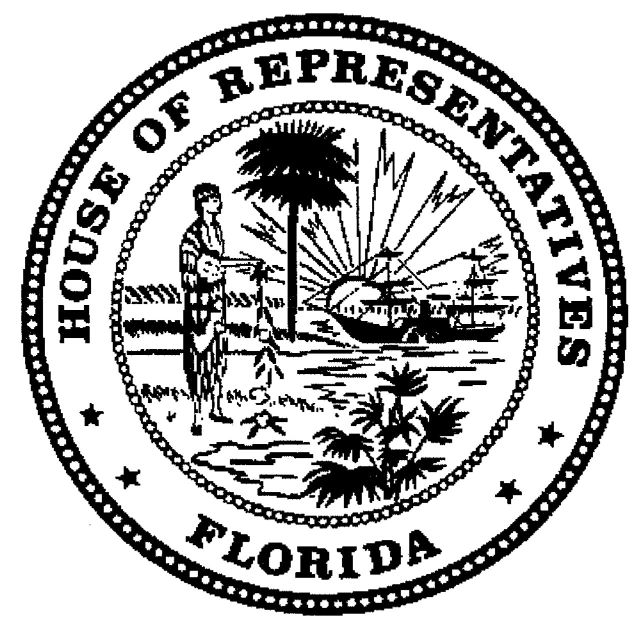

Community & Military Affairs Subcommittee

Wednesday, November 16, 2011
1:30 PM - 2:15 PM
Webster Hall (212 Knott)

Dean Cannon
Speaker

Ritch Workman
Chair

Committee Meeting Notice

HOUSE OF REPRESENTATIVES

Community & Military Affairs Subcommittee

Start Date and Time:	Wednesday, November 16, 2011 01:30 pm
End Date and Time:	Wednesday, November 16, 2011 02:15 pm
Location:	Webster Hall (212 Knott)
Duration:	0.75 hrs

Consideration of the following bill(s):

HB 107 Special Districts by Caldwell
HB 387 Electronic Filing of Construction Plans and Other Related Documents by Ahern

Pursuant to rule 7.12, the filing deadline for amendments to bills on the agenda by a member who is not a member of the committee or subcommittee considering the bill is 6:00 p.m., Tuesday, November 15, 2011.

By request of the Chair, all Subcommittee members are asked to have amendments to bills on the agenda submitted to staff by 6:00 p.m., Tuesday, November 15, 2011.

NOTICE FINALIZED on 11/09/2011 16:03 by Manning.Karen

HB 107

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 107 Special Districts
SPONSOR(S): Caldwell
TIED BILLS: **IDEN./SIM. BILLS:** SB 192

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Community & Military Affairs Subcommittee		Duncan	Hoagland
2) Finance & Tax Committee			
3) Economic Affairs Committee			

SUMMARY ANALYSIS

The Uniform Special District Accountability Act of 1989 (Act) sets forth the general provisions for the definition, creation, and operation of all special districts. Special districts are local units of special purpose government within a limited boundary, created by general law, special act, local ordinance, or by rule of the Governor and Cabinet.

The Act also establishes the method for the merger and dissolution of dependent and independent special districts. Any dependent or independent district created and operating by special act may only be merged or dissolved by the Legislature unless otherwise provided by general law. An inactive independent special district created by a county or municipality through a referendum or any other procedure, may be merged or dissolved pursuant to the same procedure by which the district was created.

The bill allows two or more contiguous independent special districts with similar functions and governing bodies that were created by the Legislature to voluntarily merge under specified circumstances. The bill allows merger proceedings to be initiated either by joint resolution of the governing bodies of each district or by 40 percent or more of the qualified electors in each district. The bill requires independent special districts to adopt a merger plan that outlines the specific components for the proposed merger, which shall be subject to a public hearing and voter referendum. The effective date of the proposed voluntary merger is not contingent upon the future act of the Legislature; however, the merged district's powers are limited until the Legislature approves the unified charter by special act.

The voluntary merger provisions of this bill do not apply to independent special districts whose governing bodies are elected by district landowners voting the acreage owned within the district and shall preempt any special act to the contrary. The bill repeals current statutory provisions addressing the merger of independent special fire control districts. The merger of independent special fire control districts will be governed pursuant to the provisions established under this act.

The bill requires an involuntary dissolution or merger of an independent special district to be subject to a special act of the Legislature and approved by voter referendum. The bill also provides for the payment of associated referendum expenses and the distribution of assets and indebtedness.

The bill allows a special district that meets the criteria for being declared inactive or that has already been declared inactive to be dissolved or merged without a referendum. The bill also allows the governing body of a special district to unanimously adopt a resolution to declare the special district inactive.

The bill provides an effective date of July 1, 2012.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

Overview

The Uniform Special District Accountability Act of 1989[1] (Act) sets forth the general provisions for the definition, creation, and operation of all special districts.[2] Special districts are local units of special purpose government within a limited boundary, created by general law, special act, local ordinance, or by rule of the Governor and Cabinet.[3] The term does not include:[4]

- A school district;
- A community college district;
- A Seminole and Miccosukee Tribe special improvement district;[5]
- A municipal service taxing or benefit unit; or
- A board which provides electrical service and which is a political subdivision of a municipality or is part of a municipality.

As of October 20, 2011, there were approximately 1,618 active special districts.[6]

The Act establishes criteria for determining whether a special district is a "dependent special district" or an "independent special district." A "dependent special district" is a special district that meets at least one of the following criteria:[7]

- The membership of its governing body is identical to that of the governing body of a single county or single municipality.
- All members of its governing body are appointed by the governing body of a single county or single municipality.
- 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 single municipality.
- 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 single municipality.

As of October 20, 2011, there were 625 active dependent special districts.[8]

An "independent special district" is a special district that is not a dependent special district as defined in state law. 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.[9] As of October 20, 2011, there were 993 active independent special districts.[10]

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[1] Chapter 89-169, L.O.F.
[2] Section 189.402(1), F.S.
[3] Section 189.403(1), F.S.
[4] *Id.*
[5] Florida law establishes a special improvement district for each of the areas contained within the reservation set aside for the Seminole and Miccosukee Tribes, respectively. Section 285.17, F.S.
[6] Florida Department of Economic Opportunity, Division of Community Planning and Development, Special District Information Program, Official List of Special Districts Online, *Special District Statewide Totals*, http://www.floridajobs.org/community-planning-and-development (last visited October 20, 2011).
[7] Section 189.403(2), F.S.
[8] *See supra* note 6.
[9] Section 189.403(3), F.S.
[10] *See supra* note 6.

Merger and Dissolution Procedures for Special Districts

Article VIII, section 4 of the Florida Constitution governs the transfer of powers between governing bodies and states:

> "by law or by resolution of the governing bodies of each of the governments affected, any function or power of a county, municipality or special district may be transferred to or contracted to be performed by another county, municipality or special district, after approval by vote of the electors of the transferee, or as otherwise provided by law."

The Act also establishes the method for the merger and dissolution of dependent and independent special districts.[11]

- Any dependent or independent district created and operating by special act may only be ***merged or dissolved*** by the Legislature unless otherwise provided by general law. The general-purpose local government entity where a district is located must adopt an ordinance regarding the merger or dissolution.
- If an inactive independent district was created by a county or municipality by referendum, the county or municipality that created the district may ***dissolve*** the district after public notice as required by law.
- If an independent district was created by a county or municipality by referendum or any other procedure, then the county or municipality that created the district has the authority to ***merge or dissolve*** the district using the same procedure used to create the independent district. However, "for any independent district that has ad valorem taxation powers, the same procedure required to grant such independent district ad valorem taxation powers shall also be required to ***dissolve or merge*** the district."

Under certain circumstances, the Department of Economic Opportunity (DEO) may declare a special district inactive and take steps to ***dissolve*** a district by documenting that:[12]

- The special district meets one of the following criteria:[13]
    - The registered agent or chair of the governing body of the district; or the governing body of the appropriate local government notifies DEO in writing that the district has taken no action for two or more years.
    - Following an inquiry from DEO, the registered agent or chair of the governing body of the district; or the governing body of the appropriate local government notifies DEO in writing that the district has not had a governing board or a sufficient number of governing board members to constitute a quorum for two or more years; or the registered agent or chair of the governing body of the district; or the governing body of the local government fails to respond to DEO's inquiry within 21 days.
    - DEO determines that the district has failed to file with the appropriate state agency the following reports:
        - Retirement related reports with the Department of Management Services (DFS).
        - Annual Financial Report with the Department of Financial Services.
        - Annual Financial Audit Report with the Auditor General and DFS.
        - Bond related reports with the State Board of Administration, Division of Bond Finance.
- The DEO, special district, or local government published a notice of proposed declaration of inactive status in a newspaper of general circulation in the county or municipality in which the

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[11] Section 189.4042(2), F.S.

[12] Section 189.4044, F.S.

