



Local & Federal Affairs Committee

Meeting Packet

**Thursday, December 3, 2015
1:00 pm – 3:00 pm
Webster Hall (212 Knott)**

**Steve Crisafulli
Speaker**

**Dennis K. Baxley
Chair**



The Florida House of Representatives

Local & Federal Affairs Committee

Steve Crisafulli
Speaker

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Chair

Meeting Agenda
Thursday, December 3, 2015
Webster Hall (212 Knott)
01:00 p.m. – 03:00 p.m.

- I. Call to Order**

- II. Roll Call**

- III. Welcome and Opening Remarks**

- IV. Consideration of the Following Bill(s):**
 - HM 417 Article V Convention for Congressional Term Limits by Metz**

 - HB 419 Highlands Road and Bridge District, Pasco County by Burgess**

 - CS/HB 479 Special Districts by Metz**

 - HB 481 Columbia County Law Library by Porter**

- V. Adjournment**

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HM 417 Article V Convention for Congressional Term Limits
SPONSOR(S): Metz and others
TIED BILLS: IDEN./SIM. BILLS: SM 630

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local & Federal Affairs Committee		Kiner <i>JKK</i>	Kiner <i>JKK</i>
2) State Affairs Committee			

SUMMARY ANALYSIS

HM 417 constitutes the state's application to Congress for an Article V convention with the sole agenda of proposing an amendment to the U.S. Constitution that would impose congressional term limits. Currently, there is no limit on the number of terms a U.S. Senator or U.S. Representative can serve. The memorial does not specify a particular term limit. Instead, it advocates for some limit, which the memorial's language states would allow for better service of this nation's interests.

In the early 1990s, twenty-three states, including Florida, approved constitutional amendments or passed laws imposing congressional term limits. In 1995, the U.S. Supreme Court held that states could not impose congressional term limits and that such limitation could only be accomplished by amending the U.S. Constitution.

There are two methods to amend the U.S. Constitution. The first method calls for each house of Congress to approve a proposal for an amendment by a two-thirds majority. Alternatively, two-thirds of the states (34 states) may file applications for Congress to call an Article V convention. In either case, the amendments proposed must be ratified by three-fourths of the states (38 states) in order to amend the U.S. Constitution.

Throughout the years, several memorials have been filed in the Florida Legislature urging Congress to propose a congressional term limits amendment to the states for ratification. Since 1995, members of Congress have filed several bills proposing a congressional term limits amendment, but none have been successful.

This memorial, therefore, seeks to have a congressional term limits amendment proposed to the states for ratification through an Article V convention. An Article V convention has never been called under the present U.S. Constitution.

Legislative memorials are not subject to the Governor's veto power and are not presented to the Governor for review. Memorials have no force of law, as they are mechanisms for formally petitioning the U.S. Congress to act on a particular subject. This memorial does not have a fiscal impact.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Process for Amending the United States Constitution

Article V of the United States Constitution provides two methods for proposing amendments to the U.S. Constitution. The first method authorizes Congress to propose amendments to the states that are approved by two-thirds vote of both houses of Congress.¹ Amendments approved in this manner do not require the President's signature and are transmitted to each state for ratification.² Starting with the Bill of Rights in 1789, Congress has used this method to submit 33 amendments to the states.³ Of those 33 proposals, 27 amendments to the Constitution have been ratified by the states.⁴

The second method, which has never been used,⁵ requires Congress to call a convention for proposing amendments when two-thirds of the state legislatures make application to Congress for an Article V convention.⁶ Thirty-four states would need to submit valid applications to meet the two-thirds requirement to call an Article V convention. Though the form of a convention is not specified in the Constitution, Congress has historically attempted to take on broad responsibilities in connection with a convention by administering state applications; establishing procedures to summon a convention; setting the amount of time allotted to its deliberations; determining the number and selection process of its delegates; setting internal convention procedures, and providing arrangement for the formal transmission of any proposed amendments to the states.⁷ Congressional legislation was introduced between 1973 and 1992 that would provide a procedural framework for an Article V convention should one ever be called; however, none of the legislation passed both Houses of Congress.⁸

Congressional Terms

The United States Constitution governs the composition and election of members of Congress.⁹ Specifically, members of the U.S. House of Representatives serve two-year terms and members of the U.S. Senate serve six-year terms.¹⁰ However, the Constitution does not limit the number of terms or years a member of Congress may serve.¹¹

¹ U.S. CONST. art. V.

² *The Constitutional Amendment Process*, U.S. National Archives and Records Administration, <http://www.archives.gov/federal-register/constitution> (last visited November 30, 2015).

³ *Proposed Amendments Not Ratified by the States*, U.S. Government Printing Office, <http://www.gpo.gov/fdsys/pkg/GPO-CONAN-1992/pdf/GPO-CONAN-1992-8.pdf> (last visited November 30, 2015).

⁴ *Id.*

⁵ See Sara R. Ellis et al., *Article V Constitutional Conventions: A Primer*, 78 TENN. L. REV. 663, 665 (2011).

⁶ U.S. CONST. art. V.

⁷ See Thomas H. Neale, Congressional Research Service, *The Article V Convention: Contemporary Issues for Congress* R42589, (April 11, 2014), pp 39-41.

⁸ See Thomas H. Neale, Congressional Research Service, *The Article V Convention: Contemporary Issues for Congress* R42589, (April 11, 2014), p. 36.

⁹ U.S. CONST. art. I.

¹⁰ U.S. CONST. art. I. §2 (as affected by the 14th and 16th Amendments); U.S. CONST. art. I. §3 (as affected by the 17th Amendment).

¹¹ *Id.*

Background on the Term Limit Debate

In the early 1990s, twenty-three states, including Florida, approved constitutional amendments or passed laws imposing congressional term limits.¹² These efforts were ruled unconstitutional, however, as a result of the 1995 Supreme Court case, *U.S. Term Limits, Inc. v. Thornton*.¹³ In that case, the Supreme Court held the following:

- 1) State-imposed candidacy limitations on federal legislative office violates the U.S. Constitution's "qualifications clauses;" and
- 2) Congressional term limits may only be imposed by amendment to the Constitution.¹⁴

To successfully amend the U.S. Constitution, each house of Congress must approve a proposal for amendment by a two-thirds majority.¹⁵ Then, three-fourths (38 states) of the states must ratify the proposal.¹⁶ Since 1995, congressional members have filed several bills proposing an amendment to impose congressional term limits, but none have been successful.¹⁷

Florida's Prior Congressional Term Limit Applications

Throughout the years, several memorials have been filed in the Florida Legislature relating to the imposition of congressional term limits.

HM 83 (SM 672) was filed during the 2012 regular Legislative Session. The memorial urged Congress to propose to the states an amendment to the U.S. Constitution that would impose consecutive Congressional term limits. HM 83 passed the Florida House of Representatives on February 29, 2012, and the Florida Senate on March 1, 2012. HM 83 was filed with the Florida Secretary of State on March 23, 2012.

HM 763 (SM 970) was filed during the 2013 regular Legislative Session. The memorial again urged Congress to propose to the states an amendment to the U.S. Constitution that would impose consecutive Congressional term limits. HM 763 passed the House, but died in the Senate.

HM 81 was filed during the 2014 regular Legislative Session. As filed, HM 81 urged Congress to propose to the states an amendment to the U.S. Constitution to impose consecutive Congressional term limits. The memorial was amended on the House floor to petition Congress to call an Article V convention for the purpose of proposing a congressional term limits amendment to the states for ratification. The memorial passed the House on March 26, 2014, but died in the Senate.

SM 476 (HM 381) was also filed during the 2014 regular Legislative Session. SM 476 petitioned Congress to call an Article V convention for the purpose of proposing amendments to the U.S. Constitution which: impose fiscal restraints on the federal government; limit the power and jurisdiction of the federal government; or limit the terms of office for "federal officials" and "members of Congress". The memorial stated that each of these amendment categories were "severable from one another and may be counted individually toward the required two-thirds number of applications made by the state legislatures for the calling of an Article V convention." SM 476 passed the Senate and House on April 21, 2014.

¹² Sula P. Richardson, U.S. Congressional Research Service, *Term Limits for Members of Congress: State Activity* (June 4, 1998), available at http://digital.library.unt.edu/ark:/67531/metacrs582/m1/1/high_res_d/96-152_1998Jun04.pdf (finding that passed some form of congressional term limits include the following: AK, AR, AZ, CA, CO, FL, ID, ME, MA, MI, MO, MT, NE, NH, NV, ND, OH, OK, OR, SD, UT, WA, WY).

¹³ *Thornton*, 514 U.S. 779 (1995).

¹⁴ *Id.*

¹⁵ U.S. Const., art V.

¹⁶ *Id.*

¹⁷ CONGRESS.GOV (Feb. 3, 2014), available at <http://beta.congress.gov/>.

Other State Congressional Term Limit Applications

The total number of state applications that have been submitted to Congress for an Article V convention on this subject is unknown. However, in January 2015, the U.S. House of Representatives passed H.Res. 5, which amended the House Rules, to among other things, provide transparency with respect to memorials submitted pursuant to Article V of the U.S. Constitution.¹⁸ Under the revised House Rules, the Chairman of the House Committee on the Judiciary is tasked with the authority to determine the extent to which a state application purports to comply with Article V for the purpose of counting towards the two-thirds requirement. In relevant part, section 3(c)(1) of H.Res.5, states “the chair of the Committee on the Judiciary shall, in the case of such a memorial presented in the One Hundred Fourteenth Congress, and may, in the case of such a memorial presented prior to the One Hundred Fourteenth Congress, designate any such memorial for public availability of the Clerk.”¹⁹

As of November 30, 2015, the Office of the Clerk of the U.S. House of Representatives has made 20 state applications calling for an Article V convention publicly available. However, the list only goes back to 2012. Of these 20 applications, three call for an Article V convention for the purpose of proposing amendments to the U.S. Constitution which: impose fiscal restraints on the federal government; limit the power and jurisdiction of the federal government; or limit the terms of office for “federal officials” and “members of Congress”. These three applications were submitted by the following states: Alaska (2014)²⁰; Florida (2014)²¹; and Georgia (2014)²².

At the present time, the U.S. House of Representatives has not acknowledged any state applications calling for an Article V convention on the subject of congressional term limits only.

Florida’s ‘Article V Constitutional Convention Act’

In 2014, the Florida Legislature passed, and the Governor signed, the Article V Constitutional Convention Act.²³ Florida’s Article V Constitutional Convention Act governs the appointment, qualification, and conduct of Florida’s delegates to an Article V convention should one ever be called. The Act’s provisions, among other things, govern the appointment of and conduct of Florida’s delegates.²⁴

Effect of the Memorial

HM 417 constitutes the state’s application to Congress for an Article V convention with the sole agenda of proposing an amendment to the U.S. Constitution that would impose congressional term limits. The memorial does not specify a particular term limit.

The memorial serves as a continuing application until the legislatures of at least two-thirds of the states (34 states) also apply to call for a convention on the issue of congressional term limits. The text of the memorial states that the application is conditional and will be revoked and withdrawn, nullified, and superseded to the same effect as if it had never been passed, and retroactive to the date of passage, if it is used for the purpose of calling an Article V convention on any other subject.

¹⁸ See H.Res.5 – Adopting rules for the One Hundred Fourteenth Congress, Section 3(c). The text of H.Res.5 may be viewed on the Congress.gov website here <https://www.congress.gov/bill/114th-congress/house-resolution/5/actions?q=%7B%22search%22%3A%5B%22%5C%22hres5%5C%22%22%5D%7D&resultIndex=1> (last visited November 30, 2015).

¹⁹ *Id.*

²⁰ See HJR 22, available at <http://clerk.house.gov/legislative/memorials.aspx> (last visited November 30).

²¹ See SM 476, available at <http://clerk.house.gov/legislative/memorials.aspx> (last visited November 30).

²² See Senate Resolution 736, available at <http://clerk.house.gov/legislative/memorials.aspx> (last visited November 30).

²³ Ch. 2014-52, Laws of Florida.

²⁴ See ss. 11.93-11.9352, F.S.

In 2014, the Florida Legislature passed a memorial to Congress (SM 476) calling for an Article V convention to, among other things, propose an amendment to the states that would limit the terms of office for “federal officials” and “members of Congress”.²⁵ While SM 476 (2014) continues as an application to Congress for an Article V convention, HM 417’s scope is more limited in that it does not advocate for a proposed amendment to limit the terms of office of “federal officials,” and only petitions for an amendment that would limit congressional terms.

The total number of state applications that have been submitted to Congress for an Article V convention on this subject is unknown. While the U.S. House of Representatives website contains a listing of state applications calling for an Article V convention on various issues, as of November 2015, the listing only goes back to 2012 and lists 20 state such applications. Of these 20 state applications, none call for an Article V convention with the sole agenda to propose a constitutional amendment that would impose congressional term limits only.

In order to amend the U.S. Constitution, a proposed amendment must be ratified by three-fourths of the states (38 states).

Legislative memorials are not subject to the Governor’s veto power and are not presented to the Governor for review. Memorials have no force of law, as they are mechanisms for formally petitioning the U.S. Congress to act on a particular subject. This memorial does not have a fiscal impact.

B. SECTION DIRECTORY:

Not applicable.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

²⁵ The memorial also sought a convention for amendments on the following issues: 1) imposing fiscal restraints on the federal government; 2) limiting the power and jurisdiction of the federal government. Each of the proposed amendment categories was severable from one another and designed to be counted individually to satisfy the requirement that 34 state legislatures apply to Congress to call a constitutional convention.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable.

2. Other:

An Article V convention has never been called under the present U.S. Constitution and questions remain as to the extent to which an Article V convention's scope, if ever called, may be limited.

Though the form of a convention is not specified in the Constitution, Congress has historically attempted to take on broad responsibilities in connection with a convention by administering state applications; establishing procedures to summon a convention; setting the amount of time allotted to its deliberations; determining the number and selection process of its delegates; setting internal convention procedures, and providing arrangement for the formal transmission of any proposed amendments to the states.²⁶ Congressional legislation was introduced between 1973 and 1992 that would provide a procedural framework for an Article V convention should one ever be called; however, none of the legislation passed both Houses of Congress.²⁷

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

²⁶ See Thomas H. Neale, Congressional Research Service, *The Article V Convention: Contemporary Issues for Congress* R42589, (April 11, 2014), pp 39-41.

²⁷ See Thomas H. Neale, Congressional Research Service, *The Article V Convention: Contemporary Issues for Congress* R42589, (April 11, 2014), p. 36.

HM 417

2016

House Memorial

A memorial to the Congress of the United States,
 applying to Congress to call a convention under
 Article V of the Constitution of the United States
 with the sole agenda of proposing an amendment to the
 Constitution of the United States to set a limit on
 the number of terms that a person may be elected as a
 member of the United States House of Representatives
 and to set a limit on the number of terms that a
 person may be elected as a member of the United States
 Senate.

WHEREAS, Article V of the Constitution of the United States
 requires Congress to call a convention for the sole purpose of
 proposing amendments to the Constitution upon application of
 two-thirds of the states, and

WHEREAS, a continuous and growing concern has been
 expressed that the best interests of the nation will be served
 by limiting the terms of members of Congress, and

WHEREAS, the voters of the State of Florida, by the
 gathering of petition signatures, placed on the general election
 ballot of 1992 a measure to limit the consecutive years of
 service for several offices, including the offices of United
 States Representative and United States Senator, and

WHEREAS, the voters of Florida incorporated this limitation
 into the State Constitution as Section 4 of Article VI, by an

HM 417

2016

27 approval vote that exceeded 76 percent in the general election
 28 of 1992, and

29 WHEREAS, in 1995, the United States Supreme Court ruled in
 30 *U.S. Term Limits, Inc. v. Thornton*, 514 U.S. 779 (1995), a five-
 31 to-four decision, that the individual states did not possess the
 32 requisite authority to establish term limits, or additional
 33 qualifications, for persons elected to the United States House
 34 of Representatives or the United States Senate, and

35 WHEREAS, upon reflecting on the intent of the voters of
 36 this state and their overwhelming support for congressional term
 37 limits, the Legislature, in its 114th Regular Session since
 38 Statehood in 1845, did express through a memorial to Congress
 39 the desire to receive an amendment to the Constitution of the
 40 United States to limit the number of consecutive terms that a
 41 person may serve in the United States House of Representatives
 42 or the United States Senate, and

43 WHEREAS, the Legislature, in its 118th Regular Session
 44 since statehood in 1845, does desire to see a convention called
 45 under Article V of the Constitution of the United States with
 46 the sole agenda of proposing an amendment to the Constitution of
 47 the United States on the subject of congressional term limits as
 48 specified in this memorial, NOW, THEREFORE,

49
 50 Be It Resolved by the Legislature of the State of Florida:
 51

HM 417

2016

52 (1) That the Legislature of the State of Florida does
 53 hereby make application to Congress, pursuant to Article V of
 54 the Constitution of the United States, to call an Article V
 55 convention with the sole agenda of proposing an amendment to the
 56 Constitution of the United States to set a limit on the number
 57 of terms that a person may be elected as a member of the United
 58 States House of Representatives and to set a limit on the number
 59 of terms that a person may be elected as a member of the United
 60 States Senate.

61 (2) That this application does not revoke or supersede
 62 Senate Memorial 476 as passed by the 2014 Florida Legislature,
 63 but constitutes a separate, independent application addressing
 64 congressional term limits as specified in this application.

65 (3) That this application is revoked and withdrawn,
 66 nullified, and superseded to the same effect as if it had never
 67 been passed, and retroactive to the date of passage, if it is
 68 used for the purpose of calling a convention or used in support
 69 of conducting a convention to amend the Constitution of the
 70 United States with any agenda other than to set a limit on the
 71 number of terms that a person may be elected as a member of the
 72 United States House of Representatives and to set a limit on the
 73 number of terms that a person may be elected as a member of the
 74 United States Senate.

75 (4) That this application constitutes a continuing
 76 application in accordance with Article V of the Constitution of
 77 the United States until the legislatures of at least two-thirds

HM 417

2016

78 of the several states have made application on the subject of
 79 congressional term limits as specified in this application.

80 (5) That this application be aggregated with the
 81 applications from other states on the same subject for the
 82 purpose of attaining the two-thirds majority needed to require
 83 Congress to call a limited Article V convention as specified in
 84 this application, but not be aggregated with any other
 85 applications on any other subject.

