failure of district to disclose financial
2084 reports.—

2085 (1) (a) If notified pursuant to s. 189.066(1) ~~189.419(1)~~,
2086 (4), or (5), the department shall attempt to assist a special
2087 district in complying with its financial reporting requirements
2088 by sending a certified letter to the special district, and, if
2089 the special district is dependent, sending a copy of that letter
2090 to the chair of the local governing authority. The letter must
2091 include a description of the required report, including
2092 statutory submission deadlines, a contact telephone number for
2093 technical assistance to help the special district comply, a 60-

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2094 day deadline for filing the required report with the appropriate
2095 entity, the address where the report must be filed, and an
2096 explanation of the penalties for noncompliance.

2097 (b) A special district that is unable to meet the 60-day
2098 reporting deadline must provide written notice to the department
2099 before the expiration of the deadline stating the reason the
2100 special district is unable to comply with the deadline, the
2101 steps the special district is taking to prevent the
2102 noncompliance from reoccurring, and the estimated date that the
2103 special district will file the report with the appropriate
2104 agency. The district's written response does not constitute an
2105 extension by the department; however, the department shall
2106 forward the written response as follows to:

2107 1. If the written response refers to the reports required
2108 under s. 218.32 or s. 218.39, to the Legislative Auditing
2109 Committee for its consideration in determining whether the
2110 special district should be subject to further state action in
2111 accordance with s. 11.40(2)(b).

2112 2. If the written response refers to the reports or
2113 information requirements listed in s. 189.066(1) ~~189.419(1)~~, to
2114 the local general-purpose government or governments for their
2115 consideration in determining whether the oversight review
2116 process set forth in s. 189.068 ~~189.428~~ should be undertaken.

2117 3. If the written response refers to the reports or
2118 information required under s. 112.63, to the Department of
2119 Management Services for its consideration in determining whether

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2120 the special district should be subject to further state action
2121 in accordance with s. 112.63(4)(d)2.

2122 (2) Failure of a special district to comply with the
2123 actuarial and financial reporting requirements under s. 112.63,
2124 s. 218.32, or s. 218.39 after the procedures of subsection (1)
2125 are exhausted shall be deemed final action of the special
2126 district. The actuarial and financial reporting requirements are
2127 declared to be essential requirements of law. Remedies Remedy
2128 for noncompliance with ss. 218.32 and 218.39 shall be as
2129 provided in ss. 189.034 and 189.035. Remedy for noncompliance
2130 with s. 112.63 shall be by writ of certiorari as set forth in
2131 subsection (4).

2132 (3) Pursuant to s. 11.40(2)(b), the Legislative Auditing
2133 Committee may shall notify the department of those districts
2134 that fail to file the required reports. If the procedures
2135 described in subsection (1) have not yet been initiated, the
2136 department shall initiate such procedures upon receiving the
2137 notice from the Legislative Auditing Committee. Otherwise,
2138 within 60 days after receiving such notice, or within 60 days
2139 after the expiration of the 60-day deadline provided in
2140 subsection (1), whichever occurs later, the department,
2141 notwithstanding the provisions of chapter 120, shall file a
2142 petition for enforcement writ of certiorari with the circuit
2143 court. The petition may request declaratory, injunctive, any
2144 other equitable relief, or any remedy provided by law. Venue for
2145 all actions pursuant to this subsection is in Leon County. The

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2146 court shall award the prevailing party reasonable attorney's
2147 fees and costs unless affirmatively waived by all parties. A
2148 ~~writ of certiorari shall be issued unless a respondent~~
2149 ~~establishes that the notification of the Legislative Auditing~~
2150 ~~Committee was issued as a result of material error. Proceedings~~
2151 ~~under this subsection are otherwise governed by the Rules of~~
2152 ~~Appellate Procedure.~~

2153 ~~(4) Pursuant to s. 112.63(4)(d)2., the Department of~~
2154 ~~Management Services may notify the department of those special~~
2155 ~~districts that have failed to file the required adjustments,~~
2156 ~~additional information, or report or statement after the~~
2157 ~~procedures of subsection (1) have been exhausted. Within 60 days~~
2158 ~~after receiving such notice or within 60 days after the 60 day~~
2159 ~~deadline provided in subsection (1), whichever occurs later, the~~
2160 ~~department, notwithstanding chapter 120, shall file a petition~~
2161 ~~for writ of certiorari with the circuit court. Venue for all~~
2162 ~~actions pursuant to this subsection is in Leon County. The court~~
2163 ~~shall award the prevailing party attorney's fees and costs~~
2164 ~~unless affirmatively waived by all parties. A writ of certiorari~~
2165 ~~shall be issued unless a respondent establishes that the~~
2166 ~~notification of the Department of Management Services was issued~~
2167 ~~as a result of material error. Proceedings under this subsection~~
2168 ~~are otherwise governed by the Rules of Appellate Procedure.~~

2169 Section 44. Section 189.4221, Florida Statutes, is
2170 transferred and renumbered as section 189.053, Florida Statutes.

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2171 Section 45. Section 189.423, Florida Statutes, is
2172 transferred and renumbered as section 189.054, Florida Statutes.

2173 Section 46. Section 189.425, Florida Statutes, is
2174 transferred and renumbered as section 189.017, Florida Statutes.

2175 Section 47. Section 189.427, Florida Statutes, is
2176 transferred and renumbered as section 189.018, Florida Statutes,
2177 and amended to read:

2178 189.018 ~~189.427~~ Fee schedule; Operating Grants and
2179 ~~Donations~~ Trust Fund.—The department of ~~Economic Opportunity~~, by
2180 rule, shall establish a schedule of fees to pay one-half of the
2181 costs incurred by the department in administering this act,
2182 except that the fee may not exceed \$175 per district per year.
2183 The fees collected under this section shall be deposited in the
2184 Operating Grants and ~~Donations~~ Trust Fund, which shall be
2185 administered by the department of ~~Economic Opportunity~~. Any fee
2186 rule must consider factors such as the dependent and independent
2187 status of the district and district revenues for the most recent
2188 fiscal year as reported to the Department of Financial Services.
2189 The department may assess fines of not more than \$25, with an
2190 aggregate total not to exceed \$50, as penalties against special
2191 districts that fail to remit required fees to the department. It
2192 is the intent of the Legislature that general revenue funds will
2193 be made available to the department to pay one-half of the cost
2194 of administering this act.

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2195 Section 48. Section 189.428, Florida Statutes, is
2196 transferred and renumbered as section 189.068, Florida Statutes,
2197 and amended, to read:

2198 189.068 ~~189.428~~ Special districts; oversight review
2199 process.-

2200 (1) The Legislature finds it to be in the public interest
2201 to establish an oversight review process for special districts
2202 wherein each special district in the state may be reviewed by
2203 the local general-purpose government in which the district
2204 exists. The Legislature further finds and determines that such
2205 law fulfills an important state interest. It is the intent of
2206 the Legislature that the oversight review process shall
2207 contribute to informed decisionmaking. These decisions may
2208 involve the continuing existence or dissolution of a district,
2209 the appropriate future role and focus of a district,
2210 improvements in the functioning or delivery of services by a
2211 district, and the need for any transition, adjustment, or
2212 special implementation periods or provisions. Any final
2213 recommendations from the oversight review process that are
2214 adopted and implemented by the appropriate level of government
2215 shall not be implemented in a manner that would impair the
2216 obligation of contracts.

