

Florida Special District Handbook

October 2022

Revised July 2023



**Division of Community Development
Bureau of Community Planning and Growth
*Special District Accountability Program***

This page intentionally left blank.

Table of Contents

Table of Contents	3
Preface	15
Welcome	15
Updates	15
Disclosures	15
Acknowledgements	15
Report Errors and Make Suggestions	16
Chapter 1: Introduction to Special Districts	17
Special District Defined	17
Excluded Entities	17
The Status of Special Districts: "Dependent" and "Independent"	17
Dependent Special District	18
Independent Special District	18
The Significance of the "Dependent" and "Independent" Status	18
Examples of Special Districts	18
A Brief History of Special Districts	19
Laws that Apply to Special Districts	19
Charters	20
Uniform Special District Accountability Act	20
Constitution of the State of Florida	20
General Laws	20
Laws Unique to a Special Purpose	21
Federal Laws	23
Additional Information	23
Chapter 2: The Special District Accountability Program	25
Duties	25
Maintaining the <i>Official List of Special Districts</i>	25
<i>Purposes</i>	25
<i>Available Data</i>	25
<i>Data Accuracy</i>	25
<i>Data Completeness</i>	26
Coordinating and Communicating Among State Agencies	26
Declaring Special Districts Inactive	26
<i>The Chapter 189, Florida Statutes, Process</i>	26
<i>The Chapter 163, Part III, Florida Statutes, Process</i>	28
Providing Technical Advisory Assistance to Special Districts	29

Helping to Ensure the Accountability of Special Districts to State and Local Governments 29

Collecting an Annual State Fee 29

Additional Information 30

Chapter 3: Creating and Amending Special Districts 31

Reasons Why Special Districts May Be Created 31

Creation Requirements 32

 Authority to Create Independent Special Districts 32

 Creation Document Requirements for Independent Special Districts 33

Exemptions Not Allowed..... 34

 Authority to Create Dependent Special Districts 34

 Creation Document Requirements for Dependent Special Districts 34

Newly Created Special District Responsibilities..... 34

 Notify the Florida Legislature 34

 Notify the Special District Accountability Program 35

 Comply with the Annual State Fee and Update Requirement..... 35

 Designate a Registered Agent and a Registered Office..... 35

Registered Agent Defined 36

How to Change a Registered Agent and / or Registered Office..... 36

 Comply with All Applicable Reporting Requirements 36

 Develop and Maintain an Official Website..... 36

Accessibility Requirements 36

General Requirements 37

Content Requirements..... 37

Amending Special Districts 40

 General Amendments 40

 Conversion to a Municipality..... 40

 Incorporation or Annexation of a Community Development District..... 40

Additional Information 41

Chapter 4: Merging Special Districts 43

Merging Dependent Special Districts..... 43

Merging Independent Special Districts Created by Special Act..... 43

Merging Independent Special Districts Created by a County or Municipality 43

Merging Independent Special Districts That Are Inactive 43

Voluntarily Initiating the Merger of Independent Special Districts Created by Special Act..... 44

 Joint Merger Plan by Resolution, Initiated by the Governing Body 44

 Qualified Elector-Initiated Merger Plan Initiated by the Electors 47

Approval of the Joint Merger Plan or Elector-Initiated Merger Plan..... 50

Effective Date of the Plan 50

Transition Period Restrictions 51

Effect of Merger 51

Governing Body of Merged Special District..... 52

Various Legal Issues 52

Disposition of Public Records 52

Additional Information 52

Chapter 5: Dissolving Special Districts **53**

Dissolving Dependent Special Districts 53

Dissolving Independent Special Districts 53

 When Created and Operating Pursuant to a Special Act 53

 When Created by a County or Municipality by Referendum or any other Procedure 53

 When Inactive 53

Debts and Assets of a Dissolved Special District 54

Disposition of Public Records 54

Filing Requirements 54

Additional Information 54

Chapter 6: Elections **55**

 Popularly Elected Systems 55

 Dependent Special District Requirements 55

 Single-County Independent Special District Requirements 55

 Multicounty Special District Requirements 56

 One-Acre / One-Vote Electoral Systems 56

 Terminology 56

 Initial Landowners' Meeting 57

 Annual Landowners' Meeting 58

 Referendum on Elections for a Popular Election 58

Popular Elections Disapproved 59

Popular Elections Approved 59

 Governing Body Compositions and Office Terms - Creating and Approving the Maps 59