86 BE IT FURTHER RESOLVED that copies of this application be
 87 dispatched to the President of the United States, to the
 88 President of the United States Senate, to the Speaker of the
 89 United States House of Representatives, to each member of the
 90 Florida delegation to the United States Congress, and to the
 91 presiding officer of each house of the legislature of each
 92 state.

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 419 Highlands Road and Bridge District, Pasco County
SPONSOR(S): Burgess, Jr.
TIED BILLS: IDEN./SIM. BILLS:

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local Government Affairs Subcommittee	11 Y, 0 N	Monroe	Miller
2) Local & Federal Affairs Committee		Monroe	<i>KDK</i> Kiner <i>KCK</i>

SUMMARY ANALYSIS

“Special Districts” are a type of limited local government created to perform specific services within a described geographic area. Sometimes called special taxing districts, most are created either by special act (independent special districts) or county or municipal ordinance (dependent special districts). The Special District Accountability Program in the Department of Economic Opportunity (DEO) is responsible for creating and maintaining a current list of all special districts in Florida, as provided in ch. 189, F.S., the Uniform Special District Accountability Act.

When a special district fails to meet certain statutory responsibilities, no longer functions, or informs DEO it is no longer active, DEO is required to follow the statutory process before declaring the district inactive. This includes documenting one or more statutory criteria for inactive status, publishing notice in the area of the district of DEO’s intent to declare the district inactive, and documenting the lack of any objection to declaring the district inactive. DEO is required to deliver written notice of the declaration of inactive status to specific authorities. If the district was created by special act, notice is delivered to the Speaker of the House, the President of the Senate, and the standing committees in each chamber responsible for special district oversight. If the district was created by local ordinance, notice is delivered to the governing body of the county or municipality that created the district. A special district declared inactive may not collect taxes, assessments, or fees while the declaration is in effect. However, the district still exists until its legal authority is repealed by the creating entity.

The bill dissolves the Highlands Road and Bridge District, an independent special district located in Pasco County. Any assets of the district are transferred to the Board of County Commissioners.

The bill is effective upon becoming law.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

PRESENT SITUATION

Special Districts Declared Inactive

A "special district" is a unit of local government created for a particular purpose, with jurisdiction to operate within a limited geographic boundary. Special districts are created by general law,¹ special act,² local ordinance,³ or by rule of the Governor and Cabinet.⁴ A special district has only those powers expressly provided by, or reasonably implied from, the authority provided in the district's charter. Special districts provide specific municipal services in addition to, or in place of, those provided by a municipality or county.⁵ A special district may be "dependent"⁶ or "independent."⁷

The Special District Accountability Program within the Department of Economic Opportunity (DEO) is responsible for maintaining and electronically publishing the official list of all special districts in Florida.⁸ The official list currently reports all active special districts as well as those declared inactive by DEO.

Whether dependent or independent, when a special district no longer fully functions or fails to meet its statutory responsibilities, DEO is required to declare that district inactive by following a specified process.⁹ DEO must first document the factual basis for declaring the district inactive.

A special district may be declared inactive if it meets one of six specific factors:

- The registered agent of the district, the chair of the district governing body, or the governing body of the appropriate local general-purpose government:
 - Provides DEO with written notice that the district has taken no action for 2 or more years.¹⁰
 - Provides DEO with written notice that the district has not had any members on its governing body or insufficient numbers to constitute a quorum for 2 or more years.¹¹
 - Fails to respond to an inquiry from DEO within 21 days.¹²

¹ Section 189.031(3), F.S.

² Id.

³ Section 189.02(1), F.S.

⁴ Section 190.005(1), F.S. *See, generally, s. 189.012(6), F.S.*

⁵ *2015 – 2016 Local Gov't Formation Manual*, p. 67, at

<http://myfloridahouse.gov/Sections/Committees/committeesdetail.aspx?CommitteeId=2836> (accessed 9/28/2015).

⁶ Section 189.012(2), F.S. A special district where the membership of the governing body is identical to the governing body of a single county or municipality, all members of the governing body are appointed by the governing body of a single county or municipality, members of the district's governing body are removable at will by the governing body of a single county or municipality, or the district's budget is subject to the approval of governing body of a single county or municipality.

⁷ Section 189.012(3), F.S. A special district that is not a dependent district.

⁸ Sections 189.061(1), 189.064(2), F.S. DEO maintains the current official list at <https://dca.deo.myflorida.com/fhcd/sdip/OfficialListdeo/> (accessed 9/28/2015).

⁹ Section 189.062(1), F.S. Prior to 2014, the former statute required DEO to document the existence of one of five criteria listed in paragraph (1)(a), publication and service under paragraph (1)(b) of a notice of intent to declare the district inactive, and the lack of any administrative appeal of the declaration within 21 days of that publication. Section 189.4044, F.S. (2013). In 2014, as ch. 189, F.S., was extensively revised and restructured, the word "or" was added at the end of s. 189.062(1)(a)6, F.S., apparently allowing DEO either to document one of the six criteria *or* publish notice of intent to declare inactive and find no appeal is filed. Chapter 2014-22, s. 24, Laws of Florida. During the 2015 regular legislative session, the Florida Senate passed CS/SB 1388, its version of a bill resolving technical issues stemming from the 2014 revisions, which would have amended s. 189.062(1)(a)6., F.S., by removing the word "or." CS/SB 1388 (2015), s. 11, at line 414 (bill did not pass the Legislature). DEO still uses the 3-step process as described in the 2013 statute.

¹⁰ Section 189.062(1)(a)1., F.S.

¹¹ Section 189.062(1)(a)2., F.S.

- Following statutory procedure,¹³ DEO determines the district failed to file specified reports,¹⁴ including required financial reports.¹⁵
- For more than 1 year, no registered office or agent for the district was on file with DEO.¹⁶
- The governing body of the district unanimously adopts a resolution declaring the district inactive and provides documentation of the resolution to DEO.¹⁷

Once DEO determines which criterion applies to the district, notice of the proposed declaration of inactive status is published by DEO, the local general-purpose government for the area where the district is located, or the district itself.¹⁸ The notice must state that any objections to declaring the district inactive must be filed with DEO pursuant to chapter 120, F.S.,¹⁹ within 21 days after the publication date.²⁰ If no objection is filed within the 21 day period, DEO declares the district inactive.²¹

After declaring certain special districts as being inactive, DEO must send written notice of the declaration to the authorities which created the district. If the district was created by special act, DEO sends written notice to the Speaker of the House, the President of the Senate, and the standing committees in each chamber responsible for special district oversight.²²

The property and assets of a special district declared inactive by DEO are first used to pay any debts of the district. Any remaining property or assets then escheat to the county or municipality in which the district was located. If the district's assets are insufficient to pay its outstanding debts, the local general-purpose government in which the district was located may assess and levy within the territory of the inactive district such taxes as necessary to pay the remaining debt.²³

A district declared inactive may not collect taxes, fees, or assessments.²⁴ This prohibition continues until the declaration of invalidity is withdrawn or revoked by DEO²⁵ or invalidated in an administrative proceeding²⁶ or civil action²⁷ timely brought by the governing body of the special district.²⁸ Failure of the special district to challenge (or prevail against) the declaration of inactive status enables DEO to enforce the statute through a petition for enforcement in circuit court.²⁹

¹² Section 189.062(1)(a)3., F.S.

¹³ Section 189.067, F.S.

¹⁴ Section 189.066, F.S.

¹⁵ Section 189.062(1)(a)4., F.S. *See*, ss. 189.016(9), 218.32, 218.39, F.S.

¹⁶ Section 189.062(1)(a)5., F.S.

¹⁷ Section 189.062(1)(a)6., F.S.

¹⁸ Publication must be in a newspaper of general circulation in the county or municipality where the district is located and a copy sent by certified mail to the district's registered agent or chair of the district's governing body, if any.

¹⁹ The Florida Administrative Procedure Act.

²⁰ Section 189.062(10)(b), F.S. The published notice also must include the name of the district, the law under which it was organized and operating, and a description of the district's territory.

²¹ Section 189.062(1)(c), F.S.

²² Section 189.062(3), F.S. The statute provides that the declaration of inactive status is sufficient notice under art. III, s. 10 of the Florida Constitution to authorize the repeal of special laws creating or amending the charter of the inactive district. This statute stands in lieu of the normal requirement for publication of notice of intent to file a local bill at least 30 days before introducing the bill in the Legislature, under s. 11.02, F.S.

²³ Section 189.062(2), F.S.

²⁴ Section 189.062(5), F.S.

²⁵ Section 189.062(5)(a), F.S.

²⁶ Section 189.062(5)(b)1., F.S. Administrative proceedings are conducted pursuant to s. 120.569, F.S.

²⁷ Section 189.062(5)(b)2., F.S. The action for declaratory and injunctive relief is brought under ch. 86, F.S.

²⁸ The special district must initiate the legal challenge within 30 days after the date the written notice of the department's declaration of inactive status is provided to the special district. Section 189.062(5)(b), F.S.

²⁹ Section 189.062(5)(c), F.S. The enforcement action is brought in the circuit court in and for Leon County.

Declaring a special district to be inactive does not dissolve the district or otherwise cease its legal existence. Subsequent action is required to repeal the legal authority creating the district, whether by the Legislature³⁰ or the entity that created the district.³¹

Highlands Road and Bridge District

On November 25, 1919, the voters approved a referendum creating the Highlands Special Road and Bridge District in Pasco County. Subsequently, six special acts concerning this district were passed by the Legislature. Specifically:

- Chapter 8803 (1921) created a repayment schedule for \$750,000 in issued bonds and ratified and confirmed the creation of the district.
- Chapter 9568 (1923) addressed grading and paving roads and the levying of assessments to pay for those activities.
- Chapter 9570 (1923) authorized the issuance of \$175,000 in “interest-bearing negotiable time warrants” to fund the grading and paving of specified roads.
- Chapter 13248 (1927) again legalized and validated the creation of the Highlands Special Road and Bridge District, confirmed its boundaries, and validated the proceedings connected with Chapter 13249 (1927) and the bonds issued thereunder.
- Chapter 13249 (1927) authorized \$40,000 in bonds to fund the grading and paving of specified roads.
- Chapter 26125 (1947) ratified, confirmed, and validated bonds issued by the Highlands Special Road and Bridge District which bore the date April 1, 1938.

In 1972, the District was recreated by resolution of the County and approved by voter referendum as the Highlands Road and Bridge District.

On December 15, 2003, the District’s registered agent contacted the Department of Community Affairs and asked it to declare the District inactive and begin the dissolution process. The registered agent stated that the district had satisfied its obligations to bond holders, had not met since January 2003, and that the need for the district no longer existed.

After numerous discussions between Pasco County and the Department of Community Affairs, after the registered agent withdrew, and after the District failed to file required financial reports, the Department published a “Notice of Proposed Declaration of Inactive Status of the Highlands Road and Bridge District” on December 1, 2009.

EFFECT OF THE BILL

The bill dissolves the Highlands Road and Bridge District, an independent special district located in Pasco County. Any assets of the district are transferred to the Board of County Commissioners.

B. SECTION DIRECTORY:

Section 1: Repeals chapters 8803 (1921), 9568 (1923), 9570 (1923), 13248 (1927), 13249 (1927) and 26125 (1949), Laws of Florida.

Section 2: Abolishes the Highlands Road and Bridge District and transfers all assets and liabilities of the district to the Board of County Commissioners of Pasco County.

Section 3: Provides the bill is effective upon becoming law.

³⁰ Sections 189.071(3), 189.072(3), F.S.

³¹ Section 189.062(4), F.S. Unless otherwise provided by law or ordinance, dissolution of a special district transfers title to all district property to the local general-purpose government, which also must assume all debts of the dissolved district. Section 189.076(2), F.S.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? September 20, 2015

WHERE? Tampa Bay Times

B. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes, attached No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached No

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

The bill does not provide authority or require implementation by administrative agency rulemaking.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

191854

Tampa Bay Times
Published Daily

STATE OF FLORIDA) ss
COUNTY OF Pasco County

PUBLIC NOTICE
"To Whom It May Concern: Notice is hereby given of the intent to apply to the 2016 Legislature and any Special or Extended Session for an act relating to Pasco County; dissolving the Highlands Road and Bridge District; providing for disposition of any assets and liabilities of the dissolved district; providing an effective date."
(191854) (09-20-15)

Before the undersigned authority personally appeared **Aaron Alvarez** who on oath says that he/she is **Legal Clerk** of the **Tampa Bay Times** a daily newspaper printed in St. Petersburg, in Pinellas County, Florida; that the attached copy of advertisement, being a Legal Notice in the matter **RE: PUBLIC NOTICE** was published in **Tampa Bay Times: 9/20/15**. in said newspaper in the issues of **Baylink Pasco**

Affiant further says the said **Tampa Bay Times** is a newspaper published in Pasco County, Florida and that the said newspaper has heretofore been continuously published in said Pasco County, Florida, each day and has been entered as a second class mail matter at the post office in said Pasco County, Florida for a period of one year next preceding the first publication of the attached copy of advertisement, and affiant further says that he/she neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper

Signature of Affiant

Sworn to and subscribed before me this 09/20/2015.

Signature of Notary Public

Personally known or produced identification

Type of identification produced _____



JOSEPH F. FISH
NOTARY PUBLIC
STATE OF FLORIDA
Comm# FF116052
Expires 6/23/2018

HOUSE OF REPRESENTATIVES
2016 LOCAL BILL CERTIFICATION FORM

BILL #: _____
SPONSOR(S): Representative Danny Burgess
RELATING TO: Pasco County Highlands Road and Bridge District
[Indicate Area Affected (City, County, or Special District) and Subject]
NAME OF DELEGATION: Pasco County Legislative Delegation
CONTACT PERSON: Jim Browne
PHONE NO.: (813) 909-9919 **E-Mail:** Browne.Jim@FLSenate.gov

I. House local bill policy requires the following steps must occur before a committee or subcommittee of the House considers a local bill:

- (1) The members of the local legislative delegation must certify that the purpose of the bill cannot be accomplished at the local level;**
- (2) The legislative delegation must hold a public hearing in the area affected for the purpose of considering the local bill issue(s); and**
- (3) The bill must be approved by a majority of the legislative delegation, or a higher threshold if so required by the rules of the delegation, at the public hearing or at a subsequent delegation meeting.**
- (4) An Economic Impact Statement for local bills must be prepared at the local level and submitted to the Local Government Affairs Subcommittee. Under House policy, no local bill will be considered by a committee or subcommittee without an Economic Impact Statement.**

(1) Does the delegation certify the purpose of the bill cannot be accomplished by ordinance of a local governing body without the legal need for a referendum?

YES NO

(2) Did the delegation conduct a public hearing on the subject of the bill?

YES NO

Date hearing held: September 29, 2015

Location: Sunlake High School, 3023 Sunlake Boulevard, Land O'Lakes, FL 34638

(3) Was this bill formally approved by a majority of the delegation members?

YES NO

(4) Was an Economic Impact Statement prepared at the local level and submitted to the Local Government Affairs Subcommittee?

YES NO

II. Article III, Section 10 of the State Constitution prohibits passage of any special act unless notice of intention to seek enactment of the bill has been published as provided by general law (s. 11.02, F. S.) or the act is conditioned to take effect only upon approval by referendum vote of the electors in the area affected.

Has this constitutional notice requirement been met?

Notice published: YES NO **DATE** September 20, 2015

Where? Tampa Bay Times **County** Pasco

Referendum in lieu of publication: YES NO

Date of Referendum _____

III. Article VII, Section 9(b) of the State Constitution prohibits passage of any bill creating a special taxing district, or changing the authorized millage rate for an existing special taxing district, unless the bill subjects the taxing provision to approval by referendum vote of the electors in the area affected.

(1) Does the bill create a special district and authorize the district to impose an ad valorem tax?

YES NO

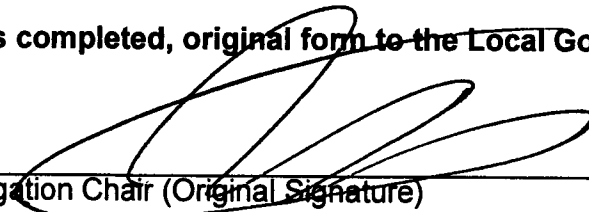
(2) Does this bill change the authorized ad valorem millage rate for an existing special district?

YES NO

If the answer to question (1) or (2) is YES, does the bill require voter approval of the ad valorem tax provision(s)?

YES NO

Please submit this completed, original form to the Local Government Affairs Subcommittee.



Delegation Chair (Original Signature)

09/29/15

Date

John Legg

Printed Name of Delegation Chair

**HOUSE OF REPRESENTATIVES
2016 ECONOMIC IMPACT STATEMENT FORM**

Read all Instructions carefully.

House local bill policy requires that no local bill will be considered by a committee or a subcommittee without an Economic Impact Statement. This form must be prepared at the LOCAL LEVEL by an individual who is qualified to establish fiscal data and impacts and has personal knowledge of the information given (for example, a chief financial officer of a particular local government). Please submit this completed, original form to the Local Government Affairs Subcommittee as soon as possible after a bill is filed. Additional pages may be attached as necessary.

BILL #: _____
SPONSOR(S): Representative Burgess
RELATING TO: Pasco County - Highlands Road and Bridge District
(Indicate Area Affected (City, County or Special District) and Subject)

I. REVENUES:

These figures are new revenues that would not exist but for the passage of the bill. The term "revenue" contemplates, but is not limited to, taxes, fees and special assessments. For example, license plate fees may be a revenue source. If the bill will add or remove property or individuals from the tax base, include this information as well.

	FY 16-17	FY 17-18
Revenue decrease due to bill:	\$ <u>-0-</u>	\$ <u>-0-</u>
Revenue increase due to bill:	\$ <u>-0-</u>	\$ <u>-0-</u>

II. COST:

Include all costs, both direct and indirect, including start-up costs. If the bill repeals the existence of a certain entity, state the related costs, such as satisfying liabilities and distributing assets.

Expenditures for Implementation, Administration and Enforcement:

	FY 16-17	FY 17-18
	\$ <u>61,600</u>	\$ <u>61,600</u>

Please include explanations and calculations regarding how each dollar figure was determined in reaching total cost.

There are 14 miles of road (this includes roads that have been PVAS and are maintained by the HOA) in the district and current costs are \$4,400 per mile of road per year for a paved road. All roads need paved and this will cost \$5,000,000 assessed to the residents over 10 years or roughly \$500,000 per year. \$61,600 in maintenance costs will come from gas tax revenue.