2217 ~~(2) It is the intent of the Legislature that any oversight~~
2218 ~~review process be conducted in conjunction with special district~~
2219 ~~public facilities reporting and the local government evaluation~~
2220 ~~and appraisal report process described in s. 189.415(2).~~

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2221 ~~(3) The order in which Special districts may be subject to~~
2222 ~~oversight review shall be determined by the reviewer and shall~~
2223 ~~occur as follows:~~

2224 ~~(2)(a) All dependent special districts may be reviewed by~~
2225 ~~the general-purpose local government to which they are~~
2226 ~~dependent.~~

2227 ~~(b) All single county independent special districts may be~~
2228 ~~reviewed by a county or municipality in which they are located~~
2229 ~~or the government that created the district. Any single county~~
2230 ~~independent district that serves an area greater than the~~
2231 ~~boundaries of one general purpose local government may only be~~
2232 ~~reviewed by the county on the county's own initiative or upon~~
2233 ~~receipt of a request from any municipality served by the special~~
2234 ~~district.~~

2235 ~~(c) All multicounty independent special districts may be~~
2236 ~~reviewed by the government that created the district. Any~~
2237 ~~general purpose local governments within the boundaries of a~~
2238 ~~multicounty district may prepare a preliminary review of a~~
2239 ~~multicounty special district for possible reference or inclusion~~
2240 ~~in the full review report.~~

2241 ~~(d) Upon request by the reviewer, any special district~~
2242 ~~within all or a portion of the same county as the special~~
2243 ~~district being reviewed may prepare a preliminary review of the~~
2244 ~~district for possible reference or inclusion in the full~~
2245 ~~oversight review report.~~

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2246 ~~(3)~~(4) All special districts, governmental entities, and
2247 state agencies shall cooperate with the Legislature and with any
2248 general-purpose local government seeking information or
2249 assistance with the oversight review process and with the
2250 preparation of an oversight review report.

2251 ~~(4)~~(5) Those conducting the oversight review process
2252 shall, at a minimum, consider the listed criteria for evaluating
2253 the special district, but may also consider any additional
2254 factors relating to the district and its performance. If any of
2255 the listed criteria does not apply to the special district being
2256 reviewed, it need not be considered. The criteria to be
2257 considered by the reviewer include:

2258 (a) The degree to which the service or services offered by
2259 the special district are essential or contribute to the well-
2260 being of the community.

2261 (b) The extent of continuing need for the service or
2262 services currently provided by the special district.

2263 (c) The extent of municipal annexation or incorporation
2264 activity occurring or likely to occur within the boundaries of
2265 the special district and its impact on the delivery of services
2266 by the special district.

2267 (d) Whether there is a less costly alternative method of
2268 delivering the service or services that would adequately provide
2269 the district residents with the services provided by the
2270 district.

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2271 (e) Whether transfer of the responsibility for delivery of
2272 the service or services to an entity other than the special
2273 district being reviewed could be accomplished without
2274 jeopardizing the district's existing contracts, bonds, or
2275 outstanding indebtedness.

2276 (f) Whether the Auditor General has notified the
2277 Legislative Auditing Committee that the special district's audit
2278 report, reviewed pursuant to s. 11.45(7), indicates that the
2279 district has met any of the conditions specified in s.
2280 218.503(1) or that a deteriorating financial condition exists
2281 that may cause a condition described in s. 218.503(1) to occur
2282 if actions are not taken to address such condition.

2283 (g) Whether the district is inactive according to the
2284 official list of special districts, and whether the district is
2285 meeting and discharging its responsibilities as required by its
2286 charter, as well as projected increases or decreases in district
2287 activity.

2288 (h) Whether the special district has failed to comply with
2289 any of the reporting requirements in this chapter, including
2290 preparation of the public facilities report.

2291 (i) Whether the special district has designated a
2292 registered office and agent as required by s. 189.014 ~~189.416~~,
2293 and has complied with all open public records and meeting
2294 requirements.

2295 (5)~~(6)~~ Any special district may at any time provide the
2296 Legislature and the general-purpose local government conducting

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2297 the review or making decisions based upon the final oversight
2298 review report with written responses to any questions, concerns,
2299 preliminary reports, draft reports, or final reports relating to
2300 the district.

2301 ~~(7) The final report of a reviewing government shall be~~
2302 ~~filed with the government that created the district and shall~~
2303 ~~serve as the basis for any modification to the district charter~~
2304 ~~or dissolution or merger of the district.~~

2305 ~~(8) If legislative dissolution or merger of a district is~~
2306 ~~proposed in the final report, the reviewing government shall~~
2307 ~~also propose a plan for the merger or dissolution, and the plan~~
2308 ~~shall address the following factors in evaluating the proposed~~
2309 ~~merger or dissolution:~~

2310 ~~(a) Whether, in light of independent fiscal analysis,~~
2311 ~~level of service implications, and other public policy~~
2312 ~~considerations, the proposed merger or dissolution is the best~~
2313 ~~alternative for delivering services and facilities to the~~
2314 ~~affected area.~~

2315 ~~(b) Whether the services and facilities to be provided~~
2316 ~~pursuant to the merger or dissolution will be compatible with~~
2317 ~~the capacity and uses of existing local services and facilities.~~

2318 ~~(c) Whether the merger or dissolution is consistent with~~
2319 ~~applicable provisions of the state comprehensive plan, the~~
2320 ~~strategic regional policy plan, and the local government~~
2321 ~~comprehensive plans of the affected area.~~

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2322 ~~(d) Whether the proposed merger adequately provides for~~
2323 ~~the assumption of all indebtedness.~~

2324
2325 ~~The reviewing government shall consider the report in a public~~
2326 ~~hearing held within the jurisdiction of the district. If adopted~~
2327 ~~by the governing board of the reviewing government, the request~~
2328 ~~for legislative merger or dissolution of the district may~~
2329 ~~proceed. The adopted plan shall be filed as an attachment to the~~
2330 ~~economic impact statement regarding the proposed special act or~~
2331 ~~general act of local application dissolving a district.~~

2332 ~~(6)(9)~~ This section does not apply to a deepwater port
2333 listed in s. 311.09(1) which is in compliance with a port master
2334 plan adopted pursuant to s. 163.3178(2)(k), or to an airport
2335 authority operating in compliance with an airport master plan
2336 approved by the Federal Aviation Administration, or to any
2337 special district organized to operate health systems and
2338 facilities licensed under chapter 395, chapter 400, or chapter
2339 429.

2340 Section 49. Section 189.429, Florida Statutes, is
2341 transferred and renumbered as section 189.019, Florida Statutes,
2342 and subsection (1) of that section is amended, to read:

2343 189.019 ~~189.429~~ Codification.—

2344 (1) Each district, by December 1, 2004, shall submit to
2345 the Legislature a draft codified charter, at its expense, so
2346 that its special acts may be codified into a single act for
2347 reenactment by the Legislature, if there is more than one

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2348 special act for the district. The Legislature may adopt a
2349 schedule for individual district codification. Any codified act
2350 relating to a district, which act is submitted to the
2351 Legislature for reenactment, shall provide for the repeal of all
2352 prior special acts of the Legislature relating to the district.
2353 The codified act shall be filed with the department pursuant to
2354 s. 189.016(2) ~~189.418(2)~~.

2355 Section 50. Sections 189.430, 189.431, 189.432, 189.433,
2356 189.434, 189.435, 189.436, 189.437, 189.438, 189.439, 189.440,
2357 189.441, 189.442, 189.443, and 189.444, Florida Statutes, are
2358 repealed.

2359 Section 51. Section 189.034, Florida Statutes, is created
2360 to read:

2361 189.034 Oversight of special districts created by special
2362 act of the Legislature.-

2363 (1) This section applies to any special district created
2364 by special act of the Legislature.