Governing Body Compositions and Office Terms 60

 Additional Information 60

Chapter 7: The Public Facilities Report **61**

 Special District Activities and Local Government Comprehensive Planning 61

 Exceptions 61

 Public Facilities Definition 61

 Public Facilities Reporting 62

Public Facilities Initial Report..... 62

Filing Exceptions 62

Public Facilities Annual Notice of Any Changes..... 63

Filing Exception 63

Public Facilities Updated Report 63

Filing Exception 63

Contents 63

Due Dates..... 64

Notes 64

Filing Requirements 64

Additional Information 64

Chapter 8: Oversight Reviews 65

 Oversight Review Based on a Filing Requirement Failure 65

 Process When Created by a Special Act of the Legislature 65

 Process When Created by a Local Ordinance or Enacted by a Local Resolution 66

 General Oversight Review 67

 Exemptions 67

 The Oversight Entity 67

 Criteria Reviewers Must Consider 68

 Additional Information 68

Chapter 9: Performance Reviews of Certain Special Districts 69

 Office of Program Policy Analysis and Government Accountability Performance Reviews 69

 Contracted Performance Reviews 69

 Contracting with an Independent Entity 69

 Performance Review Contents 70

 The Final Report 70

 Additional Information 71

Chapter 10: Accountability Overview 73

 Local Government Financial Reporting System..... 73

 Important Accountability Filings and Reports..... 73

 Filings with State Agencies 73

 Filings with the County or Municipality in which the Special District is Located..... 74

 Filings with the Special District Accountability Program 74

 Noncompliance Status Reports and Follow-up Action 75

 The Florida Department of Management Services, Division of Retirement 75

 The Florida Department of Financial Services 75

 The State Board of Administration of Florida, Division of Bond Finance 75

Florida Auditor General..... 75

The Joint Legislative Auditing Committee 75

Local General-Purpose Governments (Counties and Municipalities) 75

Technical Assistance 76

Consequences of Continued Noncompliance 76

 By an Independent Special District to One or More Counties or Municipalities 76

 By a Dependent Special District to the County or Municipality to Which it is Dependent 77

 By an Independent or Dependent Special District to a State Agency 77

When Created by a Special Act 77

When Created by a Local Ordinance 78

When Created by Any Manner Other Than a Special Act or Local Ordinance 78

Enforcement 78

Petition for Enforcement, Leon County Circuit Court 78

Declaration of Inactive Status 78

Other Accountability Requirements 79

Additional Information 79

Chapter 11: General Financial Requirements 81

Uniform Fiscal Year..... 81

Uniform Chart of Accounts 81

Travel Expenses and Reimbursements 81

 Class A and Class B Travel 82

 Class C Travel 82

 Designate the Most Economical Method of Travel 82

 Mileage Allowances 82

 Other Allowable Expenses..... 83

Budget Requirements 83

 Additional Budget Requirements for Dependent Special Districts 83

 Budget Reviews 83

Budget Amendment Procedures 83

 Budget Variance Report 84

Financial Emergencies 84

 Financial Emergency Conditions 84

 Actions Required When a Financial Emergency Condition Occurs, or Will Occur..... 85