III. FUNDING SOURCE(S):

State the specific sources from which funding will be received, for example, license plate fees, state funds, borrowed funds, or special assessments.

If certain funding changes are anticipated to occur beyond the following two fiscal years, explain the change and at what rate taxes, fees or assessments will be collected in those years.

	<u>FY 16-17</u>	<u>FY 17-18</u>
Local:	\$ <u>-0-</u>	\$ <u>-0-</u>
State:	\$ <u>-0-</u>	\$ <u>-0-</u>
Federal:	\$ <u>-0-</u>	\$ <u>-0-</u>

IV. ECONOMIC IMPACT:

Potential Advantages:

Include all possible outcomes linked to the bill, such as increased efficiencies, and positive or negative changes to tax revenue. If an act is being repealed or an entity dissolved, include the increased or decreased efficiencies caused thereby.

Include specific figures for anticipated job growth.

- 1. Advantages to Individuals: Better roads.

- 2. Advantages to Businesses: _____

- 3. Advantages to Government: _____

Potential Disadvantages:

Include all possible outcomes linked to the bill, such as inefficiencies, shortages, or market changes anticipated.

Include reduced business opportunities, such as reduced access to capital or training.

State any decreases in tax revenue as a result of the bill.

- 1. Disadvantages to Individuals: Large assessments for paving.

2. Disadvantages to Businesses:

3. Disadvantages to Government: Increased maintenance costs.

V. DESCRIBE THE POTENTIAL IMPACT OF THE BILL ON PRESENT GOVERNMENTAL SERVICES:

Currently this is not a responsibility of the local government it has the potential to on a countywide basis slightly reduce levels of service as the additional roads will require additional revenue.

VI. SPECIFIC DATA USED IN REACHING ESTIMATES:

Include the type(s) and source(s) of data used, percentages, dollar figures, all assumptions made, history of the industry/issue affected by the bill, and any audits.

Paving costs were determined using the County paving estimation forms maintenance costs were determined by dividing the department budget by the number of miles of road.

VII. CERTIFICATION BY PREPARER

I hereby certify I am qualified to establish fiscal data and impacts and have personal knowledge of the information given. I have reviewed all available financial information applicable to the substance of the above-stated local bill and confirm the foregoing Economic Impact Statement is a true and accurate estimate of the economic impact of the bill.

PREPARED BY:


[Must be signed by Preparer]

Print preparer's name:

Michael Garrett

Date 7/29/15

TITLE (such as Executive Director, Actuary, Chief Accountant, or Budget Director):

Public Works Director

REPRESENTING:

Pasco County BOCC

PHONE:

727-847-8143

E-MAIL ADDRESS:

mgarrett@pascocountyfl.net



STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

"Dedicated to making Florida a better place to call home"

CHARLIE CRIST
Governor

THOMAS G. PELHAM
Secretary

January 28, 2010

The Honorable Pat Mulieri
Chair, Pasco County Board of County Commissioners
Dade City Government Center
14235 6th Street
Dade City, Florida 33525

Re: Inactive Status of the Highlands Road and Bridge District

Dear Chairman Mulieri:

The Department of Community Affairs (the "Department") administers Chapter 189, Florida Statutes (the Uniform Special District Accountability Act of 1989). This Act charges the Department with a number of responsibilities as they relate to special districts, including declaring special districts inactive for dissolution under certain circumstances.

The purpose of this letter is to notify the Pasco County Board of County Commissioners that the Highlands Road and Bridge District (the "District"), an independent special district located in Pasco County (the "County") and created by freeholder election held November 21, 1972, pursuant to Section 336.61, Florida Statutes (1972), has become inactive within the meaning of Section 189.4044(1)(a)1.-3., Florida Statutes (2009).

In a letter dated December 15, 2003, the registered agent, Mr. Samuel G. DeLaune, notified the Department that the District had satisfied its obligation to the bond holders, had not met since January 2002, no longer had a governing body, and that the need for the District no longer existed. Mr. DeLaune asked the Department to declare the District inactive for dissolution.

On a number of occasions between December 19, 2003 and February 11, 2009, the Department had conversations with Ms. Elizabeth Blair, County Attorney, concerning dissolution issues and how the County could dissolve the District. During this time, the Department delayed declaring the District inactive so the County could research these issues and consider alternatives. These issues and alternatives included receiving and reviewing the final audit, researching how the roads in the District could be maintained, whether liability issues could impact the County, whether the District could be kept active for possible future use, whether the County could assume the role of registered agent, and how the District could be

2555 SHUMARD OAK BOULEVARD ■ TALLAHASSEE, FL 32399-2100
850-488-8466 (p) ■ 850-921-0781 (f) ■ Website: www.dca.state.fl.us

■ COMMUNITY PLANNING 850-488-2356 (t) 850-488-3309 (f) ■ FLORIDA COMMUNITIES TRUST 850-922-2207 (p) 850-921-1747 (f) ■
■ HOUSING AND COMMUNITY DEVELOPMENT 850-488-7936 (p) 850-922-5623 (f) ■

The Honorable Pat Mulieri, Chair
Pasco County Board of County Commissioners
January 28, 2010
Page 2

dissolved, including whether a referendum would be required. Meanwhile, in December 2007, Mr. DeLaune contacted the Department to say he no longer wanted to serve as the District's registered agent and wished to stop receiving the District's mail, including letters concerning the District's noncompliance with various state requirements.

In our last conversation on February 11, 2009, Ms. Blair said they would research the issues and take them to the Board of County Commissioners if necessary, and would let us know the outcome.

On November 5, 2009, the Joint Legislative Auditing Committee (the "Committee") notified the Department that the District had failed to file a fiscal year 2006-07 Annual Financial Report with the Department of Financial Services pursuant to Section 218.32, Florida Statutes (enclosed). The Committee requested the Department to proceed pursuant to the enforcement provisions specified in Section 189.421, Florida Statutes.

These provisions require the Department to file a petition for writ of certiorari with the circuit court within 30 days. Since the District does not have a registered agent or office, the Department was unable to file a petition. However, Section 189.4044, Florida Statutes, contains provisions by which the Department must declare inactive any special district that meets certain criteria, including failure to file an Annual Financial Report.

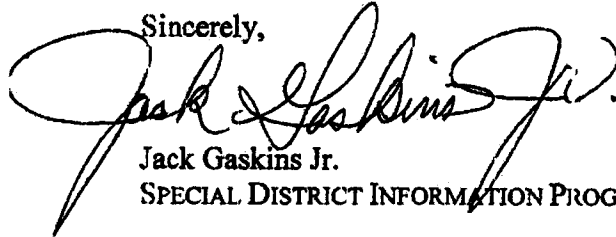
On December 1, 2009, the Department published in the *Highlands Today* and *The Tampa Tribune* a required "Notice of Proposed Declaration of Inactive Status of the Highlands Road and Bridge District" (enclosed). This notice required any party objecting to the inactive status to file an objection with the Department pursuant to Chapter 120, Florida Statutes, within twenty-one (21) days after the date of publication of the notice. The Department did not receive any objections. On December 23, 2009, the Department changed the District's status to inactive.

Section 189.4044(4), Florida Statutes, requires the entity that created a special district declared inactive to dissolve that special district by repealing its enabling laws. According to our records, a Pasco County Resolution dated September 22, 1972 called for the election of the District. This resolution indicated that the notice of the election contained language authorizing the District to impose ad valorem taxes. To dissolve the district, it appears the County must call for a referendum election of freeholders on the question of dissolution (see Sections 189.4042(2) and 189.4044(4), Florida Statutes, and Florida Attorney General Advisory Legal Opinion Number AGO 2007-17 dated March 23, 2007). After this referendum election, please advise the Department of the outcome.

The Honorable Pat Mulieri, Chair
Pasco County Board of County Commissioners
January 28, 2010
Page 3

Thank you in advance for assistance with this matter. If you have any questions, please contact me at jack.gaskins@dca.state.fl.us or 850-922-1457.

Sincerely,

A handwritten signature in black ink, appearing to read "Jack Gaskins Jr.", written in a cursive style.

Jack Gaskins Jr.
SPECIAL DISTRICT INFORMATION PROGRAM

Enclosures

cc: Kathryn H. DuBose, Staff Director, Joint Legislative Auditing Committee

1 A bill to be entitled
 2 An act relating to the Highlands Road and Bridge
 3 District, Pasco County; abolishing the district;
 4 repealing chapters 8803 (1921), 9568 (1923), 9570
 5 (1923), 13248 (1927), 13249 (1927), and 26125 (1949),
 6 Laws of Florida; providing an effective date.

7
 8 Be It Enacted by the Legislature of the State of Florida:



9
 10 Section 1. Chapters 8803 (1921), 9568 (1923), 9570 (1923),
 11 13248 (1927), 13249 (1927), and 26125 (1949), Laws of Florida,
 12 are repealed.

13 Section 2. The Highlands Road and Bridge District is
 14 abolished. All assets and liabilities of the district are
 15 transferred to the Board of County Commissioners of Pasco
 16 County.

17 Section 3. This act shall take effect upon becoming a law.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 479 Special Districts
SPONSOR(S): Local Government Affairs Subcommittee; Metz
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local Government Affairs Subcommittee	12 Y, 0 N, As CS	Darden	Miller
2) Local & Federal Affairs Committee		Darden 	Kiner 

SUMMARY ANALYSIS

Special districts are used to provide a variety of local services and generally are funded through the imposition of ad valorem taxes, fees, and charges on the users of those services. There are two types of special districts: independent, which typically are created by special act and operationally are independent of any local general-purpose government, and dependent, which typically are created by local ordinance and are subject to the control of a local general-purpose government.

Special districts are governed according to chapter 189, Florida Statutes, the "Uniform Special District Accountability Act." Chapter 189 underwent extensive revisions in 2014, with substantive changes made to the oversight and enforcement process for special district financial reporting, an extension of the Governor's power to remove certain special district board members, and better organizing of the underlying structure of the statute.

The bill requires special districts to publish additional information on their website, including a calendar of public meetings and ensuring budgets are accessible for longer periods of time. It also reorganizes the oversight provisions of the chapter to increase clarity and avoid duplication. The bill clarifies the power of the Legislature to create dependent special districts. The bill revises the process for the Department of Economic Opportunity (DEO) to declare a special district inactive and clarifies the power of the Legislature to dissolve inactive independent special districts by general law. It also makes conforming changes to a number of related statutes.

The bill does not appear to have a fiscal impact on local governments. Based on the DEO analysis of a similar measure, HB 1155 (2015), the bill may have a minimal fiscal impact on the agency.

The effective date of the bill is October 1, 2016.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Introduction

A "special district" is "a unit of local government created for a special purpose... operat[ing] within a limited geographic boundary and is created by general law, special act, local ordinance, or rule of the Governor and Cabinet."¹ Special districts are created to provide a wide variety of services, such as mosquito control,² beach facilities,³ children's services,⁴ fire control and rescue,⁵ or drainage control.⁶

Special districts can be classified as "dependent special districts"⁷ or "independent special districts."⁸ For a district to be classified as a "dependent special district," the district must meet at least one of the following criteria:

- Membership of its governing body is identical to that of the governing body of a single county or a single municipality;⁹
- All members of its governing body are appointed by the governing body of a single county or a single municipality;¹⁰
- The members of its governing body are subject to removal at will by the governing body of a single county or single municipality, during their unexpired terms;¹¹ or
- The district's budget requires approval or can be vetoed by the governing body of a single county or a single municipality.¹²

An "independent special district" is any special district that does not meet the definition of "dependent special district."¹³ Furthermore, any special district that includes territory in more than one county is an independent special district, unless the district lies entirely with the borders of a single municipality.¹⁴

According to the Department of Economic Opportunity's (DEO) Special District Accountability Program Official List of Special Districts list, the state currently has 1,662 special districts.¹⁵ The districts can be further classified as follows:

- 1,652 active districts, 10 inactive districts
- 635 dependent special districts, of which 632 are active and 3 are inactive
- 1,027 independent special districts, of which 1,020 are active and 7 are inactive

¹ Section 189.012(6), F.S.

² Section 388.021(1), F.S. (however, new independent mosquito control districts are prohibited, *see* s. 388.021(2)).

³ *See* s. 189.011, F.S.

⁴ Section 125.901(1), F.S.

⁵ Section 191.002, F.S.

⁶ Section 298.01, F.S.

⁷ Section 189.012(2), F.S.

⁸ Section 189.012(3), F.S.

⁹ Section 189.012(2)(a), F.S.

¹⁰ Section 189.012(2)(b), F.S.

¹¹ Section 189.012(2)(c), F.S.

¹² Section 189.012(2)(d), F.S.

¹³ Section 189.012(3), F.S.

¹⁴ *Id.*

¹⁵ *See* Department of Economic Opportunity, *Official List of Special Districts Online – Directory*, available at <https://dca.deo.myflorida.com/fhcd/sdip/OfficialListdeo/> (accessed 11/9/15).

Special districts are governed generally by the Uniform Special District Accountability Act (Act).¹⁶ The Act, initially passed in 1989,¹⁷ created ch. 189, F.S. to centralize provisions governing special districts. Chapter 189 applies to the formation,¹⁸ governance,¹⁹ administration,²⁰ supervision,²¹ merger,²² and dissolution²³ of special districts, unless otherwise expressly provided in law.²⁴ The Act also provided an extensive statement of legislative intent aiming to improve accountability of special districts to state and local governments and providing for more effective communication and coordination in the monitoring of required reporting.²⁵

In 2014, the Act was revised extensively and reorganized into eight parts:²⁶

- 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 also made significant changes to provisions concerning independent special districts and special district oversight and accountability.²⁷

Effect of the Bill

Legislative Intent (Section 2)

Present Situation

The purpose of the Act is to provide procedures for the definition, creation, and operation of special districts.²⁸ Special districts “serve a necessary and useful function” by providing vital services to the state’s residents, enabling their full use and enjoyment of their property.²⁹ In furtherance of these ends, the Legislature ensures the public trust in independent special districts by requiring all districts to register with the state, to regularly report financial data and other activities, and provides mechanisms to ensure compliance if districts fail to comply with minimum disclosure requirements.³⁰

Effect of Proposed Changes

¹⁶ Section 189.01, F.S., *but see* ch. 190, F.S. (community development districts), ch. 191, F.S. (independent special fire control districts).

¹⁷ Ch. 89-169, Laws of Fla.

¹⁸ *See* s. 189.02, F.S. (creation of dependent special districts), s. 189.031, F.S. (creation of independent special districts).

¹⁹ *See* s. 189.0311, F.S. (charter requirements for independent special districts).

²⁰ *See* s. 189.019, F.S. (requiring codification of charters incorporating all special acts for the district).

²¹ *See* s. 189.034, F.S. (oversight for special districts created by special act of the Legislature).

²² Sections 189.071, 189.074, F.S.

²³ Sections 189.071, 189.072, F.S.

²⁴ *See* s. 190.004 (Ch. 190, F.S. as “sole authorization” for creation of community development districts).

²⁵ Section 189.06, F.S.

²⁶ Ch. 2014-22, Laws of Fla.

²⁷ Ch. 2014-22, s. 34, Laws of Fla.

²⁸ Section 189.011(1), F.S.

²⁹ Section 189.011(2), F.S.

³⁰ *Id.*

The bill expands the statements of legislative intent³¹ to include all special districts in the requirements of registration, financial and other reporting, and providing a mechanism for noncompliance with minimum disclosure requirements. The bill also clarifies the intent of the Legislature to authorize action against a special district itself for failure to comply with disclosure requirements, instead of the members of the district's board.

Internet Accessible Budgets (Section 3)

Present Situation

Each special district is required to post a tentative budget to its website at least two days before the district's budget hearing.³² If the budget is approved at the hearing, it must be posted to the district's website within thirty days after adoption.³³ If the budget is later amended, the adopted amendment must be posted on the district's website within five days after adoption.³⁴ If a dependent special district does not operate a website, the Act creates alternative avenues for publication.³⁵

Dependent special districts must submit the budget or amendment to the local governing authority on which the district is dependent.³⁶ The special district must transmit the budget or amendment to the local governing authority "within a reasonable period of time," as determined by the local governing authority.³⁷ After transmission, the local governing authority posts the budget or amendment to its own website.³⁸ Independent special districts follow the same procedure, but instead submit their budget and amendments to the local general-purpose government(s) in which the district is located.³⁹

Effect of Proposed Changes

The bill requires special districts to make their budgets and subsequent amendments available on the website for:

- Tentative budget: at least 45 days after the meeting
- Final budget: at least two years after the meeting
- Amendments: at least two years after the meeting

The bill also removes the requirement for special districts without a website to transmit their tentative and final budgets to the local governing authority or the local general-purpose government(s) with which the district shares territory. The requirement remains for adopted amendments to the budget.

Creation of Dependent Special Districts (Sections 5 and 15)

Present Situation

Under current law, new dependent special districts typically are created by the passage of an ordinance by a county or municipal government.⁴⁰ A district must rest entirely inside the boundary lines of the creating local government entity.⁴¹ The ordinance creating the special district must include:

³¹ Section 189.011(2), F.S.

³² Section 189.016(4), F.S.

³³ *Id.*

³⁴ Section 189.016(7), F.S.

³⁵ *See* S. 189.016(4), (7), F.S.

³⁶ Section 189.016(4), (7), F.S.

³⁷ Section 189.016(4), (7), F.S.

³⁸ Section 189.016(4), (7), F.S.

³⁹ Section 189.016(4), (7), F.S.

⁴⁰ Section 189.02(1), F.S. Prior to September 30, 1989, some dependent special districts were created by general law or special act. There are currently 108 active dependent special districts that were created by general law and 74 created by special act.

⁴¹ Section 189.02(2), (3), F.S.

- Purpose, powers, functions, and duties of the district;⁴²
- Geographic boundaries of the district;⁴³
- Authority of the district;⁴⁴
- An explanation of why the district is the best mechanism for service delivery;⁴⁵
- Membership, organization, compensation, and administrative duties of the district's board;⁴⁶
- Applicable financial disclosure, noticing, and reporting requirements;⁴⁷
- Method for financing the district;⁴⁸ and
- Declaration that the creation of the district is consistent with the approved local government comprehensive plans.⁴⁹

General oversight for dependent special districts rests with the local general-purpose government to which the district is dependent.⁵⁰

Effect of Proposed Changes

The bill creates s. 189.02(5), F.S., clarifying the power of the Legislature to create dependent special districts by special act, at the request or with the consent of the local government upon which the district will be dependent. The bill also limits general oversight by local general-purpose governments to dependent special districts not created by special act.