[13] Section 189.4044(1)(a), F.S.

special district is located and a copy of the notice is sent to the registered agent or chair of the special district's governing board, if any.[14]

- Twenty-one days have elapsed from the date the notice was published and no administrative appeals were filed.[15]

A special district declared inactive must be ***dissolved*** by the entity that created the special district by repealing its enabling laws or other appropriate means.[16]

Oversight Review Process

Although current law does not provide statutory guidelines to facilitate the merger of independent special districts prior to a legislative act, the Uniform Special District Accountability Act does offer an oversight review process[17] that allows counties and municipalities to evaluate the degree of special district services and determine the need for adjustments, transitions or dissolution.[18] The oversight review process is performed in conjunction with the special district's public facilities report[19] and the local governmental evaluation and appraisal report.[20] Depending upon whether the independent special district is a single- or multi-county district, the oversight review may be conducted by the county or municipality where the special district is located, or by the government that created the special district.[21]

During the oversight review process, the reviewing authority must consider certain criteria, including, but not limited to: [22]

- The degree to which current services are essential or contribute to the well-being of the community;
- The extent of continuing need for current services;
- Current or possible municipal annexation or incorporation and its impact on the delivery of district services;
- Whether there is a less costly alternative method of delivering the services that would adequately provide district services to district residents; and
- Whether the transfer of services would jeopardize the districts' existing contracts.

The reviewing authority's final oversight report must be filed with the government that created the district, and shall serve as a basis for any modification, ***dissolution or merger*** of the district.[23] If a legislative ***dissolution or merger*** is proposed in the final report, the law requires the reviewing government to also propose a plan for the merger or dissolution. The plan must address the following factors in evaluating the proposed merger or dissolution: [24]

- 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.
- 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.

[14] Section 189.4044(1)(b), F.S.
[15] Section 189.4044(1)(c), F.S.
[16] Section 189.4044(4), F.S.
[17] Section 189.428(2), F.S.
[18] *See* s. 189.428, F.S.
[19] *See* s. 189.415(2), F.S.
[20] *See* s. 163.3191, F.S.
[21] Section 189.428(3), F.S. Note: dependent special districts are reviewed by the local government entity that they are dependent upon, *see* s. 189.428(3) (a), F.S.
[22] *See* s. 189.428(5) (a)-(i), F.S., for a full list of the statutory criteria that is evaluated during the oversight review process.
[23] Section 189.428(7), F.S.
[24] Section 189.428(8), F.S.

- 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.
- Whether the proposed merger adequately provides for the assumption of all indebtedness.

The final report must also be considered at a public hearing in the affected jurisdiction and adopted by the governing board. Thereafter, the adopted plan for merger or dissolution can be filed as an attachment to the economic impact statement regarding the proposed special act or general act of local application dissolving a district.[25] This section does not apply to deepwater ports, airport authorities, or healthcare districts operating in compliance with other master plan requirements under Florida Statutes.[26]

Financial Allocations of Merged or Dissolved Special Districts

The Act requires the government formed by the ***merger*** of existing special districts to assume all indebtedness of, and receive title to all property owned by, the preexisting special districts. The proposed charter must provide for the determination of the proper allocation of the indebtedness assumed and the manner in which the debt must be retired.[27]

Unless otherwise provided by law or ordinance, a ***dissolved*** special district must transfer the title to all property owned by the preexisting special district to the local general-purpose government, which must also assume all indebtedness of the preexisting special district.[28] These provisions do not apply to community development districts or water management districts.[29]

Senate Committee on Community Affairs Interim Project, *Interim Report 2010-2011*

In 2010, the Senate Committee on Community Affairs conducted an interim report on the merger of independent special districts.[30] The purpose of this interim report was to explore potential statutory guidelines for voluntary independent special district mergers and consolidations. The report reviewed current Florida law and existing merger and consolidation laws in three other states, and discussed previous merger attempts that have failed in Florida.

Staff determined that mergers and consolidations provide a mechanism for independent special districts to increase government efficiency while saving taxpayers money. Independent special district mergers and consolidations can generate cost-savings through volume purchasing, standardized operating procedures, pooled investments, joint training, efficient personnel allocation, and cost avoidance.

Based on this information, staff provided criteria for the Legislature to consider, should it choose to adopt statutory guidelines that would allow independent special districts formed under special law to voluntarily merge prior to a legislative act. The recommended statutory criteria, included:[31]

- The fiscal, legal, and administrative components that should be evaluated in pre-merger or consolidation feasibility studies.
- How mergers and consolidation proceedings can be initiated, i.e. by resolution, voters, etc.
- The necessary statutory thresholds to approve or petition an independent special district merger or consolidation.

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[25] *Id.*

[26] Section 189.428(9), F.S. (Discussing deepwater ports operating in compliance with a port master plan under s. 163.3178(2)(k), airport authorities operating in compliance with the Federal Aviation Administration approved master plan, and special districts organized to provide health systems and facilities licensed under chapters 395, 400, and 429, F.S.).

[27] Section 189.4045(1), F.S.

[28] Section 189.4045(2), F.S.

[29] Section 189.4045(3), F.S.

[30] The Florida Senate, Committee on Community Affairs, *Merger of Independent Special Districts*, Interim Report 2011-110, Oct. 2010, *available at* http://www.flsenate.gov/Committees/InterimReports/2011/2011-110ca.pdf.

[31] *Id* at 15-16.

- Requiring special districts to adopt a merger plan that evaluates how personnel and governing board changes will be made, how assets and liabilities will be apportioned, and how to standardize varying pay levels and benefits.
- Only applying to voluntary special district mergers.
- Precluding special districts from exceeding the powers granted to them in their existing special acts until a unified charter is adopted by the Legislature.

Effect of Proposed Changes

The bill makes the following changes to The Uniform Special District Accountability Act of 1989 (Act):

- Provides definitions for the following terms:
    - "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.
    - "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.
    - "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.
    - "Merged independent district" means a single independent special district that results from a successful merger of two or more independent special districts.
    - "Merger" means the combination of two or more contiguous independent special districts that combine to become a newly created merged independent district that assumes jurisdiction over all of the component independent special districts.
    - "Merger plan" means a written document that contains the terms, agreements, and information regarding the merger of two or more independent special districts.
    - "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.
    - "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.
    - "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.
- Clarifies the provisions for the merger or dissolution of dependent special districts.
- Establishes provisions for the voluntary dissolution of an independent special district.
- Provides procedures for the involuntary dissolution or merger of an independent special district.
- Establishes a process to allow two or more contiguous independent special districts with similar functions and governing bodies that were created by the Legislature to voluntarily merge prior to special act.

Merger or Dissolution of Dependent Special Districts

The bill clarifies that 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.

Dissolution of Independent Special Districts

Voluntary Dissolution

The voluntary dissolution of an independent special district creating and operating pursuant to a special act may only occur by an act of the Legislature, unless otherwise provided by general law.

Involuntary Dissolution

If a local general-purpose government seeks to dissolve an *active independent special district created and operating pursuant to a special act*, whose board objects to the dissolution by resolution or the dissolution is supported by less than a supermajority vote of the board, then *the dissolution is not effective until a special act of the Legislature is approved* by a majority of the resident electors of the district or landowners voting in the same manner the governing board is elected.

Merger of Independent Special Districts

Voluntary Merger

The bill authorizes two or more contiguous independent special districts with similar functions and governing bodies that were *created by the Legislature to voluntarily merge prior to a special act.*

The merger may be initiated by either a joint resolution of the governing bodies of each district, which endorses a proposed joint merger plan; or by qualified elector initiative. A qualified elector-initiated merger plan requires each independent special district to file a petition with the governing bodies of each 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.

The bill lists the components of the proposed joint merger plan and the proposed qualified elector-initiated merger plan, which must include, but are not limited to:

- The territorial boundaries of the proposed merged independent district.
- The governmental organization of the proposed merged independent district as it relates to elected and appointed officials and public employees as well as a transitional plan and schedule for elections and appointments of officials.
- A fiscal estimate of the potential cost or savings as a result of the merger.
- Each component independent special district's assets, liabilities and indebtedness.
- The effective date of the proposed merger.

The voluntary merger provisions also:

- Require the proposed merger plan to be subject to a public hearing and voter referendum, consistent with certain notice requirements under Florida Statutes.
- Provide election procedures and require a proposed merger to be approved by the majority of votes cast in each independent special district in order for merger to take effect. If the referendum fails, then the merger process may not be initiated for the same purpose within two years after the date of the referendum.
- Treat each component independent special district of the merger as a subunit of the merged independent special district until such time as the Legislature formally approves the unified charter of the new merged district pursuant to special act. 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.

- Provide that during the transition period, the individual subunits are limited to the powers and financing capabilities of each subunit as previously existed prior to merger.
- Provide for the transfer of assets, debts and liabilities of each component independent special district to the merged independent special district.
- Provide that 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 special district shall be substituted in its place.
- Provide that the Municipal Annexation or Contraction Act continues to apply to all annexations by a city within the component independent special districts' boundaries after merger occurs.
- Outline the effect of merger on current employees and governing bodies of each component independent special district participating in the merger proposal.