 Resolving Financial Emergencies 85

 Failure to Resolve a State of Financial Emergency 86

 Financial Emergency Resolved 86

 Bankruptcy 86

Procurement - General Requirements and Options 86

Additional Information 87

Chapter 12: The Annual Financial Report 89

 Cooperation and Coordination Requirements..... 89

 Component Units 89

 Filing Methods 89

 Independent Special Districts 89

 Dependent Special Districts 90

 Information That Must Be Reported 90

 Filing Deadline 91

 Filing Instructions 91

 Filing Instructions for Independent Special Districts 91

 Filing Instructions for Dependent Special Districts 92

 Website Requirement..... 92

 Failure to Comply 92

 Additional Information 92

Chapter 13: The Financial Audit Report 93

 Cooperation and Coordination Requirements..... 93

 Special Districts Required to Provide for a Financial Audit..... 93

 Independent Special Districts 93

 Dependent Special Districts that are Not Component Units..... 94

 Dependent Special Districts that are Component Units 94

 Community Redevelopment Agencies that are Component Units 94

 Procedures to Follow When a Financial Audit is Required..... 94

 Filing Deadline 95

 Filing Instructions 95

 Website Requirement..... 95

 The Florida Auditor General's Review 95

 Results of the Review 95

 Related Information 96

 Failure to Comply 96

 Additional Information 96

Chapter 14: Bond Financing and Reporting Requirements 97

 Issuing Bond Debt..... 97

 Bond Referendum Required 97

 Bond Referendum Not Required 97

 Complaint for Validation of Bonds..... 97

Selling General Obligation Bonds and Revenue Bonds 98

 Competitive Bid Requirements 99

 Negotiated Sale Requirements..... 99

Bond Reporting Requirements..... 100

 Advance Notice of a Bond Sale..... 100

 Bond Information Form / Bond Disclosure Form (BF2003 / 2004A and B) 101

 Bond Verification Form (BF 2005)..... 101

 Final Official Statement..... 101

 Internal Revenue Service Form 8038..... 101

Failure to Comply 101

Additional Information 102

Chapter 15: Retirement Plans and Reporting Requirements 103

 Retirement Plan Options for Independent Special Districts..... 103

 Retirement Plan Options for Dependent Special Districts 103

 Types of Retirement Plans..... 103

 Locally Established Defined Benefit Retirement Plans 103

Features 103

Actuarial Valuation Report..... 104

Failure to Comply with the Actuarial Valuation Report..... 104

Actuarial Impact Statement for Proposed Plan Amendments..... 105

Additional Actuarial Disclosures 105

 Locally Established Defined Contribution Retirement Plans 106

Features 106

Defined Contribution Report..... 106

Filing Requirement When Initially Implementing a Defined Contribution Plan..... 106

Local Government Retirement Plan Requirements..... 107

 Firefighter Pensions..... 107

 Florida Retirement System 108

Two Choices of Plans..... 108

Eligibility..... 108

Special District Responsibilities..... 109

Contribution Delinquencies 109

 Failure to Meet a Pension Obligation..... 109

 Additional Information 109

Chapter 16: Ethics Laws and Disclosures..... 111

 Required Training..... 111

 Ethics Disclosures..... 111

Form 1, Statement of Financial Interests..... 112
 Consequences of Failure to Comply 112
 Form 1F, Final Statement of Financial Interests 113
 Form 2, Quarterly Client Disclosure 113
 Form 3A, Interest in Competitive Bid for Public Business 113
 Requirements 114
 Form 4A, Disclosure of Business Transaction, Relationship, or Interest 114
 Requirements 114
 Form 6, Full and Public Disclosure 114
 Requirements 115
 Consequences of Failure to Comply 115
 Form 6F, Final Full and Public Disclosure 115
 Requirements 115
 Form 8B, Memorandum of Voting Conflict for County, Municipal and Other Local Public Officers 116
 Requirements 116
 Form 9, Quarterly Gift Disclosure 117
 Requirements 118
 Form 10, Annual Disclosure of Gifts from Governmental Entities and Direct Support Organizations
 and Honorarium Event Related Expenses 119
 Requirements 119
 Prohibition on Gifts Involving Political Committees 120
 Penalties for Code of Ethics Violations 120
 Non-Criminal 120
 Felonies Involving Breach of Public Trust and Other Specified Offenses 120
 Violations of Gift Law and / or Honorarium Provisions by a Lobbyist 121
 Additional Information 121
Chapter 17: Public Meeting and Public Record Requirements 123
 Public Meetings and Public Records Training 123
 Public Meeting Requirements 123
 Sunshine Law Requirements 123
 Meeting Notice Requirements 123
 Meeting Minutes Requirements 124
 Penalties for Violations 124
 Uniform Special District Accountability Act Requirements 124
 Official Website Postings 124
 Publication Requirements 124
 Schedule of Regular Meetings 125

<i>Additional Requirements for Independent Special Districts</i>	125
<i>Additional Information for Water Management Districts</i>	125
<i>Meeting Locations</i>	125
Suggestions for a Canceled Meeting	125
Other Public Meeting Requirements	126
Public Record Requirements	126
Providing Public Records	127
Fees	128
Exemptions	128
Penalties for Violations	128
Additional Information	128
Sunshine Law and Public Records Law	128
Uniform Special District Accountability Requirements Covered by this Chapter	128
Chapter 18: Public Records Retention and Disposition	129
Records Management	129
Retention Schedules	129
Records Disposal	131
Disposition of Public Records Upon Dissolution or Merger	131
Annual Compliance Statement	132
Additional Information	132
Chapter 19: Ad Valorem Taxes and Truth-in-Millage	133
Ad Valorem Taxes	133
Non-ad Valorem Assessments	133
Service Charges	133
Truth in Millage Process	134
Day 1	134
Day 35	134
Day 55	135
Days 65-80	135
Days 80-95	135
Days 97-100	135
Within 101 Days	135
Day 130: Truth-in-Millage Compliance Package Report	136
Additional Information	136
Chapter 20: Public Deposits	137
Florida's Public Deposit Program	137
Benefits	137