2365 (2) If a special district fails to file required reports
2366 or requested information with the appropriate state agency
2367 pursuant to ss. 11.45(7), 218.32, 218.39, and 218.503(3), with
2368 the appropriate state agency or office, the Legislative Auditing
2369 Committee or its designee shall provide written notice of the
2370 district's noncompliance to the Speaker of the House of
2371 Representatives, the President of the Senate, the standing
2372 committees of the Senate and the House of Representatives
2373 charged with special district oversight as determined by the

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2374 presiding officers of each respective chamber, and the
2375 legislators who represent a portion of the geographical
2376 jurisdiction of the special district.

2377 (3) The Legislative Auditing Committee may convene a
2378 public hearing on the issue of noncompliance, as well as general
2379 oversight of the district as provided in s. 189.068, at the
2380 direction of the Speaker of the House of Representatives and the
2381 President of the Senate.

2382 (4) Before the public hearing as provided in subsection
2383 (3), the special district shall provide the following
2384 information at the request of the Legislative Auditing
2385 Committee:

2386 (a) The district's annual financial report for the prior
2387 fiscal year.

2388 (b) The district's audit report for the previous fiscal
2389 year.

2390 (c) An annual report for the previous fiscal year
2391 providing a detailed review of the performance of the special
2392 district, including the following information:

2393 1. The purpose of the special district.

2394 2. The sources of funding for the special district.

2395 3. A description of the major activities, programs, and
2396 initiatives the special district has undertaken in the most
2397 recently completed fiscal year and the benchmarks or criteria
2398 under which the success or failure of the district was
2399 determined by its governing body.

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2400 4. Any challenges or obstacles faced by the special
2401 district in fulfilling its purpose and related responsibilities.

2402 5. Ways the special district believes it could better
2403 fulfill its purpose and related responsibilities and a
2404 description of the actions that it intends to take during the
2405 ensuing fiscal year.

2406 6. Proposed changes to the special act that established
2407 the special district and justification for such changes.

2408 7. Any other information reasonably required to provide
2409 the Legislative Auditing Committee with an accurate
2410 understanding of the purpose for which the special district
2411 exists and how it is fulfilling its responsibilities to
2412 accomplish that purpose.

2413 8. Any reasons for the district's noncompliance.

2414 9. If the district is currently in compliance and plans to
2415 correct any recurring issues of noncompliance.

2416 10. Efforts to promote transparency, including maintenance
2417 of the district's website in accordance with s. 189.069.

2418 Section 52. Section 189.035, Florida Statutes, is created
2419 to read:

2420 189.035 Oversight of special districts created by local
2421 ordinance.—

2422 (1) If a special district created by local ordinance fails
2423 to file required reports or requested information under ss.
2424 11.45(7), 218.32, 218.39, and 218.503(3), with the appropriate
2425 state agency, the Legislative Auditing Committee or its designee

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2426 shall provide written notice of the district's noncompliance to
2427 the chair or equivalent of the local general-purpose government.

2428 (2) The chair or equivalent of the local general-purpose
2429 government may convene a public hearing on the issue of
2430 noncompliance, as well as general oversight of the special
2431 district as provided in s. 189.068, within 6 months after
2432 receipt of notice of noncompliance from the Legislative Auditing
2433 Committee.

2434 (3) Before the public hearing regarding the special
2435 district's noncompliance, the local general-purpose government
2436 may request the following information from the special district:

2437 (a) The district's annual financial report for the
2438 previous fiscal year.

2439 (b) The district's audit report for the previous fiscal
2440 year.

2441 (c) An annual report for the previous fiscal year, which
2442 must provide a detailed review of the performance of the special
2443 district and include the following information:

2444 1. The purpose of the special district.

2445 2. The sources of funding for the special district.

2446 3. A description of the major activities, programs, and
2447 initiatives the special district undertook in the most recently
2448 completed fiscal year and the benchmarks or criteria under which
2449 the success or failure of the district was determined by its
2450 governing body.

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2451 4. Any challenges or obstacles faced by the special
2452 district in fulfilling its purpose and related responsibilities.

2453 5. Ways the special district believes it could better
2454 fulfill its purpose and related responsibilities and a
2455 description of the actions that it intends to take during the
2456 ensuing fiscal year.

2457 6. Proposed changes to the ordinance that established the
2458 special district and justification for such changes.

2459 7. Any other information reasonably required to provide
2460 the reviewing entity with an accurate understanding of the
2461 purpose for which the special district exists and how it is
2462 fulfilling its responsibilities to accomplish that purpose.

2463 8. Any reasons for the district's noncompliance.

2464 9. Whether the district is currently in compliance.

2465 10. Plans to correct any recurring issues of
2466 noncompliance.

2467 11. Efforts to promote transparency, including maintenance
2468 of the district's website in accordance with s. 189.069.

2469 (4) If the local general-purpose government convenes a
2470 public hearing under this section, it shall provide the
2471 Department and the Legislative Auditing Committee with a report
2472 containing its findings and conclusions within 60 days after
2473 completion of the public hearing.

2474 Section 53. Section 189.055, Florida Statutes, is created
2475 to read:

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2476 189.055 Treatment of special districts.—For the purpose of
2477 s. 196.199(1), special districts shall be treated as
2478 municipalities.

2479 Section 54. Section 189.069, Florida Statutes, is created
2480 to read:

2481 189.069 Special districts; required reporting of
2482 information; web-based public access.—

2483 (1) Beginning on October 1, 2015, or by the end of the
2484 first full fiscal year after its creation, each special district
2485 shall maintain an official Internet website containing the
2486 information required by this section in accordance with s.
2487 189.016. Special districts shall submit their official Internet
2488 website addresses to the department.

2489 (a) Independent special districts shall maintain a
2490 separate internet website.

2491 (b) Dependent special districts shall be preeminently
2492 displayed on the home page of the Internet website of the
2493 general-purpose government that created the special district
2494 with a hyperlink to such webpages as are necessary to provide
2495 the information required by this section. Dependent special
2496 districts may maintain a separate Internet website providing the
2497 information required by this section.

2498 (2) (a) A special district shall post the following
2499 information, at a minimum, on the district's official website:

2500 1. The full legal name of the special district.

2501 2. The public purpose of the special district.

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2502 3. The name, address, e-mail address, and, if applicable,
2503 the term and appointing authority for each member of the
2504 governing body of the special district.

2505 4. The fiscal year of the special district.

2506 5. The full text of the special district's charter, the
2507 date of establishment, the establishing entity, and the statute
2508 or statutes under which the special district operates, if
2509 different from the statute or statutes under which the special
2510 district was established. Community development districts may
2511 reference chapter 190, as the uniform charter, but must include
2512 information relating to any grant of special powers.

2513 6. The mailing address, e-mail address, telephone number,
2514 and Internet website uniform resource locator of the special
2515 district.

2516 7. A description of the boundaries or service area of, and
2517 the services provided by, the special district.

2518 8. A listing of all assessments, taxes, fees, or charges
2519 imposed and collected by the special district, including the
2520 rates or amounts charged for the fiscal year and the statutory
2521 authority for the levy of the tax, fee, or charge.

2522 9. The primary contact information for the special
2523 district for purposes of communication from the department.

2524 10. A code of ethics adopted by the special district, if
2525 applicable, and a hyperlink to generally applicable ethics
2526 provisions.

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2527 11. The budget of each special district, in addition to
2528 amendments in accordance with s. 189.418.