Effective Date of a Voluntary Merger. The effective date of the proposed voluntary merger is not contingent upon the future act of the Legislature; however, the merged district's powers are limited until the Legislature approves the unified charter by special act. The merged independent district must at its own expense, submit a unified charter for the merged district to the Legislature for approval.

During the transition period, and until the Legislature formally approves the unified charter by special act:

- The individual subunits are limited to the powers and financing capabilities of each subunit as previously existed prior to merger.
- The merged independent district must 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 taxes, impact fees, and charges.
- The merged independent district is authorized to levy an ad valorem millage rate previously approved by the electors of the component independent special district unless an increase in millage rate is approved pursuant to general law.
- Each component independent special district must continue to file all information and reports required under chapter 189, F.S., as subunits until the Legislature formally approves the unified charter pursuant to special act.

The bill includes an exemption clause stating that the voluntary merger provisions do not apply to independent special districts whose governing bodies are elected by district landowners voting the based upon acreage owned within the district, such as water control or drainage districts governed by chapter 298, F.S.

The provisions addressing voluntary independent special district mergers will preempt any special act to the contrary.

Involuntary Merger

If a local general-purpose government seeks to merge an *active independent special district created and operating pursuant to a special act*, whose board objects to the merger by resolution, then *the merger is not effective until a special act of the Legislature is approved* by a majority of the resident electors of the district or landowners voting in the same manner the governing board is elected at a separate referenda.

The bill requires the special act to include a merger plan that addresses transition issues such as the effective date of the merger, governance, administration, powers, pensions, and assumption of all assets and liabilities. The political subdivisions proposing the involuntary dissolution or merger are responsible for payment of referendum expenses.

Other Provisions Related to the Dissolution or Merger of Special Districts

The bill provides that any independent or dependent special districts that meet the criteria for being *declared inactive* or that have already been *declared inactive* pursuant to the Act[32] may be dissolved or merged by a special act without a referendum.

The bill clarifies the provisions relating to independent special districts created by a county or municipality by referendum to provide that the county or municipality that created the special district may merge or dissolve the district pursuant to a referendum or any other procedure by which the special district was created. If the special district has ad valorem taxation powers, then the same procedure required to grant such powers is required to dissolve the special district.

The bill states that the financial allocations[33] of the assets and indebtedness of a dissolved independent special district is pursuant to the Act.

The specific merger procedures for independent special fire control districts[34] set forth in the Independent Special Fire Control District Act are deleted. The merger of independent special fire control districts will be governed pursuant to the provisions established under this act.

The bill amends the provisions relating to the special procedures for inactive special districts[35] to allow DEO to declare a special district inactive if the governing body of a special district provides documentation that it has unanimously adopted a resolution declaring the district (itself) to be inactive. The bill provides that any special district so declared to be inactive under this provision, may be dissolved without a referendum. This section also provides that the special district shall be responsible for payment of any expenses associated with its dissolution.

The bill takes effect on July 1, 2012.

B. SECTION DIRECTORY:

Section 1: Amends s. 189.4042, F.S., relating to the merger and dissolution procedures for special districts.

Section 2: Amends s. 191.014, F.S., relating to the creation, expansion, and merger of independent fire control districts.

Section 3: Amends ss. 189.4044(1) and (4), F.S., authorizing the merger or dissolution of inactive special districts by special law without a referendum under certain circumstances.

Section 4: Provides an effective date of July 1, 2012.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

   None.

2. Expenditures:

   None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

[32] Section 189.4044, F.S.
[33] *See* s. 189.4045, F.S.
[34] *See* s. 191.014(3), F.S.
[35] *See* s. 189.4044, F.S.

None.

2. Expenditures:

   None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

   Not applicable. This bill does not appear to: require counties or municipalities to spend funds or take an action requiring the expenditure of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with counties or municipalities.

2. Other:

   None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Lines 146-162 of the bill contain provisions which relate to two separate issues: the dissolution of inactive independent special districts and the dissolution or merger of active independent special districts created by a county or municipality. An amendment will be needed to correct this error.

Comments by the Department of Revenue:

The bill provides for the creation of a new independent special district when separate independent districts merge together. It further states that the districts when merged may be considered separate taxing units that can levy a different millage in a subunit. For the purposes of s. 200.065, F.S., independent special districts levy a single millage rate. It is unclear how to administer the TRIM process with regards to the following items:

- Notice of Proposed Property Taxes, budgeting process, TRIM hearings and the maximum millage limitation.
- A taxing district advertises either a Notice of Proposed Tax Increase or a Notice of Budget Hearing depending on the millage rate to be levied. Allowing the newly created district to levy more than one millage at different rates may cause confusion to the taxpayer.
- Pursuant to [s.] 200.065(5)(b), [F.S.,] an independent special district that has levied ad valorem taxes for less than 5 years is not subject to the maximum millage limitation. When the districts merge into a newly created independent special district, it is unclear whether the new taxing district is subject to the maximum millage limitations.

The provisions of chapter 200, F.S., do not currently accommodate an independent district, which levies different millage rates in separate units.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

N/A.

1 A bill to be entitled
2 An act relating to special districts; amending s.
3 189.4042, F.S.; revising provisions relating to merger
4 and dissolution procedures for special districts;
5 providing definitions; requiring the merger or
6 dissolution of dependent special districts created by
7 a special act to be effectuated by the Legislature;
8 providing for the merger or dissolution of inactive
9 special districts by special act without referenda;
10 requiring involuntary dissolution procedures for
11 independent special districts to include referenda;
12 providing for the dissolution of inactive independent
13 special districts by special act; providing for local
14 governments to assume indebtedness of, and receive
15 title to property owned by, special districts under
16 certain circumstances; providing for the merger of
17 certain independent special districts by the
18 Legislature; providing procedures and requirements for
19 the voluntary merger of contiguous independent special
20 districts; limiting the authority of the merged
21 district to levy and collect revenue until a unified
22 charter is approved by the Legislature; providing for
23 the effect of the merger on employees, legal
24 liabilities, obligations, proceedings, and annexation;
25 providing for the determination of certain rights by
26 the governing body of the merged district; providing
27 that such provisions preempt certain special acts;
28 providing procedures and requirements for the

29 involuntary merger of independent special districts;
30 providing exemptions from merger and dissolution
31 procedures; amending s. 191.014, F.S.; deleting a
32 provision relating to the conditions under which the
33 merger of independent special districts or dependent
34 fire control districts with other special districts is
35 effective and the conditions under which a merged
36 district is authorized to increase ad valorem taxes;
37 amending s. 189.4044, F.S.; revising criteria by which
38 special districts are declared inactive by a governing
39 body; authorizing such districts to be dissolved
40 without a referendum; providing an effective date.
41
42 Be It Enacted by the Legislature of the State of Florida:
43
44 Section 1. Section 189.4042, Florida Statutes, is amended
45 to read:
46 189.4042 Merger and dissolution procedures.—
47 (1) DEFINITIONS.—As used in this section, the term:
48 (a) "Component independent special district" means an
49 independent special district that proposes to be merged into a
50 merged independent district, or an independent special district
51 as it existed before its merger into the merged independent
52 district of which it is now a part.
53 (b) "Elector-initiated merger plan" means the merger plan
54 of two or more independent special districts, a majority of
55 whose qualified electors have elected to merge, which outlines
56 the terms and agreements for the official merger of the

57 districts and is finalized and approved by the governing bodies
58 of the districts pursuant to this section.
59 (c) "Governing body" means the governing body of the
60 independent special district in which the general legislative,
61 governmental, or public powers of the district are vested and by
62 authority of which the official business of the district is
63 conducted.
64 (d) "Initiative" means the filing of a petition containing
65 a proposal for a referendum to be placed on the ballot for
66 election.
67 (e) "Joint merger plan" means the merger plan that is
68 adopted by resolution of the governing bodies of two or more
69 independent special districts that outlines the terms and
70 agreements for the official merger of the districts and that is
71 finalized and approved by the governing bodies pursuant to this
72 section.
73 (f) "Merged independent district" means a single
74 independent special district that results from a successful
75 merger of two or more independent special districts pursuant to
76 this section.
77 (g) "Merger" means the combination of two or more
78 contiguous independent special districts resulting in a newly
79 created merged independent district that assumes jurisdiction
80 over all of the component independent special districts.
81 (h) "Merger plan" means a written document that contains
82 the terms, agreements, and information regarding the merger of
83 two or more independent special districts.
84 (i) "Proposed elector-initiated merger plan" means a

85 <u>written document that contains the terms and information</u>
86 <u>regarding the merger of two or more independent special</u>
87 <u>districts and that accompanies the petition initiated by the</u>
88 <u>qualified electors of the districts but that is not yet</u>
89 <u>finalized and approved by the governing bodies of each component</u>
90 <u>independent special district pursuant to this section.</u>
91 <u>(j) "Proposed joint merger plan" means a written document</u>
92 <u>that contains the terms and information regarding the merger of</u>
93 <u>two or more independent special districts and that has been</u>
94 <u>prepared pursuant to a resolution of the governing bodies of the</u>
95 <u>districts but that is not yet finalized and approved by the</u>
96 <u>governing bodies of each component independent special district</u>
97 <u>pursuant to this section.</u>
98 <u>(k) "Qualified elector" means an individual at least 18</u>
99 <u>years of age who is a citizen of the United States, a permanent</u>
100 <u>resident of this state, and a resident of the district who</u>
101 <u>registers with the supervisor of elections of a county within</u>
102 <u>which the district lands are located when the registration books</u>
103 <u>are open.</u>
104 <u>(2)</u>~~(1)~~ <u>MERGER OR DISSOLUTION OF A DEPENDENT SPECIAL</u>
105 <u>DISTRICT.—</u>
106 (a) The merger or dissolution of <u>a</u> dependent special
107 <u>district</u> ~~districts~~ may be effectuated by an ordinance of the
108 general-purpose local governmental entity wherein the
109 geographical area of the district or districts is located.
110 However, a county may not dissolve a special district that is
111 dependent to a municipality or vice versa, or a dependent
112 district created by special act.

