

CHAPTER 2014-22

Committee Substitute for Committee Substitute for Committee Substitute for Senate Bill No. 1632

An act relating to special districts; designating parts I-VIII of chapter 189, F.S., relating to special districts; amending s. 11.40, F.S.; revising duties of the Legislative Auditing Committee; amending s. 112.312, F.S.; redefining the term “agency” as it applies to the code of ethics for public officers and employees to include special districts; creating s. 112.511, F.S.; specifying applicability of procedures regarding suspension and removal of a member of the governing body of a special district; amending s. 125.901, F.S.; conforming provisions to changes made by the act; transferring, renumbering, and amending s. 189.401, F.S.; revising a short title; transferring, renumbering, and amending s. 189.402, F.S.; revising a statement of legislative purpose and intent; making technical changes; conforming provisions to changes made by the act; transferring, renumbering, and amending s. 189.403, F.S.; redefining the term “special district”; transferring, renumbering, and amending ss. 189.4031, 189.4035, 189.404, 189.40401, 189.4041, and 189.4042, F.S.; deleting provisions relating to the application of a special district to amend its charter; conforming provisions and cross-references; transferring, renumbering, and amending s. 189.4044, F.S.; revising the circumstances under which the Department of Economic Opportunity may declare a special district inactive; requiring the department to provide notice of a declaration of inactive status to certain persons and bodies; prohibiting special districts that are declared inactive from collecting taxes, fees, or assessments; providing exceptions; providing for enforcement of the prohibition; providing for costs of litigation and reasonable attorney fees under certain conditions; transferring and renumbering ss. 189.4045 and 189.4047, F.S.; transferring, renumbering, and amending s. 189.405, F.S.; revising requirements related to education programs for new members of special district governing bodies; amending s. 189.4051, F.S.; revising definitions; conforming provisions; transferring and renumbering ss. 189.4065, 189.408, and 189.4085, F.S.; transferring, renumbering, and amending ss. 189.412 and 189.413, F.S.; renaming the Special District Information Program the Special District Accountability Program; revising duties of the Special District Accountability Program; transferring and renumbering ss. 189.415, 189.4155, and 189.4156, F.S.; transferring, renumbering, and amending ss. 189.416, 189.417, and 189.418, F.S.; conforming provisions and cross-references; transferring, renumbering, and amending s. 189.419, F.S.; revising provisions related to the failure of a special district to file certain reports or information; conforming cross-references; transferring and renumbering s. 189.420, F.S.; transferring, renumbering, and amending s. 189.421, F.S.; revising notification requirements; authorizing the department to petition for the enforcement of compliance; deleting provisions related to available remedies for the failure of a special district to disclose required financial reports; transferring and

renumbering ss. 189.4221, 189.423, and 189.425, F.S.; transferring, renumbering, and amending s. 189.427, F.S.; making editorial changes; transferring, renumbering, and amending s. 189.428, F.S.; revising the oversight review process for special districts; transferring and renumbering s. 189.429, F.S.; repealing ss. 189.430, 189.431, 189.432, 189.433, 189.434, 189.435, 189.436, 189.437, 189.438, 189.439, 189.440, 189.441, 189.442, 189.443, and 189.444, F.S., relating to the Community Improvement Authority Act; creating ss. 189.034 and 189.035, F.S.; requiring the Legislative Auditing Committee to provide notice of the failure of special districts to file certain required reports to certain persons and bodies; authorizing the Legislative Auditing Committee or reviewing entity to convene a public hearing; requiring certain reviewing entities to notify the Legislative Auditing Committee of a public hearing; requiring a special district to provide certain information before the public hearing at the request of the Legislative Auditing Committee or the reviewing entity; providing reporting requirements for certain public hearings; creating s. 189.055, F.S.; requiring special districts to be treated as municipalities for certain purposes; creating s. 189.069, F.S.; requiring special districts to maintain an official Internet website for certain purposes; requiring special districts to annually update and maintain certain information on the website; requiring special districts to submit the web address of their respective websites to the department; requiring that the department's online list of special districts include a link to the website of certain special districts; amending ss. 11.45, 100.011, 101.657, 112.061, 112.63, 112.665, 121.021, 121.051, 153.94, 163.08, 165.031, 165.0615, 171.202, 175.032, 190.011, 190.046, 190.049, 191.003, 191.005, 191.013, 191.014, 191.015, 200.001, 218.31, 218.32, 218.37, 255.20, 298.225, 343.922, 348.0004, 373.711, 403.0891, 582.32, and 1013.355, F.S.; conforming cross-references and provisions to changes made by the act; providing an effective date.

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

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

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

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

(3) Part III, consisting of sections 189.03, 189.031, 189.0311, 189.033, 189.034, and 189.035, Florida Statutes, as created by this act, and entitled "Independent Special Districts."

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

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

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

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

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

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

11.40 Legislative Auditing Committee.—

(2) Following notification by the Auditor General, the Department of Financial Services, or the Division of Bond Finance of the State Board of Administration of the failure of a local governmental entity, district school board, charter school, or charter technical career center to comply with the applicable provisions within s. 11.45(5)-(7), s. 218.32(1), ~~or s. 218.38,~~ or s. 218.503(3), the Legislative Auditing Committee may schedule a hearing to determine if the entity should be subject to further state action. If the committee determines that the entity should be subject to further state action, the committee shall:

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

1. A special act, notify the President of the Senate, the Speaker of the House of Representatives, 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, the legislators who represent a portion of the geographical jurisdiction of the special district pursuant to s. 189.034(2) and the Department of Economic Opportunity that the special district has failed to comply with the law. Upon receipt of notification, the Department of Economic Opportunity shall proceed pursuant to s. 189.062 or s. 189.067. If the special district remains in noncompliance after the process set forth in s. 189.034(3), or if a public hearing is not held, the Legislative Auditing Committee may request the department to proceed pursuant to s. 189.067(3) s. 189.4044 or s. 189.421.