Requirements 137

Additional Information 138

Chapter 21: Investments 139

 Requirements 139

 Failure to Comply with Special District Investment Requirements 139

 The Local Government Surplus Funds Trust Fund – Florida Prime 139

 Advantages to Investing in Florida Prime 139

 Filing Requirements 140

 Additional Information 140

Chapter 22: State of Florida Deferred Compensation Plan 141

 Additional Information 141

Chapter 23: Reviewing and Revising Rules 143

 Regulatory Plan Requirement 143

 Filing Requirement 144

 Additional Information 144

Appendix A: Reporting Requirements by Due Date 145

 Due by a Specific Date 145

 October 145

 November 145

 December 145

 February 145

 March 145

 June 146

 July 146

 September 146

 Due by a General Date 146

 Due Before Something Occurs 146

 Due When Something Occurs 146

 Due When / If Requested 147

 Due Promptly Upon Completion or Adoption 147

 Due at Least Two Days Before a Budget Hearing 147

 Due Within 15 Days of Something 147

 Due Within 30 Days of Something 147

 Due Within 45 Days of Something 147

 Due Within 60 Days of Something 147

 Due Within 120 Days of Something 148

 Due Quarterly, Semiannually or Annually 148

Due Within One Year of Creation 148

Due by the End of the First Full Fiscal Year After Creation..... 148

Due Annually 148

Due at Least Once Every Three Years..... 148

Due Every Seven Years 148

Appendix B: Reporting Requirements by Agency 149

Florida Auditor General 149

Florida Commission on Ethics..... 149

FloridaCommerce, Special District Accountability Program 150

Florida Department of Financial Services 151

 Bureau of Financial Reporting 151

 Bureau of Collateral Management..... 151

Florida Department of Management Services, Division of Retirement..... 151

Florida Department of Revenue, Property Tax Oversight Program, TRIM Compliance Section..... 152

Florida Department of State, Division of Library and Information Services 152

Florida Legislature..... 153

 Joint Administrative Procedures Committee..... 153

 Joint Legislative Auditing Committee..... 153

 President of the Senate 153

 Speaker of the House of Representatives..... 153

Governor of Florida, Chief Inspector General 153

Local General-Purpose Government(s) in Which the Special District is Located..... 154

Special District’s Governing Body 155

 Each Member 155

 Governing Body in General 155

 Meeting Minute Recorder 155

Special District’s Residents and Prospective Residents and Residential Developers 155

State Board of Administration of Florida 155

 Division of Bond Finance 155

 Financial Operations..... 156

Supervisor of Elections 156

 County Office of the Reporting Person’s Permanent Residence 156

 County Office in Which the Special District of the Reporting Person has its Principal Office 157

Appendix C: Specialty Area Contacts..... 159

 General Inquiries / Chapter 189, Florida Statutes, Requirements 159

 Annual Financial Report..... 159

 Bond Finance 159

Deferred Compensation, State of Florida 159

Ethics..... 159

Financial Audit Report..... 159

Financial Emergencies..... 159

Florida Retirement System..... 159

Investment of Surplus Funds 160

Local Retirement Plans 160

Performance Reviews by the Office of Program Policy Analysis and Government Accountability 160

Property Taxes and TRIM Compliance 160

Public Deposit Requirements..... 160

Records Management..... 160

Reviewing and Revising Rules 160

Sunshine Law and Public Records 160

Subject Index..... 161

Preface

Welcome

FloridaCommerce, Special District Accountability Program (Program), is pleased to publish and update the *Florida Special District Handbook* to help Florida's special districts comply with the requirements specified in [Chapter 189, Florida Statutes – Uniform Special District Accountability Act](#).

To find information quickly, review the [Table of Contents](#) and the alphabetized [Subject Index](#). For further information, contact the appropriate agency specialist (see [Appendix C: Specialty Area Contacts](#)).

Updates

Minor updates are made as the Program becomes aware of them. Approximately every two years, usually after July 1, when new laws often become effective, contributing agencies are asked to review their material and provide updates. The most recent thorough review and update was completed in October 2022.

Disclosures

Topics are covered in summary form. Accordingly, each special district should consult with its legal counsel to address any questions or concerns related to specific statutory requirements. If anything is unclear, the applicable statute(s) and rule(s) shall prevail.