113 (b) The merger or dissolution of a dependent special
114 district created and operating pursuant to a special act may be
115 effectuated only by further act of the Legislature unless
116 otherwise provided by general law.
117 (c) A dependent special district that meets any criteria
118 for being declared inactive, or that has already been declared
119 inactive, pursuant to s. 189.4044 may be dissolved or merged by
120 special act without a referendum.
121 (d) ~~(b)~~ A copy of any ordinance and of any changes to a
122 charter affecting the status or boundaries of one or more
123 special districts shall be filed with the Special District
124 Information Program within 30 days after ~~of~~ such activity.
125 (3) ~~(2)~~ DISSOLUTION OF AN INDEPENDENT SPECIAL DISTRICT.—
126 (a) Voluntary dissolution.—The voluntary ~~merger or~~
127 dissolution of an independent special district ~~or a dependent~~
128 ~~district~~ created and operating pursuant to a special act may
129 ~~only~~ be effectuated only by the Legislature unless otherwise
130 provided by general law.
131 (b) Involuntary dissolution.—If a local general-purpose
132 government seeks to dissolve an active independent special
133 district created and operating pursuant to a special act whose
134 governing body objects by resolution to the dissolution, the
135 dissolution of the active independent special district is not
136 effective until a special act of the Legislature is approved by
137 a majority of the resident electors of the district or
138 landowners voting in the same manner by which the independent
139 special district's governing body is elected. This paragraph
140 also applies if an independent special district's governing body

141 elects to dissolve the district by less than a supermajority
142 vote of the governing body. The political subdivisions proposing
143 the involuntary dissolution of an active independent special
144 district shall be responsible for payment of any expenses
145 associated with the referendum required under this paragraph.
146 (c) Inactive independent special districts.—An independent
147 special district that meets any criteria for being declared
148 inactive, or that has already been declared inactive, pursuant
149 to s. 189.4044 may be dissolved by special act without a
150 referendum. If an inactive independent special district was
151 created by a county or municipality through a referendum, the
152 county or municipality that created the district may dissolve
153 the district after publishing notice as described in s.
154 189.4044. If an independent special district was created by a
155 county or municipality by referendum or any other procedure, the
156 county or municipality that created the district may merge or
157 dissolve the district pursuant to a referendum or any other the
158 same procedure by which the independent district was created.
159 However, if the for any independent special district that has ad
160 valorem taxation powers, the same procedure required to grant
161 the such independent district ad valorem taxation powers is
162 shall also be required to dissolve or merge the district.
163 (d) Debts and assets.—Financial allocations of the assets
164 and indebtedness of a dissolved independent special district
165 shall be pursuant to s. 189.4045.
166 (4) LEGISLATIVE MERGER OF INDEPENDENT SPECIAL DISTRICTS.—
167 The Legislature may merge independent special districts created
168 and operating pursuant to special act.

169 (5) VOLUNTARY MERGER OF INDEPENDENT SPECIAL DISTRICTS.—Two
170 or more contiguous independent special districts created by
171 special act which have similar functions and elected governing
172 bodies may elect to merge into a single independent district
173 through the act of merging the component independent special
174 districts.
175 (a) Initiation.—Merger proceedings may commence by:
176 1. A joint resolution of the governing bodies of each
177 independent special district which endorses a proposed joint
178 merger plan; or
179 2. A qualified elector initiative.
180 (b) Joint merger plan by resolution.—The governing bodies
181 of two or more contiguous independent special districts may, by
182 joint resolution, endorse a proposed joint merger plan to
183 commence proceedings to merge the districts pursuant to this
184 subsection.
185 1. The proposed joint merger plan must specify:
186 a. The name of each component independent special district
187 to be merged;
188 b. The name of the proposed merged independent district;
189 c. The rights, duties, and obligations of the proposed
190 merged independent district;
191 d. The territorial boundaries of the proposed merged
192 independent district;
193 e. The governmental organization of the proposed merged
194 independent district insofar as it concerns elected and
195 appointed officials and public employees, along with a
196 transitional plan and schedule for elections and appointments of

197 officials;
198 f. A fiscal estimate of the potential cost or savings as a
199 result of the merger;
200 g. Each component independent special district's assets,
201 including, but not limited to, real and personal property, and
202 the current value thereof;
203 h. Each component independent special district's
204 liabilities and indebtedness, bonded and otherwise, and the
205 current value thereof;
206 i. Terms for the assumption and disposition of existing
207 assets, liabilities, and indebtedness of each component
208 independent special district jointly, separately, or in defined
209 proportions;
210 j. Terms for the common administration and uniform
211 enforcement of existing laws within the proposed merged
212 independent district;
213 k. The times and places for public hearings on the
214 proposed joint merger plan;
215 l. The times and places for a referendum in each component
216 independent special district on the proposed joint merger plan,
217 along with the referendum language to be presented for approval;
218 and
219 m. The effective date of the proposed merger.
220 2. The resolution endorsing the proposed joint merger plan
221 must be approved by a majority vote of the governing bodies of
222 each component independent special district and adopted at least
223 60 business days before any general or special election on the
224 proposed joint merger plan.

225 3. Within 5 business days after the governing bodies
226 approve the resolution endorsing the proposed joint merger plan,
227 the governing bodies must:
228 a. Cause a copy of the proposed joint merger plan, along
229 with a descriptive summary of the plan, to be displayed and be
230 readily accessible to the public for inspection in at least
231 three public places within the territorial limits of each
232 component independent special district, unless a component
233 independent special district has fewer than three public places,
234 in which case the plan must be accessible for inspection in all
235 public places within the component independent special district;
236 b. If applicable, cause the proposed joint merger plan,
237 along with a descriptive summary of the plan and a reference to
238 the public places within each component independent special
239 district where a copy of the merger plan may be examined, to be
240 displayed on a website maintained by each district or on a
241 website maintained by the county or municipality in which the
242 districts are located; and
243 c. Arrange for a descriptive summary of the proposed joint
244 merger plan, and a reference to the public places within the
245 district where a copy may be examined, to be published in a
246 newspaper of general circulation within the component
247 independent special districts at least once each week for 4
248 successive weeks.
249 4. The governing body of each component independent
250 special district shall set a time and place for one or more
251 public hearings on the proposed joint merger plan. Each public
252 hearing shall be held on a weekday at least 7 business days

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253 after the day the first advertisement is published on the
254 proposed joint merger plan. The hearing or hearings may be held
255 jointly or separately by the governing bodies of the component
256 independent special districts. Any interested person residing in
257 the respective district shall be given a reasonable opportunity
258 to be heard on any aspect of the proposed merger at the public
259 hearing.
260 a. Notice of the public hearing addressing the resolution
261 for the proposed joint merger plan must be published pursuant to
262 the notice requirements in s. 189.417 and must provide a
263 descriptive summary of the proposed joint merger plan and a
264 reference to the public places within the component independent
265 special districts where a copy of the plan may be examined.
266 b. After the final public hearing, the governing bodies of
267 each component independent special district may amend the
268 proposed joint merger plan if the amended version complies with
269 the notice and public hearing requirements provided in this
270 subsection. Thereafter, the governing bodies may approve a final
271 version of the joint merger plan or decline to proceed further
272 with the merger. Approval by the governing bodies of the final
273 version of the joint merger plan must occur within 60 business
274 days after the final hearing.
275 5. After the final public hearing, the governing bodies
276 shall notify the supervisors of elections of the applicable
277 counties in which district lands are located of the adoption of
278 the resolution by each governing body. The supervisors of
279 elections shall schedule a separate referendum for each
280 component independent special district. The referenda may be

281 held in each district on the same day, or on different days, but
282 no more than 20 days apart.
283 a. Notice of a referendum on the merger of independent
284 special districts must be provided pursuant to the notice
285 requirements in s. 100.342. At a minimum, the notice must
286 include:
287 (I) A brief summary of the resolution and joint merger
288 plan;
289 (II) A statement as to where a copy of the resolution and
290 joint merger plan may be examined;
291 (III) The names of the component independent special
292 districts to be merged and a description of their territory;
293 (IV) The times and places at which the referendum will be
294 held; and
295 (V) Such other matters as may be necessary to call,
296 provide for, and give notice of the referendum and to provide
297 for the conduct thereof and the canvass of the returns.
298 b. The referenda must be held in accordance with the
299 Florida Election Code and may be held pursuant to ss. 101.6101-
300 101.6107. All costs associated with the referenda shall be borne
301 by the respective component independent special district.
302 c. The ballot question in such referendum placed before
303 the qualified electors of each component independent special
304 district to be merged must be in substantially the following
305 form:
306
307 "Shall (...name of component independent special
308 district...) and (...name of component independent special