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

Legislative Auditing Committee may request the department to proceed pursuant to s. 189.067(3).

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

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

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

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

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

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

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

(2) A member of the governing body of a special district, as defined in s. 189.012, who exercises powers and duties other than that of a state or county officer, is subject to the suspension and removal procedures under s. 112.511.

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

125.901 Children’s services; independent special district; council; powers, duties, and functions; public records exemption.—

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

required to seek approval of the electorate in future years to levy the previously approved millage.

(a) The governing body ~~board~~ of the district shall be a council on children's services, which may also be known as a juvenile welfare board or similar name as established in the ordinance by the county governing body. Such council shall consist of 10 members, including: the superintendent of schools; a local school board member; the district administrator from the appropriate district of the Department of Children and Family Services, or his or her designee who is a member of the Senior Management Service or of the Selected Exempt Service; one member of the county governing body; and the judge assigned to juvenile cases who shall sit as a voting member of the board, except that said judge shall not vote or participate in the setting of ad valorem taxes under this section. If there is more than one judge assigned to juvenile cases in a county, the chief judge shall designate one of said juvenile judges to serve on the board. The remaining five members shall be appointed by the Governor, and shall, to the extent possible, represent the demographic diversity of the population of the county. After soliciting recommendations from the public, the county governing body shall submit to the Governor the names of at least three persons for each vacancy occurring among the five members appointed by the Governor, and the Governor shall appoint members to the council from the candidates nominated by the county governing body. The Governor shall make a selection within a 45-day period or request a new list of candidates. All members appointed by the Governor shall have been residents of the county for the previous 24-month period. Such members shall be appointed for 4-year terms, except that the length of the terms of the initial appointees shall be adjusted to stagger the terms. The Governor may remove a member for cause or upon the written petition of the county governing body. If any of the members of the council required to be appointed by the Governor under the provisions of this subsection shall resign, die, or be removed from office, the vacancy thereby created shall, as soon as practicable, be filled by appointment by the Governor, using the same method as the original appointment, and such appointment to fill a vacancy shall be for the unexpired term of the person who resigns, dies, or is removed from office.

(b) However, any county as defined in s. 125.011(1) may instead have a governing body ~~board~~ consisting of 33 members, including: the superintendent of schools; two representatives of public postsecondary education institutions located in the county; the county manager or the equivalent county officer; the district administrator from the appropriate district of the Department of Children and Family Services, or the administrator's designee who is a member of the Senior Management Service or the Selected Exempt Service; the director of the county health department or the director's designee; the state attorney for the county or the state attorney's designee; the chief judge assigned to juvenile cases, or another juvenile judge who is the chief judge's designee and who shall sit as a voting member of the board, except that the judge may not vote or participate in setting ad valorem taxes under this section; an individual who is selected by the board of the

local United Way or its equivalent; a member of a locally recognized faith-based coalition, selected by that coalition; a member of the local chamber of commerce, selected by that chamber or, if more than one chamber exists within the county, a person selected by a coalition of the local chambers; a member of the early learning coalition, selected by that coalition; a representative of a labor organization or union active in the county; a member of a local alliance or coalition engaged in cross-system planning for health and social service delivery in the county, selected by that alliance or coalition; a member of the local Parent-Teachers Association/Parent-Teacher-Student Association, selected by that association; a youth representative selected by the local school system's student government; a local school board member appointed by the chair of the school board; the mayor of the county or the mayor's designee; one member of the county governing body, appointed by the chair of that body; a member of the state Legislature who represents residents of the county, selected by the chair of the local legislative delegation; an elected official representing the residents of a municipality in the county, selected by the county municipal league; and 4 members-at-large, appointed to the council by the majority of sitting council members. The remaining 7 members shall be appointed by the Governor in accordance with procedures set forth in paragraph (a), except that the Governor may remove a member for cause or upon the written petition of the council. Appointments by the Governor must, to the extent reasonably possible, represent the geographic and demographic diversity of the population of the county. Members who are appointed to the council by reason of their position are not subject to the length of terms and limits on consecutive terms as provided in this section. The remaining appointed members of the governing body ~~board~~ shall be appointed to serve 2-year terms, except that those members appointed by the Governor shall be appointed to serve 4-year terms, and the youth representative and the legislative delegate shall be appointed to serve 1-year terms. A member may be reappointed; however, a member may not serve for more than three consecutive terms. A member is eligible to be appointed again after a 2-year hiatus from the council.

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

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

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

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

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

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

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

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

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

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

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

(6) Any district created pursuant to the provisions of this section shall comply with all other statutory requirements of general application which relate to the filing of any financial reports or compliance reports required

under part III of chapter 218, or any other report or documentation required by law, including the requirements of ss. 189.08, 189.015, and 189.016 ~~189.415, 189.417, and 189.418.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1)(3) The Legislature finds that:

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

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

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

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

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

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

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

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

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

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

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

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

~~(6)(1)~~ “Special district” means a local unit of local government created for a of special purpose, as opposed to a general purpose ~~general purpose, which has jurisdiction to operate government~~ within a limited geographic boundary and is; created by general law, special act, local ordinance, or by rule of the Governor and Cabinet. ~~The special purpose or purposes of special districts are implemented by specialized functions and related prescribed powers. For the purpose of s. 196.199(1), special districts shall be treated as municipalities. The term does not include a school district, a community college district, a special improvement district created pursuant to s. 285.17, a municipal service taxing or benefit unit as specified in s. 125.01, or a board which provides electrical service and which is a political subdivision of a municipality or is part of a municipality.~~

(2) “Dependent special district” means a special district that meets at least one of the following criteria:

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

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

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

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

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

(3) “Independent special district” means a special district that is not a dependent special district as defined in subsection (2). A district that includes more than one county is an independent special district unless the district lies wholly within the boundaries of a single municipality.