Acknowledgements

The following state agencies regularly contribute material and provide updates to help special districts understand and comply with state requirements as they relate to special districts. Their contributions are greatly appreciated.

- Executive Office of the Governor of Florida, Office of the Chief Inspector General
- Florida Auditor General, Local Government Section
- Florida Commission on Ethics, Public Information Section
- Florida Department of Financial Services
 - Bureau of Collateral Management
 - Bureau of Deferred Compensation
 - Bureau of Financial Reporting
- Florida Department of Management Services, Division of Retirement
- Florida Department of Revenue, Property Tax Oversight
- Florida Department of State, Division of Library and Information Services
- Florida Legislature
 - Joint Administrative Procedures Committee
 - Joint Legislative Auditing Committee
 - Office of Program Policy Analysis and Government Accountability

- Florida Office of the Attorney General
- State Board of Administration of Florida
 - Division of Bond Finance
 - Financial Operations

Report Errors and Make Suggestions

If you have any suggestions on how we can improve the *Florida Special District Handbook*, or if you find any errors or broken links, please contact the Program at SpecialDistricts@Commerce.fl.gov or 850.717.8430.

Chapter 1: Introduction to Special Districts

Special District Defined

A special district means . . .

" . . . a unit of local government created for a special purpose, as opposed to a general-purpose, which has jurisdiction to operate within a limited geographic boundary and is created by general law, special act, local ordinance, or by rule of the Governor and Cabinet." ([Section 189.012\(6\), Florida Statutes](#))

Simply put, a special district is a unit of local special-purpose government. Special districts are very similar to municipalities and counties (local general-purpose government). In fact, all three are more alike than different. All three:

- Have a governing body with policy-making powers
- Provide essential governmental services and facilities
- Operate within a limited geographical area

The main difference is their purpose:

- Municipalities and counties:
 - Provide local general governmental services
 - Have broad powers
- Special districts:
 - Provide local specialized governmental services
 - Have limited, related, and explicit prescribed powers

The terms "public body," "body politic," and "political subdivision" include special districts (see [section 1.01\(8\), Florida Statutes](#)).

Excluded Entities

The following entities are not special districts:

- School districts
- Community colleges
- Municipal Service Taxing or Benefit Units as specified in [section 125.01, Florida Statutes - Powers and duties](#)
- Seminole and Miccosukee Tribe Special Improvement Districts established under [section 285.17, Florida Statutes - Special improvement districts; Seminole and Miccosukee Tribes](#)
- Boards providing electrical services that are political subdivisions of a municipality or part of a municipality

Entities that do not have policy-making powers, such as advisory boards, are not special districts.

The Status of Special Districts: "Dependent" and "Independent"

Special districts are classified as either "dependent" or "independent."

Dependent Special District

A dependent special district meets at least one of the following criteria:

- The special district's governing body membership is identical to a single county or a single municipality's governing body membership. Although the membership is identical, the governing bodies are separate governing bodies.
- All members of the special district's governing body are appointed by the governing body of a single county or a single municipality.
- During their unexpired terms, the special district's governing body members are subject to removal at will by the governing body of a single county or a single municipality.
- The special district has a budget that requires approval through an affirmative vote by the governing body of a single county or a single municipality.
- The special district has a budget that can be vetoed by the governing body of a single county or a single municipality.

Independent Special District

An independent special district does not meet any of the dependent criteria. A special district that includes more than one county is independent unless it lies wholly within the boundaries of a single municipality.

The Significance of the "Dependent" and "Independent" Status

- Generally, counties and municipalities are authorized to create only dependent special districts. A few exceptions exist, such as community development districts established under Chapter 190, Florida Statutes, that are smaller than 2,500 acres. For more information see [Chapter 3: Creating and Amending Special Districts](#).
- Certain dependent special districts may have their financial reports and audits included with those of their local governing authority, as opposed to paying for a separate stand-alone financial audit. This can be a cost-savings for dependent special districts. Independent special districts must report separately from municipalities and counties.
- A special district's classification may affect local millage caps. If a dependent special district has the authority to levy ad valorem taxes, its ad valorem millage must be added to the millage of the county or municipality that created it. The combined total of their millage rates must not exceed the millage cap set for the county or municipality.

