

Committee Substitute for House Bill No. 3269

An act relating to special districts; amending s. 189.4042, F.S.; specifying procedures for merger or dissolution of independent special districts created by a county or municipality; amending s. 189.405, F.S.; revising the amount of the filing fee and the number of required signatures on petitions in provisions which specify how candidates for the governing board of certain single-county and multicounty special districts shall qualify; amending s. 189.429, F.S., and s. 15, ch. 97-256, Laws of Florida, which require special districts, including fire control districts, to submit draft codified charters to the Legislature; revising the deadline and requirements for such codification; providing that the Legislature may adopt a schedule for codification; amending s. 215.425, F.S.; authorizing extra compensation for special district employees pursuant to resolution; amending s. 191.006, F.S., relating to powers of independent special fire control districts, to conform; providing effective dates.

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

Section 1. Subsection (2) of section 189.4042, Florida Statutes, is amended to read:

189.4042 Merger and dissolution procedures.—

(2) The merger or dissolution of an independent special district or a dependent district created and operating pursuant to a special act may only be effectuated by the Legislature unless otherwise provided by general law. If an independent district was created by a county or municipality, the county or municipality that created the district may merge or dissolve the district pursuant to the same procedure by which the independent district was created; however, for any such independent district that has ad valorem taxation powers, the same procedure required to grant such independent district ad valorem taxation powers shall also be required to dissolve or merge the district.

Section 2. Effective January 1 of the year following the year in which this act is enacted, paragraph (c) of subsection (2) and paragraph (b) of subsection (3) of section 189.405, Florida Statutes, are amended to read:

189.405 Elections; general requirements and procedures.—

(2)

(c) A candidate for a position on a governing board of a single-county special district that has its elections conducted by the supervisor of elections shall qualify for the office with the county supervisor of elections in whose jurisdiction the district is located. Elections for governing board members elected by registered electors shall be nonpartisan, except when partisan elections are specified by a district's charter. Candidates shall ~~may~~ qualify

by paying a filing fee equal to 3 percent of the salary or honorarium paid for the office, or a filing fee of \$25, whichever is more. Alternatively, candidates may qualify or by submitting a petition that contains the signatures of at least 3 percent of the district's registered electors, or any lesser amount of signatures directed by chapter 99, chapter 582, or other general or special law. No election or party assessment shall be levied if the election is nonpartisan. The qualifying fee shall be remitted to the general revenue fund of the qualifying officer to help defray the cost of the election. The petition form shall be submitted and checked in the same manner as those for nonpartisan judicial candidates pursuant to s. 105.035.

(3)

(b) With the exception of those districts conducting elections on a one-acre/one-vote basis, qualifying for multicounty special district governing board positions shall be coordinated by the Department of State. Elections for governing board members elected by registered electors shall be nonpartisan, except when partisan elections are specified by a district's charter. Candidates shall may qualify by paying a filing fee equal to 3 percent of the salary or honorarium paid for the office, or a filing fee of \$25, whichever is more. Alternatively, candidates may qualify or by submitting a petition that contains the signatures of at least 3 percent of the district's registered electors, or any lesser amount of signatures directed by chapter 99, chapter 582, or other general or special law. No election or party assessment shall be levied if the election is nonpartisan. The qualifying fee shall be remitted to the Department of State. The petition form shall be submitted and checked in the same manner as those for nonpartisan judicial candidates pursuant to s. 105.035.

Section 3. Section 189.429, Florida Statutes, is amended to read:

189.429 Codification.—Each district, by December 1, ~~2004~~ 2001, ~~or when any act relating to such district is introduced to the Legislature, whichever is first,~~ shall submit to the Legislature a draft codified charter, at its expense, so that its special acts may be codified into a single act for reenactment by the Legislature, if there is more than one special act for the district. The Legislature may adopt a schedule for individual district codification. No changes may be made to a district's charter as it exists on October 1, 1997, in the legislation codifying its special acts. Any codified act relating to a district, which act is submitted to the Legislature for reenactment, shall provide for the repeal of all prior special acts of the Legislature relating to the district. The codified act shall be filed with the department pursuant to s. 189.418(2).

Section 4. Section 15 of chapter 97-256, Laws of Florida, is amended to read:

Section 15. Codification.—Each fire control district existing on the effective date of this section, by December 1, ~~2004~~ 2001, ~~or when any act relating to such district is introduced to the Legislature, whichever is first,~~ shall submit to the Legislature a draft codified charter, at its expense, so that its special acts may be codified into a single act for reenactment by the Legislature, if there is more than one special act for the district. The Legislature

may adopt a schedule for individual district codification. Any codified act relating to a district, which act is submitted to the Legislature for reenactment, shall provide for the repeal of all prior special acts of the Legislature relating to the district. The codified act shall be filed with the Department of Community Affairs pursuant to s. 189.418(2), Florida Statutes.

Section 5. Section 215.425, Florida Statutes, is amended to read:

215.425 Extra compensation claims prohibited.—No extra compensation shall be made to any officer, agent, employee, or contractor after the service has been rendered or the contract made; nor shall any money be appropriated or paid on any claim the subject matter of which has not been provided for by preexisting laws, unless such compensation or claim is allowed by a law enacted by two-thirds of the members elected to each house of the Legislature. However, when adopting salary schedules for a fiscal year, a district school board or community college district board of trustees may apply the schedule for payment of all services rendered subsequent to July 1 of that fiscal year. The provisions of this section do not apply to extra compensation given to state employees who are included within the senior management group pursuant to rules adopted by the Department of Management Services; to extra compensation given to county, ~~or~~ municipal, or special district employees pursuant to policies adopted by county or municipal ordinances or resolutions of governing boards of special districts; or to a clothing and maintenance allowance given to plainclothes deputies pursuant to s. 30.49.

Section 6. Subsection (2) of section 191.006, Florida Statutes, is amended to read:

191.006 General powers.—The district shall have, and the board may exercise by majority vote, the following powers:

(2) To provide for a pension or retirement plan for its employees. In accordance with ~~Notwithstanding the prohibition against extra compensation as provided in s. 215.425,~~ the board may provide for an extra compensation program, including a lump-sum bonus payment program, to reward outstanding employees whose performance exceeds standards, if the program provides that a bonus payment may not be included in an employee's regular base rate of pay and may not be carried forward in subsequent years.

Section 7. Except as otherwise provided herein, this act shall take effect upon becoming a law.

Became a law without the Governor's approval May 30, 1998.

Filed in Office Secretary of State May 29, 1998.