~~(1)~~(4) “Department” means the Department of Economic Opportunity.

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

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

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

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

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

189.0311 ~~189.4031~~ Independent special districts ~~Special districts; creation, dissolution, and reporting requirements; charter requirements.—~~

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

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

189.061 ~~189.4035~~ Preparation of Official list of special districts.—

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

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

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

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

~~of rendition of a declaratory statement, the district shall be deemed dependent and become a political subdivision of the governing body which originally established it by operation of law.~~

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

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

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

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

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

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

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

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

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

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

1. The purpose of the proposed district;
2. The authority of the proposed district;
3. An explanation of why the district is the best alternative; and
4. A resolution or official statement of the governing body or an appropriate administrator of the local jurisdiction within which the proposed district is located stating that the creation of the proposed district is

consistent with the approved local government plans of the local governing body and that the local government has no objection to the creation of the proposed district.

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

- (a) The purpose of the district.
- (b) The powers, functions, and duties of the district regarding ad valorem taxation, bond issuance, other revenue-raising capabilities, budget preparation and approval, liens and foreclosure of liens, use of tax deeds and tax certificates as appropriate for non-ad valorem assessments, and contractual agreements.
- (c) The methods for establishing the district.
- (d) The method for amending the charter of the district.
- (e) The membership and organization of the governing body ~~board~~ of the district. If a district created after September 30, 1989, uses a one-acre/one-vote election principle, it shall provide for a governing body ~~board~~ consisting of five members. Three members shall constitute a quorum.
- (f) The maximum compensation of a governing body ~~board~~ member.
- (g) The administrative duties of the governing body ~~board~~ of the district.
- (h) The applicable financial disclosure, noticing, and reporting requirements.
- (i) If a district has authority to issue bonds, the procedures and requirements for issuing bonds.
- (j) The procedures for conducting any district elections or referenda required and the qualifications of an elector of the district.
- (k) The methods for financing the district.
- (l) If an independent special district has the authority to levy ad valorem taxes, other than taxes levied for the payment of bonds and taxes levied for periods not longer than 2 years when authorized by vote of the electors of the district, the millage rate that is authorized.
- (m) The method or methods for collecting non-ad valorem assessments, fees, or service charges.
- (n) Planning requirements.
- (o) Geographic boundary limitations.

(4) LOCAL GOVERNMENT/GOVERNOR AND CABINET CREATION AUTHORIZATIONS.—Except as otherwise authorized by general law, only the Legislature may create independent special districts.

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

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

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

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

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

3. Any combination of two or more counties, municipalities, or other political subdivisions may create a regional special district in accordance with s. 163.567, or as otherwise authorized in general law.

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

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

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

189.02 ~~189.4041~~ Dependent special districts.—

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

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

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

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

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

(1)(a) “Component independent special district” means an independent special district that proposes to be merged into a merged independent district, or an independent special district as it existed before its merger into the merged independent district of which it is now a part.

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

(3)(e) “Governing body” means the governing body of the independent special district in which the general legislative, governmental, or public powers of the district are vested and by authority of which the official business of the district is conducted.

(4)(d) “Initiative” means the filing of a petition containing a proposal for a referendum to be placed on the ballot for election.

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

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

(7)(g) “Merger” means the combination of two or more contiguous independent special districts resulting in a newly created merged independent district that assumes jurisdiction over all of the component independent special districts.

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

(9)(i) “Proposed elector-initiated merger plan” means a written document that contains the terms and information regarding the merger of two or more

independent special districts and that accompanies the petition initiated by the qualified electors of the districts but that is not yet finalized and approved by the governing bodies of each component independent special district pursuant to this part section.

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

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

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

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

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

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

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

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

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

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

189.072 ~~189.4042~~ Dissolution of an independent special district Merger and dissolution procedures.—

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

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

~~(2)(b)~~ OTHER DISSOLUTIONS.—

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

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

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

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

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

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

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

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

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

~~(5) VOLUNTARY MERGER OF INDEPENDENT SPECIAL DISTRICTS.~~—Two or more contiguous independent special districts created by special act which have similar functions and elected governing bodies may elect to merge into a single independent district through the act of merging the component independent special districts.

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

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

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

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

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

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

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

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

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

~~5.e.~~ The governmental organization of the proposed merged independent district insofar as it concerns elected and appointed officials and public

employees, along with a transitional plan and schedule for elections and appointments of officials;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3.e. The ballot question in such referendum placed before the qualified electors of each component independent special district to be merged 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)...?”

.....YES

.....NO”

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

6.f. The merger may not take effect unless a majority of the votes cast in each component independent special district are in favor of the merger. If one

of the component districts does not obtain a majority vote, the referendum fails, and merger does not take effect.

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

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

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

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

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

PETITION FOR
INDEPENDENT SPECIAL DISTRICT MERGER

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

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

Date Name Home Address

(print under signature)

.....
.....

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

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

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

Date Signature of Witness

2.b. A statement that is signed by a notary public or another person authorized to take acknowledgments must be in substantially the following form:

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

Date Signature of Witness

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

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

(c)3. Upon verification by the supervisors of elections of the counties within which component independent special district lands are located that 40 percent of the qualified electors have petitioned for merger and that all such petitions have been executed within 1 year after the date of the initiation of the qualified-electors merger process, the governing bodies of each component independent special district shall meet within 30 business days to prepare and approve by resolution a proposed elector-initiated merger plan. The proposed plan must include:

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

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

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

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

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

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

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

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

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

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

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

~~12.1.~~ The effective date of the proposed merger.