Examples of Special Districts

Throughout Florida, special districts provide about 80 specialized purposes (see the [Official List of Special Districts](#)). Some of these special districts operate in multiple counties, such as the Water Management Districts. Others serve a small neighborhood, helping residents develop and maintain common areas. Popular types of special districts include:

- Special districts that allow new residential, commercial, and industrial developments to occur by financing, building, and maintaining common infrastructure and facilities (for example, roads, landscaping, water and sewer lines, street lighting, and drainage systems).
- Special districts that help attract businesses and retail establishments to specific areas by redeveloping, improving, and maintaining commercial areas and facilities (for example, sidewalks, building facades, bicycle lanes, parking facilities, signs, and roadways).

- Special districts that protect life and property by providing fire control and rescue, flood control, and emergency medical services.
- Special districts that provide major infrastructure and facilities serving large areas (for example, airports, roads and bridges, expressways, seaports, waterways, and utility systems).
- Special districts that help make Florida a desirable place to live, work and visit by providing civic, health, educational, conservation, parks, sports, and recreational facilities. For a detailed list of special district special purposes, please see the [Official List of Special Districts - Special Purposes Cross Referenced](#).

A Brief History of Special Districts

Benjamin Franklin established the first special district on December 7, 1736, when he created the Union Fire Company of Philadelphia, a volunteer fire department. Residents in a certain neighborhood paid a fee to receive fire protection services. Any resident not paying the fee had no fire protection services. Soon, many volunteer fire departments formed throughout Philadelphia.

In Florida, the first special districts were created almost 200 years ago. At the time, Florida was a territory of log settlements scattered between the only two cities: Pensacola and St. Augustine. The entire territory consisted of two large counties: Escambia and St. Johns, whose contiguous border was defined by the Suwannee River. Because no roads existed, the Territorial Legislators had to make the long, difficult sea voyage between the co-capitals, Pensacola, and St. Augustine. In 1822, the legislators voted to establish a capital in a more convenient location. A year later, two men met on a pine-covered hill, halfway between Pensacola and St. Augustine and chose the site of the new capital. Within a year, Florida's first Capitol, a small log cabin just big enough for all six legislators, was built in what is today Tallahassee.

Early on, Floridians realized that the transportation needs of a growing territory could be effectively managed by a group of local citizens organized into a district with vested powers. During the same session that the decision was made to move the capital, the Territorial Legislature also authorized the creation of the first special districts in Florida by enacting the Road, Highway and Ferry Act of 1822. Created to establish and maintain public roads, the first road districts had no taxation authority and solved their labor needs by conscription. Men failing to report to work were fined one dollar per day.

In 1845, soon after Florida became a state, the legislature went a step further and established the first special district by special act. Five commissioners were empowered to drain the "Alachua Savannah." To finance the project, the first special assessments were made on landowners based on the number of acres owned and the benefit derived.

The popularity of special districts to fund public works continued throughout the end of the 19th century as more settlers came to Florida. By the 1920's, the population had increased substantially in response to Florida's land boom. Many special districts were created to finance large engineering projects. Some of these special districts are still in existence today, such as the South Florida Conservancy District and the Florida Inland Navigation District. By the 1930's, the surge of new residents created the need for the first mosquito eradication district and other very specialized districts. After World War II, the baby boom and Florida's growing popularity created the need for a variety of new special districts, such as aviation authorities and hyacinth control districts. Soon, beach erosion, hospital and fire control special districts grew rapidly along with the traditional road, bridge, and drainage special districts.

Laws that Apply to Special Districts

Each special district must comply with the Uniform Special District Accountability Act and its charter requirements (the document that provides for the creation of the district). Additionally, depending on its special purpose and explicit authority, a special district may need to comply with certain constitutional provisions, numerous general laws, laws unique to its special purpose, and federal laws.

Charters

The Act requires the charter of dependent and independent special districts to address specific provisions. Special districts must comply with all charter requirements. [Chapter 3, Creating and Amending Special Districts](#), covers the various requirements that may be addressed by a special district's charter.

Uniform Special District Accountability Act

In 1989, the Florida Legislature passed [Chapter 189, Florida Statutes - Uniform Special District Accountability Act](#) (Act). This Act, which the Florida Legislature regularly revises and updates, provides the general requirements for special districts, although it excludes certain types of special districts from certain sections, often because another general law provides specific requirements for that type of special district (see [Laws Unique to a Special Purpose](#)). Requirements of the Act, which are covered in more detail throughout this handbook, include the following:

- Creation, merger, and dissolution processes
- Charter content
- Financial reporting
- Budgets
- Public meetings
- Taxation and assessments
- Election procedures
- Mandatory compliance with open government and ethics laws
- General operational requirements

FloridaCommerce, Special District Accountability Program, provides technical advisory assistance as it relates to the provisions of the Act. Other state agencies may be able to provide technical advisory assistance relating to their responsibilities (see [Appendix C: Specialty Area Contacts](#)). Special districts should direct all other questions, including all legal questions, to its legal counsel.