Status Statements (Sections 6 and 7)

Present Situation

The charter for any new special district created after October 1, 1997 must contain a reference to the status of the district as dependent or independent.⁵¹ Existing special districts also are required to amend their charter to contain status information, where practical.⁵² If a district fails to submit its status to DEO as required by statute, the department is authorized to determine the district's status as dependent or independent.⁵³

Effect of Proposed Changes

The bill clarifies the requirement for both dependent and independent special districts to include their status in their charter by creating a new section stating the requirement for dependent special districts in Part II ("Dependent Special Districts") of ch. 189 and amending s. 189.031(5), F.S., to refer only to independent special districts. The bill also changes the standard for when existing special districts must amend their charter to include their status from where it is "practical" to "practical and feasible."⁵⁴

⁴² Section 189.02(4)(a), F.S.

⁴³ Section 189.02(4)(b), F.S.

⁴⁴ Section 189.02(4)(c), F.S.

⁴⁵ Section 189.02(4)(d), F.S.

⁴⁶ Section 189.02(4)(e), F.S.

⁴⁷ Section 189.02(4)(f), F.S.

⁴⁸ Section 189.02(4)(g), F.S.

⁴⁹ Section 189.02(4)(h), F.S.

⁵⁰ Section 189.068(2)(c), F.S.

⁵¹ Section 189.031(5), F.S.

⁵² *Id.*

⁵³ Section 189.061(4), F.S.

⁵⁴ For special districts created by a special act of the Legislature, the necessary charter amendment would require another act of the Legislature, which may be "practical," but possibly not "feasible," independent of other charter changes being contemplated.

Oversight of Special Districts (Sections 8, 9, and 13)

Present Situation

When an independent special district fails to file required reports or requested information, the Joint Legislative Auditing Committee (JLAC) provides written notice of the district's noncompliance to the President of the Senate, the Speaker of the House of Representatives, the standing committees of the Senate and House of Representatives charged with special district oversight, and the legislator(s) who represent any portion of the geographic jurisdiction of the district.⁵⁵ The JLAC may then convene a public hearing at the direction of the President of the Senate and the Speaker of the House of Representatives.⁵⁶ Before the JLAC's public hearing, the special district is required to provide:⁵⁷

- Annual financial report for the prior fiscal year;⁵⁸
- Audit report for the previous fiscal year;⁵⁹ and
- Annual report for the previous fiscal year, providing a detailed review of the performance of the special district⁶⁰

When a dependent special district fails to file required reports or requested information, the JLAC provides written notice of the district's noncompliance to the head of the local general-purpose government of which the district is a dependent.⁶¹ The local general-purpose government may conduct a public hearing within three months of the receipt of the notice of noncompliance from the JLAC.⁶² The local general-purpose government has thirty days upon receipt of the notice to inform the JLAC of the date, time, and place of the public hearing.⁶³ The special district must provide the local general-purpose government the same information required by an independent special district appearing before the JLAC.⁶⁴ If the local general-purpose government convenes a public hearing, it must provide DEO and the JLAC a report containing findings and conclusions with sixty days.⁶⁵

Effect of Proposed Changes

The bill makes no substantive changes from current law. The oversight provisions are renumbered from ss. 189.034 and 189.035, F.S., to ss. 189.0651 and 189.0652, respectively, placing the provisions in Part VI ("Oversight and Accountability") of the Act. The bill also removes certain provisions shared by the independent and dependent special district oversight processes and places them in new s. 189.0653, F.S.

⁵⁵ Section 189.034(2), F.S.

⁵⁶ Section 189.034(3), F.S. The hearing may address general oversight of the district as well as the district's noncompliance with reporting. *Id.*

⁵⁷ Section 189.034(4), F.S.

⁵⁸ Section 189.034(4)(a), F.S.

⁵⁹ Section 189.034(4)(b), F.S.

⁶⁰ Section 189.034(4)(c), F.S. The "detailed review" required includes the special district's purpose, sources of funding, major activities, challenges or obstacles faced, ways to better fulfill its purpose, changes to the special act that would aid in fulfilling purpose, any other information reasonably required to provide accurate understanding of situation, reasons for noncompliance, whether district is now in compliance, plans to correct recurring issues of noncompliance, efforts to promote transparency.

⁶¹ Section 189.035(2), F.S.

⁶² Section 189.035(3), F.S.

⁶³ *Id.*

⁶⁴ *See* s. 189.035(4), F.S.

⁶⁵ Section 189.035(5), F.S.

Special District Accountability Program (Sections 10 and 12)

Present Situation

DEO is tasked with the administration of the Special District Accountability Program.⁶⁶ As part of administering the program, DEO is required to:

- Electronically publish special district noncompliance status reports,⁶⁷
- Maintain an official “master” list of dependent and independent special districts,⁶⁸
- Publish and update the “Florida Special District Handbook.”⁶⁹

The Florida Special District Handbook must contain:

- Definitions of special districts and status distinctions;⁷⁰
- Provisions concerning special district creation, implementation, modification, dissolution, and operating procedures;⁷¹
- Summary of reporting requirements.⁷²

The official list of special districts contains all special districts, sorted by county and containing an identification of independent or dependent status.⁷³ Each special district has sixty days to report its status to DEO upon request that the official list is to be produced.⁷⁴ If the special district does not report its status within sixty days, DEO has the authority to determine the status of the district and then render the determination to an agent of the district.⁷⁵ DEO must make the official list available on its website and must provide links to the website of each special district operating one.⁷⁶

The determination of status of a special district, or its inclusion on the official list of special districts, is not a final agency action under ch. 120, F.S.⁷⁷ If the status of the district on the official list is inconsistent with the status submitted by the district, the district may request that DEO issue a declaratory statement setting forth the steps to resolve the inconsistency.⁷⁸ A special district may then either appeal the declaratory statement pursuant to ch. 120 or apply to the entity which established its charter to amend the charter to correct the deficiency.⁷⁹

Effect of Proposed Changes

The bill requires the Special District Accountability Program to publish noncompliance status reports from the Department of Management Services. The bill also adds a summary of the most recent public

⁶⁶ Section 189.064, F.S.;

⁶⁷ Section 189.064(1), F.S.

⁶⁸ Section 189.064(2), F.S.

⁶⁹ Section 189.064(3), F.S.

⁷⁰ Section 189.064(3)(a), F.S.

⁷¹ Section 189.064(3)(b), F.S.

⁷² Section 189.064(3)(c), F.S.

⁷³ Section 189.061(1), F.S.

⁷⁴ Section 189.061(2), F.S.

⁷⁵ Section 189.061(4), F.S.

⁷⁶ Section 189.061(5), F.S.

⁷⁷ Section 189.061(6), F.S. Ch. 120, F.S., is the Florida Administrative Procedure Act. If an agency’s decision constitutes final agency action under ch. 120, F.S., the party affected by the decision may be entitled to a hearing prior to the decision and may be entitled to appeal an adverse decision to the appropriate appellate court. *See* ss. 120.569, 120.57, and 120.68, F.S.

⁷⁸ *Id.* A declaratory statement is an agency’s opinion on the applicability of a statute, agency rule, or order to the petitioner. S. 120.565, F.S. Denial of a petition for declaratory statement is subject to the hearing procedures of the APA as well as appellate review. Ss. 120.52(2), (7), 120.569, 120.68, F.S.

⁷⁹ *Id.*

facilities report, as required by the Act's comprehensive planning provisions, with an internet address of the full report and schedule, to the required materials in the Florida Special District Handbook.

The bill excludes all districts declared inactive, as provided in s. 189.062, F.S., from the official list of special districts. The bill requires DEO to maintain a separate list of inactive special districts until the districts are either merged, dissolved, or regain active status. The bill also requires the Department of Financial Services to notify DEO when any entity not included on the official list of special districts attempts to file a report as a special district.

Inactive Special Districts (Section 11)

Present Situation

Whether dependent or independent, when a special district no longer fully functions or fails to meet its statutory responsibilities, DEO is required to declare that district inactive by following a specified process.⁸⁰ DEO must first document the factual basis for declaring the district inactive.

A special district may be declared inactive if it meets one of six specific factors:

- The registered agent of the district, the chair of the district governing body, or the governing body of the appropriate local general-purpose government:
 - Provides DEO with written notice that the district has taken no action for 2 or more years.⁸¹
 - Provides DEO with written notice that the district has not had any members on its governing body or insufficient numbers to constitute a quorum for 2 or more years.⁸²
 - Fails to respond to an inquiry from DEO within 21 days.⁸³
- Following statutory procedure,⁸⁴ DEO determines the district failed to file specified reports,⁸⁵ including required financial reports.⁸⁶
- For more than 1 year, no registered office or agent for the district was on file with DEO.⁸⁷
- The governing body of the district unanimously adopts a resolution declaring the district inactive and provides documentation of the resolution to DEO.⁸⁸

Once DEO determines which criterion applies to the district, notice of the proposed declaration of inactive status is published by DEO, the local general-purpose government for the area where the district is located, or the district itself.⁸⁹ The notice must state that any objections to declaring the district

⁸⁰ Section 189.062(1), F.S. Prior to 2014, the former statute required DEO to document the existence of one of five criteria listed in paragraph (1)(a), publication and service under paragraph (1)(b) of a notice of intent to declare the district inactive, and the lack of any administrative appeal of the declaration within 21 days of that publication. Section 189.4044, F.S. (2013). In 2014, as ch. 189, F.S., was extensively revised and restructured, the word "or" was added at the end of s. 189.062(1)(a)6, F.S., apparently allowing DEO either to document one of the six criteria *or* publish notice of intent to declare inactive and find no appeal is filed. Chapter 2014-22, s. 24, Laws of Florida. During the 2015 regular legislative session, the Florida Senate passed CS/SB 1388, its version of a bill resolving technical issues stemming from the 2014 revisions, which would have amended s. 189.062(1)(a)6., F.S., by removing the word "or." CS/SB 1388 (2015), s. 11, at line 414 (bill did not pass the Legislature). DEO still uses the 3-step process as described in the 2013 statute.

⁸¹ Section 189.062(1)(a)1., F.S.

⁸² Section 189.062(1)(a)2., F.S.

⁸³ Section 189.062(1)(a)3., F.S.

⁸⁴ Section 189.067, F.S.

⁸⁵ Section 189.066, F.S.

⁸⁶ Section 189.062(1)(a)4., F.S. *See*, ss. 189.016(9), 218.32, 218.39, F.S.

⁸⁷ Section 189.062(1)(a)5., F.S.

⁸⁸ Section 189.062(1)(a)6., F.S.

⁸⁹ Section 189.062(1)(b), F.S. Publication must be in a newspaper of general circulation in the county or municipality where the district is located and a copy sent by certified mail to the district's registered agent or chair of the district's governing body, if any.

inactive must be filed with DEO pursuant to chapter 120, F.S., within 21 days after the publication date.⁹⁰ If no objection is filed within the 21 day period, DEO declares the district inactive.⁹¹

After declaring certain special districts as being inactive, DEO must send written notice of the declaration to the authorities which created the district. If the district was created by special act, DEO sends written notice to the Speaker of the House, the President of the Senate, and the standing committees in each chamber responsible for special district oversight.⁹²

The property and assets of a special district declared inactive by DEO are first used to pay any debts of the district. Any remaining property or assets then escheat to the county or municipality in which the district was located. If the district's assets are insufficient to pay its outstanding debts, the local general-purpose government in which the district was located may assess and levy within the territory of the inactive district such taxes as necessary to pay the remaining debt.⁹³

A district declared inactive may not collect taxes, fees, or assessments.⁹⁴ This prohibition continues until the declaration of invalidity is withdrawn or revoked by DEO⁹⁵ or invalidated in an administrative proceeding⁹⁶ or civil action⁹⁷ timely brought by the governing body of the special district.⁹⁸ Failure of the special district to challenge (or prevail against) the declaration of inactive status enables DEO to enforce the statute through a petition for enforcement in circuit court.⁹⁹

Declaring a special district to be inactive does not dissolve the district or otherwise cease its legal existence. Subsequent action is required to repeal the legal authority creating the district, whether by the Legislature¹⁰⁰ or the entity that created the district.¹⁰¹

Effect of Proposed Changes

The bill clarifies that DEO shall declare a special district inactive by documenting that the special district meets one of the six statutory criteria for being considered inactive, publishing notice of intent to declare the district inactive, and affirming that no administrative appeal of the declaration has been filed within 21 days of publication. This was the procedure required by statute prior to the 2014 revisions to ch. 189, F.S., and is still used by DEO in practice. The bill clarifies that the Legislature may repeal, by general law, the special acts creating or amending the charters of special districts which are now inactive.

⁹⁰ *Id.* The published notice also must include the name of the district, the law under which it was organized and operating, and a description of the district's territory.

⁹¹ Section 189.062(1)(c), F.S.

⁹² Section 189.062(3), F.S. The statute provides that the declaration of inactive status is sufficient notice under art. III, s. 10 of the Florida Constitution to authorize the repeal of special laws creating or amending the charter of the inactive district. This statute stands in lieu of the normal requirement for publication of notice of intent to file a local bill at least 30 days before introducing the bill in the Legislature, under s. 11.02, F.S.

⁹³ Section 189.062(2), F.S.

⁹⁴ Section 189.062(5), F.S.

⁹⁵ Section 189.062(5)(a), F.S.

⁹⁶ Section 189.062(5)(b)1., F.S. Administrative proceedings are conducted pursuant to s. 120.569, F.S. *See* discussion *supra* in n. 76.

⁹⁷ Section 189.062(5)(b)2., F.S. The action for declaratory and injunctive relief is brought under ch. 86, F.S.

⁹⁸ The special district must initiate the legal challenge within 30 days after the date the written notice of the department's declaration of inactive status is provided to the special district. S. 189.062(5)(b), F.S.

⁹⁹ Section 189.062(5)(c), F.S. The enforcement action is brought in the circuit court in and for Leon County.

¹⁰⁰ Sections 189.071(3), 189.072(3), F.S.

¹⁰¹ Section 189.062(4), F.S. Unless otherwise provided by law or ordinance, dissolution of a special district transfers title to all district property to the local general-purpose government, which also must assume all debts of the dissolved district. Section 189.076(2), F.S.

Internet Accessible Reporting (Section 16)

Present Situation

Each special district is required to maintain an official website containing essential information¹⁰² about the district.¹⁰³ Independent special districts are required to maintain their own website,¹⁰⁴ while a link to information about dependent special districts must be displayed on the home page of the local general-purpose government which created the district.¹⁰⁵

Effect of Proposed Changes

The bill requires the website for a dependent special district to be displayed prominently on the home page of the local general-purpose government upon which it is dependent, whether that government created the special district or not. The bill also requires the district's website to include a listing of regularly scheduled public meetings (including date, time, and location), a copy of the district's public facilities report, and a link to the Department of Financial Services website.

Conversion or Merger of Independent Special Districts (Sections 4 and 19)

Present Situation

Section 165.0615, F.S., enables the qualified electors of an independent special district to file a petition to incorporate the district as a municipality, subject to approval via referendum.¹⁰⁶ If the electors approve of the conversion, the district is required to notify both the Special District Accountability Program and the local general-purpose governments where the district is located.¹⁰⁷

Section 189.074, F.S., allows for the voluntary merger of two or more independent special districts.¹⁰⁸ The merger can be initiated by either the governing bodies of each independent special district¹⁰⁹ or by a petition of qualified electors in the district.¹¹⁰ Both methods of voluntary merger require the governing boards of the respective independent special districts to notify the supervisor of elections of the relevant counties.¹¹¹ The supervisor of elections is required to schedule a referendum in each district, which must occur no more than twenty days apart.¹¹²

Effect of Proposed Changes

The bill reenacts ss. 165.0615(16), 189.074(2)(e), and 189.074(3)(g), F.S., to incorporate amendments made to s. 189.016, F.S.

¹⁰² Section 189.069(2)(a), F.S. The website must include the district's legal name, public purpose, vital information about the governing body, fiscal year, charter and associated information, contact information, geographic area, table of all taxes and fees, contact information for district's spokesperson, code of ethics, budget, and audit report for the most recently completed fiscal year.

¹⁰³ Section 189.069(1), F.S.

¹⁰⁴ Section 189.069(1)(a), F.S.

¹⁰⁵ Section 189.069(1)(b), F.S. Dependent special districts may maintain their own webpage, but are not required to.

¹⁰⁶ Section 165.0615(1), F.S.

¹⁰⁷ Section 165.0615(16), F.S.

¹⁰⁸ Section 189.074, F.S.

¹⁰⁹ Section 189.074(2), F.S.

¹¹⁰ Section 189.074(3), F.S.

¹¹¹ Section 189.074(2)(e), F.S. (for joint mergers by resolution), s. 189.074(3)(g), F.S. (for joint mergers by qualified elector petition).

¹¹² Section 189.074(2)(e), F.S.; s. 189.074(3)(g), F.S.

Conforming Provisions (Sections 1, 14, 16, and 17)

The bill amends ss. 11.40(2)(b) and 189.067(2), F.S., to update cross-references for renumbered sections concerning oversight of special districts. The bill amends ss. 189.071 and 189.072 to remove the redundant phrase “or that has already been declared inactive.”

B. SECTION DIRECTORY:

- Section 1: Amends s. 11.40, F.S., conforming cross-references.
- Section 2: Amends s. 189.011, F.S., revising legislative intent with respect to the Uniform Special District Accountability Act to include all special districts.
- Section 3: Amends s. 189.016, F.S., deleting a provision requiring special districts to transmit budget information to the local government if it does not have a website, and instead posting such information on the special district’s website.
- Section 4: Reenacts s. 165.0615(16), F.S., relating to municipal conversion of independent special districts upon elector-initiated and approved incorporation plans, to incorporate the amendment made by the act to s. 189.016, F.S.
- Section 5: Creates s. 189.02(5), F.S., clarifying the Legislature may create dependent special districts by special act.
- Section 6: Creates s. 189.022, F.S., requiring dependent special districts to identify themselves as such in their charters.
- Section 7: Amends s. 189.031, F.S., requiring independent special districts to identify themselves as such in their charters.
- Section 8: Renumbers, transfers, and amends s. 189.034, F.S., concerning oversight of special districts created by special act of the Legislature.
- Section 9: Renumbers, transfers, and amends s. 189.035, F.S., concerning oversight of special districts created by local ordinance or resolution.
- Section 10: Amends s. 189.061, F.S., revising criteria for the official list of special districts.
- Section 11: Amends s. 189.062, F.S., revising process for declaring a special district inactive and requiring DEO to maintain a separate list of inactive special districts.
- Section 12: Amends s. 189.064, F.S., revising required content of the special district handbook.
- Section 13: Creates s. 189.0653, F.S., requiring a special district to provide certain information at the request of the local general-purpose government or the Legislative Auditing Committee.
- Section 14: Amends s. 189.067, F.S., conforming cross-references.
- Section 15: Amends s. 189.068, F.S., defining oversight role for local general-purpose governments over dependent special districts.
- Section 16: Amends s. 189.069, F.S., revising the list of items required to appear on a special district’s website.
- Section 17: Amends s. 189.071, F.S., clarifying language concerning merger or dissolution of dependent special districts.
- Section 18: Amends s. 189.072, F.S., removing redundant language.
- Section 19: Reenacts ss. 189.074(2)(e), (3)(g), F.S., relating to voluntary merger of independent special districts, to incorporate amendment made by the act to s. 189.016, F.S.
- Section 20: Provides an effective date of October 1, 2016.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The bill may have a minimal fiscal impact on the operations of DEO.¹¹³

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:

Not applicable. The bill does not appear to require counties or municipalities to spend funds or 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:

None.