2529 12. The final, complete audit report for the most recent
2530 completed fiscal year, and audit reports required by law or
2531 authorized by the governing body of the special district.

2532 (b) The department's Internet website list of special
2533 districts in the state required under s. 189.061 shall include a
2534 link for each special district that provides web-based access to
2535 the public for all information and documentation required for
2536 submission to the department pursuant to subsection (1).

2537 Section 55. Paragraph (e) of subsection (1) and paragraph
2538 (c) of subsection (7) of section 11.45, Florida Statutes, are
2539 amended to read:

2540 11.45 Definitions; duties; authorities; reports; rules.—

2541 (1) DEFINITIONS.—As used in ss. 11.40-11.51, the term:

2542 (e) "Local governmental entity" means a county agency,
2543 municipality, or special district as defined in s. 189.012
2544 ~~189.403~~, but does not include any housing authority established
2545 under chapter 421.

2546 (7) AUDITOR GENERAL REPORTING REQUIREMENTS.—

2547 (c) The Auditor General shall provide annually a list of
2548 those special districts which are not in compliance with s.
2549 218.39 to the Special District Accountability Information
2550 Program of the Department of Economic Opportunity.

2551 Section 56. Paragraph (c) of subsection (4) of section
2552 100.011, Florida Statutes, is amended to read:

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2553 100.011 Opening and closing of polls, all elections;
2554 expenses.—

2555 (4)

2556 (c) The provisions of any special law to the contrary
2557 notwithstanding, all independent and dependent special district
2558 elections, with the exception of community development district
2559 elections, shall be conducted in accordance with the
2560 requirements of ss. 189.04 and 189.041 ~~189.405 and 189.4051~~.

2561 Section 57. Paragraph (f) of subsection (1) of section
2562 101.657, Florida Statutes, is amended to read:

2563 101.657 Early voting.—

2564 (1)

2565 (f) Notwithstanding the requirements of s. 189.04 ~~189.405~~,
2566 special districts may provide early voting in any district
2567 election not held in conjunction with county or state elections.
2568 If a special district provides early voting, it may designate as
2569 many sites as necessary and shall conduct its activities in
2570 accordance with the provisions of paragraphs (a)-(c). The
2571 supervisor is not required to conduct early voting if it is
2572 provided pursuant to this subsection.

2573 Section 58. Paragraph (a) of subsection (14) of section
2574 112.061, Florida Statutes, is amended to read:

2575 112.061 Per diem and travel expenses of public officers,
2576 employees, and authorized persons.—

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2577 (14) APPLICABILITY TO COUNTIES, COUNTY OFFICERS, DISTRICT
2578 SCHOOL BOARDS, SPECIAL DISTRICTS, AND METROPOLITAN PLANNING
2579 ORGANIZATIONS.—

2580 (a) The following entities may establish rates that vary
2581 from the per diem rate provided in paragraph (6) (a), the
2582 subsistence rates provided in paragraph (6) (b), or the mileage
2583 rate provided in paragraph (7) (d) if those rates are not less
2584 than the statutorily established rates that are in effect for
2585 the 2005-2006 fiscal year:

2586 1. The governing body of a county by the enactment of an
2587 ordinance or resolution;

2588 2. A county constitutional officer, pursuant to s. 1(d),
2589 Art. VIII of the State Constitution, by the establishment of
2590 written policy;

2591 3. The governing body of a district school board by the
2592 adoption of rules;

2593 4. The governing body of a special district, as defined in
2594 s. 189.012 ~~189.403(1)~~, except those special districts that are
2595 subject to s. 166.021(9), by the enactment of a resolution; or

2596 5. Any metropolitan planning organization created pursuant
2597 to s. 339.175 or any other separate legal or administrative
2598 entity created pursuant to s. 339.175 of which a metropolitan
2599 planning organization is a member, by the enactment of a
2600 resolution.

2601 Section 59. Paragraph (d) of subsection (4) of section
2602 112.63, Florida Statutes, is amended to read:

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2603 112.63 Actuarial reports and statements of actuarial
2604 impact; review.-

2605 (4) Upon receipt, pursuant to subsection (2), of an
2606 actuarial report, or, pursuant to subsection (3), of a statement
2607 of actuarial impact, the Department of Management Services shall
2608 acknowledge such receipt, but shall only review and comment on
2609 each retirement system's or plan's actuarial valuations at least
2610 on a triennial basis.

2611 (d) In the case of an affected special district, the
2612 Department of Management Services shall also notify the
2613 Department of Economic Opportunity. Upon receipt of
2614 notification, the Department of Economic Opportunity shall
2615 proceed pursuant to s. 189.067 ~~189.421~~.

2616 1. Failure of a special district to provide a required
2617 report or statement, to make appropriate adjustments, or to
2618 provide additional material information after the procedures
2619 specified in s. 189.067(1) ~~189.421(1)~~ are exhausted shall be
2620 deemed final action by the special district.

2621 2. The Department of Management Services may notify the
2622 Department of Economic Opportunity of those special districts
2623 that failed to come into compliance. Upon receipt of
2624 notification, the Department of Economic Opportunity shall
2625 proceed pursuant to s. 189.067(4) ~~189.421(4)~~.

2626 Section 60. Subsection (1) of section 112.665, Florida
2627 Statutes, is amended to read:

2628 112.665 Duties of Department of Management Services.-

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- 2629 (1) The Department of Management Services shall:
- 2630 (a) Gather, catalog, and maintain complete, computerized
- 2631 data information on all public employee retirement systems or
- 2632 plans in the state based upon a review of audits, reports, and
- 2633 other data pertaining to the systems or plans;
- 2634 (b) Receive and comment upon all actuarial reviews of
- 2635 retirement systems or plans maintained by units of local
- 2636 government;
- 2637 (c) Cooperate with local retirement systems or plans on
- 2638 matters of mutual concern and provide technical assistance to
- 2639 units of local government in the assessment and revision of
- 2640 retirement systems or plans;
- 2641 (d) Annually issue, by January 1, a report to the
- 2642 President of the Senate and the Speaker of the House of
- 2643 Representatives, which details division activities, findings,
- 2644 and recommendations concerning all governmental retirement
- 2645 systems. The report may include legislation proposed to carry
- 2646 out such recommendations;
- 2647 (e) Provide a fact sheet for each participating local
- 2648 government defined benefit pension plan which summarizes the
- 2649 plan's actuarial status. The fact sheet should provide a summary
- 2650 of the plan's most current actuarial data, minimum funding
- 2651 requirements as a percentage of pay, and a 5-year history of
- 2652 funded ratios. The fact sheet must include a brief explanation
- 2653 of each element in order to maximize the transparency of the
- 2654 local government plans. The fact sheet must also contain the

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2655 information specified in s. 112.664(1). These documents shall be
2656 posted on the department's website. Plan sponsors that have
2657 websites must provide a link to the department's website;

2658 (f) Annually issue, by January 1, a report to the Special
2659 District Accountability Information Program of the Department of
2660 Economic Opportunity which includes the participation in and
2661 compliance of special districts with the local government
2662 retirement system provisions in s. 112.63 and the state-
2663 administered retirement system provisions specified in part I of
2664 chapter 121; and

2665 (g) Adopt reasonable rules to administer this part.

2666 Section 61. Subsection (9) of section 121.021, Florida
2667 Statutes, is amended to read:

2668 121.021 Definitions.—The following words and phrases as
2669 used in this chapter have the respective meanings set forth
2670 unless a different meaning is plainly required by the context:

2671 (9) "Special district" means an independent special
2672 district as defined in s. 189.012 ~~189.403(3)~~.