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309 district or districts...) be merged into (...name of newly
310 merged independent district...)?
311 ____ YES
312 ____ NO"
313
314 d. If the component independent special districts
315 proposing to merge have disparate millage rates, the ballot
316 question in the referendum placed before the qualified electors
317 of each component independent special district must be in
318 substantially the following form:
319
320 "Shall (...name of component independent special
321 district...) and (...name of component independent special
322 district or districts...) be merged into (...name of newly
323 merged independent district...) if the voter-approved maximum
324 millage rate within each independent special district will not
325 increase absent a subsequent referendum?
326 ____ YES
327 ____ NO"
328
329 e. In any referendum held pursuant to this subsection, the
330 ballots shall be counted, returns made and canvassed, and
331 results certified in the same manner as other elections or
332 referenda for the component independent special districts.
333 f. The merger may not take effect unless a majority of the
334 votes cast in each component independent special district are in
335 favor of the merger. If one of the component districts does not
336 obtain a majority vote, the referendum fails, and merger does

337 not take effect.
338 g. If the merger is approved by a majority of the votes
339 cast in each component independent special district, the merged
340 independent district is created. Upon approval, the merged
341 independent district shall notify the Special District
342 Information Program pursuant to s. 189.418(2) and the local
343 general-purpose governments in which any part of the component
344 independent special districts is situated pursuant to s.
345 189.418(7).
346 h. If the referendum fails, the merger process under this
347 paragraph may not be initiated for the same purpose within 2
348 years after the date of the referendum.
349 6. Component independent special districts merged pursuant
350 to a joint merger plan by resolution shall continue to be
351 governed as before the merger until the effective date specified
352 in the adopted joint merger plan.
353 (c) Qualified elector-initiated merger plan.—The qualified
354 electors of two or more contiguous independent special districts
355 may commence a merger proceeding by each filing a petition with
356 the governing body of their respective independent special
357 district proposing to be merged. The petition must contain the
358 signatures of at least 40 percent of the qualified electors of
359 each component independent special district and must be
360 submitted to the appropriate component independent special
361 district governing body no later than 1 year after the start of
362 the qualified elector-initiated merger process.
363 1. The petition must comply with, and be circulated in,
364 the following form:

365

366 PETITION FOR INDEPENDENT SPECIAL DISTRICT MERGER

367

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

377

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

380

381 Date Name (print under signature) Home Address

382 ____

383 ____

384

385 2. The petition must be validated by a signed statement by
386 a witness who is a duly qualified elector of one of the
387 component independent special districts, a notary public, or
388 another person authorized to take acknowledgements.
389 a. A statement that is signed by a witness who is a duly
390 qualified elector of the respective district shall be accepted
391 for all purposes as the equivalent of an affidavit. Such
392 statement must be in substantially the following form:

393
394 "I, (...name of witness...), state that I am a duly
395 qualified voter of (...name of independent special district...).
396 Each of the (...insert number...) persons who have signed this
397 petition sheet has signed his or her name in my presence on the
398 dates indicated above and identified himself or herself to be
399 the same person who signed the sheet. I understand that this
400 statement will be accepted for all purposes as the equivalent of
401 an affidavit and, if it contains a materially false statement,
402 shall subject me to the penalties of perjury."
403
404 Date Signature of Witness
405
406 b. A statement that is signed by a notary public or
407 another person authorized to take acknowledgements must be in
408 substantially the following form:
409
410 "On the date indicated above before me personally came each
411 of the (...insert number...) electors and legal voters whose
412 signatures appear on this petition sheet, who signed the
413 petition in my presence and who, being by me duly sworn, each
414 for himself or herself, identified himself or herself as the
415 same person who signed the petition, and I declare that the
416 foregoing information they provided was true."
417
418 Date Signature of Witness
419
420 c. An alteration or correction of information appearing on

421 a petition's signature line, other than an uninitialed signature
422 and date, does not invalidate such signature. In matters of
423 form, this paragraph shall be liberally construed, not
424 inconsistent with substantial compliance thereto and the
425 prevention of fraud.
426 d. The appropriately signed petition must be filed with
427 the governing body of each component independent special
428 district. The petition must be submitted to the supervisors of
429 elections of the counties in which the district lands are
430 located. The supervisors shall, within 30 business days after
431 receipt of the petitions, certify to the governing bodies the
432 number of signatures of qualified electors contained on the
433 petitions.
434 3. Upon verification by the supervisors of elections of
435 the counties within which component independent special district
436 lands are located that 40 percent of the qualified electors have
437 petitioned for merger and that all such petitions have been
438 executed within 1 year after the date of the initiation of the
439 qualified-elector merger process, the governing bodies of each
440 component independent special district shall meet within 30
441 business days to prepare and approve by resolution a proposed
442 elector-initiated merger plan. The proposed plan must include:
443 a. The name of each component independent special district
444 to be merged;
445 b. The name of the proposed merged independent district;
446 c. The rights, duties, and obligations of the merged
447 independent district;
448 d. The territorial boundaries of the proposed merged

449 independent district;
450 e. The governmental organization of the proposed merged
451 independent district insofar as it concerns elected and
452 appointed officials and public employees, along with a
453 transitional plan and schedule for elections and appointments of
454 officials;
455 f. A fiscal estimate of the potential cost or savings as a
456 result of the merger;
457 g. Each component independent special district's assets,
458 including, but not limited to, real and personal property, and
459 the current value thereof;
460 h. Each component independent special district's
461 liabilities and indebtedness, bonded and otherwise, and the
462 current value thereof;
463 i. Terms for the assumption and disposition of existing
464 assets, liabilities, and indebtedness of each component
465 independent special district, jointly, separately, or in defined
466 proportions;
467 j. Terms for the common administration and uniform
468 enforcement of existing laws within the proposed merged
469 independent district;
470 k. The times and places for public hearings on the
471 proposed joint merger plan; and
472 l. The effective date of the proposed merger.
473 4. The resolution endorsing the proposed elector-initiated
474 merger plan must be approved by a majority vote of the governing
475 bodies of each component independent special district and must
476 be adopted at least 60 business days before any general or

477 special election on the proposed elector-initiated plan.
478 5. Within 5 business days after the governing bodies of
479 each component independent special district approve the proposed
480 elector-initiated merger plan, the governing bodies shall:
481 a. Cause a copy of the proposed elector-initiated merger
482 plan, along with a descriptive summary of the plan, to be
483 displayed and be readily accessible to the public for inspection
484 in at least three public places within the territorial limits of
485 each component independent special district, unless a component
486 independent special district has fewer than three public places,
487 in which case the plan must be accessible for inspection in all
488 public places within the component independent special district;
489 b. If applicable, cause the proposed elector-initiated
490 merger plan, along with a descriptive summary of the plan and a
491 reference to the public places within each component independent
492 special district where a copy of the merger plan may be
493 examined, to be displayed on a website maintained by each
494 district or otherwise on a website maintained by the county or
495 municipality in which the districts are located; and
496 c. Arrange for a descriptive summary of the proposed
497 elector-initiated merger plan, and a reference to the public
498 places within the district where a copy may be examined, to be
499 published in a newspaper of general circulation within the
500 component independent special districts at least once each week
501 for 4 successive weeks.
502 6. The governing body of each component independent
503 special district shall set a time and place for one or more
504 public hearings on the proposed elector-initiated merger plan.

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505 Each public hearing shall be held on a weekday at least 7
506 business days after the day the first advertisement is published
507 on the proposed elector-initiated merger plan. The hearing or
508 hearings may be held jointly or separately by the governing
509 bodies of the component independent special districts. Any
510 interested person residing in the respective district shall be
511 given a reasonable opportunity to be heard on any aspect of the
512 proposed merger at the public hearing.
513 a. Notice of the public hearing on the proposed elector-
514 initiated merger plan must be published pursuant to the notice
515 requirements in s. 189.417 and must provide a descriptive
516 summary of the elector-initiated merger plan and a reference to
517 the public places within the component independent special
518 districts where a copy of the plan may be examined.
519 b. After the final public hearing, the governing bodies of
520 each component independent special district may amend the
521 proposed elector-initiated merger plan if the amended version
522 complies with the notice and public hearing requirements
523 provided in this subsection. The governing bodies must approve a
524 final version of the merger plan within 60 business days after
525 the final hearing.
526 7. After the final public hearing, the governing bodies
527 shall notify the supervisors of elections of the applicable
528 counties in which district lands are located of the adoption of
529 the resolution by each governing body. The supervisors of
530 elections shall schedule a date for the separate referenda for
531 each district. The referenda may be held in each district on the
532 same day, or on different days, but no more than 20 days apart.