B. RULE-MAKING AUTHORITY:

The bill does not provide rulemaking authority or require executive branch rulemaking.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On November 18, 2015, the Local Government Affairs Subcommittee adopted one amendment and reported the bill favorably as a committee substitute. The amendment clarifies that the new subsection (3)

¹¹³ See Florida Department of Economic Opportunity, Agency Analysis of 2015 House Bill 1155, p. 4 (Mar. 3, 2015).

added to s. 189.061, F.S. replaces the existing subsection (6) of s. 189.061, F.S. The amendment also removes language setting forth criteria for repealing inactive special districts by general law.

This analysis is drawn to the bill as amended.

27 certain notice to the Legislature or local general-
 28 purpose government, as appropriate, when a special
 29 district fails to file certain required reports or
 30 requested information, to conform; amending s.
 31 189.061, F.S.; requiring the Department of Economic
 32 Opportunity to exclude inactive special districts from
 33 the official list of special districts; revising
 34 procedures for maintaining the official list of
 35 special districts; specifying that the official list
 36 or determination of status of a special district does
 37 not constitute final agency action; providing
 38 procedures for use in resolving inconsistencies in
 39 status determinations of special districts as
 40 identified in the official lists; amending s. 189.062,
 41 F.S.; revising the criteria that must be documented
 42 before a special district may be declared inactive;
 43 authorizing the repeal of certain special acts of
 44 inactive special districts by general law; requiring
 45 the department to remove special districts declared
 46 inactive from the official list of special districts;
 47 requiring the department to keep a separate list of
 48 inactive districts; amending s. 189.064, F.S.;
 49 revising the required content of the special district
 50 handbook; creating s. 189.0653, F.S.; requiring
 51 special districts created by special act or local
 52 ordinance to provide specified information to the

53 committee or local general-purpose government, as
 54 appropriate; amending s. 189.067, F.S.; conforming
 55 cross-references; amending s. 189.068, F.S.;
 56 conforming cross-references; specifying that certain
 57 dependent special districts may be reviewed by
 58 specified local general purpose governments; amending
 59 s. 189.069, F.S.; revising the list of items required
 60 to be included on the websites of special districts;
 61 amending ss. 189.071 and 189.072, F.S.; conforming
 62 provisions to changes made by the act; reenacting ss.
 63 165.0615(16) and 189.074(2)(e) and (3)(g), F.S.,
 64 relating to municipal conversion of independent
 65 special districts upon elector-initiated and approved
 66 referendum and the voluntary merger of independent
 67 special districts, respectively; providing an
 68 effective date.

69
 70 Be It Enacted by the Legislature of the State of Florida:

71
 72 Section 1. Paragraph (b) of subsection (2) of section
 73 11.40, Florida Statutes, is amended to read:

74 11.40 Legislative Auditing Committee.—

75 (2) Following notification by the Auditor General, the
 76 Department of Financial Services, or the Division of Bond
 77 Finance of the State Board of Administration of the failure of a
 78 local governmental entity, district school board, charter

79 school, or charter technical career center to comply with the
 80 applicable provisions within s. 11.45(5)-(7), s. 218.32(1), s.
 81 218.38, or s. 218.503(3), the Legislative Auditing Committee may
 82 schedule a hearing to determine if the entity should be subject
 83 to further state action. If the committee determines that the
 84 entity should be subject to further state action, the committee
 85 shall:

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

87 1. A special act, notify the President of the Senate, the
 88 Speaker of the House of Representatives, the standing committees
 89 of the Senate and the House of Representatives charged with
 90 special district oversight as determined by the presiding
 91 officers of each respective chamber, the legislators who
 92 represent a portion of the geographical jurisdiction of the
 93 special district ~~pursuant to s. 189.034(2)~~, and the Department
 94 of Economic Opportunity that the special district has failed to
 95 comply with the law. Upon receipt of notification, the
 96 Department of Economic Opportunity shall proceed pursuant to s.
 97 189.062 or s. 189.067. If the special district remains in
 98 noncompliance after the process set forth in s. 189.0651
 99 ~~189.034(3)~~, or if a public hearing is not held, the Legislative
 100 Auditing Committee may request the department to proceed
 101 pursuant to s. 189.067(3).

102 2. A local ordinance, notify the chair or equivalent of
 103 the local general-purpose government pursuant to s. 189.0652
 104 ~~189.035(2)~~ and the Department of Economic Opportunity that the

105 special district has failed to comply with the law. Upon receipt
 106 of notification, the department shall proceed pursuant to s.
 107 189.062 or s. 189.067. If the special district remains in
 108 noncompliance after the process set forth in s. 189.0652
 109 ~~189.034(3)~~, or if a public hearing is not held, the Legislative
 110 Auditing Committee may request the department to proceed
 111 pursuant to s. 189.067(3).

112 3. Any manner other than a special act or local ordinance,
 113 notify the Department of Economic Opportunity that the special
 114 district has failed to comply with the law. Upon receipt of
 115 notification, the department shall proceed pursuant to s.
 116 189.062 or s. 189.067(3).

117 Section 2. Subsection (2) of section 189.011, Florida
 118 Statutes, is amended to read:

119 189.011 Statement of legislative purpose and intent.—

120 (2) The Legislature finds that special districts serve a
 121 necessary and useful function by providing services to residents
 122 and property in the state. The Legislature finds further that
 123 special districts operate to serve a public purpose and that
 124 this is best secured by certain minimum standards of
 125 accountability designed to inform the public and appropriate
 126 local general-purpose governments of the status and activities
 127 of special districts. It is the intent of the Legislature that
 128 this public trust be secured by requiring each ~~independent~~
 129 special district in the state to register and report its
 130 financial and other activities. The Legislature further finds

131 that failure of a ~~an independent~~ special district to comply with
 132 the minimum disclosure requirements set forth in this chapter
 133 may result in action against the special ~~officers of such~~
 134 district ~~body~~.

135 Section 3. Subsections (4) and (7) of section 189.016,
 136 Florida Statutes, are amended to read:

137 189.016 Reports; budgets; audits.—

138 (4) The tentative budget must be posted on the special
 139 district's official website at least 2 days before the budget
 140 hearing, held pursuant to s. 200.065 or other law, to consider
 141 such budget and must remain on the website for at least 45 days.
 142 The final adopted budget must be posted on the special
 143 district's official website within 30 days after adoption and
 144 must remain on the website for at least 2 years. ~~If the special~~
 145 ~~district does not operate an official website, the special~~
 146 ~~district must, within a reasonable period of time as established~~
 147 ~~by the local general-purpose government or governments in which~~
 148 ~~the special district is located or the local governing authority~~
 149 ~~to which the district is dependent, transmit the tentative~~
 150 ~~budget or final budget to the manager or administrator of the~~
 151 ~~local general-purpose government or the local governing~~
 152 ~~authority. The manager or administrator shall post the tentative~~
 153 ~~budget or final budget on the website of the local general-~~
 154 ~~purpose government or governing authority~~. This subsection and
 155 subsection (3) do not apply to water management districts as
 156 defined in s. 373.019.

157 (7) If the governing body of a special district amends the
 158 budget pursuant to paragraph (6)(c), the adopted amendment must
 159 be posted on the official website of the special district within
 160 5 days after adoption and must remain on the website for at
 161 least 2 years. ~~If the special district does not operate an~~
 162 ~~official website, the special district must, within a reasonable~~
 163 ~~period of time as established by the local general-purpose~~
 164 ~~government or governments in which the special district is~~
 165 ~~located or the local governing authority to which the district~~
 166 ~~is dependent, transmit the adopted amendment to the manager or~~
 167 ~~administrator of the local general-purpose government or~~
 168 ~~governing authority. The manager or administrator shall post the~~
 169 ~~adopted amendment on the website of the local general-purpose~~
 170 ~~government or governing authority.~~

171 Section 4. For the purpose of incorporating the amendment
 172 made by this act to section 189.016, Florida Statutes, in
 173 references thereto, subsection (16) of section 165.0615, Florida
 174 Statutes, is reenacted to read:

175 165.0615 Municipal conversion of independent special
 176 districts upon elector-initiated and approved referendum.-

177 (16) If the incorporation plan is approved by a majority
 178 of the votes cast in the independent special district, the
 179 district shall notify the special district accountability
 180 program pursuant to s. 189.016(2) and the local general-purpose
 181 governments in which any part of the independent special
 182 district is situated pursuant to s. 189.016(7).

183 Section 5. Subsection (5) is added to section 189.02,
 184 Florida Statutes, to read:

185 189.02 Dependent special districts.—

186 (5) The Legislature may create a dependent special
 187 district by special act at the request or with the consent of
 188 the local government upon which the special district will be
 189 dependent.

190 Section 6. Section 189.022, Florida Statutes, is created
 191 to read:

192 189.022 Status statement.—The charter of a newly created
 193 dependent special district shall contain, and where practical
 194 and feasible, the charter of an existing dependent special
 195 district shall be amended to contain, a reference to the status
 196 of the special district as dependent. When necessary, the status
 197 statement shall be amended to conform to the department's
 198 determination or declaratory statement regarding the status of
 199 the district.

200 Section 7. Subsection (5) of section 189.031, Florida
 201 Statutes, is amended to read:

202 189.031 Legislative intent for the creation of independent
 203 special districts; special act prohibitions; model elements and
 204 other requirements; local general-purpose government/Governor
 205 and Cabinet creation authorizations.—

206 (5) STATUS STATEMENT.—~~After October 1, 1997,~~ The charter
 207 of ~~a~~ any newly created independent special district shall
 208 contain, and, where ~~as~~ practical and feasible, the charter of an

209 existing independent ~~a preexisting~~ special district shall be
 210 amended to contain, a reference to the status of the special
 211 district as ~~dependent or~~ independent. When necessary, the status
 212 statement shall be amended to conform to ~~with~~ the department's
 213 determination or declaratory statement regarding the status of
 214 the district.

215 Section 8. Section 189.034, Florida Statutes, is
 216 transferred, renumbered as section 189.0651, Florida Statutes,
 217 and amended to read:

218 189.0651 ~~189.034~~ Oversight of special districts created by
 219 special act of the Legislature.—

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

222 (2) If a special district fails to file required reports
 223 or requested information under s. 11.45(6), s. 11.45(7), s.
 224 218.32, s. 218.38(3), s. 218.39, or s. 218.503(3), ~~with the~~
 225 appropriate state agency or office, the Legislative Auditing
 226 Committee ~~or its designee shall provide written notice of the~~
 227 ~~district's noncompliance to the President of the Senate, the~~
 228 ~~Speaker of the House of Representatives, the standing committees~~
 229 ~~of the Senate and the House of Representatives charged with~~
 230 ~~special district oversight as determined by the presiding~~
 231 ~~officers of each respective chamber, and the legislators who~~
 232 ~~represent a portion of the geographical jurisdiction of the~~
 233 ~~special district.~~

234 ~~(3) the Legislative Auditing Committee may convene a~~

235 public hearing on the issue of such noncompliance, as well as
 236 general oversight of the special district as provided in s.
 237 189.068, at the direction of the President of the Senate and the
 238 Speaker of the House of Representatives.

239 ~~(4) Before the public hearing as provided in subsection~~
 240 ~~(3), the special district shall provide the following~~
 241 ~~information at the request of the Legislative Auditing~~
 242 ~~Committee:~~

243 ~~(a) The district's annual financial report for the prior~~
 244 ~~fiscal year.~~

245 ~~(b) The district's audit report for the previous fiscal~~
 246 ~~year.~~

247 ~~(c) An annual report for the previous fiscal year~~
 248 ~~providing a detailed review of the performance of the special~~
 249 ~~district, including the following information:~~

250 ~~1. The purpose of the special district.~~

251 ~~2. The sources of funding for the special district.~~

252 ~~3. A description of the major activities, programs, and~~
 253 ~~initiatives the special district undertook in the most recently~~
 254 ~~completed fiscal year and the benchmarks or criteria under which~~
 255 ~~the success or failure of the district was determined by its~~
 256 ~~governing body.~~

257 ~~4. Any challenges or obstacles faced by the special~~
 258 ~~district in fulfilling its purpose and related responsibilities.~~

259 ~~5. Ways the special district believes it could better~~
 260 ~~fulfill its purpose and related responsibilities and a~~

261 ~~description of the actions that it intends to take during the~~
 262 ~~ensuing fiscal year.~~

263 ~~6. Proposed changes to the special act that established~~
 264 ~~the special district and justification for such changes.~~

265 ~~7. Any other information reasonably required to provide~~
 266 ~~the Legislative Auditing Committee with an accurate~~
 267 ~~understanding of the purpose for which the special district~~
 268 ~~exists and how it is fulfilling its responsibilities to~~
 269 ~~accomplish that purpose.~~

270 ~~8. Any reasons for the district's noncompliance.~~

271 ~~9. Whether the district is currently in compliance.~~

272 ~~10. Plans to correct any recurring issues of~~
 273 ~~noncompliance.~~

274 ~~11. Efforts to promote transparency, including maintenance~~
 275 ~~of the district's website in accordance with s. 189.069.~~

276 Section 9. Section 189.035, Florida Statutes, is
 277 transferred, renumbered as section 189.0652, Florida Statutes,
 278 and amended to read:

279 189.0652 ~~189.035~~ Oversight of special districts created by
 280 local ordinance or enacted by local resolution.—

281 (1) This section applies to any special district created
 282 by local ordinance or enacted by local resolution.

283 (2) If a special district fails to file required reports
 284 or requested information under s. 11.45(6), s. 11.45(7), s.
 285 218.32, s. 218.38(3), s. 218.39, or s. 218.503(3) with the
 286 appropriate state agency or office, ~~the Legislative Auditing~~

287 ~~Committee or its designee shall provide written notice of the~~
 288 ~~district's noncompliance to the chair or equivalent of the local~~
 289 ~~general-purpose government.~~

290 ~~(3)~~ the chair or equivalent of the local general-purpose
 291 government may convene a public hearing on the issue of such
 292 noncompliance, as well as general oversight of the special
 293 district as provided in s. 189.068, within 3 months after
 294 receipt of notice of noncompliance from the Legislative Auditing
 295 Committee. Within 30 days after receiving written notice of
 296 noncompliance, the local general-purpose government shall notify
 297 the Legislative Auditing Committee as to whether a hearing under
 298 this section will be held and, if so, provide the date, time,
 299 and place of the hearing.

300 ~~(4) Before the public hearing as provided in subsection~~
 301 ~~(3), the special district shall provide the following~~
 302 ~~information at the request of the local general-purpose~~
 303 ~~government:~~

304 ~~(a) The district's annual financial report for the~~
 305 ~~previous fiscal year.~~

306 ~~(b) The district's audit report for the previous fiscal~~
 307 ~~year.~~

308 ~~(c) An annual report for the previous fiscal year, which~~
 309 ~~must provide a detailed review of the performance of the special~~
 310 ~~district and include the following information:~~

- 311 ~~1. The purpose of the special district.~~
- 312 ~~2. The sources of funding for the special district.~~

313 ~~3. A description of the major activities, programs, and~~
 314 ~~initiatives the special district undertook in the most recently~~
 315 ~~completed fiscal year and the benchmarks or criteria under which~~
 316 ~~the success or failure of the district was determined by its~~
 317 ~~governing body.~~

318 ~~4. Any challenges or obstacles faced by the special~~
 319 ~~district in fulfilling its purpose and related responsibilities.~~

320 ~~5. Ways in which the special district believes that it~~
 321 ~~could better fulfill its purpose and related responsibilities~~
 322 ~~and a description of the actions that it intends to take during~~
 323 ~~the ensuing fiscal year.~~

324 ~~6. Proposed changes to the ordinance or resolution that~~
 325 ~~established the special district and justification for such~~
 326 ~~changes.~~

327 ~~7. Any other information reasonably required to provide~~
 328 ~~the reviewing entity with an accurate understanding of the~~
 329 ~~purpose for which the special district exists and how it is~~
 330 ~~fulfilling its responsibilities to accomplish that purpose.~~

331 ~~8. Any reasons for the district's noncompliance.~~

332 ~~9. Whether the district is currently in compliance.~~

333 ~~10. Plans to correct any recurring issues of~~
 334 ~~noncompliance.~~

335 ~~11. Efforts to promote transparency, including maintenance~~
 336 ~~of the district's website in accordance with s. 189.069.~~

337 ~~(3)(5)~~ If the local general-purpose government convenes a
 338 public hearing under subsection (2) ~~this section~~, it shall

339 provide the department and the Legislative Auditing Committee
 340 with a report containing its findings and conclusions within 60
 341 days after completion of the public hearing.

342 Section 10. Section 189.061, Florida Statutes, is
 343 reordered and amended to read:

344 189.061 Official list of special districts.—

345 (1)(a) The department shall maintain the official list of
 346 special districts. The official list of special districts shall
 347 include all special districts in this state and shall indicate
 348 the independent or dependent status of each district. All
 349 special districts on the list shall be sorted by county. The
 350 definitions in s. 189.012 shall be the criteria for
 351 determination of the independent or dependent status of each
 352 special district on the official list. The status of community
 353 development districts shall be independent on the official list
 354 of special districts.

355 (b) The official list shall exclude all districts declared
 356 inactive as provided in s. 189.062.