2673 Section 62. Paragraph (b) of subsection (2) of section
2674 121.051, Florida Statutes, is amended to read:

2675 121.051 Participation in the system.—

2676 (2) OPTIONAL PARTICIPATION.—

2677 (b)1. The governing body of any municipality, metropolitan
2678 planning organization, or special district in the state may
2679 elect to participate in the Florida Retirement System upon
2680 proper application to the administrator and may cover all of its

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2681 units as approved by the Secretary of Health and Human Services
2682 and the administrator. The department shall adopt rules
2683 establishing procedures for the submission of documents
2684 necessary for such application. Before being approved for
2685 participation in the system, the governing body of a
2686 municipality, metropolitan planning organization, or special
2687 district that has a local retirement system must submit to the
2688 administrator a certified financial statement showing the
2689 condition of the local retirement system within 3 months before
2690 the proposed effective date of membership in the Florida
2691 Retirement System. The statement must be certified by a
2692 recognized accounting firm that is independent of the local
2693 retirement system. All required documents necessary for
2694 extending Florida Retirement System coverage must be received by
2695 the department for consideration at least 15 days before the
2696 proposed effective date of coverage. If the municipality,
2697 metropolitan planning organization, or special district does not
2698 comply with this requirement, the department may require that
2699 the effective date of coverage be changed.

2700 2. A municipality, metropolitan planning organization, or
2701 special district that has an existing retirement system covering
2702 the employees in the units that are to be brought under the
2703 Florida Retirement System may participate only after holding a
2704 referendum in which all employees in the affected units have the
2705 right to participate. Only those employees electing coverage
2706 under the Florida Retirement System by affirmative vote in the

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2707 referendum are eligible for coverage under this chapter, and
2708 those not participating or electing not to be covered by the
2709 Florida Retirement System shall remain in their present systems
2710 and are not eligible for coverage under this chapter. After the
2711 referendum is held, all future employees are compulsory members
2712 of the Florida Retirement System.

2713 3. At the time of joining the Florida Retirement System,
2714 the governing body of a municipality, metropolitan planning
2715 organization, or special district complying with subparagraph 1.
2716 may elect to provide, or not provide, benefits based on past
2717 service of officers and employees as described in s. 121.081(1).
2718 However, if such employer elects to provide past service
2719 benefits, such benefits must be provided for all officers and
2720 employees of its covered group.

2721 4. Once this election is made and approved it may not be
2722 revoked, except pursuant to subparagraphs 5. and 6., and all
2723 present officers and employees electing coverage and all future
2724 officers and employees are compulsory members of the Florida
2725 Retirement System.

2726 5. Subject to subparagraph 6., the governing body of a
2727 hospital licensed under chapter 395 which is governed by the
2728 governing body ~~board~~ of a special district as defined in s.
2729 189.012 ~~189.403~~ or by the board of trustees of a public health
2730 trust created under s. 154.07, hereinafter referred to as
2731 "hospital district," and which participates in the Florida
2732 Retirement System, may elect to cease participation in the

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2733 system with regard to future employees in accordance with the
2734 following:

2735 a. No more than 30 days and at least 7 days before
2736 adopting a resolution to partially withdraw from the system and
2737 establish an alternative retirement plan for future employees, a
2738 public hearing must be held on the proposed withdrawal and
2739 proposed alternative plan.

2740 b. From 7 to 15 days before such hearing, notice of intent
2741 to withdraw, specifying the time and place of the hearing, must
2742 be provided in writing to employees of the hospital district
2743 proposing partial withdrawal and must be published in a
2744 newspaper of general circulation in the area affected, as
2745 provided by ss. 50.011-50.031. Proof of publication must be
2746 submitted to the Department of Management Services.

2747 c. The governing body of a hospital district seeking to
2748 partially withdraw from the system must, before such hearing,
2749 have an actuarial report prepared and certified by an enrolled
2750 actuary, as defined in s. 112.625, illustrating the cost to the
2751 hospital district of providing, through the retirement plan that
2752 the hospital district is to adopt, benefits for new employees
2753 comparable to those provided under the system.

2754 d. Upon meeting all applicable requirements of this
2755 subparagraph, and subject to subparagraph 6., partial withdrawal
2756 from the system and adoption of the alternative retirement plan
2757 may be accomplished by resolution duly adopted by the hospital
2758 district board. The hospital district board must provide written

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2759 notice of such withdrawal to the division by mailing a copy of
2760 the resolution to the division, postmarked by December 15, 1995.
2761 The withdrawal shall take effect January 1, 1996.

2762 6. Following the adoption of a resolution under sub-
2763 subparagraph 5.d., all employees of the withdrawing hospital
2764 district who were members of the system before January 1, 1996,
2765 shall remain as members of the system for as long as they are
2766 employees of the hospital district, and all rights, duties, and
2767 obligations between the hospital district, the system, and the
2768 employees remain in full force and effect. Any employee who is
2769 hired or appointed on or after January 1, 1996, may not
2770 participate in the system, and the withdrawing hospital district
2771 has no obligation to the system with respect to such employees.

2772 Section 63. Subsection (1) of section 153.94, Florida
2773 Statutes, is amended to read:

2774 153.94 Applicability of other laws.—Except as expressly
2775 provided in this act:

2776 (1) With respect to any wastewater facility privatization
2777 contract entered into under this act, a public entity is subject
2778 to s. 125.3401, s. 180.301, s. 189.054 ~~189.423~~, or s. 190.0125
2779 but is not subject to the requirements of chapter 287.

2780 Section 64. Paragraph (a) of subsection (2) of section
2781 163.08, Florida Statutes, is amended to read:

2782 163.08 Supplemental authority for improvements to real
2783 property.—

2784 (2) As used in this section, the term:

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2785 (a) "Local government" means a county, a municipality, a
2786 dependent special district as defined in s. 189.012 ~~189.403~~, or
2787 a separate legal entity created pursuant to s. 163.01(7).

2788 Section 65. Subsection (7) of section 165.031, Florida
2789 Statutes, is amended to read:

2790 165.031 Definitions.—The following terms and phrases, when
2791 used in this chapter, shall have the meanings ascribed to them
2792 in this section, except where the context clearly indicates a
2793 different meaning:

2794 (7) "Special district" means a local unit of special
2795 government, as defined in s. 189.012 ~~189.403(1)~~. This term
2796 includes dependent special districts, as defined in s. 189.012
2797 ~~189.403(2)~~, and independent special districts, as defined in s.
2798 189.012 ~~189.403(3)~~. All provisions of s. 200.001(8)(d) and (e)
2799 shall be considered provisions of this chapter.

2800 Section 66. Paragraph (b) of subsection (1) and
2801 subsections (8) and (16) of section 165.0615, Florida Statutes,
2802 are amended to read:

2803 165.0615 Municipal conversion of independent special
2804 districts upon elector-initiated and approved referendum.—

2805 (1) The qualified electors of an independent special
2806 district may commence a municipal conversion proceeding by
2807 filing a petition with the governing body of the independent
2808 special district proposed to be converted if the district meets
2809 all of the following criteria:

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2810 (b) It is designated as an improvement district and
2811 created pursuant to chapter 298 or is designated as a
2812 stewardship district and created pursuant to s. 189.031 ~~189.404~~.

2813 (8) Notice of the final public hearing on the proposed
2814 elector-initiated combined municipal incorporation plan must be
2815 published pursuant to the notice requirements in s. 189.015
2816 ~~189.417~~ and must provide a descriptive summary of the elector-
2817 initiated municipal incorporation plan and a reference to the
2818 public places within the independent special district where a
2819 copy of the plan may be examined.