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

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

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

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

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

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

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

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

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

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

- ~~a.(I)~~ A brief summary of the resolution and elector-initiated merger plan;
- ~~b.(II)~~ A statement as to where a copy of the resolution and petition for merger may be examined;
- ~~c.(III)~~ The names of the component independent special districts to be merged and a description of their territory;
- ~~d.(IV)~~ The times and places at which the referendum will be held; and
- ~~e.(V)~~ Such other matters as may be necessary to call, provide for, and give notice of the referendum and to provide for the conduct thereof and the canvass of the returns.

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

~~3.e.~~ The ballot question in such referendum placed before the qualified electors of each component independent special district to be merged 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)...?”

.....YES

.....NO”

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

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

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

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

(h)8. Component independent special districts merged pursuant to an elector-initiated merger plan shall continue to be governed as before the merger until the effective date specified in the adopted elector-initiated merger plan.

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

(a)1. However, as soon as practicable, the merged independent district shall, at its own expense, submit a unified charter for the merged district to the Legislature for approval. The unified charter must make the powers of

the district consistent within the merged independent district and repeal the special acts of the districts which existed before the merger.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(7)(g) GOVERNING BODY OF MERGED INDEPENDENT DISTRICT.

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

(b)2. Beginning with the next general election following the effective date of merger, the governing body of the merged independent district shall be comprised of five members. The office of each governing body member shall be designated by seat, which shall be distinguished from other body member seats by an assigned numeral: 1, 2, 3, 4, or 5. The governing body members that are elected in this initial election following the merger shall serve

unequal terms of 2 and 4 years in order to create staggered membership of the governing body, with:

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

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

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

~~(8)(h)~~ EFFECT ON EMPLOYEES.—Except as otherwise provided by law and except for those officials and employees protected by tenure of office, civil service provisions, or a collective bargaining agreement, upon the effective date of merger, all appointive offices and positions existing in all component independent special districts involved in the merger are subject to the terms of the joint merger plan or elector-initiated merger plan, as appropriate. Such plan may provide for instances in which there are duplications of positions and for other matters such as varying lengths of employee contracts, varying pay levels or benefits, different civil service regulations in the constituent entities, and differing ranks and position classifications for similar positions. For those employees who are members of a bargaining unit certified by the Public Employees Relations Commission, the requirements of chapter 447 apply.

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

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

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

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

(10)(j) EFFECT ON ACTIONS AND PROCEEDINGS.—In any action or proceeding pending on the effective date of merger to which a component independent special district is a party, the merged independent district may be substituted in its place, and the action or proceeding may be prosecuted to

judgment as if merger had not taken place. Suits may be brought and maintained against a merged independent district in any state court in the same manner as against any other independent special district.

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

~~(12)(4)~~ **EFFECT ON MILLAGE CALCULATIONS.**—The merged independent special district is authorized to continue or conclude procedures under chapter 200 on behalf of the component independent special districts. The merged independent special district shall make the calculations required by chapter 200 for each component individual special district separately.

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

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

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

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

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

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

~~(1)(a)~~ **INDEPENDENT SPECIAL DISTRICTS CREATED BY SPECIAL ACT.**—In order for the Legislature to merge an active independent special district or districts created and operating pursuant to a special act, the special act merging the active independent special district or districts must be approved at separate referenda of the impacted local governments by a majority of the resident electors or, for districts in which a majority of governing ~~body board~~ members are elected by landowners, a majority of the landowners voting in the same manner by which each independent special district's governing body is elected. The special act merging the districts

must include a plan of merger that addresses transition issues such as the effective date of the merger, governance, administration, powers, pensions, and assumption of all assets and liabilities. If a local general-purpose government passes an ordinance or resolution in support of the merger of an active independent special district, the local general-purpose government must pay any expenses associated with the referendum required under this subsection paragraph.

(2)(b) INDEPENDENT SPECIAL DISTRICTS CREATED BY A COUNTY OR MUNICIPALITY.—A county or municipality may merge an independent special district created by the county or municipality pursuant to a referendum or any other procedure by which the independent special district was created. However, if the independent special district has ad valorem taxation powers, the same procedure required to grant the independent special district ad valorem taxation powers is required to merge the district. The political subdivisions proposing the involuntary merger of an active independent special district must pay any expenses associated with the referendum required under this subsection paragraph.

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

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

189.0761 189.4042 Merger and dissolution procedures.—

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

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

189.062 189.4044 Special procedures for inactive districts.—

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

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

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

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

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

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

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

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

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

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

(3) In the case of a district created by special act of the Legislature, the department shall send a notice of declaration of inactive status to the Speaker of the House of Representatives and the President of the Senate, 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. The notice of declaration of inactive status shall reference each known special act creating or amending the charter of any special district declared to be inactive under this section. The declaration of inactive status shall be sufficient notice as required by s. 10, Art. III of the State Constitution to authorize the Legislature to repeal any special laws so reported. In the case

of a district created by one or more local general-purpose governments, the department shall send a notice of declaration of inactive status to the chair of the governing body of each local general-purpose government that created the district. In the case of a district created by interlocal agreement, the department shall send a notice of declaration of inactive status to the chair of the governing body of each local general-purpose government which entered into the interlocal agreement.

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

(a) Withdrawn or revoked by the department; or

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

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

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

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

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

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

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

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

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

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

(2)

(c) A candidate for a position on a governing body 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 body board members elected by registered electors shall be nonpartisan, except when partisan elections are specified by a district’s charter. Candidates shall qualify as directed by chapter 99. The qualifying fee shall be remitted to the general revenue fund of the qualifying officer to help defray the cost of the election.