357 (2) The official list shall be maintained ~~produced~~ by the
 358 department using the information filed with the department by
 359 the special districts pursuant to this chapter. If a special
 360 district does not submit its written status statement required
 361 by s. 189.016(1) within the required time, the department may
 362 determine the status of the district. If the department
 363 determines the status, the department shall render its
 364 determination to an agent of the special district ~~after the~~

365 ~~department has notified each special district that is currently~~
 366 ~~reporting to the department, the Department of Financial~~
 367 ~~Services pursuant to s. 218.32, or the Auditor General pursuant~~
 368 ~~to s. 218.39. Upon notification, each special district shall~~
 369 ~~submit, within 60 days, its determination of its status. The~~
 370 ~~determination submitted by a special district shall be~~
 371 ~~consistent with the status reported in the most recent local~~
 372 ~~government audit of district activities submitted to the Auditor~~
 373 ~~General pursuant to s. 218.39.~~

374 (3)~~(6)~~ The official list of special districts or the
 375 determination of status does not constitute final agency action
 376 pursuant to chapter 120. If the status of a special district on
 377 the official list is inconsistent with the status submitted by
 378 the district, the district may request the department to issue a
 379 declaratory statement setting forth the requirements necessary
 380 to resolve the inconsistency. If necessary, upon issuance of a
 381 declaratory statement by the department that ~~which~~ is not
 382 appealed pursuant to chapter 120, the governing body of any
 383 special district receiving such a declaratory statement shall
 384 apply to the entity that ~~which~~ originally established the
 385 district for an amendment to its charter correcting the
 386 specified defects in its original charter. This amendment shall
 387 be for the sole purpose of resolving inconsistencies between a
 388 district charter and the status of a district as it appears on
 389 the official list.

390 (4)~~(3)~~ The Department of Financial Services shall notify

391 ~~provide~~ the department of each entity that attempts to report as
 392 a special district in the annual financial report ~~with a list of~~
 393 ~~dependent special districts reporting~~ pursuant to s. 218.32 that
 394 is not included for inclusion on the official list of special
 395 districts. The Auditor General shall notify the department of
 396 each entity that attempts to report as a special district in an
 397 audit report issued pursuant to s. 218.39 that is not included
 398 on the official list of special districts. Upon notification by
 399 the Department of Financial Services or the Auditor General, the
 400 department shall determine whether the entity is a special
 401 district as defined in s. 189.012. If the entity is a special
 402 district, the department shall add the entity to the official
 403 list of special districts and shall notify each such entity that
 404 it is required to comply with s. 189.013.

405 ~~(4) If a special district does not submit its status to~~
 406 ~~the department within the required time period, then the~~
 407 ~~department shall have the authority to determine the status of~~
 408 ~~said district. After such determination of status is completed,~~
 409 ~~the department shall render the determination to an agent of the~~
 410 ~~special district.~~

411 (5) The official list of special districts shall be
 412 available on the department's website and must include a link to
 413 the website of each special district that provides web-based
 414 access to the public of the information and documentation
 415 required under s. 189.069.

416 Section 11. Section 189.062, Florida Statutes, is amended

417 to read:

418 189.062 Special procedures for inactive districts.—

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

421 (a) The special district meets one of the following
422 criteria:

423 1. The registered agent of the district, the chair of the
424 governing body of the district, or the governing body of the
425 appropriate local general-purpose government notifies the
426 department in writing that the district has taken no action for
427 2 or more years;

428 2. The registered agent of the district, the chair of the
429 governing body of the district, or the governing body of the
430 appropriate local general-purpose government notifies the
431 department in writing that the district has not had a governing
432 body or a sufficient number of governing body members to
433 constitute a quorum for 2 or more years;

434 3. The registered agent of the district, the chair of the
435 governing body of the district, or the governing body of the
436 appropriate local general-purpose government fails to respond to
437 an inquiry by the department within 21 days;

438 4. The department determines, pursuant to s. 189.067, that
439 the district has failed to file any of the reports listed in s.
440 189.066;

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

443 6. The governing body of a special district provides
 444 documentation to the department that it has unanimously adopted
 445 a resolution declaring the special district inactive. The
 446 special district is ~~shall be~~ responsible for payment of any
 447 expenses associated with its dissolution. ~~A special district~~
 448 ~~declared inactive pursuant to this subparagraph may be dissolved~~
 449 ~~without a referendum; or~~

450 (b) The department, special district, or local general-
 451 purpose government has published a notice of proposed
 452 declaration of inactive status in a newspaper of general
 453 circulation in the county or municipality in which the territory
 454 of the special district is located and has sent a copy of such
 455 notice by certified mail to the registered agent or chair of the
 456 governing body, if any. Such notice must include the name of the
 457 special district, the law under which it was organized and
 458 operating, a general description of the territory included in
 459 the special district, and a statement that any objections must
 460 be filed pursuant to chapter 120 within 21 days after the
 461 publication date. ~~† and~~

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

465 (2) If any special district is declared inactive pursuant
 466 to this section, the property or assets of the special district
 467 are subject to legal process for payment of any debts of the
 468 district. After the payment of all the debts of said inactive

469 special district, the remainder of its property or assets shall
 470 escheat to the county or municipality wherein located. If,
 471 however, it shall be necessary, in order to pay any such debt,
 472 to levy any tax or taxes on the property in the territory or
 473 limits of the inactive special district, the same may be
 474 assessed and levied by order of the local general-purpose
 475 government wherein the same is situated and shall be assessed by
 476 the county property appraiser and collected by the county tax
 477 collector.

478 (3) (a) In the case of a district created by special act of
 479 the Legislature, the department shall send a notice of
 480 declaration of inactive status to the Speaker of the House of
 481 Representatives and the President of the Senate, and the
 482 standing committees of the Senate and the House of
 483 Representatives charged with special district oversight as
 484 determined by the presiding officers of each respective chamber
 485 and the Legislative Auditing Committee. The notice of
 486 declaration of inactive status shall reference each known
 487 special act creating or amending the charter of any special
 488 district declared to be inactive under this section. The
 489 declaration of inactive status shall be sufficient notice as
 490 required by s. 10, Art. III of the State Constitution to
 491 authorize the Legislature to repeal any special laws so
 492 reported. Each special act creating or amending the charter of a
 493 special district declared to be inactive under this section may
 494 be repealed by general law.

495 **(b)** In the case of a district created by one or more local
 496 general-purpose governments, the department shall send a notice
 497 of declaration of inactive status to the chair of the governing
 498 body of each local general-purpose government that created the
 499 district.

500 **(c)** In the case of a district created by interlocal
 501 agreement, the department shall send a notice of declaration of
 502 inactive status to the chair of the governing body of each local
 503 general-purpose government which entered into the interlocal
 504 agreement.

505 (4) The entity that created a special district declared
 506 inactive under this section must dissolve the special district
 507 by repealing its enabling laws or by other ~~appropriate~~ as
 508 set forth in s. 189.071 or s. 189.072. ~~Any special district~~
 509 ~~declared inactive pursuant to subparagraph (1)(a)5. may be~~
 510 ~~dissolved without a referendum.~~

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

- 514 (a) Withdrawn or revoked by the department; or
- 515 (b) Invalidated in proceedings initiated by the special
 516 district within 30 days after the publication date of the
 517 newspaper notice required under paragraph (1)(b) ~~written notice~~
 518 ~~of the declaration was provided to the special district~~
 519 ~~governing body by physical or electronic delivery, receipt~~
 520 ~~confirmed.~~ The special district governing body may initiate

521 | proceedings within the period authorized in this paragraph by:

522 | 1. Filing with the department a petition for an
523 | administrative hearing pursuant to s. 120.569; or

524 | 2. Filing an action for declaratory and injunctive relief
525 | under chapter 86 in the circuit court of the judicial circuit in
526 | which the majority of the area of the district is located.

527 | (c) If a timely challenge to the declaration is not
528 | initiated by the special district governing body, or the
529 | department prevails in a proceeding initiated under paragraph
530 | (b), the department may enforce the prohibitions in this
531 | subsection by filing a petition for enforcement with the circuit
532 | court in and for Leon County. The petition may request
533 | declaratory, injunctive, or other equitable relief, including
534 | the appointment of a receiver, and any forfeiture or other
535 | remedy provided by law.

536 | (d) The prevailing party shall be awarded costs of
537 | litigation and reasonable attorney fees in any proceeding
538 | brought under this subsection.

539 | (6) (a) The department shall immediately remove each
540 | special district declared inactive as provided in this section
541 | from the official list of special districts maintained as
542 | provided in ss. 189.061 and 189.064.

543 | (b) The department shall create a separate list of all
544 | special districts declared inactive as provided in this section
545 | and shall maintain each such district on the inactive list until
546 | the department determines that the district has resumed active

547 status, the district is merged as provided in s. 189.071 or s.
 548 189.074, or the district is dissolved as provided in s. 189.071
 549 or s. 189.072.

550 Section 12. Subsections (1), (2), and (3) of section
 551 189.064, Florida Statutes, are amended to read:

552 189.064 Special District Accountability Program; duties
 553 and responsibilities.—The Special District Accountability
 554 Program of the department has the following duties:

555 (1) Electronically publishing special district
 556 noncompliance status reports from the Department of Management
 557 Services, the Department of Financial Services, the Division of
 558 Bond Finance of the State Board of Administration, the Auditor
 559 General, and the Legislative Auditing Committee, for the
 560 reporting required in ss. 112.63, 218.32, 218.38, and 218.39.
 561 The noncompliance reports must list those special districts that
 562 did not comply with the statutory reporting requirements and be
 563 made available to the public electronically.

564 (2) Maintaining the official list of special districts as
 565 set forth in s. 189.061.

566 (3) Publishing and updating of a "Florida Special District
 567 Handbook" that contains, at a minimum:

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

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

573 (c) A section that summarizes the reporting requirements
 574 applicable to all types of special districts as provided in ss.
 575 189.015 and 189.016.

576 (d) A section that summarizes the public facilities
 577 reporting requirements and the evaluation and appraisal
 578 notification schedule as provided in s. 189.08(2).

579 Section 13. Section 189.0653, Florida Statutes, is created
 580 to read:

581 189.0653 Information before public hearing on
 582 noncompliance.—Before the public hearing as provided in s.
 583 189.0651(2) or s. 189.0652(2) is held, the special district
 584 shall provide the following information at the request of the
 585 local general-purpose government or the Legislative Auditing
 586 Committee, as appropriate:

587 (1) The district's annual financial report for the
 588 previous fiscal year.

589 (2) The district's audit report for the previous fiscal
 590 year.

591 (3) Minutes of meetings of the special district's
 592 governing body for the previous fiscal year and the current
 593 fiscal year to date.

594 (4) A report for the previous fiscal year providing the
 595 following:

596 (a) The purpose of the special district.

597 (b) The sources of funding for the special district.

598 (c) A description of the major activities, programs, and

599 initiatives the special district undertook in the most recently
 600 completed fiscal year and the benchmarks or criteria under which
 601 the success or failure of the district was or will be determined
 602 by its governing body.

603 (d) Any challenges or obstacles faced by the special
 604 district in fulfilling its purpose and related responsibilities.

605 (e) Ways in which the special district's governing body
 606 believes it could better fulfill the special district's purpose
 607 and a description of the actions it intends to take.

608 (f) Proposed changes to the special act, ordinance, or
 609 resolution, as appropriate, which established the special
 610 district and justification for such changes.

611 (g) Any other information reasonably required to provide
 612 the reviewing entity with an accurate understanding of the
 613 purpose of the special district and how the special district is
 614 fulfilling that purpose.

615 (h) Any reasons for the district's noncompliance resulting
 616 in the public hearing.

617 (i) Whether the district is currently in compliance.

618 (j) Plans to correct any recurring issues of
 619 noncompliance.

620 (k) Efforts to promote transparency, including a statement
 621 indicating whether the district's website complies with s.
 622 189.069.

623 Section 14. Subsection (2) of section 189.067, Florida
 624 Statutes, is amended to read:

625 189.067 Failure of district to disclose financial
 626 reports.—

627 (2) Failure of a special district to comply with the
 628 actuarial and financial reporting requirements under s. 112.63,
 629 s. 218.32, or s. 218.39 after the procedures of subsection (1)
 630 are exhausted shall be deemed final action of the special
 631 district. The actuarial and financial reporting requirements are
 632 declared to be essential requirements of law. Remedies for
 633 noncompliance with ss. 218.32 and 218.39 shall be as provided in
 634 ss. 189.0651 and 189.0652 ~~189.034 and 189.035~~. Remedy for
 635 noncompliance with s. 112.63 shall be as set forth in subsection
 636 (4).

637 Section 15. Paragraphs (a), (b), and (c) of subsection (2)
 638 of section 189.068, Florida Statutes, are amended to read:

639 189.068 Special districts; authority for oversight;
 640 general oversight review process.—

641 (2) Special districts may be reviewed for general
 642 oversight purposes under this section as follows:

643 (a) Each ~~All~~ special district ~~districts~~ created by special
 644 act may be reviewed by the Legislature using the ~~public hearing~~
 645 process provided in s. 189.0651 ~~189.034~~.

646 (b) Each ~~All~~ special district ~~districts~~ created by local
 647 ordinance or resolution may be reviewed by the local general-
 648 purpose government that enacted the ordinance or resolution
 649 using the ~~public hearing~~ process provided in s. 189.0652
 650 ~~189.035~~.

651 (c) Each ~~All~~ dependent special district not created by
 652 special act ~~districts~~ may be reviewed by the local general-
 653 purpose government upon ~~to~~ which it is ~~they are~~ dependent.

654 Section 16. Section 189.069, Florida Statutes, is amended
 655 to read:

656 189.069 Special districts; required reporting of
 657 information; web-based public access.-

658 (1) Beginning on October 1, 2015, or by the end of the
 659 first full fiscal year after its creation, each special district
 660 shall maintain an official ~~Internet~~ website containing the
 661 information required by this section ~~in accordance with s.~~
 662 ~~189.016.~~ Each special district ~~districts~~ shall submit its ~~their~~
 663 official ~~Internet~~ website address ~~addresses~~ to the department.

664 (a) Each independent special district ~~districts~~ shall
 665 maintain a separate ~~Internet~~ website.

666 (b) Each dependent special district ~~districts~~ shall be
 667 prominently ~~preeminently~~ displayed on the home page of the
 668 ~~Internet~~ website of the local general-purpose government upon
 669 which it is dependent ~~that created the special district~~ with a
 670 hyperlink to such webpages as are necessary to provide the
 671 information required by this section. A dependent special
 672 district ~~districts~~ may maintain a separate ~~Internet~~ website
 673 providing the information required by this section.

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

676 1. The full legal name of the special district.

- 677 2. The public purpose of the special district.
- 678 3. The name, official address, official e-mail address,
 679 and, if applicable, ~~the~~ term and appointing authority for each
 680 member of the governing body of the special district.
- 681 4. The fiscal year of the special district.
- 682 5. The full text of the special district's charter, the
 683 date of establishment, the establishing entity, and the statute
 684 or statutes under which the special district operates, if
 685 different from the statute or statutes under which the special
 686 district was established. Community development districts may
 687 reference chapter 190 as the uniform charter, but must include
 688 information relating to any grant of special powers.
- 689 6. The mailing address, e-mail address, telephone number,
 690 and ~~Internet~~ website uniform resource locator of the special
 691 district.
- 692 7. A description of the boundaries or service area of, and
 693 the services provided by, the special district.
- 694 8. A listing of all taxes, fees, assessments, or charges
 695 imposed and collected by the special district, including the
 696 rates or amounts for the fiscal year and the statutory authority
 697 for the levy of the tax, fee, assessment, or charge. For
 698 purposes of this subparagraph, charges do not include patient
 699 charges by a hospital or other health care provider.
- 700 9. The primary contact information for the special
 701 district for purposes of communication from the department.
- 702 10. A code of ethics adopted by the special district, if

703 applicable, and a hyperlink to generally applicable ethics
 704 provisions.

705 11. The budget of the each special district and any,~~in~~
 706 ~~addition to~~ amendments thereto in accordance with s. 189.016.

707 12. The final, complete audit report for the most recent
 708 completed fiscal year~~,~~ and audit reports required by law or
 709 authorized by the governing body of the special district.

710 13. A listing of its regularly scheduled public meetings
 711 as required by s. 189.015(1).

712 14. The public facilities report, if applicable.

713 15. The link to the Department of Financial Services'
 714 website as set forth in s. 218.32(1)(g).

715 16. At least 7 days before each meeting or workshop, the
 716 agenda of the event, along with any meeting materials available
 717 in an electronic format, excluding confidential and exempt
 718 information. The information must remain on the website for at
 719 least 1 year after the event.

720 (b) The department's ~~Internet~~ website list of special
 721 districts in the state required under s. 189.061 shall include a
 722 link for each special district that provides web-based access to
 723 the public for all information and documentation required for
 724 submission to the department pursuant to subsection (1).

725 Section 17. Subsections (2) and (3) of section 189.071,
 726 Florida Statutes, are amended to read:

727 189.071 Merger or dissolution of a dependent special
 728 district.—

729 (2) The merger or dissolution of an active a dependent
 730 special district created and operating pursuant to a special act
 731 may be effectuated only by further act of the Legislature unless
 732 otherwise provided by general law.

733 (3) A dependent special district that meets any criteria
 734 for being declared inactive, ~~or that has already been declared~~
 735 ~~inactive~~, pursuant to s. 189.062 may be dissolved or merged by
 736 special act without a referendum.

737 Section 18. Subsection (3) of section 189.072, Florida
 738 Statutes, is amended to read:

739 189.072 Dissolution of an independent special district.—

740 (3) INACTIVE INDEPENDENT SPECIAL DISTRICTS.—An independent
 741 special district that meets any criteria for being declared
 742 inactive, ~~or that has already been declared inactive~~, pursuant
 743 to s. 189.062 may be dissolved by special act without a
 744 referendum. If an inactive independent special district was
 745 created by a county or municipality through a referendum, the
 746 county or municipality that created the district may dissolve
 747 the district after publishing notice as described in s. 189.062.

748 Section 19. For the purpose of incorporating the amendment
 749 made by this act to section 189.016, Florida Statutes, in
 750 references thereto, paragraph (e) of subsection (2) and
 751 paragraph (g) of subsection (3) of section 189.074, Florida
 752 Statutes, are reenacted to read:

753 189.074 Voluntary merger of independent special
 754 districts.—Two or more contiguous independent special districts

755 created by special act which have similar functions and elected
 756 governing bodies may elect to merge into a single independent
 757 district through the act of merging the component independent
 758 special districts.