2820 (16) If the incorporation plan is approved by a majority
2821 of the votes cast in the independent special district, the
2822 district shall notify the special district accountability
2823 ~~information~~ program pursuant to s. 189.016(2) ~~189.418(2)~~ and the
2824 local general-purpose governments in which any part of the
2825 independent special district is situated pursuant to s.
2826 189.016(7) ~~189.418(7)~~.

2827 Section 67. Subsection (3) of section 171.202, Florida
2828 Statutes, is amended to read:

2829 171.202 Definitions.—As used in this part, the term:

2830 (3) "Independent special district" means an independent
2831 special district, as defined in s. 189.012 ~~189.403~~, which
2832 provides fire, emergency medical, water, wastewater, or
2833 stormwater services.

2834 Section 68. Subsection (16) of section 175.032, Florida
2835 Statutes, is amended to read:

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2836 175.032 Definitions.—For any municipality, special fire
2837 control district, chapter plan, local law municipality, local
2838 law special fire control district, or local law plan under this
2839 chapter, the following words and phrases have the following
2840 meanings:

2841 (16) "Special fire control district" means a special
2842 district, as defined in s. 189.012 ~~189.403(1)~~, established for
2843 the purposes of extinguishing fires, protecting life, and
2844 protecting property within the incorporated or unincorporated
2845 portions of any county or combination of counties, or within any
2846 combination of incorporated and unincorporated portions of any
2847 county or combination of counties. The term does not include any
2848 dependent or independent special district, as defined in s.
2849 189.012 ~~189.403(2) and (3)~~, respectively, the employees of which
2850 are members of the Florida Retirement System pursuant to s.
2851 121.051(1) or (2).

2852 Section 69. Subsection (6) of section 190.011, Florida
2853 Statutes, is amended to read:

2854 190.011 General powers.—The district shall have, and the
2855 body ~~board~~ may exercise, the following powers:

2856 (6) To maintain an office at such place or places as it
2857 may designate within a county in which the district is located
2858 or within the boundaries of a development of regional impact or
2859 a Florida Quality Development, or a combination of a development
2860 of regional impact and a Florida Quality Development, which
2861 includes the district, which office must be reasonably

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2862 accessible to the landowners. Meetings pursuant to s. 189.015(3)
2863 ~~189.417(3)~~ of a district within the boundaries of a development
2864 of regional impact or Florida Quality Development, or a
2865 combination of a development of regional impact and a Florida
2866 Quality Development, may be held at such office.

2867 Section 70. Subsection (8) of section 190.046, Florida
2868 Statutes, is amended to read:

2869 190.046 Termination, contraction, or expansion of
2870 district.—

2871 (8) In the event the district has become inactive pursuant
2872 to s. 189.062 ~~189.4044~~, the respective board of county
2873 commissioners or city commission shall be informed and it shall
2874 take appropriate action.

2875 Section 71. Section 190.049, Florida Statutes, is amended
2876 to read:

2877 190.049 Special acts prohibited.—Pursuant to s. 11(a)(21),
2878 Art. III of the State Constitution, there shall be no special
2879 law or general law of local application creating an independent
2880 special district which has the powers enumerated in two or more
2881 of the paragraphs contained in s. 190.012, unless such district
2882 is created pursuant to the provisions of s. 189.031 ~~189.404~~.

2883 Section 72. Subsection (5) of section 191.003, Florida
2884 Statutes, is amended to read:

2885 191.003 Definitions.—As used in this act:

2886 (5) "Independent special fire control district" means an
2887 independent special district as defined in s. 189.012 ~~189.403~~,

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2888 created by special law or general law of local application,
2889 providing fire suppression and related activities within the
2890 jurisdictional boundaries of the district. The term does not
2891 include a municipality, a county, a dependent special district
2892 as defined in s. 189.012 ~~189.403~~, a district providing primarily
2893 emergency medical services, a community development district
2894 established under chapter 190, or any other multiple-power
2895 district performing fire suppression and related services in
2896 addition to other services.

2897 Section 73. Paragraph (a) of subsection (1) and subsection
2898 (8) of section 191.005, Florida Statutes, are amended to read:

2899 191.005 District boards of commissioners; membership,
2900 officers, meetings.—

2901 (1)(a) With the exception of districts whose governing
2902 boards are appointed collectively by the Governor, the county
2903 commission, and any cooperating city within the county, the
2904 business affairs of each district shall be conducted and
2905 administered by a five-member board. All three-member boards
2906 existing on the effective date of this act shall be converted to
2907 five-member boards, except those permitted to continue as a
2908 three-member board by special act adopted in 1997 or thereafter.
2909 The board shall be elected in nonpartisan elections by the
2910 electors of the district. Except as provided in this act, such
2911 elections shall be held at the time and in the manner prescribed
2912 by law for holding general elections in accordance with s.
2913 189.04(2)(a) ~~189.405(2)(a)~~ and (3), and each member shall be

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2914 elected for a term of 4 years and serve until the member's
2915 successor assumes office. Candidates for the board of a district
2916 shall qualify as directed by chapter 99.

2917 (8) All meetings of the board shall be open to the public
2918 consistent with chapter 286, s. 189.015 ~~189.417~~, and other
2919 applicable general laws.

2920 Section 74. Subsection (2) of section 191.013, Florida
2921 Statutes, is amended to read:

2922 191.013 Intergovernmental coordination.—

2923 (2) Each independent special fire control district shall
2924 adopt a 5-year plan to identify the facilities, equipment,
2925 personnel, and revenue needed by the district during that 5-year
2926 period. The plan shall be updated in accordance with s. 189.08
2927 ~~189.415~~ and shall satisfy the requirement for a public
2928 facilities report required by s. 189.08(2) ~~189.415(2)~~.

2929 Section 75. Subsection (1) of section 191.014, Florida
2930 Statutes, is amended to read:

2931 191.014 District creation and expansion.—

2932 (1) New districts may be created only by the Legislature
2933 under s. 189.031 ~~189.404~~.

2934 Section 76. Section 191.015, Florida Statutes, is amended
2935 to read:

2936 191.015 Codification.—Each fire control district existing
2937 on the effective date of this section, by December 1, 2004,
2938 shall submit to the Legislature a draft codified charter, at its
2939 expense, so that its special acts may be codified into a single

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2940 act for reenactment by the Legislature, if there is more than
2941 one special act for the district. The Legislature may adopt a
2942 schedule for individual district codification. Any codified act
2943 relating to a district, which act is submitted to the
2944 Legislature for reenactment, shall provide for the repeal of all
2945 prior special acts of the Legislature relating to the district.
2946 The codified act shall be filed with the Department of Economic
2947 Opportunity pursuant to s. 189.016(2) ~~189.418(2)~~.

2948 Section 77. Paragraphs (c), (d), and (e) of subsection (8)
2949 of section 200.001, Florida Statutes, are amended to read:

2950 200.001 Millages; definitions and general provisions.—

2951 (8)

2952 (c) "Special district" means a special district as defined
2953 in s. 189.012 ~~189.403(1)~~.

2954 (d) "Dependent special district" means a dependent special
2955 district as defined in s. 189.012 ~~189.403(2)~~. Dependent special
2956 district millage, when added to the millage of the governing
2957 body to which it is dependent, shall not exceed the maximum
2958 millage applicable to such governing body.

