

CHAPTER 2024-136

Committee Substitute for Committee Substitute for House Bill No. 7013

An act relating to special districts; repealing s. 163.3756, F.S., relating to inactive community redevelopment agencies; amending s. 163.504, F.S.; prohibiting the creation of new neighborhood improvement districts after a date certain; repealing s. 165.0615 F.S., relating to municipal conversion of independent special districts upon elector-initiated and approved referendum; creating s. 189.0312, F.S.; providing term limits for members of governing bodies of independent special districts elected by the qualified electors of the district; providing an exception; providing construction; creating s. 189.0313, F.S.; providing the method for changing boundaries of an independent special district; providing an exception; amending s. 189.062, F.S.; providing additional criteria for declaring a special district inactive; requiring certain special districts to provide notice of a proposed declaration of inactive status in the county or municipality under certain circumstances; revising the time period for filing an objection to a proposed declaration; authorizing a specific objection; providing that a district declared inactive may only expend funds as necessary to service outstanding debt and to comply with existing bond covenants and contractual obligations; creating s. 189.0694, F.S.; requiring special districts to establish performance measures to assess performance; requiring special districts to publish an annual report concerning performance measures; amending s. 189.0695, F.S.; requiring the Office of Program Policy Analysis and Governmental Accountability to conduct performance reviews; repealing s. 190.047, F.S., relating to incorporation or annexation of a district; amending s. 191.013, F.S.; requiring independent special fire control districts to annually report training and certification information regarding volunteer firefighters to the Division of State Fire Marshal; amending s. 388.211, F.S.; providing the boundaries of a mosquito control district may only be changed by special act; amending s. 388.221, F.S.; reducing the maximum millage rate for mosquito control districts; providing an exception; amending s. 388.271, F.S.; requiring, instead of authorizing, special districts to file tentative work plans and work plan budgets at specified intervals; requiring the Department of Agriculture and Consumer Services to report to the Department of Commerce if certain special districts fail to submit specified information; providing an effective date.

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

Section 1. Section 163.3756, Florida Statutes, is repealed.

Section 2. Section 163.504, Florida Statutes, is amended to read:

163.504 Safe neighborhood improvement districts; formation authorized by ordinance; jurisdictional boundaries; prohibition on future creation.—

(1) The governing body of any municipality or county may authorize the formation of safe neighborhood improvement districts through the adoption of a planning ordinance which specifies that such districts may be created by one or more of the methods established in ss. 163.506, 163.508, 163.511, and 163.512. No district may overlap the jurisdictional boundaries of a municipality and the unincorporated area of a county, except by interlocal agreement.

(2) A safe neighborhood improvement district may not be created on or after July 1, 2024. A safe neighborhood improvement district in existence before July 1, 2024, may continue to operate as provided in this part.

Section 3. Section 165.0615, Florida Statutes, is repealed.

Section 4. Section 189.0312, Florida Statutes, is created to read:

189.0312 Independent special districts; term of office.—

(1) A member elected by the qualified electors of the district to the governing body of an independent special district may not serve for more than 12 consecutive years, unless the district's charter provides for more restrictive terms of office. Service of a term of office that commenced before November 5, 2024, does not count toward the limitation imposed by this subsection.

(2) This section does not apply to a community development district established under chapter 190, or an independent special district created pursuant to a special act that provides that any amendment to chapter 190 to grant additional powers constitutes a power of the district.

(3) This section does not require an independent special district governed by an appointed governing body to convert to an elected governing body.

Section 5. Section 189.0313, Florida Statutes, is created to read:

189.0313 Independent special districts; boundaries; exception.—Notwithstanding any special law or general law of local application to the contrary, the boundaries of an independent special district shall only be changed by general law or special act. This section does not apply to a community development district established pursuant to chapter 190.

Section 6. Subsections (1) and (2) of section 189.062, Florida Statutes, are amended to read:

189.062 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. 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 or a sufficient number of governing body members to constitute a quorum for 2 or more years;

3. 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 inquiry by the department within 21 days;

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

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

6. 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 is responsible for payment of any expenses associated with its dissolution;—

7. The district is an independent special district or a community redevelopment district created under part III of chapter 163 that has reported no revenue, no expenditures, and no debt under s. 189.016(9) or s. 218.32 for at least 5 consecutive fiscal years beginning no earlier than October 1, 2018. This subparagraph does not apply to a community development district established under chapter 190 or to any independent special district operating pursuant to a special act that provides that any amendment to chapter 190 to grant additional powers constitutes a power of that district; or

8. For a mosquito control district created pursuant to chapter 388, the department has received notice from the Department of Agriculture and Consumer Services that the district has failed to file a tentative work plan and tentative detailed work plan budget as required by s. 388.271.

(b) The department, special district, or local general-purpose government has 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 has sent a copy of such notice by certified mail to the registered agent or chair of the governing body, if any. If the special district is a dependent special district with a governing body that is not identical to the governing body of a single county or a single municipality, a copy of such notice must also be sent by certified mail to the governing body of the county or municipality on which the district is

dependent. 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 30 ~~21~~ days after the publication date. The objections may include that the special district has outstanding debt obligations that are not included in reports required under s. 189.016(9) or s. 218.32.