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

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

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

(6)(7) Nothing in this act requires that a special district governed by an appointed governing body board convert to an elected governing body board.

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

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

(1)(5)(a) The department may provide, contract for, or assist in conducting education programs, as its budget permits, for all newly elected or appointed members of district governing bodies boards. The education programs shall include, but are not limited to, courses on the code of ethics for public officers and employees, public meetings and public records requirements, public finance, and parliamentary procedure. ~~Course content~~

may be offered by means of the following: videotapes, live seminars, workshops, conferences, teleconferences, computer-based training, multimedia presentations, or other available instructional methods.

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

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

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

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

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

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

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

(d) “Contiguous developed urban area” means any reasonably compact urban area located entirely within a special district. The separation of urban areas by a publicly owned park, right-of-way, highway, road, railroad, canal, utility, body of water, watercourse, or other minor geographical division of a similar nature shall not prevent such areas from being defined as urban areas.

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

(a) *Referendum.*—

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

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

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

2. Upon verification by the supervisor or supervisors of elections of the county or counties within which district lands are located that 10 percent of the qualified electors of the district have petitioned the governing body board, a referendum election shall be called by the governing body board at the next regularly scheduled election of governing body board members occurring at least 30 days after verification of the petition or within 6 months of verification, whichever is earlier.

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

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

(b) *Designation of urban areas.*—

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

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

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

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

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

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

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

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

(3) GOVERNING BODY BOARD.—

(a) *Composition of board*.—

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

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

b. If urban areas constitute 26 percent to 50 percent of the district, two governing body board members shall be elected by the qualified electors and three governing body board members shall be elected in accordance with the one-acre/one-vote principle contained within s. 298.11 or the district-enabling legislation.

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

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

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

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

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

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

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

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

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

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

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

(c) *Landowners' meetings.*—

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

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

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

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

(4) QUALIFICATIONS.—Elections for governing body board members elected by qualified electors shall be nonpartisan. Qualifications shall be pursuant to the Florida Election Code and shall occur during the qualifying period established by s. 99.061. Qualification requirements shall only apply to those governing body board member candidates elected by qualified electors. Following the first election pursuant to this section, elections to the

governing body board by qualified electors shall occur at the next regularly scheduled election closest in time to the expiration date of the term of the elected governing body board member. If the next regularly scheduled election is beyond the normal expiration time for the term of an elected governing body board member, the governing body board member shall hold office until the election of a successor.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(7) Helping special districts comply with reporting requirements.~~

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

~~(9) Initiating enforcement proceedings provisions as provided in ss. 189.062, 189.066, and 189.067~~ 189.4044, 189.419, and 189.421.

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

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

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

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

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

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

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

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

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

(1) Within 30 days after the first meeting of its governing body ~~board~~, each special district in the state shall designate a registered office and a registered agent and file such information with the local governing authority or authorities and with the department. The registered agent shall be an agent of the district upon whom any process, notice, or demand required or permitted by law to be served upon the district may be served. A registered agent shall be an individual resident of this state whose business address is identical with the registered office of the district. The registered office may be, but need not be, the same as the place of business of the special district.

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

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

(1) The governing body of each special district shall file quarterly, semiannually, or annually a schedule of its regular meetings with the local governing authority or authorities. The schedule shall include the date, time, and location of each scheduled meeting. The schedule shall be published quarterly, semiannually, or annually in a newspaper of general paid circulation in the manner required in this subsection. The governing body of an independent special district shall advertise the day, time, place, and purpose of any meeting other than a regular meeting or any recessed and reconvened meeting of the governing body, at least 7 days before ~~prior to~~ such meeting, in a newspaper of general paid circulation in the county or counties in which the special district is located, unless a bona fide emergency situation exists, in which case a meeting to deal with the emergency may be held as necessary, with reasonable notice, so long as it is subsequently ratified by the governing body ~~board~~. No approval of the annual budget shall be granted at an emergency meeting. The advertisement shall be placed in that portion of

the newspaper where legal notices and classified advertisements appear. The advertisement shall appear in a newspaper that is published at least 5 days a week, unless the only newspaper in the county is published fewer than 5 days a week. The newspaper selected must be one of general interest and readership in the community and not one of limited subject matter, pursuant to chapter 50. Any other provision of law to the contrary notwithstanding, and except in the case of emergency meetings, water management districts may provide reasonable notice of public meetings held to evaluate responses to solicitations issued by the water management district, by publication in a newspaper of general paid circulation in the county where the principal office of the water management district is located, or in the county or counties where the public work will be performed, no less than 7 days before such meeting.

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

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

(2) Any amendment, modification, or update of the document by which the district was created, including changes in boundaries, must be filed with the department within 30 days after adoption. The department may initiate proceedings against special districts as provided in s. 189.067 ~~189.421~~ for failure to file the information required by this subsection. However, for the purposes of this section and s. 175.101(1), the boundaries of a district shall be deemed to include an area that has been annexed until the completion of the 4-year period specified in s. 171.093(4) or other mutually agreed upon extension, or when a district is providing services pursuant to an interlocal agreement entered into pursuant to s. 171.093(3).

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

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

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

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

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

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

(1) If an independent special district fails to file the reports or information required under s. ~~189.08, s. 189.014, s. 189.015, or s. 189.016(9)~~ 189.415, s. 189.416, s. 189.417, or s. 189.418(9) with the local general-purpose government or governments in which it is located, the person authorized to receive and read the reports or information or the local general-purpose government shall notify the district's registered agent. If requested by the district, the local general-purpose government shall grant an extension of up to 30 days for filing the required reports or information. If the governing body of the local general-purpose government or governments determines that there has been an unjustified failure to file these reports or information, it ~~shall~~ may notify the department, and the department may proceed pursuant to s. ~~189.067(1)~~ 189.421(1).