Constitution of the State of Florida

1. [Article I, Declaration of Rights, Section 24 - Access to Public Records and Meetings](#)
2. [Article III, Legislature, Section 11 - Prohibited Special Laws](#)
3. [Article VII, Finance and Taxation, Section 8 - Aid to Local Governments](#)
4. [Article VII, Finance and Taxation, Section 9 - Local Taxes](#)
5. [Article VII, Finance and Taxation, Section 10 - Pledging Credit](#)
6. [Article VII, Finance and Taxation, Section 12 - Local Bonds](#)
7. [Article VIII, Local Government, Section 4 - Transfer of Powers](#)
8. [Article VIII, Local Government, Section 6 - Schedule to Article VIII](#)
9. [Article XII, Schedule, Section 15 - Special District Taxes](#)

General Laws

1. [Section 11.40, Florida Statutes, Legislative Auditing Committee](#)
2. [Section 11.42, Florida Statutes, The Auditor General](#)

3. [Section 11.45, Florida Statutes, Definitions; duties; authorities; reports; rules](#)
4. [Section 11.47, Florida Statutes, Penalties; failure to make a proper audit or examination; making a false report; failure to produce documents or information](#)
5. [Chapter 50, Florida Statutes, Legal and Official Advertisements](#)
6. [Title IX, Electors and Elections](#) (Chapters 97 – 106, Florida Statutes)
7. [Chapter 112, Florida Statutes, Public Officers and Employees: General Provisions](#)
8. [Chapter 119, Florida Statutes, Public Records](#)
9. [Chapter 120, Florida Statutes, Administrative Procedures Act](#)
10. [Chapter 121, Florida Statutes, Florida Retirement System](#)
11. [Chapter 125, Florida Statutes, County Government](#)
12. [Chapter 132, Florida Statutes, General Refunding Law](#)
13. [Chapter 159, Florida Statutes, Bond Financing](#)
14. [Chapter 164, Florida Statutes, Governmental Disputes](#)
15. [Chapter 166, Florida Statutes, Municipalities](#)
16. [Chapter 171, Florida Statutes, Local Government Boundaries](#)
17. [Chapter 175, Florida Statutes, Firefighter Pensions](#)
18. [Chapter 197, Florida Statutes, Tax Collections, Sales and Liens](#)
19. [Chapter 200, Florida Statutes, Determination of Millage](#)
20. [Chapter 215, Florida Statutes, Financial Matters: General Provisions](#)
21. [Chapter 218, Florida Statutes, Financial Matters Pertaining to Political Subdivisions](#)
22. [Chapter 255, Florida Statutes, Public Property and Publicly-Owned Buildings](#)
23. [Chapter 274, Florida Statutes, Tangible Personal Property Owned by Local Governments](#)
24. [Chapter 279, Florida Statutes, Registered Public Obligations](#)
25. [Section 286.011, Florida Statutes, Public Meetings and Records; Public Inspection; Criminal and Civil Penalties](#) (Government in the Sunshine)
26. [Section 287.055, Florida Statutes, Acquisition of Professional Architectural, Engineering, Landscape Architectural or Surveying and Mapping Services; Definitions; Procedures; Contingent Fees Prohibited; Penalties](#) (Consultants Competitive Negotiations Act)
27. [Chapter 403, Florida Statutes, Environmental Control](#)
28. [Chapter 440, Florida Statutes, Workers' Compensation](#)
29. [Chapter 760, Florida Statutes, Discrimination in the Treatment of Persons; Minority Representation](#)
30. [Chapter 768, Florida Statutes, Negligence](#) (Sovereign Immunity)

Laws Unique to a Special Purpose

1. [Chapter 125, Part V, Florida Statutes, Children's Services](#)