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

(2) If any special district is declared inactive pursuant to this section, the district may only expend funds as necessary to service outstanding debt and to comply with existing bond covenants and other contractual obligations. ~~The~~ property or assets of the special district are subject to legal process for payment of any debts of the district. After the payment of all the debts of said inactive special district, the remainder of its property or assets shall escheat to the county or municipality wherein located. If, however, it shall be necessary, in order to pay any such debt, to levy any tax or taxes on the property in the territory or limits of the inactive special district, the same may be assessed and levied by order of the local general-purpose government wherein the same is situated and shall be assessed by the county property appraiser and collected by the county tax collector.

Section 7. Section 189.0694, Florida Statutes, is created to read:

189.0694 Special districts; performance measures and standards.—

(1) Beginning October 1, 2024, or by the end of the first full fiscal year after its creation, whichever is later, each special district must establish goals and objectives for each program and activity undertaken by the district, as well as performance measures and standards to determine if the district’s goals and objectives are being achieved.

(2) By December 1 of each year thereafter, each special district must publish an annual report on the district’s website describing:

(a) The goals and objectives achieved by the district, as well as the performance measures and standards used by the district to make this determination.

(b) Any goals or objectives the district failed to achieve.

Section 8. Paragraph (c) is added to subsection (3) of section 189.0695, Florida Statutes, to read:

189.0695 Independent special districts; performance reviews.—

(3) The Office of Program Policy Analysis and Government Accountability must conduct a performance review of all independent special

districts within the classifications described in paragraphs (a), ~~and (b), and (c)~~ and may contract as needed to complete the requirements of this subsection. The Office of Program Policy Analysis and Government Accountability shall submit the final report of the performance review to the President of the Senate and the Speaker of the House of Representatives as follows:

(c) For all safe neighborhood improvement districts as defined in s. 163.503(1), no later than September 30, 2025.

Section 9. Section 190.047, Florida Statutes, is repealed.

Section 10. Subsection (3) is added to section 191.013, Florida Statutes, to read:

191.013 Intergovernmental coordination.—

(3) By October 1 of each year, each independent special fire control district shall report to the Division of State Fire Marshal regarding whether each of the district's volunteer firefighters has completed the required trainings and received the required certifications established by the division pursuant to s. 633.408.

Section 11. Section 388.211, Florida Statutes, is amended to read:

388.211 Change in district boundaries.—

~~(1) The boundaries of each district may only be changed by a special act of the Legislature. The board of commissioners of any district formed prior to July 1, 1980, may, for and on behalf of the district or the qualified electors within or without the district, request that the board of county commissioners in each county having land within the district approve a change in the boundaries of the district.~~

~~(2) If the board of county commissioners approves such change, an amendment shall be made to the order creating the district to conform with the boundary change.~~

Section 12. Subsection (1) of section 388.221, Florida Statutes, is amended to read:

388.221 Tax levy.—

(1) The board of commissioners of such district may levy upon all of the real and personal taxable property in said district a special tax not exceeding 1 mill ~~10 mills~~ on the dollar during each year as maintenance tax to be used solely for the purposes authorized and prescribed by this chapter. The board of commissioners of a district may increase such special tax to no more than 2 mills on the dollar if the increase is approved by a referendum of the qualified electors of the district held at a general election. Said board shall by resolution certify to the property appraiser of the county in which the

property is situate, timely for the preparation of the tax roll, the tax rate to be applied in determining the amount of the district's annual maintenance tax. Certified copies of such resolution executed in the name of said board by its chair and secretary and under its corporate seal shall be made and delivered to the property appraiser and the board of county commissioners of the county in which such district is located, and to the Department of Revenue not later than September 30 of such year. The property appraiser of said county shall assess and the tax collector of said county shall collect the amount of taxes so assessed and levied by said board of commissioners of said district upon all of the taxable real and personal property in said district at the rate of taxation adopted by said board for said year and included in said resolution, and said levy shall be included in the warrants of the property appraiser and attached to the assessment roll of taxes for said county each year. The tax collector shall collect such taxes so levied by said board in the same manner as other taxes are collected and shall pay the same within the time and in the manner prescribed by law to the treasurer of said board. The Department of Revenue shall assess and levy on all the railroad lines and railroad property and telegraph and telephone lines and telegraph and telephone property situated in said district in the amount of each such levy as in case of other state and county taxes and shall collect said taxes thereon in the same manner as it is required by law to assess and collect taxes for state and county purposes and remit the same to the treasurer of said board. All such taxes shall be held by said treasurer for the credit of said board and paid out by him or her as ordered by said board.

Section 13. Subsection (1) of section 388.271, Florida Statutes, is amended, and subsection (3) is added to that section, to read:

388.271 Prerequisites to participation.—

(1) When state funds are involved, it is the duty of the department to guide, review, approve, and coordinate the activities of all county governments and special districts receiving state funds in furtherance of the goal of integrated arthropod control. Each county ~~or district~~ eligible to participate ~~hereunder may, and each district must,~~ begin participation on October 1 of any year by filing with the department not later than July 15 a tentative work plan and tentative detailed work plan budget providing for the control of arthropods. Following approval of the plan and budget by the department, two copies of the county's or district's certified budget based on the approved work plan and detailed work plan budget shall be submitted to the department by September 30 following. State funds, supplies, and services shall be made available to such county or district by and through the department immediately upon release of funds by the Executive Office of the Governor.

(3) If a special district fails to submit a tentative work plan and tentative detailed work plan budget as required by subsection (1), the department shall send notice of such failure to the Department of Commerce within 30 days.

Section 14. This act shall take effect July 1, 2024.

Approved by the Governor April 26, 2024.

Filed in Office Secretary of State April 26, 2024.