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

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

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

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

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

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

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

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

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

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

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

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

(2) Failure of a special district to comply with the actuarial and financial reporting requirements under s. 112.63, s. 218.32, or s. 218.39 after the procedures of subsection (1) are exhausted shall be deemed final action of the special district. The actuarial and financial reporting requirements are declared to be essential requirements of law. Remedies ~~Remedy~~ for noncompliance with ss. 218.32 and 218.39 shall be as provided in ss. 189.034 and 189.035. Remedy for noncompliance with s. 112.63 shall be by writ of certiorari ~~as set forth in subsection (4)~~.

(3) Pursuant to s. 11.40(2)(b), the Legislative Auditing Committee may ~~shall~~ notify the department of those districts that fail to file the required reports. If the procedures described in subsection (1) have not yet been initiated, the department shall initiate such procedures upon receiving the notice from the Legislative Auditing Committee. Otherwise, within 60 days

after receiving such notice, or within 60 days after the expiration of the 60-day deadline provided in subsection (1), whichever occurs later, the department, notwithstanding the provisions of chapter 120, shall file a petition for enforcement writ of certiorari with the circuit court. The petition may request declaratory, injunctive, any other equitable relief, or any remedy provided by law. Venue for all actions pursuant to this subsection is in Leon County. The court shall award the prevailing party reasonable attorney's fees and costs unless affirmatively waived by all parties. ~~A writ of certiorari shall be issued unless a respondent establishes that the notification of the Legislative Auditing Committee was issued as a result of material error. Proceedings under this subsection are otherwise governed by the Rules of Appellate Procedure.~~

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

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

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

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

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

189.018 ~~189.427~~ Fee schedule; Grants and Donations Trust Fund.—The department of ~~Economic Opportunity~~, by rule, shall establish a schedule of fees to pay one-half of the costs incurred by the department in administering this act, except that the fee may not exceed \$175 per district per year. The fees collected under this section shall be deposited in the Grants and Donations Trust Fund, ~~which shall be administered by the department of~~

~~Economic Opportunity.~~ Any fee rule must consider factors such as the dependent and independent status of the district and district revenues for the most recent fiscal year as reported to the Department of Financial Services. The department may assess fines of not more than \$25, with an aggregate total not to exceed \$50, as penalties against special districts that fail to remit required fees to the department. It is the intent of the Legislature that general revenue funds will be made available to the department to pay one-half of the cost of administering this act.

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

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

(1) The Legislature finds it to be in the public interest to establish an oversight review process for special districts wherein each special district in the state may be reviewed by the appropriate oversight entity as provided in this part ~~local general-purpose government in which the district exists.~~ The Legislature further finds and determines that such law fulfills an important state interest. It is the intent of the Legislature that the oversight review process shall contribute to informed decisionmaking. These decisions may involve the continuing existence or dissolution of a district, the appropriate future role and focus of a district, improvements in the functioning or delivery of services by a district, and the need for any transition, adjustment, or special implementation periods or provisions. Any final recommendations from the oversight review process which ~~that~~ are adopted and implemented by the appropriate level of government may ~~shall~~ not be implemented in a manner that would impair the obligation of contracts.

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

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

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

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

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

(d) All special districts created or established by rule of the Governor and Cabinet may be reviewed as directed by the Governor and Cabinet.

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

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

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

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

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

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

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

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

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

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

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

(f) Whether the Auditor General has notified the Legislative Auditing Committee that the special district’s audit report, reviewed pursuant to s. 11.45(7), indicates that the district has met any of the conditions specified in s. 218.503(1) or that a deteriorating financial condition exists that may cause a condition described in s. 218.503(1) to occur if actions are not taken to address such condition.

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

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

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

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

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

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

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

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

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

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

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

~~(6)(9) This section does not apply to a deepwater port listed in s. 311.09(1) which is in compliance with a port master plan adopted pursuant to s. 163.3178(2)(k), or to an airport authority operating in compliance with an airport master plan approved by the Federal Aviation Administration, or to any special district organized to operate health systems and facilities licensed under chapter 395, chapter 400, or chapter 429.~~

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

189.019 ~~189.429~~ Codification.—

(1) Each district, by December 1, 2004, 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 pursuant to s. 189.016(2) ~~189.418(2)~~.

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

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

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

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

(2) If a special district fails to file required reports or requested information under ss. 11.45(7), 218.32, 218.39, or 218.503(3), with the

appropriate state agency or office, the Legislative Auditing Committee or its designee shall provide 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 the House of Representatives charged with special district oversight as determined by the presiding officers of each respective chamber, and the legislators who represent a portion of the geographical jurisdiction of the special district.

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

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

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

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

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

1. The purpose of the special district.

2. The sources of funding for the special district.

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

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

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

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

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

8. Any reasons for the district's noncompliance.

9. Whether the district is currently in compliance.

10. Plans to correct any recurring issues of noncompliance.

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

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

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

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

(2) If a special district fails to file required reports or requested information under s. 11.45(7), s. 218.32, s. 218.39, or s. 218.503(3) with the appropriate state agency or office, the Legislative Auditing Committee or its designee shall provide written notice of the district's noncompliance to the chair or equivalent of the local general-purpose government.