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533 a. Notice of a referendum on the merger of the component
534 independent special districts must be provided pursuant to the
535 notice requirements in s. 100.342. At a minimum, the notice must
536 include:
537 (I) A brief summary of the resolution and elector-
538 initiated merger plan;
539 (II) A statement as to where a copy of the resolution and
540 petition for merger may be examined;
541 (III) The names of the component independent special
542 districts to be merged and a description of their territory;
543 (IV) The times and places at which the referendum will be
544 held; and
545 (V) Such other matters as may be necessary to call,
546 provide for, and give notice of the referendum and to provide
547 for the conduct thereof and the canvass of the returns.
548 b. The referenda must be held in accordance with the
549 Florida Election Code and may be held pursuant to ss. 101.6101-
550 101.6107. All costs associated with the referenda shall be borne
551 by the respective component independent special district.
552 c. The ballot question in such referendum placed before
553 the qualified electors of each component independent special
554 district to be merged must be in substantially the following
555 form:
556
557 "Shall (...name of component independent special
558 district...) and (...name of component independent special
559 district or districts...) be merged into (...name of newly
560 merged independent district...)?

561 YES
562 NO"
563
564 d. If the component independent special districts
565 proposing to merge have disparate millage rates, the ballot
566 question in the referendum placed before the qualified electors
567 of each component independent special district must be in
568 substantially the following form:
569
570 "Shall (...name of component independent special
571 district...) and (...name of component independent special
572 district or districts...) be merged into (...name of newly
573 merged independent district...) if the voter-approved maximum
574 millage rate within each independent special district will not
575 increase absent a subsequent referendum?
576 YES
577 NO"
578
579 e. In any referendum held pursuant to this subsection, the
580 ballots shall be counted, returns made and canvassed, and
581 results certified in the same manner as other elections or
582 referenda for the component independent special districts.
583 f. The merger may not take effect unless a majority of the
584 votes cast in each component independent special district are in
585 favor of the merger. If one of the component independent special
586 districts does not obtain a majority vote, the referendum fails,
587 and merger does not take effect.
588 g. If the merger is approved by a majority of the votes

589 cast in each component independent special district, the merged
590 district shall notify the Special District Information Program
591 pursuant to s. 189.418(2) and the local general-purpose
592 governments in which any part of the component independent
593 special districts is situated pursuant to s. 189.418(7).
594 h. If the referendum fails, the merger process under this
595 paragraph may not be initiated for the same purpose within 2
596 years after the date of the referendum.
597 8. Component independent special districts merged pursuant
598 to an elector-initiated merger plan shall continue to be
599 governed as before the merger until the effective date specified
600 in the adopted elector-initiated merger plan.
601 (d) Effective date.—The effective date of the merger shall
602 be as provided in the joint merger plan or elector-initiated
603 merger plan, as appropriate, and is not contingent upon the
604 future act of the Legislature.
605 1. However, as soon as practicable, the merged independent
606 district shall, at its own expense, submit a unified charter for
607 the merged district to the Legislature for approval. The unified
608 charter must make the powers of the district consistent within
609 the merged independent district and repeal the special acts of
610 the districts which existed before the merger.
611 2. Within 30 business days after the effective date of the
612 merger, the merged independent district's governing body, as
613 indicated in this subsection, shall hold an organizational
614 meeting to implement the provisions of the joint merger plan or
615 elector-initiated merger plan, as appropriate.
616 (e) Restrictions during transition period.—Until the

617 Legislature formally approves the unified charter pursuant to a
618 special act, each component independent special district is
619 considered a subunit of the merged independent district subject
620 to the following restrictions:
621 1. During the transition period, the merged independent
622 district is limited in its powers and financing capabilities
623 within each subunit to those powers that existed within the
624 boundaries of each subunit which were previously granted to the
625 component independent special district in its existing charter
626 before the merger. The merged independent district may not,
627 solely by reason of the merger, increase its powers or financing
628 capability.
629 2. During the transition period, the merged independent
630 district shall exercise only the legislative authority to levy
631 and collect revenues within the boundaries of each subunit which
632 was previously granted to the component independent special
633 district by its existing charter before the merger, including
634 the authority to levy ad valorem taxes, non-ad valorem
635 assessments, impact fees, and charges.
636 a. The merged independent district may not, solely by
637 reason of the merger, increase ad valorem taxes on property
638 within the original limits of a subunit beyond the maximum ad
639 valorem rate approved by the electors of the component
640 independent special district. For purposes of s. 2, Art. VII of
641 the State Constitution, each subunit may be considered a
642 separate taxing unit. The merged independent district may levy
643 an ad valorem millage rate within a subunit, if applicable, only
644 up to the millage rate that was previously approved by the

645 electors of the component independent special district unless an
646 increase in the millage rate is approved pursuant to general
647 law.
648 b. The merged independent district may not, solely by
649 reason of the merger, charge non-ad valorem assessments, impact
650 fees, or other new fees within a subunit which were not
651 otherwise previously authorized to be charged.
652 3. During the transition period, each component
653 independent special district of the merged independent district
654 must continue to file all information and reports required under
655 this chapter as subunits until the Legislature formally approves
656 the unified charter pursuant to a special act.
657 4. The intent of this section is to preserve and transfer
658 to the merged independent district all authority that exists
659 within each subunit and was previously granted by the
660 Legislature and, if applicable, by referendum.
661 (f) Effect of merger, generally.—On and after the
662 effective date of the merger, the merged independent district
663 shall be treated and considered for all purposes as one entity
664 under the name and on the terms and conditions set forth in the
665 joint merger plan or elector-initiated merger plan, as
666 appropriate.
667 1. All rights, privileges, and franchises of each
668 component independent special district and all assets, real and
669 personal property, books, records, papers, seals, and equipment,
670 as well as other things in action, belonging to each component
671 independent special district before the merger shall be deemed
672 as transferred to and vested in the merged independent district

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673 without further act or deed.
674 2. All property, rights-of-way, and other interests are as
675 effectually the property of the merged independent district as
676 they were of the component independent special district before
677 the merger. The title to real estate, by deed or otherwise,
678 under the laws of this state vested in any component independent
679 special district before the merger may not be deemed to revert
680 or be in any way impaired by reason of the merger.
681 3. The merged independent district is in all respects
682 subject to all obligations and liabilities imposed and possesses
683 all the rights, powers, and privileges vested by law in other
684 similar entities.
685 4. Upon the effective date of the merger, the joint merger
686 plan or elector-initiated merger plan, as appropriate, is
687 subordinate in all respects to the contract rights of all
688 holders of any securities or obligations of the component
689 independent special districts outstanding at the effective date
690 of the merger.
691 5. The new registration of electors is not necessary as a
692 result of the merger, but all elector registrations of the
693 component independent special districts shall be transferred to
694 the proper registration books of the merged independent
695 district, and new registrations shall be made as provided by law
696 as if no merger had taken place.
697 (g) Governing body of merged independent district.—
698 1. From the effective date of the merger until the next
699 general election, the governing body of the merged independent
700 district shall be comprised of the governing body members of

701 each component independent special district, with such members
702 serving until the governing body members elected at the next
703 general election take office.
704 2. Beginning with the next general election following the
705 effective date of merger, the governing body of the merged
706 independent district shall be comprised of five members. The
707 office of each governing body member shall be designated by
708 seat, which shall be distinguished from other body member seats
709 by an assigned numeral: 1, 2, 3, 4, or 5. The governing body
710 members that are elected in this initial election following the
711 merger shall serve unequal terms of 2 and 4 years in order to
712 create staggered membership of the governing body, with:
713 a. Member seats 1, 3, and 5 being designated for 4-year
714 terms; and
715 b. Member seats 2 and 4 being designated for 2-year terms.
716 3. In general elections thereafter, all governing body
717 members shall serve 4-year terms.
718 (h) Effect on employees.—Except as otherwise provided by
719 law and except for those officials and employees protected by
720 tenure of office, civil service provisions, or a collective
721 bargaining agreement, upon the effective date of merger, all
722 appointive offices and positions existing in all component
723 independent special districts involved in the merger are subject
724 to the terms of the joint merger plan or elector-initiated
725 merger plan, as appropriate. Such plan may provide for instances
726 in which there are duplications of positions and for other
727 matters such as varying lengths of employee contracts, varying
728 pay levels or benefits, different civil service regulations in

729 the constituent entities, and differing ranks and position
730 classifications for similar positions. For those employees who
731 are members of a bargaining unit certified by the Public
732 Employees Relations Commission, the requirements of chapter 447
733 apply.
734 (i) Effect on debts, liabilities, and obligations.—
735 1. All valid and lawful debts and liabilities existing
736 against a merged independent district, or which may arise or
737 accrue against the merged independent district, which but for
738 merger would be valid and lawful debts or liabilities against
739 one or more of the component independent special districts, are
740 debts against or liabilities of the merged independent district
741 and accordingly shall be defrayed and answered to by the merged
742 independent district to the same extent, and no further than,
743 the component independent special districts would have been
744 bound if a merger had not taken place.
745 2. The rights of creditors and all liens upon the property
746 of any of the component independent special districts shall be
747 preserved unimpaired. The respective component districts shall
748 be deemed to continue in existence to preserve such rights and
749 liens, and all debts, liabilities, and duties of any of the
750 component districts attach to the merged independent district.
751 3. All bonds, contracts, and obligations of the component
752 independent special districts which exist as legal obligations
753 are obligations of the merged independent district, and all such
754 obligations shall be issued or entered into by and in the name
755 of the merged independent district.
756 (j) Effect on actions and proceedings.—In any action or