2959 (e) "Independent special district" means an independent
2960 special district as defined in s. 189.012 ~~189.403(3)~~, with the
2961 exception of a downtown development authority established prior
2962 to the effective date of the 1968 State Constitution as an
2963 independent body, either appointed or elected, regardless of
2964 whether or not the budget is approved by the local governing
2965 body, if the district levies a millage authorized as of the

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2966 effective date of the 1968 State Constitution. Independent
2967 special district millage shall not be levied in excess of a
2968 millage amount authorized by general law and approved by vote of
2969 the electors pursuant to s. 9(b), Art. VII of the State
2970 Constitution, except for those independent special districts
2971 levying millage for water management purposes as provided in
2972 that section and municipal service taxing units as specified in
2973 s. 125.01(1)(q) and (r). However, independent special district
2974 millage authorized as of the date the 1968 State Constitution
2975 became effective need not be so approved, pursuant to s. 2, Art.
2976 XII of the State Constitution.

2977 Section 78. Subsections (1), (5), (6), and (7) of section
2978 218.31, Florida Statutes, are amended to read:

2979 218.31 Definitions.—As used in this part, except where the
2980 context clearly indicates a different meaning:

2981 (1) "Local governmental entity" means a county agency, a
2982 municipality, or a special district as defined in s. 189.012
2983 ~~189.403~~. For purposes of s. 218.32, the term also includes a
2984 housing authority created under chapter 421.

2985 (5) "Special district" means a special district as defined
2986 in s. 189.012 ~~189.403(1)~~.

2987 (6) "Dependent special district" means a dependent special
2988 district as defined in s. 189.012 ~~189.403(2)~~.

2989 (7) "Independent special district" means an independent
2990 special district as defined in s. 189.012 ~~189.403(3)~~.

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2991 Section 79. Paragraph (a) and (f) of subsection (1) and
2992 subsection (2) of section 218.32, Florida Statutes, are amended
2993 to read:

2994 218.32 Annual financial reports; local governmental
2995 entities.—

2996 (1)(a) Each local governmental entity that is determined
2997 to be a reporting entity, as defined by generally accepted
2998 accounting principles, and each independent special district as
2999 defined in s. 189.012 ~~189.403~~, shall submit to the department a
3000 copy of its annual financial report for the previous fiscal year
3001 in a format prescribed by the department. The annual financial
3002 report must include a list of each local governmental entity
3003 included in the report and each local governmental entity that
3004 failed to provide financial information as required by paragraph
3005 (b). The chair of the governing body and the chief financial
3006 officer of each local governmental entity shall sign the annual
3007 financial report submitted pursuant to this subsection attesting
3008 to the accuracy of the information included in the report. The
3009 county annual financial report must be a single document that
3010 covers each county agency.

3011 (f) If the department does not receive a completed annual
3012 financial report from a local governmental entity within the
3013 required period, it shall notify the Legislative Auditing
3014 Committee and the Special District Accountability Information
3015 Program of the Department of Economic Opportunity of the
3016 entity's failure to comply with the reporting requirements.

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3017 (2) The department shall annually by December 1 file a
3018 verified report with the Governor, the Legislature, the Auditor
3019 General, and the Special District Accountability Information
3020 Program of the Department of Economic Opportunity showing the
3021 revenues, both locally derived and derived from
3022 intergovernmental transfers, and the expenditures of each local
3023 governmental entity, regional planning council, local government
3024 finance commission, and municipal power corporation that is
3025 required to submit an annual financial report. The report must
3026 include, but is not limited to:

3027 (a) The total revenues and expenditures of each local
3028 governmental entity that is a component unit included in the
3029 annual financial report of the reporting entity.

3030 (b) The amount of outstanding long-term debt by each local
3031 governmental entity. For purposes of this paragraph, the term
3032 "long-term debt" means any agreement or series of agreements to
3033 pay money, which, at inception, contemplate terms of payment
3034 exceeding 1 year in duration.

3035 Section 80. Paragraph (g) of subsection (1) of section
3036 218.37, Florida Statutes, is amended to read:

3037 218.37 Powers and duties of Division of Bond Finance;
3038 advisory council.—

3039 (1) The Division of Bond Finance of the State Board of
3040 Administration, with respect to both general obligation bonds
3041 and revenue bonds, shall:

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3042 (g) By January 1 each year, provide the Special District
3043 Accountability Information Program of the Department of Economic
3044 Opportunity with a list of special districts that are not in
3045 compliance with the requirements in s. 218.38.

3046 Section 81. Paragraph (j) of subsection (1) of section
3047 255.20, Florida Statutes, is amended to read:

3048 255.20 Local bids and contracts for public construction
3049 works; specification of state-produced lumber.—

3050 (1) A county, municipality, special district as defined in
3051 chapter 189, or other political subdivision of the state seeking
3052 to construct or improve a public building, structure, or other
3053 public construction works must competitively award to an
3054 appropriately licensed contractor each project that is estimated
3055 in accordance with generally accepted cost-accounting principles
3056 to cost more than \$300,000. For electrical work, the local
3057 government must competitively award to an appropriately licensed
3058 contractor each project that is estimated in accordance with
3059 generally accepted cost-accounting principles to cost more than
3060 \$75,000. As used in this section, the term "competitively award"
3061 means to award contracts based on the submission of sealed bids,
3062 proposals submitted in response to a request for proposal,
3063 proposals submitted in response to a request for qualifications,
3064 or proposals submitted for competitive negotiation. This
3065 subsection expressly allows contracts for construction
3066 management services, design/build contracts, continuation
3067 contracts based on unit prices, and any other contract

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3068 arrangement with a private sector contractor permitted by any
3069 applicable municipal or county ordinance, by district
3070 resolution, or by state law. For purposes of this section, cost
3071 includes the cost of all labor, except inmate labor, and the
3072 cost of equipment and materials to be used in the construction
3073 of the project. Subject to the provisions of subsection (3), the
3074 county, municipality, special district, or other political
3075 subdivision may establish, by municipal or county ordinance or
3076 special district resolution, procedures for conducting the
3077 bidding process.

3078 (j) A county, municipality, special district as defined in
3079 s. 189.012 ~~189.403~~, or any other political subdivision of the
3080 state that owns or operates a public-use airport as defined in
3081 s. 332.004 is exempt from this section when performing repairs
3082 or maintenance on the airport's buildings, structures, or public
3083 construction works using the local government's own services,
3084 employees, and equipment.

3085 Section 82. Subsection (4) of section 298.225, Florida
3086 Statutes, is amended to read:

3087 298.225 Water control plan; plan development and
3088 amendment.—

3089 (4) Information contained within a district's facilities
3090 plan prepared pursuant to s. 189.08 ~~189.415~~ which satisfies any
3091 of the provisions of subsection (3) may be used as part of the
3092 district water control plan.

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3093 Section 83. Subsection (7) of section 343.922, Florida
3094 Statutes, is amended to read:

3095 343.922 Powers and duties.—

3096 (7) The authority shall comply with all statutory
3097 requirements of general application which relate to the filing
3098 of any report or documentation required by law, including the
3099 requirements of ss. 189.015, 189.016, 189.051, and 189.08
3100 ~~189.4085, 189.415, 189.417, and 189.418.~~

3101 Section 84. Subsection (5) of section 348.0004, Florida
3102 Statutes, is amended to read:

3103 348.0004 Purposes and powers.—

3104 (5) Any authority formed pursuant to this act shall comply
3105 with all statutory requirements of general application which
3106 relate to the filing of any report or documentation required by
3107 law, including the requirements of ss. 189.015, 189.016,
3108 189.051, and 189.08 ~~189.4085, 189.415, 189.417, and 189.418.~~

3109 Section 85. Section 373.711, Florida Statutes, is amended
3110 to read:

3111 373.711 Technical assistance to local governments.—The
3112 water management districts shall assist local governments in the
3113 development and future revision of local government
3114 comprehensive plan elements or public facilities report as
3115 required by s. 189.08 ~~189.415~~, related to water resource issues.