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

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

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

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

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

1. The purpose of the special district.

2. The sources of funding for the special district.

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

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

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

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

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

8. Any reasons for the district’s noncompliance.

9. Whether the district is currently in compliance.

10. Plans to correct any recurring issues of noncompliance.

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

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

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

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

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

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

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

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

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

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

1. The full legal name of the special district.
2. The public purpose of the special district.
3. The name, address, e-mail address, and, if applicable, the term and appointing authority for each member of the governing body of the special district.
4. The fiscal year of the special district.
5. The full text of the special district's charter, the date of establishment, the establishing entity, and the statute or statutes under which the special district operates, if different from the statute or statutes under which the special district was established. Community development districts may reference chapter 190, as the uniform charter, but must include information relating to any grant of special powers.
6. The mailing address, e-mail address, telephone number, and Internet website uniform resource locator of the special district.
7. A description of the boundaries or service area of, and the services provided by, the special district.
8. A listing of all taxes, fees, assessments, or charges imposed and collected by the special district, including the rates or amounts for the fiscal year and the statutory authority for the levy of the tax, fee, assessment, or charge. For purposes of this subparagraph, charges do not include patient charges by a hospital or other health care provider.
9. The primary contact information for the special district for purposes of communication from the department.
10. A code of ethics adopted by the special district, if applicable, and a hyperlink to generally applicable ethics provisions.
11. The budget of each special district, in addition to amendments in accordance with s. 189.418.
12. The final, complete audit report for the most recent completed fiscal year, and audit reports required by law or authorized by the governing body of the special district.

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

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

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

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

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

(7) AUDITOR GENERAL REPORTING REQUIREMENTS.—

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

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

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

(4)

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

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

101.657 Early voting.—

(1)

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

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

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

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

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

1. The governing body of a county by the enactment of an ordinance or resolution;
2. A county constitutional officer, pursuant to s. 1(d), Art. VIII of the State Constitution, by the establishment of written policy;
3. The governing body of a district school board by the adoption of rules;
4. The governing body of a special district, as defined in s. 189.012 ~~189.403(1)~~, except those special districts that are subject to s. 166.021(9), by the enactment of a resolution; or
5. Any metropolitan planning organization created pursuant to s. 339.175 or any other separate legal or administrative entity created pursuant to s. 339.175 of which a metropolitan planning organization is a member, by the enactment of a resolution.

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

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

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

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

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

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

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

112.665 Duties of Department of Management Services.—

(1) The Department of Management Services shall:

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

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

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

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

(e) Provide a fact sheet for each participating local government defined benefit pension plan which summarizes the plan’s actuarial status. The fact sheet should provide a summary of the plan’s most current actuarial data, minimum funding requirements as a percentage of pay, and a 5-year history of funded ratios. The fact sheet must include a brief explanation of each element in order to maximize the transparency of the local government plans. The fact sheet must also contain the information specified in s. 112.664(1). These documents shall be posted on the department’s website. Plan sponsors that have websites must provide a link to the department’s website;

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

(g) Adopt reasonable rules to administer this part.

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

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

(9) “Special district” means an independent special district as defined in s. 189.012 ~~189.403(3)~~.

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

121.051 Participation in the system.—

(2) OPTIONAL PARTICIPATION.—

(b)1. The governing body of any municipality, metropolitan planning organization, or special district in the state may elect to participate in the Florida Retirement System upon proper application to the administrator and may cover all of its units as approved by the Secretary of Health and Human Services and the administrator. The department shall adopt rules establishing procedures for the submission of documents necessary for such application. Before being approved for participation in the system, the governing body of a municipality, metropolitan planning organization, or special district that has a local retirement system must submit to the administrator a certified financial statement showing the condition of the local retirement system within 3 months before the proposed effective date of membership in the Florida Retirement System. The statement must be certified by a recognized accounting firm that is independent of the local retirement system. All required documents necessary for extending Florida Retirement System coverage must be received by the department for consideration at least 15 days before the proposed effective date of coverage. If the municipality, metropolitan planning organization, or special district does not comply with this requirement, the department may require that the effective date of coverage be changed.

2. A municipality, metropolitan planning organization, or special district that has an existing retirement system covering the employees in the units that are to be brought under the Florida Retirement System may participate only after holding a referendum in which all employees in the affected units have the right to participate. Only those employees electing coverage under the Florida Retirement System by affirmative vote in the referendum are eligible for coverage under this chapter, and those not participating or electing not to be covered by the Florida Retirement System shall remain in their present systems and are not eligible for coverage under this chapter. After the referendum is held, all future employees are compulsory members of the Florida Retirement System.

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

4. Once this election is made and approved it may not be revoked, except pursuant to subparagraphs 5. and 6., and all present officers and employees

electing coverage and all future officers and employees are compulsory members of the Florida Retirement System.

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

a. No more than 30 days and at least 7 days before adopting a resolution to partially withdraw from the system and establish an alternative retirement plan for future employees, a public hearing must be held on the proposed withdrawal and proposed alternative plan.

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

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

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

6. Following the adoption of a resolution under sub-subparagraph 5.d., all employees of the withdrawing hospital district who were members of the system before January 1, 1996, shall remain as members of the system for as long as they are employees of the hospital district, and all rights, duties, and obligations between the hospital district, the system, and the employees remain in full force and effect. Any employee who is hired or appointed on or after January 1, 1996, may not participate in the system, and the withdrawing hospital district has no obligation to the system with respect to such employees.

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

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

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

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

163.08 Supplemental authority for improvements to real property.—

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

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

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

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

(7) “Special district” means a local unit of special government, as defined in s. 189.012 ~~189.403(1)~~. This term includes dependent special districts, as defined in s. 189.012 ~~189.403(2)~~, and independent special districts, as defined in s. 189.012 ~~189.403(3)~~. All provisions of s. 200.001(8)(d) and (e) shall be considered provisions of this chapter.

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

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

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

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

(8) Notice of the final public hearing on the proposed elector-initiated combined municipal incorporation plan must be published pursuant to the notice requirements in s. 189.015 ~~189.417~~ and must provide a descriptive summary of the elector-initiated municipal incorporation plan and a

reference to the public places within the independent special district where a copy of the plan may be examined.