757 proceeding pending on the effective date of merger to which a
758 component independent special district is a party, the merged
759 independent district may be substituted in its place, and the
760 action or proceeding may be prosecuted to judgment as if merger
761 had not taken place. Suits may be brought and maintained against
762 a merged independent district in any state court in the same
763 manner as against any other independent special district.
764 (k) Effect on annexation.—Chapter 171 continues to apply
765 to all annexations by a city within the component independent
766 special districts' boundaries after merger occurs. Any moneys
767 owed to a component independent special district pursuant to s.
768 171.093, or any interlocal service boundary agreement as a
769 result of annexation predating the merger, shall be paid to the
770 merged independent district after merger.
771 (l) Determination of rights.—If any right, title,
772 interest, or claim arises out of a merger or by reason thereof
773 which is not determinable by reference to this subsection, the
774 joint merger plan or elector-initiated merger plan, as
775 appropriate, or otherwise under the laws of this state, the
776 governing body of the merged independent district may provide
777 therefor in a manner conforming to law.
778 (m) Exemption.—This subsection does not apply to
779 independent special districts whose governing bodies are elected
780 by district landowners voting the acreage owned within the
781 district.
782 (n) Preemption.—This subsection preempts any special act
783 to the contrary.
784 (6) INVOLUNTARY MERGER OF INDEPENDENT SPECIAL DISTRICTS.—

785 If a local general-purpose government seeks to merge an active
786 independent special district or districts created and operating
787 pursuant to a special act whose governing body or governing
788 bodies object by resolution to the merger, the merger of the
789 active independent special district or districts is not
790 effective until the special act of the Legislature is approved
791 at separate referenda of the impacted local governments by a
792 majority of the resident electors or landowners voting in the
793 same manner by which each independent special district's
794 governing body is elected. The special act shall include a plan
795 of merger that addresses transition issues such as the effective
796 date of the merger, governance, administration, powers,
797 pensions, and assumption of all assets and liabilities.
798 (a) The political subdivisions proposing the involuntary
799 merger of an active independent special district shall be
800 responsible for payment of any expenses associated with the
801 referendum required under this subsection.
802 (b) An independent special district that meets any
803 criteria for being declared inactive, or that has already been
804 declared inactive, pursuant to s. 189.4044 may by merged by
805 special act without a referendum.
806 (7)~~(3)~~ EXEMPTIONS.—~~The provisions of~~ This section does
807 ~~shall~~ not apply to community development districts implemented
808 pursuant to chapter 190 or to water management districts created
809 and operated pursuant to chapter 373.
810 Section 2. Section 191.014, Florida Statutes, is amended
811 to read:
812 191.014 District creation and~~,~~ expansion~~, and merger~~.—

813 (1) New districts may be created only by the Legislature
814 under s. 189.404.
815 (2) The boundaries of a district may be modified,
816 extended, or enlarged upon approval or ratification by the
817 Legislature.
818 ~~(3) The merger of a district with all or portions of other~~
819 ~~independent special districts or dependent fire control~~
820 ~~districts is effective only upon ratification by the~~
821 ~~Legislature. A district may not, solely by reason of a merger~~
822 ~~with another governmental entity, increase ad valorem taxes on~~
823 ~~property within the original limits of the district beyond the~~
824 ~~maximum established by the district's enabling legislation,~~
825 ~~unless approved by the electors of the district by referendum.~~
826 Section 3. Paragraph (a) of subsection (1) and subsection
827 (4) of section 189.4044, Florida Statutes, are amended to read:
828 189.4044 Special procedures for inactive districts.—
829 (1) The department shall declare inactive any special
830 district in this state by documenting that:
831 (a) The special district meets one of the following
832 criteria:
833 1. The registered agent of the district, the chair of the
834 governing body of the district, or the governing body of the
835 appropriate local general-purpose government notifies the
836 department in writing that the district has taken no action for
837 2 or more years;
838 2. Following an inquiry from the department, the
839 registered agent of the district, the chair of the governing
840 body of the district, or the governing body of the appropriate

841 local general-purpose government notifies the department in
842 writing that the district has not had a governing board or a
843 sufficient number of governing board members to constitute a
844 quorum for 2 or more years or the registered agent of the
845 district, the chair of the governing body of the district, or
846 the governing body of the appropriate local general-purpose
847 government fails to respond to the department's inquiry within
848 21 days;
849 3. The department determines, pursuant to s. 189.421, that
850 the district has failed to file any of the reports listed in s.
851 189.419; ~~or~~
852 4. The district has not had a registered office and agent
853 on file with the department for 1 or more years<u>; or</u>
854 <u>5. The governing body of a special district provides</u>
855 <u>documentation to the department that it has unanimously adopted</u>
856 <u>a resolution declaring the special district inactive. The</u>
857 <u>special district shall be responsible for payment of any</u>
858 <u>expenses associated with its dissolution</u>.
859 (4) The entity that created a special district declared
860 inactive under this section must dissolve the special district
861 by repealing its enabling laws or by other appropriate means.
862 <u>Any special district declared inactive pursuant to subparagraph</u>
863 <u>(1)(a)5. may be dissolved without a referendum.</u>
864 Section 4. This act shall take effect July 1, 2012.

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

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

1 Committee/Subcommittee hearing bill: Community & Military
2 Affairs Subcommittee
3 Representative Caldwell offered the following:
4
5 **Amendment**
6 Remove lines 131-165 and insert:
7 (b) Involuntary dissolution.—
8 1. If the Legislature or a local general-purpose
9 government seeks to dissolve an active independent special
10 district created and operating pursuant to a special act whose
11 governing body objects by resolution to the dissolution, the
12 dissolution of the active independent special district is not
13 effective until a special act of the Legislature is approved by
14 a majority of the resident electors of the district or
15 landowners voting in the same manner by which the independent
16 special district's governing body is elected. This paragraph
17 also applies if an independent special district's governing body
18 elects to dissolve the district by less than a supermajority
19 vote of the governing body. The political subdivisions proposing

20 the involuntary dissolution of an active independent special
21 district shall be responsible for payment of any expenses
22 associated with the referendum required under this paragraph.
23 2. If an independent special district was created by a
24 county or municipality by referendum or any other procedure, the
25 county or municipality that created the district may dissolve
26 the district pursuant to a referendum or any other procedure by
27 which the independent special district was created. However, if
28 the independent special district has ad valorem taxation powers,
29 the same procedure required to grant the independent special
30 district ad valorem taxation powers is required to dissolve the
31 district.
32 (c) Inactive independent special districts.- An independent
33 special district that meets any criteria for being declared
34 inactive, or that has already been declared inactive, pursuant
35 to s. 189.4044 may be dissolved by special act without a
36 referendum. If an inactive independent special district was
37 created by a county or municipality through a referendum, the
38 county or municipality that created the district may dissolve
39 the district after publishing notice as described in s.
40 189.4044. ~~If an inactive independent district was created by a~~
41 ~~county or municipality through a referendum, the county or~~
42 ~~municipality that created the district may dissolve the district~~
43 ~~after publishing notice as described in s. 189.4044. If an~~
44 ~~independent district was created by a county or municipality by~~
45 ~~referendum or any other procedure, the county or municipality~~
46 ~~that created the district may merge or dissolve the district~~
47 ~~pursuant to the same procedure by which the independent district~~

48 ~~was created. However, for any independent district that has ad~~
49 ~~valorem taxation powers, the same procedure required to grant~~
50 ~~such independent district ad valorem taxation powers shall also~~
51 ~~be required to dissolve or merge the district.~~
52 (d) Debts and assets.— Financial allocations of the assets
53 and indebtedness of a dissolved independent special district
54 shall be pursuant to s. 189.4045.
55

Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

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

1 Committee/Subcommittee hearing bill: Community & Military
2 Affairs Subcommittee
3 Representative Caldwell offered the following:
4
5 **Amendment**
6 Remove lines 636-647 and insert:
7 a. The merged independent district may not, solely by
8 reason of the merger or the legislatively approved unified
9 charter, increase ad valorem taxes on property within the
10 original limits of a subunit beyond the maximum millage rate
11 approved by the electors of the component independent special
12 district, unless the electors of such subunit approve an
13 increase at a subsequent referendum of the subunit's electors.
14 Each subunit may be considered a separate taxing unit.
15