759 (2) JOINT MERGER PLAN BY RESOLUTION.—The governing bodies
 760 of two or more contiguous independent special districts may, by
 761 joint resolution, endorse a proposed joint merger plan to
 762 commence proceedings to merge the districts pursuant to this
 763 section.

764 (e) After the final public hearing, the governing bodies
 765 shall notify the supervisors of elections of the applicable
 766 counties in which district lands are located of the adoption of
 767 the resolution by each governing body. The supervisors of
 768 elections shall schedule a separate referendum for each
 769 component independent special district. The referenda may be
 770 held in each district on the same day, or on different days, but
 771 no more than 20 days apart.

772 1. Notice of a referendum on the merger of independent
 773 special districts must be provided pursuant to the notice
 774 requirements in s. 100.342. At a minimum, the notice must
 775 include:

776 a. A brief summary of the resolution and joint merger
 777 plan;

778 b. A statement as to where a copy of the resolution and
 779 joint merger plan may be examined;

780 c. The names of the component independent special

781 districts to be merged and a description of their territory;

782 d. The times and places at which the referendum will be
783 held; and

784 e. Such other matters as may be necessary to call, provide
785 for, and give notice of the referendum and to provide for the
786 conduct thereof and the canvass of the returns.

787 2. The referenda must be held in accordance with the
788 Florida Election Code and may be held pursuant to ss. 101.6101-
789 101.6107. All costs associated with the referenda shall be borne
790 by the respective component independent special district.

791 3. The ballot question in such referendum placed before
792 the qualified electors of each component independent special
793 district to be merged must be in substantially the following
794 form:

795
796 "Shall ...(name of component independent special
797 district)... and ...(name of component independent special
798 district or districts)... be merged into ...(name of newly
799 merged independent district)...?"

800
801YES

802NO"

803
804 4. If the component independent special districts
805 proposing to merge have disparate millage rates, the ballot
806 question in the referendum placed before the qualified electors

807 of each component independent special district must be in
 808 substantially the following form:

809

810 "Shall ...(name of component independent special
 811 district)... and ...(name of component independent special
 812 district or districts)... be merged into ...(name of newly
 813 merged independent district)... if the voter-approved maximum
 814 millage rate within each independent special district will not
 815 increase absent a subsequent referendum?

816

817YES

818NO"

819

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

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

829 7. If the merger is approved by a majority of the votes
 830 cast in each component independent special district, the merged
 831 independent district is created. Upon approval, the merged
 832 independent district shall notify the Special District

833 Accountability Program pursuant to s. 189.016(2) and the local
 834 general-purpose governments in which any part of the component
 835 independent special districts is situated pursuant to s.
 836 189.016(7).

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

840 (3) QUALIFIED ELECTOR-INITIATED MERGER PLAN.—The qualified
 841 electors of two or more contiguous independent special districts
 842 may commence a merger proceeding by each filing a petition with
 843 the governing body of their respective independent special
 844 district proposing to be merged. The petition must contain the
 845 signatures of at least 40 percent of the qualified electors of
 846 each component independent special district and must be
 847 submitted to the appropriate component independent special
 848 district governing body no later than 1 year after the start of
 849 the qualified elector-initiated merger process.

850 (g) After the final public hearing, the governing bodies
 851 shall notify the supervisors of elections of the applicable
 852 counties in which district lands are located of the adoption of
 853 the resolution by each governing body. The supervisors of
 854 elections shall schedule a date for the separate referenda for
 855 each district. The referenda may be held in each district on the
 856 same day, or on different days, but no more than 20 days apart.

857 1. Notice of a referendum on the merger of the component
 858 independent special districts must be provided pursuant to the

859 notice requirements in s. 100.342. At a minimum, the notice must
860 include:

861 a. A brief summary of the resolution and elector-initiated
862 merger plan;

863 b. A statement as to where a copy of the resolution and
864 petition for merger may be examined;

865 c. The names of the component independent special
866 districts to be merged and a description of their territory;

867 d. The times and places at which the referendum will be
868 held; and

869 e. Such other matters as may be necessary to call, provide
870 for, and give notice of the referendum and to provide for the
871 conduct thereof and the canvass of the returns.

872 2. The referenda must be held in accordance with the
873 Florida Election Code and may be held pursuant to ss. 101.6101-
874 101.6107. All costs associated with the referenda shall be borne
875 by the respective component independent special district.

876 3. The ballot question in such referendum placed before
877 the qualified electors of each component independent special
878 district to be merged must be in substantially the following
879 form:

880

881 "Shall ...(name of component independent special
882 district)... and ...(name of component independent special
883 district or districts)... be merged into ...(name of newly
884 merged independent district)...?"

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....YES
....NO"

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

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

....YES
....NO"

5. In any referendum held pursuant to this section, 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. The merger may not take effect unless a majority of the votes cast in each component independent special district are in

911 favor of the merger. If one of the component independent special
 912 districts does not obtain a majority vote, the referendum fails,
 913 and merger does not take effect.

914 7. If the merger is approved by a majority of the votes
 915 cast in each component independent special district, the merged
 916 district shall notify the Special District Accountability
 917 Program pursuant to s. 189.016(2) and the local general-purpose
 918 governments in which any part of the component independent
 919 special districts is situated pursuant to s. 189.016(7).

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

923 Section 20. This act shall take effect October 1, 2016.

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 481 Columbia County Law Library
SPONSOR(S): Porter
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local Government Affairs Subcommittee	11 Y, 0 N	Walker	Miller
2) Local & Federal Affairs Committee		Walker <i>SW</i>	Kiner <i>KLK</i>

SUMMARY ANALYSIS

“Special Districts” are a type of limited local government created to perform specific services within a described geographic area. Sometimes called special taxing districts, most are created either by special act (independent special districts) or county or municipal ordinance (dependent special districts). The Special District Accountability Program in the Department of Economic Opportunity (DEO) is responsible for creating and maintaining a current list of all special districts in Florida, as provided in ch. 189, F.S., the Uniform Special District Accountability Act.

When a special district fails to meet certain statutory responsibilities, no longer functions, or informs DEO it is no longer active, DEO is required to follow the statutory process before declaring the district inactive. This includes documenting one or more statutory criteria for inactive status, publishing notice in the area of the district of DEO’s intent to declare the district inactive, and documenting the lack of any objection to declaring the district inactive. DEO is required to deliver written notice of the declaration of inactive status to specific authorities. If the district was created by special act, notice is delivered to the Speaker of the House, the President of the Senate, and the standing committees in each chamber responsible for special district oversight. If the district was created by local ordinance, notice is delivered to the governing body of the county or municipality that created the district. A special district declared inactive may not collect taxes, assessments, or fees while the declaration is in effect. However, the district still exists until its legal authority is repealed by the creating entity.

The bill dissolves the Columbia County Law Library, an independent special district, by repealing ch. 61-2045, Laws of Florida. Any assets and liabilities of the district are transferred to the Board of County Commissioners for Columbia County.

The bill is effective upon becoming law.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

PRESENT SITUATION

Special Districts Declared Inactive

A "special district" is a unit of local government created for a particular purpose, with jurisdiction to operate within a limited geographic boundary. Special districts are created by general law,¹ special act,² local ordinance,³ or by rule of the Governor and Cabinet.⁴ A special district has only those powers expressly provided by, or reasonably implied from, the authority provided in the district's charter. Special districts provide specific municipal services in addition to, or in place of, those provided by a municipality or county.⁵ A special district may be "dependent"⁶ or "independent."⁷

The Special District Accountability Program within the Department of Economic Opportunity (DEO) is responsible for maintaining and electronically publishing the official list of all special districts in Florida.⁸ The official list currently reports all active special districts as well as those declared inactive by DEO.

Whether dependent or independent, when a special district no longer fully functions or fails to meet its statutory responsibilities, DEO is required to declare that district inactive by following a specified process.⁹ DEO must first document the factual basis for declaring the district inactive.

A special district may be declared inactive if it meets one of six specific factors:

- The registered agent of the district, the chair of the district governing body, or the governing body of the appropriate local general-purpose government:
 - Provides DEO with written notice that the district has taken no action for 2 or more years.¹⁰
 - Provides DEO with written notice that the district has not had any members on its governing body or insufficient numbers to constitute a quorum for 2 or more years.¹¹
 - Fails to respond to an inquiry from DEO within 21 days.¹²

¹ Section 189.031(3), F.S.

² Id.

³ Section 189.02(1), F.S.

⁴ Section 190.005(1), F.S. *See, generally, s. 189.012(6), F.S.*

⁵ 2015 – 2016 *Local Gov't Formation Manual*, p. 67, at

<http://myfloridahouse.gov/Sections/Committees/committeesdetail.aspx?CommitteeId=2836> (accessed 9/28/2015).

⁶ Section 189.012(2), F.S. A special district where the membership of the governing body is identical to the governing body of a single county or municipality, all members of the governing body are appointed by the governing body of a single county or municipality, members of the district's governing body are removable at will by the governing body of a single county or municipality, or the district's budget is subject to the approval of governing body of a single county or municipality.

⁷ Section 189.012(3), F.S. A special district that is not a dependent district.

⁸ Sections 189.061(1), 189.064(2), F.S. DEO maintains the current official list at

<https://dca.deo.myflorida.com/fhcd/sdip/OfficialListdeo/> (accessed 9/28/2015).

⁹ Section 189.062(1), F.S. Prior to 2014, the former statute required DEO to document the existence of one of five criteria listed in paragraph (1)(a), publication and service under paragraph (1)(b) of a notice of intent to declare the district inactive, and the lack of any administrative appeal of the declaration within 21 days of that publication. Section 189.4044, F.S. (2013). In 2014, as ch. 189, F.S., was extensively revised and restructured, the word "or" was added at the end of s. 189.062(1)(a)6, F.S., apparently allowing DEO either to document one of the six criteria *or* publish notice of intent to declare inactive and find no appeal is filed. Chapter 2014-22, s. 24, Laws of Florida. During the 2015 regular legislative session, the Florida Senate passed CS/SB 1388, its version of a bill resolving technical issues stemming from the 2014 revisions, which would have amended s. 189.062(1)(a)6, F.S., by removing the word "or." CS/SB 1388 (2015), s. 11, at line 414 (bill did not pass the Legislature). DEO still uses the 3-step process as described in the 2013 statute.

¹⁰ Section 189.062(1)(a)1., F.S.

¹¹ Section 189.062(1)(a)2., F.S.

- Following statutory procedure,¹³ DEO determines the district failed to file specified reports,¹⁴ including required financial reports.¹⁵
- For more than 1 year, no registered office or agent for the district was on file with DEO.¹⁶
- The governing body of the district unanimously adopts a resolution declaring the district inactive and provides documentation of the resolution to DEO.¹⁷

Once DEO determines which criterion applies to the district, notice of the proposed declaration of inactive status is published by DEO, the local general-purpose government for the area where the district is located, or the district itself.¹⁸ The notice must state that any objections to declaring the district inactive must be filed with DEO pursuant to chapter 120, F.S.,¹⁹ within 21 days after the publication date.²⁰ If no objection is filed within the 21 day period, DEO declares the district inactive.²¹

After declaring certain special districts as being inactive, DEO must send written notice of the declaration to the authorities which created the district. If the district was created by special act, DEO sends written notice to the Speaker of the House, the President of the Senate, and the standing committees in each chamber responsible for special district oversight.²² The statute provides that the declaration of inactive status is sufficient notice under the Florida Constitution²³ to authorize the repeal of special laws creating or amending the charter of the inactive district.²⁴ This statute stands in lieu of the normal requirement for publication of notice of intent to file a local bill at least 30 days before introducing the bill in the Legislature.²⁵

The property and assets of a special district declared inactive by DEO are first used to pay any debts of the district. Any remaining property or assets then escheat to the county or municipality in which the district was located. If the district's assets are insufficient to pay its outstanding debts, the local general-purpose government in which the district was located may assess and levy within the territory of the inactive district such taxes as necessary to pay the remaining debt.²⁶

A district declared inactive may not collect taxes, fees, or assessments.²⁷ This prohibition continues until the declaration of invalidity is withdrawn or revoked by DEO²⁸ or invalidated in an administrative proceeding²⁹ or civil action³⁰ timely brought by the governing body of the special district.³¹ Failure of the

¹² Section 189.062(1)(a)3., F.S.

¹³ Section 189.067, F.S.

¹⁴ Section 189.066, F.S.

¹⁵ Section 189.062(1)(a)4., F.S. *See, ss.* 189.016(9), 218.32, 218.39, F.S.

¹⁶ Section 189.062(1)(a)5., F.S.

¹⁷ Section 189.062(1)(a)6., F.S.

¹⁸ Publication must be in a newspaper of general circulation in the county or municipality where the district is located and a copy sent by certified mail to the district's registered agent or chair of the district's governing body, if any.

¹⁹ The Florida Administrative Procedure Act.

²⁰ Section 189.062(10)(b), F.S. The published notice also must include the name of the district, the law under which it was organized and operating, and a description of the district's territory.

²¹ Section 189.062(1)(c), F.S.

²² Section 189.062(3), F.S.

²³ Art. III, s. 10, Fla. Const.

²⁴ Section 189.062(3), F.S.

²⁵ Section 11.02, F.S.

²⁶ Section 189.062(2), F.S.

²⁷ Section 189.062(5), F.S.

²⁸ Section 189.062(5)(a), F.S.

²⁹ Section 189.062(5)(b)1., F.S. Administrative proceedings are conducted pursuant to s. 120.569, F.S.

³⁰ Section 189.062(5)(b)2., F.S. The action for declaratory and injunctive relief is brought under ch. 86, F.S.

³¹ The special district must initiate the legal challenge within 30 days after the date the written notice of the department's declaration of inactive status is provided to the special district. Section 189.062(5)(b), F.S.

special district to challenge (or prevail against) the declaration of inactive status enables DEO to enforce the statute through a petition for enforcement in circuit court.³²

Declaring a special district to be inactive does not dissolve the district or otherwise cease its legal existence. Subsequent action is required to repeal the legal authority creating the district, whether by the Legislature³³ or the entity that created the district.³⁴

Columbia County Law Library

The Columbia County Law Library was created as an independent special district by special act in 1961.³⁵ The act authorized a five member board of trustees to establish and operate the law library, composed of the resident judge of the circuit court, a member of the board of county commissioners chosen by that board, the county clerk,³⁶ and two attorneys in private practice. The act imposed an additional cost of up to \$5.00 in each circuit court case initiated in Columbia County to be remitted to the board for the library.³⁷ Members of the Bar practicing in Columbia County were required to pay an additional annual fee of \$5.00, also to be turned over to the board.³⁸ All property of the library was deemed held in trust for the people of Columbia County.³⁹

On November 20, 2014, the registered agent of the Columbia County Law Library notified DEO that the District had not taken any action for two or more years and requested that DEO declare the District inactive.⁴⁰ On December 11, 2014, DEO published the "Notice of Proposed Declaration of Inactive Status of the Columbia County Law Library Independent Special District" in the Lake City Reporter. Pursuant to statute, the notice required any objections to the District being placed on inactive status to file an objection with DEO within 21 days of the initial publication of the notice; no objections were received. On January 6, DEO declared the District inactive.⁴¹ DEO notified the Speaker of the House, the President of the Senate, and the standing committee chairs pursuant to statute that the district had been declared inactive.⁴²

EFFECT OF THE BILL

The bill dissolves the Columbia County Law Library by repealing ch. 61-2045, Laws of Florida. Any assets and liabilities of the district are transferred to the Board of County Commissioners for Columbia County.

B. SECTION DIRECTORY:

Section 1: Repeals ch. 61-2045, Laws of Florida.

³² Section 189.062(5)(c), F.S. The enforcement action is brought in the circuit court in and for Leon County.

³³ Sections 189.071(3), 189.072(3), F.S.

³⁴ Section 189.062(4), F.S. Unless otherwise provided by law or ordinance, dissolution of a special district transfers title to all district property to the local general-purpose government, which also must assume all debts of the dissolved district. Section 189.076(2), F.S.

³⁵ Chapter 61-2045, Laws of Florida.

³⁶ Chapter 61-2045, s. 1, Laws of Florida. It is unclear whether this reference is to the clerk of the circuit court as provided in the state constitution at that time. Art. VIII, s. 6, Fla. Const. (1885, as amended through 1960).

³⁷ Chapter 61-2045, s. 2, Laws of Florida.

³⁸ Chapter 61-2045, s. 3, Laws of Florida.

³⁹ Chapter 61-2045, s. 5, Laws of Florida.

⁴⁰ Letter from P. DeWitt Cason to the Department of Economic Opportunity, requesting the District be declared inactive on the grounds that the district had not taken action in over 2 years, on file with Local Government Affairs Subcommittee (November 20th, 2014).

⁴¹ Letter from the Department of Economic Opportunity to Speaker of the House Steve Crisafulli, "Re: Declaration of Inactive Status of the Columbia County Law Library," on file with Local Government Affairs Subcommittee (February 16th, 2015).

⁴² Id; Letters from the Department of Economic Opportunity to Senate President Andy Gardiner, Senate Committee on Community Affairs Chair Wilton Simpson, House Local and Federal Affairs Committee Chair Dennis Baxley, and House Local Government Affairs Subcommittee Chair Debbie Mayfield, "Declaration of Inactive Status of the Columbia County Law Library," on file with Local Government Affairs Subcommittee (February 16th, 2015).

Section 2: Abolishes the Columbia County Law Library and transfers all assets and liabilities of the district to the Board of County Commissioners of Columbia County.

Section 3: Provides the bill is effective upon becoming law.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? February 16, 2015

WHERE? Tallahassee, FL

B. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes, attached No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached No

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

The bill does not provide authority or require implementation by administrative agency rulemaking.

C. DRAFTING ISSUES OR OTHER COMMENTS:

When notice of intent to file a local bill is published in the area to be affected pursuant to statute,⁴³ proof of such publication typically is in the form of an affidavit.⁴⁴ However, in this instance the notice of declaring inactive status in and of itself is sufficient to satisfy the constitutional requirement.⁴⁵ To satisfy the requirement of general law that evidence of the necessary publication “be established” in the Legislature before the bill is passed,⁴⁶ a Substitute Notice of Publication reciting the requirement of s. 189.062(3), F.S., was submitted with the bill.

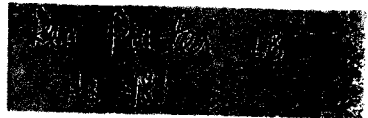
IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

⁴³ Section 11.02, F.S.