3116 Section 86. Paragraph (b) of subsection (3) of section
3117 403.0891, Florida Statutes, is amended to read:

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3118 403.0891 State, regional, and local stormwater management
3119 plans and programs.—The department, the water management
3120 districts, and local governments shall have the responsibility
3121 for the development of mutually compatible stormwater management
3122 programs.

3123 (3)

3124 (b) Local governments are encouraged to consult with the
3125 water management districts, the Department of Transportation,
3126 and the department before adopting or updating their local
3127 government comprehensive plan or public facilities report as
3128 required by s. 189.08 ~~189.415~~, whichever is applicable.

3129 Section 87. Subsection (1) of section 582.32, Florida
3130 Statutes, is amended to read:

3131 582.32 Effect of dissolution.—

3132 (1) Upon issuance of a certificate of dissolution, s.
3133 189.076(2) ~~189.4045(2)~~ applies and all land use regulations in
3134 effect within such districts are void.

3135 Section 88. Paragraph (a) of subsection (3) of section
3136 1013.355, Florida Statutes, is amended to read:

3137 1013.355 Educational facilities benefit districts.—

3138 (3)(a) An educational facilities benefit district may be
3139 created pursuant to this act and chapters 125, 163, 166, and
3140 189. An educational facilities benefit district charter may be
3141 created by a county or municipality by entering into an
3142 interlocal agreement, as authorized by s. 163.01, with the
3143 district school board and any local general purpose government

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3144 within whose jurisdiction a portion of the district is located
 3145 and adoption of an ordinance that includes all provisions
 3146 contained within s. 189.02 ~~189.4041~~. The creating entity shall
 3147 be the local general purpose government within whose boundaries
 3148 a majority of the educational facilities benefit district's
 3149 lands are located.

3150 Section 89. This act shall take effect July 1, 2014.

3151
 3152 -----

T I T L E A M E N D M E N T

3153 Remove everything before the enacting clause and insert:

3154 A bill to be entitled
 3155
 3156 An act relating to special districts; designating
 3157 parts I-VIII of chapter 189, F.S., relating to special
 3158 districts; amending s. 11.40, F.S.; revising duties of
 3159 the Legislative Auditing Committee; amending s.
 3160 112.312, F.S.; redefining the term "agency" as it
 3161 applies to the code of ethics for public officers and
 3162 employees to include special districts; creating s.
 3163 112.511, F.S.; specifying applicability of procedures
 3164 regarding suspension and removal of a member of the
 3165 governing body of a special district; amending s.
 3166 125.901, F.S.; revising membership criteria;
 3167 transferring, renumbering, and amending s. 189.401,
 3168 F.S.; revising a short title; transferring,
 3169 renumbering, and amending s. 189.402, F.S.; revising a

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3170 statement of legislative purpose and intent; making
3171 technical changes; conforming provisions to changes
3172 made by the act; transferring, renumbering, and
3173 amending s. 189.403, F.S.; redefining the term
3174 "special district"; transferring, renumbering, and
3175 amending ss. 189.4031, 189.4035, 189.404, 189.40401,
3176 189.4041, and 189.4042, F.S.; deleting provisions
3177 relating to the application of a special district to
3178 amend its charter; conforming provisions and cross-
3179 references; transferring, renumbering, and amending s.
3180 189.4044, F.S.; revising the circumstances under which
3181 the Department of Economic Opportunity may declare a
3182 special district inactive; requiring the department to
3183 provide notice of a declaration of inactive status to
3184 certain persons and bodies; prohibiting special
3185 districts that are declared inactive from collecting
3186 taxes, fees, or assessments; providing exceptions;
3187 providing for enforcement of the prohibition;
3188 providing for costs of litigation and reasonable
3189 attorney fees under certain conditions; transferring
3190 and renumbering ss. 189.4045 and 189.4047, F.S.;
3191 transferring, renumbering, and amending s. 189.405,
3192 F.S.; revising requirements related to education
3193 programs for new members of special district governing
3194 bodies; amending s. 189.4051, F.S.; revising
3195 definitions; conforming provisions; transferring and

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3196 renumbering ss. 189.4065, 189.408, and 189.4085, F.S.;

3197 transferring, renumbering, and amending ss. 189.412

3198 and 189.413, F.S.; renaming the Special District

3199 Information Program the Special District

3200 Accountability Program; revising duties of the Special

3201 District Accountability Program; transferring and

3202 renumbering ss. 189.415, 189.4155, and 189.4156, F.S.;

3203 transferring, renumbering, and amending ss. 189.416,

3204 189.417, and 189.418, F.S.; conforming provisions and

3205 cross-references; transferring, renumbering, and

3206 amending s. 189.419, F.S.; revising provisions related

3207 to the failure of a special district to file certain

3208 reports or information; conforming cross-references;

3209 transferring and renumbering s. 189.420, F.S.;

3210 transferring, renumbering, and amending s. 189.421,

3211 F.S.; revising notification requirements; deleting

3212 provisions related to available remedies for the

3213 failure of a special district to disclose required

3214 financial reports; transferring and renumbering ss.

3215 189.4221, 189.423, and 189.425, F.S.; transferring,

3216 renumbering, and amending s. 189.427, F.S.; providing

3217 for the deposit of administration fees into the

3218 Operating Trust Fund rather than the Grants and

3219 Donations Trust Fund; transferring, renumbering, and

3220 amending s. 189.428, F.S.; revising the oversight

3221 review process for special districts; transferring and

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3222 renumbering s. 189.429, F.S.; repealing ss. 189.430,
 3223 189.431, 189.432, 189.433, 189.434, 189.435, 189.436,
 3224 189.437, 189.438, 189.439, 189.440, 189.441, 189.442,
 3225 189.443, and 189.444, F.S., relating to the Community
 3226 Improvement Authority Act; creating ss. 189.034 and
 3227 189.035, F.S.; requiring the Legislative Auditing
 3228 Committee to provide notice of the failure of special
 3229 districts to file certain required reports to certain
 3230 persons and bodies; authorizing the Legislative
 3231 Auditing Committee to convene a public hearing;
 3232 requiring a special district to provide certain
 3233 information before the public hearing at the request
 3234 of the Legislative Auditing Committee or the reviewing
 3235 entity; providing reporting requirements for certain
 3236 public hearings; creating s. 189.055, F.S.; requiring
 3237 special districts to be treated as municipalities for
 3238 certain purposes; creating s. 189.069, F.S.; requiring
 3239 special districts to maintain an official Internet
 3240 website for certain purposes; requiring special
 3241 districts to annually update and maintain certain
 3242 information on the website; requiring special
 3243 districts to submit the web address of their
 3244 respective websites to the department; requiring that
 3245 the department's online list of special districts
 3246 include a link to the website of certain special
 3247 districts; amending ss. 11.45, 100.011, 101.657,

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3248 112.061, 112.63, 112.665, 121.021, 121.051, 153.94,
3249 163.08, 165.031, 165.0615, 171.202, 175.032, 190.011,
3250 190.046, 190.049, 191.003, 191.005, 191.013, 191.014,
3251 191.015, 200.001, 218.31, 218.32, 218.37, 255.20,
3252 298.225, 343.922, 348.0004, 373.711, 403.0891, 582.32,
3253 and 1013.355, F.S.; conforming cross-references and
3254 provisions to changes made by the act; providing an
3255 effective date.