Amendment No. 3

COMMITTEE/SUBCOMMITTEE ACTION

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

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1 Committee/Subcommittee hearing bill: Community & Military
2 Affairs Subcommittee
3 Representative Caldwell offered the following:
4
5 **Amendment**
6 Remove lines 785-805 and insert:
7 (a) Independent special districts created by special act.-
8 If the Legislature or a local general-purpose government seeks
9 to merge an active independent special district or districts
10 created and operating pursuant to a special act whose governing
11 body or governing bodies object by resolution to the merger, the
12 merger of the active independent special district or districts
13 is not effective until the special act of the Legislature is
14 approved at separate referenda of the impacted local governments
15 by a majority of the resident electors or landowners voting in
16 the same manner by which each independent special district's
17 governing body is elected. The special act shall include a plan
18 of merger that addresses transition issues such as the effective

19 date of the merger, governance, administration, powers,
20 pensions, and assumption of all assets and liabilities.
21 (b) Independent special districts created by a county or
22 municipality.- A county or municipality may merge an independent
23 special district created by the county or municipality pursuant
24 to a referendum or any other procedure by which the independent
25 special district was created. However, if the independent
26 special district has ad valorem taxation powers, the same
27 procedure required to grant the independent special district ad
28 valorem taxation powers is required to merge the district.
29 (c) Referendum expenses.- The political subdivisions
30 proposing the involuntary merger of an active independent
31 special district shall be responsible for payment of any
32 expenses associated with the referendum required under this
33 subsection.
34 (d) Inactive independent special districts.- An
35 independent special district that meets any criteria for being
36 declared inactive, or that has already been declared inactive,
37 pursuant to s. 189.4044 may be merged by special act without a
38 referendum.
39

HB 387

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 387 Electronic Filing of Construction Plans and Other Related Documents
SPONSOR(S): Ahern
TIED BILLS: **IDEN./SIM. BILLS:** SB 600

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Community & Military Affairs Subcommittee		Gibson	Hoagland
2) Economic Affairs Committee			

SUMMARY ANALYSIS

This bill authorizes, upon the approval of the local building code administrator or building official, the electronic submission of:

- construction plans,
- drawings,
- specifications,
- reports,
- final documents, or
- documents prepared or issued by a licensee for review by the building code administrator, the building official, or a plans examiner.

Documents submitted electronically may also be signed by the licensee and dated and sealed electronically with the licensee's seal in accordance with the "Electronic Signature Act of 1996."[1]

This bill has an effective date of July 1, 2012.

[1] *See ss.* 668.001- 668.006, F.S.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation:

Section 468.604(1), F.S., requires the local building code administrator or building official:

> "to administrate, supervise, direct, enforce, or perform the permitting and inspection of construction, alteration, repair, remodeling, or demolition of structures and the installation of building systems within the boundaries of their governmental jurisdiction, when permitting is required, to ensure compliance with the Florida Building Code and any applicable local technical amendment to the Florida Building Code."

Part of this responsibility includes the review of construction plans before any building, system installation, or other construction permit is issued in order to ensure that the plans comply with the Florida Building Code.[2] The plans examiner is given the responsibility, under the supervision and authority of the building code administrator or building official, of reviewing construction plans submitted in the permit application for compliance with the Florida Building Code and any local technical amendment to the Code.[3]

Currently, the manner in which construction documents are submitted varies based on the jurisdiction. However, the general practice is for design professionals to hand-deliver hard copies of construction documents to the local building code administrator or building official for review. This practice requires many local building departments to maintain considerable physical storage space for the retention of these documents.[4]

The Legislature has previously granted certain professions the statutory authority to electronically submit documents and to utilize electronic seals. Engineers,[5] architects,[6] landscape architects,[7] interior designers,[8] and land surveyors and mappers[9] have all been previously authorized to submit documents electronically and to utilize electronic seals and signatures. In addition, in 2009, the Legislature required each clerk of court to implement an electronic filing process in order to reduce costs, increase timeliness, and improve judicial case management.[10]

Part 1 of ch. 668, F.S.,[11] cited as the "Electronic Signature Act" of 1996" provides guidelines for electronic signatures and gives the head of each agency the responsibility of adopting and implementing control processes and procedures to ensure integrity, security, confidentiality, and auditability of business transactions done through electronic commerce. Part II of ch. 668, F.S.,[12] contains the "Uniform Electronic Transaction Act" that was originally enacted to remove barriers to electronic commerce by validating and effectuating electronic records and signatures.[13]

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[2] S. 468.604(1)(a), F.S.
[3] S. 468.604(3), F.S.
[4] Nov. 7, 2011, staff conversation with Doug Harvey, Executive Director, Building Officials Association of Florida.
[5] S. 471.025, F.S.
[6] S. 481.221, F.S.
[7] S. 481.321, F.S.
[8] S. 481.221, F.S.
[9] S. 472.025, F.S.
[10] S. 28.22205, F.S.
[11] Ss. 668.001-668.006, F.S.
[12] S. 668.50, F.S.
[13] *See* Fla. S. Comm. on Utilities & Communications, CS for CS for SB 1334 (2000) Final Staff Analysis (July 27, 2000), *available at* (http://archive.flsenate.gov).

Effect of Proposed Changes:

HB 387 authorizes, upon the approval of the local building code administrator or building official, the electronic submission of:

- construction plans,
- drawings,
- specifications,
- reports,
- final documents, or
- documents prepared or issued by a licensee for review by the building code administrator, the building official, or a plans examiner.

Documents submitted electronically may also be signed by the licensee and dated and sealed electronically with the licensee's seal in accordance with the "Electronic Signature Act of 1996."[14]

This bill does not require the electronic submission of construction documents or the use of electronic signatures and seals, but instead provides the building code administrator or building official the authority to allow for the electronic submission of construction documents.

Allowing for the electronic submission of construction documents is anticipated to result in a number of benefits for design professionals and local building departments including reduced costs and storage requirements as a result of being able to store files electronically, increased timeliness of processing building permits, and improved efficiency and access to construction documents especially at the construction job site for contractors and inspectors. It is also anticipated that the electronic transmission of documents will allow for instant modifications to construction plans.

This bill does not specifically address security, tracking, and storage issues related to the electronic filing of construction documents. The Building Officials Association of Florida has formed an ad hoc committee comprised of architects, engineers, and building officials to further address these types of issues related to the electronic transmittal of construction documents including the use of electronic seals and signatures. The ad hoc committee is developing a set recommended guidelines and standards for local government building departments and design professionals to adopt when implementing the electronic transmission of construction documents and the use of electronic signatures and seals. In creating these recommended guidelines, the ad hoc committee is closely examining guidelines already in statute and the best practices and uniform standards used by other professions authorized to electronically transmit documents and use electronic signatures and seals.

This bill contains a whereas clause that provides the legislative finding that "the electronic filing of construction plans and other related documents will increase government efficiency, reduce costs, and increase timeliness of processing permits."

B. SECTION DIRECTORY:

Section 1: Subsection (4) is added to s. 468.604, F.S., to grant statutory authority for the electronic submission of construction plans and other related documents and the use of electronic signatures and seals in accordance with ss. 668.001- 668.006, F.S.

Section 2: Provides an effective date of July 1, 2012.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

[14] *See ss.* 668.001- 668.006, F.S.

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

Local governments that implement electronic transmission of construction documents may see cost savings associated with increased government efficiency in the processing and review of construction documents submitted electronically, and because there would no longer be a need for increased physical storage space for hard copies of documents. However, the amount of cost savings is indeterminate at this time.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Design professionals, and perhaps their clients, may experience cost savings due to increased government efficiency in the review of construction plans, and therefore, increased timeliness in the processing of building permits. The amount of cost savings is indeterminate at this time.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not require local governments to implement the electronic transmission of construction documents or the use of electronic signatures and seals, but instead allows the building code administrator or building official the authority to choose whether or not to allow for the electronic transmission of construction documents and the use of electronic signatures and seals.

Therefore, this bill does not appear to: require counties or municipalities to spend funds or to take an action requiring the expenditure of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

1 A bill to be entitled
2 An act relating to electronic filing of construction
3 plans and other related documents; amending s.
4 468.604, F.S.; providing for the electronic filing of
5 construction plans and other related documents;
6 providing an effective date.
7
8 WHEREAS, the Legislature finds that the electronic filing
9 of construction plans and other related documents will increase
10 government efficiency, reduce costs, and increase timeliness of
11 processing permits, NOW, THEREFORE,
12
13 Be It Enacted by the Legislature of the State of Florida:
14
15 Section 1. Subsection (4) is added to section 468.604,
16 Florida Statutes, to read:
17 468.604 Responsibilities of building code administrators,
18 plans examiners, and inspectors.—
19 <u>(4) Upon approval by the building code administrator or</u>
20 <u>building official, construction plans, drawings, specifications,</u>
21 <u>reports, final documents, or documents prepared or issued by a</u>
22 <u>licensee for review by the building code administrator, the</u>
23 <u>building official, or a plans examiner may be transmitted</u>
24 <u>electronically and may be signed by the licensee and dated and</u>
25 <u>sealed electronically with the licensee's seal in accordance</u>
26 <u>with ss. 668.001-668.006.</u>
27 Section 2. This act shall take effect July 1, 2012.