⁴⁴ Section 11.03, F.S.

⁴⁵ Section 189.062(3), F.S.

⁴⁶ Section 11.021, F.S.



SUBSTITUTE NOTICE OF PUBLICATION

Re: Columbia County Law Library, an independent special district

The Special District Accountability Program in the Department of Economic Opportunity has declared the Columbia County Law Library, an independent special district in Columbia County, to be inactive. By notice dated February 16, 2015, the Department informed the President of the Florida Senate and the Speaker of the Florida House of Representatives of the inactive status of the district. Under s. 189.062(3), F.S. (formerly s. 189.4044(3), F.S.), the declaration of inactive status from DEO is sufficient notice under s. 10, art. III of the State Constitution to authorize the Legislature to repeal any special laws so reported.

HOUSE OF REPRESENTATIVES
2016 LOCAL BILL CERTIFICATION FORM

BILL #: HB 481
SPONSOR(S): Representative Porter
RELATING TO: Columbia County Law Library, an independent special district
[Indicate Area Affected (City, County, or Special District) and Subject]
NAME OF DELEGATION: Columbia County
CONTACT PERSON: Koby Adams
PHONE NO.: (386) 791-4600 **E-Mail:** Koby.Adams@myfloridahouse.gov

- I. House local bill policy requires the following steps must occur before a committee or subcommittee of the House considers a local bill:**
- (1) *The members of the local legislative delegation must certify that the purpose of the bill cannot be accomplished at the local level;*
 - (2) *The legislative delegation must hold a public hearing in the area affected for the purpose of considering the local bill issue(s); and*
 - (3) *The bill must be approved by a majority of the legislative delegation, or a higher threshold if so required by the rules of the delegation, at the public hearing or at a subsequent delegation meeting.*
 - (4) *An Economic Impact Statement for local bills must be prepared at the local level and submitted to the Local Government Affairs Subcommittee. Under House policy, no local bill will be considered by a committee or subcommittee without an Economic Impact Statement.*

(1) Does the delegation certify the purpose of the bill cannot be accomplished by ordinance of a local governing body without the legal need for a referendum?

YES NO

(2) Did the delegation conduct a public hearing on the subject of the bill?

YES NO

Date hearing held: September 23, 2015

Location: Wilson S. Rivers Library-Florida Gateway College, Lake City, Florida

(3) Was this bill formally approved by a majority of the delegation members?

YES NO

(4) Was an Economic Impact Statement prepared at the local level and submitted to the Local Government Affairs Subcommittee?

YES NO

- II. Article III, Section 10 of the State Constitution prohibits passage of any special act unless notice of intention to seek enactment of the bill has been published as provided by general law (s. 11.02, F. S.) or the act is conditioned to take effect only upon approval by referendum vote of the electors in the area affected.**

Has this constitutional notice requirement been met?

Notice published: YES NO DATE 2/16/2015

Where? Letter per s. 189.062, F.S. (2014) County Leon

Referendum in lieu of publication: YES NO

Date of Referendum _____

III. *Article VII, Section 9(b) of the State Constitution prohibits passage of any bill creating a special taxing district, or changing the authorized millage rate for an existing special taxing district, unless the bill subjects the taxing provision to approval by referendum vote of the electors in the area affected.*

(1) Does the bill create a special district and authorize the district to impose an ad valorem tax?

YES NO

(2) Does this bill change the authorized ad valorem millage rate for an existing special district?

YES NO

If the answer to question (1) or (2) is YES, does the bill require voter approval of the ad valorem tax provision(s)?

YES NO

Please submit this completed, original form to the Local Government Affairs Subcommittee.

Elizabeth W. Porter
Delegation Chair (Original Signature)

09/23/2015
Date

Elizabeth W. Porter
Printed Name of Delegation Chair

**HOUSE OF REPRESENTATIVES
2016 ECONOMIC IMPACT STATEMENT FORM**

****Read all instructions carefully.****

House local bill policy requires that no local bill will be considered by a committee or a subcommittee without an Economic Impact Statement. This form must be prepared at the LOCAL LEVEL by an individual who is qualified to establish fiscal data and impacts and has personal knowledge of the information given (for example, a chief financial officer of a particular local government). Please submit this completed, original form to the Local Government Affairs Subcommittee as soon as possible after a bill is filed. Additional pages may be attached as necessary.

BILL #: HB 481

SPONSOR(S): Representative Elizabeth W. Porter

RELATING TO: Columbia County Law Library, an independent special district
(Indicate Area Affected (City, County or Special District) and Subject)

I. REVENUES:

These figures are new revenues that would not exist but for the passage of the bill. The term "revenue" contemplates, but is not limited to, taxes, fees and special assessments. For example, license plate fees may be a revenue source. If the bill will add or remove property or individuals from the tax base, include this information as well.

	<u>FY 16-17</u>	<u>FY 17-18</u>
Revenue decrease due to bill:	\$ _____	\$ _____
Revenue increase due to bill:	\$ _____	\$ _____

II. COST:

Include all costs, both direct and indirect, including start-up costs. If the bill repeals the existence of a certain entity, state the related costs, such as satisfying liabilities and distributing assets.

Expenditures for Implementation, Administration and Enforcement:

	<u>FY 16-17</u>	<u>FY 17-18</u>
	\$ _____	\$ _____

Please include explanations and calculations regarding how each dollar figure was determined in reaching total cost.

III. FUNDING SOURCE(S):

State the specific sources from which funding will be received, for example, license plate fees, state funds, borrowed funds, or special assessments.

If certain funding changes are anticipated to occur beyond the following two fiscal years, explain the change and at what rate taxes, fees or assessments will be collected in those years.

	<u>FY 16-17</u>	<u>FY 17-18</u>
Local:	<u>\$ 0</u>	<u>\$ 0</u>
State:	<u>\$ 0</u>	<u>\$ 0</u>
Federal:	<u>\$ 0</u>	<u>\$ 0</u>

IV. ECONOMIC IMPACT:

Potential Advantages:

Include all possible outcomes linked to the bill, such as increased efficiencies, and positive or negative changes to tax revenue. If an act is being repealed or an entity dissolved, include the increased or decreased efficiencies caused thereby.

Include specific figures for anticipated job growth.

1. Advantages to Individuals: Dissolves a unit of local government that is inactive and no longer necessary.
2. Advantages to Businesses: Dissolves a unit of local government that is inactive and no longer necessary.
3. Advantages to Government: Dissolves an inactive unit of local government that duplicates authority of county government.

Potential Disadvantages:

Include all possible outcomes linked to the bill, such as inefficiencies, shortages, or market changes anticipated.

Include reduced business opportunities, such as reduced access to capital or training.

State any decreases in tax revenue as a result of the bill.

1. Disadvantages to Individuals: None

2. Disadvantages to Businesses: None

3. Disadvantages to Government: None

V. DESCRIBE THE POTENTIAL IMPACT OF THE BILL ON PRESENT GOVERNMENTAL SERVICES:

No anticipated impact. The district is inactive.

VI. SPECIFIC DATA USED IN REACHING ESTIMATES:

Include the type(s) and source(s) of data used, percentages, dollar figures, all assumptions made, history of the industry/issue affected by the bill, and any audits.

VII. CERTIFICATION BY PREPARER

I hereby certify I am qualified to establish fiscal data and impacts and have personal knowledge of the information given. I have reviewed all available financial information applicable to the substance of the above-stated local bill and confirm the foregoing Economic Impact Statement is a true and accurate estimate of the economic impact of the bill.

PREPARED BY:

P. DeWitt Cason
[Must be signed by Preparer]

Print preparer's name:

P. DeWitt Cason

09/22/2015

Date

TITLE (such as Executive Director, Actuary, Chief Accountant, or Budget Director):

Clerk of Court

REPRESENTING:

Columbia County

PHONE:

386-758-1049

E-MAIL ADDRESS:

pdcason@columbiaclerk.com

Rick Scott
GOVERNOR



Jesse Panuccio
EXECUTIVE DIRECTOR

February 16, 2015

The Honorable Steve Crisafulli, Speaker
Florida House of Representatives
420 The Capitol
402 South Monroe Street
Tallahassee, Florida 32399-1300

Re: Declaration of Inactive Status of the Columbia County Law Library

Dear Speaker Crisafulli:

The Department of Economic Opportunity (the "Department") administers Chapter 189, Florida Statutes (the Uniform Special District Accountability Act). This Act charges the Department with a number of responsibilities as they relate to special districts. Among these responsibilities is the requirement to declare special districts inactive for dissolution under certain circumstances. When special districts created by special act of the Legislature become inactive, the Department must notify the President of the Senate, the Speaker of the House of Representatives, and the standing committees of the Senate and the House of Representatives charged with special district oversight as determined by the presiding officers of each respective chamber and the Legislative Auditing Committee.

Section 189.062, Florida Statutes, describes six conditions requiring the Department to declare special districts inactive. One of these conditions is met when the Department is notified in writing by a special district's registered agent that the special district has taken no action for two or more years.

On November 20, 2014, Mr. P. DeWitt Cason, the registered agent of the Columbia County Law Library (the "District"), an independent special district located in Columbia County, notified the Department in writing that the District has not taken any action for two or more years. Mr. DeWitt requested that the Department declare the District inactive.

On December 11, 2014, the Department published the enclosed "Notice of Proposed Declaration of Inactive Status of the Columbia County Law Library Independent Special District" in the *Lake City Reporter*. This notice required any party objecting to the inactive status to file an objection with the Department pursuant to Chapter 120, Florida Statutes, within twenty-one days after the date of publication of the notice. The Department did not receive any objections. Therefore, on January 6, 2015, the Department declared the District inactive by changing its status on the "Official List of Special Districts" from "active" to "inactive."

Florida Department of Economic Opportunity | Caldwell Building | 107 E. Madison Street | Tallahassee, FL 32399
866.FLA.2345 | 850.245.7105 | 850.921.3223 Fax
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The Honorable Steve Crisafulli

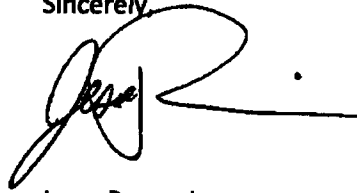
February 16, 2015

Page 2 of 2

Section 189.062(3), Florida Statutes, provides that this declaration of inactive status is sufficient notice as required by Section 10, Article III of the State Constitution to authorize the Legislature to repeal any special laws so reported. According to our records, the District was established by Chapter 61-2045, Laws of Florida. The Department requests that the Legislature dissolve the District by repealing its special act.

Thank you in advance for your assistance with this matter. If you have any questions, please have your office contact Mr. Peter Penrod, Assistant General Counsel, at 850-245-7150.

Sincerely,

A handwritten signature in black ink, appearing to be 'JP' followed by a large, stylized 'R' with a horizontal line extending to the right.

Jesse Panuccio

Enclosures

JP/jg

cc: Mr. P. DeWitt Cason, Registered Agent, Columbia County Law Library and Columbia County Clerk of Court

P. DeWitt Cason

Clerk of Circuit Court - Columbia County, Florida



November 20, 2014

Mr. Jack Gaskins Jr.
Department of Economic Opportunity
Office of Financial Management
107 E. Madison Street, MSC 120
Tallahassee, FL 32399-4124

Mr. Gaskins,

As registered agent for the Columbia County Law Library Independent Special District, I am requesting this special district be declared inactive. Pursuant to Section 189.062(1)(a)1, *Florida Statutes*, the district has taken no action for 2 or more years. Thank you for your assistance. If you need more information please contact my Finance Director, Chad Crews at 386-758-1049.

Sincerely,

A handwritten signature in cursive script that reads "P. DeWitt Cason".

P. DeWitt Cason
Columbia County Clerk of Court
As Registered Agent for the Columbia County Law Library

NOTICE OF PROPOSED DECLARATION OF INACTIVE STATUS OF THE COLUMBIA COUNTY LAW LIBRARY INDEPENDENT SPECIAL DISTRICT

Notice is given that the registered agent of the Columbia County Law Library (the "District"), an independent special district established by Chapter 61-2045, Laws of Florida, and operating under Chapter 189, Florida Statutes, has met the criterion specified in Section 189.062(1)(a)1., Florida Statutes, requiring the Department of Economic Opportunity (the "Department") to declare the District inactive. The District's territory is Columbia County, Florida. Section 189.062(4), Florida Statutes, requires the entity that created a special district declared inactive to dissolve the special district by repealing its enabling laws or by other appropriate means.

The Department hereby notices its intent to declare the District inactive twenty-one (21) calendar days after the date of publication of this Notice. Any objections must be filed pursuant to Chapter 120, Florida Statutes, within twenty-one (21) days after the date of publication of this Notice, by first class mail or hand-delivery to the Department of Economic Opportunity, Agency Clerk, 107 E. Madison Street, MSC 400, Tallahassee, FL 32399-6508. You may also file the Petition by facsimile transmission to (850) 921-3230, but you are responsible for verifying that the complete document was received by the Agency Clerk prior to the deadline. The petition must meet the filing requirements contained in Rule 28-106.104, Florida Administrative Code. If no issues of material fact are disputed, then the petition must comply with the requirements of Rule 28-106.301, Florida Administrative Code. If issues of material fact are disputed, then the petition must comply with the requirements of Rule 28-106.201, Florida Administrative Code.

10737244
December 11, 2014

Rick Scott
GOVERNOR



Jesse Panuccio
EXECUTIVE DIRECTOR

February 16, 2015

The Honorable Dennis K. Baxley, Chair
House Local and Federal Affairs Committee
317 House Office Building
402 South Monroe Street
Tallahassee, Florida 32399-1300

Re: Declaration of Inactive Status of the Columbia County Law Library

Dear Representative Baxley:

The Department of Economic Opportunity (the "Department") administers Chapter 189, Florida Statutes (the Uniform Special District Accountability Act). This Act charges the Department with a number of responsibilities as they relate to special districts. Among these responsibilities is the requirement to declare special districts inactive for dissolution under certain circumstances. When special districts created by special act of the Legislature become inactive, the Department must notify the President of the Senate, the Speaker of the House of Representatives, and the standing committees of the Senate and the House of Representatives charged with special district oversight as determined by the presiding officers of each respective chamber and the Legislative Auditing Committee.

Section 189.062, Florida Statutes, describes six conditions requiring the Department to declare special districts inactive. One of these conditions is met when the Department is notified in writing by a special district's registered agent that the special district has taken no action for two or more years.

On November 20, 2014, Mr. P. DeWitt Cason, the registered agent of the Columbia County Law Library (the "District"), an independent special district located in Columbia County, notified the Department in writing that the District has not taken any action for two or more years. Mr. DeWitt requested that the Department declare the District inactive.

On December 11, 2014, the Department published the enclosed "Notice of Proposed Declaration of Inactive Status of the Columbia County Law Library Independent Special District" in the *Lake City Reporter*. This notice required any party objecting to the inactive status to file an objection with the Department pursuant to Chapter 120, Florida Statutes, within twenty-one days after the date of publication of the notice. The Department did not receive any objections. Therefore, on January 6, 2015, the Department declared the District inactive by changing its status on the "Official List of Special Districts" from "active" to "inactive."

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The Honorable Dennis K. Baxley

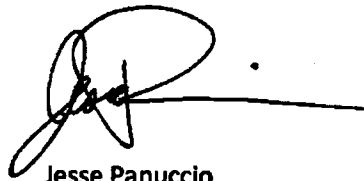
February 16, 2015

Page 2 of 2

Section 189.062(3), Florida Statutes, provides that this declaration of inactive status is sufficient notice as required by Section 10, Article III of the State Constitution to authorize the Legislature to repeal any special laws so reported. According to our records, the District was established by Chapter 61-2045, Laws of Florida. The Department requests that the Legislature dissolve the District by repealing its special act.

Thank you in advance for your assistance with this matter. If you have any questions, please have your office contact Mr. Peter Penrod, Assistant General Counsel, at 850-245-7150.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jesse Panuccio', with a long horizontal line extending to the right.

Jesse Panuccio

Enclosures

JP/jg

cc: Mr. P. DeWitt Cason, Registered Agent, Columbia County Law Library and Columbia County
Clerk of Court
Mr. Kerrington Kiner, Staff Director, House Local and Federal Affairs Committee

Rick Scott
GOVERNOR



Jesse Panuccio
EXECUTIVE DIRECTOR

February 16, 2015

The Honorable Debbie Mayfield, Chair
House Local Government Affairs Subcommittee
317 House Office Building
402 South Monroe Street
Tallahassee, Florida 32399-1300

Re: Declaration of Inactive Status of the Columbia County Law Library

Dear Representative Mayfield:

The Department of Economic Opportunity (the "Department") administers Chapter 189, Florida Statutes (the Uniform Special District Accountability Act). This Act charges the Department with a number of responsibilities as they relate to special districts. Among these responsibilities is the requirement to declare special districts inactive for dissolution under certain circumstances. When special districts created by special act of the Legislature become inactive, the Department must notify the President of the Senate, the Speaker of the House of Representatives, and the standing committees of the Senate and the House of Representatives charged with special district oversight as determined by the presiding officers of each respective chamber and the Legislative Auditing Committee.

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The Honorable Debbie Mayfield

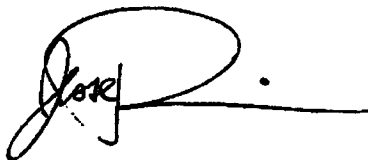
February 16, 2015

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Thank you in advance for your assistance with this matter. If you have any questions, please have your office contact Mr. Peter Penrod, Assistant General Counsel, at 850-245-7150.

Sincerely,

A handwritten signature in black ink, appearing to read "Jesse Panuccio", with a long horizontal line extending to the right.

Jesse Panuccio

Enclosures

JP/jg

cc: Mr. P. DeWitt Cason, Registered Agent, Columbia County Law Library and Columbia County
Clerk of Court
Mr. Eric Miller, Policy Chief, House Local Government Affairs Subcommittee

HB 481

2016

1 A bill to be entitled
 2 An act relating to the Columbia County Law Library;
 3 repealing chapter 61-2045, Laws of Florida; abolishing
 4 the library; transferring assets and liabilities;
 5 providing an effective date.

6
 7 Be It Enacted by the Legislature of the State of Florida:

8
 9 Section 1. Chapter 61-2045, Laws of Florida, is repealed.

10 Section 2. The Columbia County Law Library is abolished.

11 All assets and liabilities of the library are transferred to the
 12 Board of County Commissioners of Columbia County.

13 Section 3. This act shall take effect upon becoming a law.