(16) If the incorporation plan is approved by a majority of the votes cast in the independent special district, the district shall notify the special district accountability information program pursuant to s. 189.016(2) ~~189.418(2)~~ and the local general-purpose governments in which any part of the independent special district is situated pursuant to s. 189.016(7) ~~189.418(7)~~.

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

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

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

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

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

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

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

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

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

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

190.046 Termination, contraction, or expansion of district.—

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

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

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

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

191.003 Definitions.—As used in this act:

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

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

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

(1)(a) With the exception of districts whose governing boards are appointed collectively by the Governor, the county commission, and any cooperating city within the county, the business affairs of each district shall be conducted and administered by a five-member board. All three-member boards existing on the effective date of this act shall be converted to five-member boards, except those permitted to continue as a three-member board by special act adopted in 1997 or thereafter. The board shall be elected in nonpartisan elections by the electors of the district. Except as provided in this act, such elections shall be held at the time and in the manner prescribed by law for holding general elections in accordance with s. 189.04(2)(a) ~~189.405(2)(a)~~ and (3), and each member shall be elected for a term of 4 years and serve until the member’s successor assumes office. Candidates for the board of a district shall qualify as directed by chapter 99.

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

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

191.013 Intergovernmental coordination.—

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

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

191.014 District creation and expansion.—

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

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

191.015 Codification.—Each fire control district existing on the effective date of this section, by December 1, 2004, 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 Economic Opportunity pursuant to s. 189.016(2) ~~189.418(2)~~.

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

200.001 Millages; definitions and general provisions.—

(8)

(c) “Special district” means a special district as defined in s. 189.012 ~~189.403(1)~~.

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

(e) “Independent special district” means an independent special district as defined in s. 189.012 ~~189.403(3)~~, with the exception of a downtown

development authority established prior to the effective date of the 1968 State Constitution as an independent body, either appointed or elected, regardless of whether or not the budget is approved by the local governing body, if the district levies a millage authorized as of the effective date of the 1968 State Constitution. Independent special district millage shall not be levied in excess of a millage amount authorized by general law and approved by vote of the electors pursuant to s. 9(b), Art. VII of the State Constitution, except for those independent special districts levying millage for water management purposes as provided in that section and municipal service taxing units as specified in s. 125.01(1)(q) and (r). However, independent special district millage authorized as of the date the 1968 State Constitution became effective need not be so approved, pursuant to s. 2, Art. XII of the State Constitution.

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

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

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

(5) “Special district” means a special district as defined in s. 189.012 ~~189.403(1)~~.

(6) “Dependent special district” means a dependent special district as defined in s. 189.012 ~~189.403(2)~~.

(7) “Independent special district” means an independent special district as defined in s. 189.012 ~~189.403(3)~~.

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

218.32 Annual financial reports; local governmental entities.—

(1)(a) Each local governmental entity that is determined to be a reporting entity, as defined by generally accepted accounting principles, and each independent special district as defined in s. 189.012 ~~189.403~~, shall submit to the department a copy of its annual financial report for the previous fiscal year in a format prescribed by the department. The annual financial report must include a list of each local governmental entity included in the report and each local governmental entity that failed to provide financial information as required by paragraph (b). The chair of the governing body and the chief financial officer of each local governmental entity shall sign the annual financial report submitted pursuant to this subsection attesting to the accuracy of the information included in the report. The county annual financial report must be a single document that covers each county agency.

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

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

(a) The total revenues and expenditures of each local governmental entity that is a component unit included in the annual financial report of the reporting entity.

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

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

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

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

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

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

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

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

principles to cost more than \$75,000. As used in this section, the term “competitively award” means to award contracts based on the submission of sealed bids, proposals submitted in response to a request for proposal, proposals submitted in response to a request for qualifications, or proposals submitted for competitive negotiation. This subsection expressly allows contracts for construction management services, design/build contracts, continuation contracts based on unit prices, and any other contract arrangement with a private sector contractor permitted by any applicable municipal or county ordinance, by district resolution, or by state law. For purposes of this section, cost includes the cost of all labor, except inmate labor, and the cost of equipment and materials to be used in the construction of the project. Subject to the provisions of subsection (3), the county, municipality, special district, or other political subdivision may establish, by municipal or county ordinance or special district resolution, procedures for conducting the bidding process.

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

Section 82. Subsection (4) of section 298.225, Florida Statutes, is amended to read:

298.225 Water control plan; plan development and amendment.—

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

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

343.922 Powers and duties.—

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

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

348.0004 Purposes and powers.—

(5) Any authority formed pursuant to this act shall comply with all statutory requirements of general application which relate to the filing of any report or documentation required by law, including the requirements of ss.

189.015, 189.016, 189.051, and 189.08 ~~189.4085, 189.415, 189.417, and 189.418.~~

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

373.711 Technical assistance to local governments.—The water management districts shall assist local governments in the development and future revision of local government comprehensive plan elements or public facilities report as required by s. 189.08 ~~189.415~~, related to water resource issues.

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

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

(3)

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

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

582.32 Effect of dissolution.—

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

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

1013.355 Educational facilities benefit districts.—

(3)(a) An educational facilities benefit district may be created pursuant to this act and chapters 125, 163, 166, and 189. An educational facilities benefit district charter may be created by a county or municipality by entering into an interlocal agreement, as authorized by s. 163.01, with the district school board and any local ~~general-purpose~~ general-purpose government within whose jurisdiction a portion of the district is located and adoption of an ordinance that includes all provisions contained within s. 189.02 ~~189.4041~~. The creating entity shall be the local general purpose government within whose boundaries a majority of the educational facilities benefit district's lands are located.

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

Approved by the Governor May 12, 2014.

Filed in Office Secretary of State May 12, 2014.