2. [Chapter 153, Part II, Florida Statutes, County Water and Sewer Districts](#)
3. [Section 154.331, Florida Statutes, County Health and Mental Health Care Special Districts](#)
4. [Chapter 155, Florida Statutes, Hospitals](#)
5. [Chapter 159, Part III, Florida Statutes, Industrial Development Authorities](#)
6. [Chapter 159, Part IV, Florida Statutes, Housing Finance Authorities](#)
7. [Chapter 159, Part V, Florida Statutes, Research and Development Authorities](#)
8. [Chapter 161, Part II, Florida Statutes, Beach and Shore Preservation Districts](#)
9. [Section 163.01, Florida Statutes, Florida Interlocal Cooperation Act of 1969](#)
10. [Chapter 163, Part II, Florida Statutes, Growth Policy; County and Municipal Planning; Land Development Regulation](#)
11. [Chapter 163, Part III, Florida Statutes, Community Redevelopment](#)
12. [Chapter 163, Part IV, Florida Statutes, Neighborhood Improvement Districts](#)
13. [Chapter 163, Part V, Florida Statutes, Regional Transportation Authorities](#)
14. [Chapter 163, Part VI, Florida Statutes, Collaborative Client Information Systems](#)
15. [Chapter 170, Florida Statutes, Supplemental and Alternative Method of Making Local Municipal Improvements](#)
16. [Chapter 189, Florida Statutes, Uniform Special District Accountability Act](#) (see also [Uniform Special District Accountability Act](#))
17. [Chapter 190, Florida Statutes, Community Development Districts](#)
18. [Chapter 191, Florida Statutes, Independent Special Fire Control Districts](#)
19. [Chapter 243, Part II, Florida Statutes, Higher Educational Facilities Financing](#)
20. [Section 257.171, Florida Statutes, Multicounty Libraries](#)
21. [Section 265.32, Florida Statutes, County Fine Arts Council](#)
22. [Section 290.0056, Florida Statutes, Enterprise Zone Development Agency](#)
23. [Chapter 298, Florida Statutes, Drainage and Water Control](#)
24. [Chapter 315, Florida Statutes, Port Facilities Financing](#)
25. [Chapter 331, Florida Statutes, Aviation and Aerospace Facilities and Commerce](#)
26. [Chapter 332, Florida Statutes, Airports and Other Air Navigation Facilities](#)
27. [Chapter 336, Florida Statutes, County Road System](#)
28. [Chapter 343, Florida Statutes, Regional Transportation](#)
29. [Chapter 348, Florida Statutes, Expressway and Bridge Authorities](#)
30. [Chapter 373, Florida Statutes, Water Resources](#)
31. [Chapter 374, Florida Statutes, Navigation Districts; Waterways Development](#)
32. [Section 380.0663, Florida Statutes, Land Authority; Creation, Membership, Expenses](#)

33. [Chapter 388, Florida Statutes, Mosquito Control](#)
34. [Chapter 418, Florida Statutes, Recreation Districts](#)
35. [Chapter 421, Part I, Florida Statutes, Housing Authorities](#)
36. [Chapter 582, Florida Statutes, Soil and Water Conservation](#)
37. [Chapter 1013, Florida Statutes, Educational Facilities](#)

Federal Laws

1. [The Americans with Disabilities Act of 1990](#)
2. [The Rehabilitation Act of 1973](#)

Additional Information

- [Appendix C: Specialty Area Contacts - General Inquiries / Chapter 189, Florida Statutes, Requirements](#)

This page intentionally left blank.

Chapter 2: The Special District Accountability Program

Special districts serve a necessary and useful purpose by providing services to residents, businesses, and property. They generate billions in revenue for Florida's economy, create private-sector jobs, and have a substantial impact on the lives of every Floridian. As such, legislative objectives, through the adoption of [Chapter 189, Florida Statutes - Uniform Special District Accountability Act](#) (Act), include holding special districts accountable to state and local government and the citizens served, improving communication and coordination between state agencies with respect to required special district reporting and state monitoring, and ensuring consistent application of special district definitions across all levels of government.

To accomplish these objectives and more and to administer the Act, the Act establishes the Special District Accountability Program (Program) within FloridaCommerce and requires each special district to register with the Program. The Program, which is an important component of Florida's [Local Government Financial Reporting System](#), is charged with the following duties.

Duties

Maintaining the *Official List of Special Districts*

Purposes

The Act, along with [Chapter 73C-24, Florida Administrative Code - Special District Accountability Program](#), requires each special district to maintain specific information with the Program. The Program must publish uniform and accurate information about special districts in the [Official List of Special Districts](#). The Florida Legislature, state agencies, and local government officials depend on this information to monitor special districts, coordinate activities, collect, and compile financial and other information and make informed policy decisions. As an example, the Florida Department of Financial Services uses the *Official List of Special Districts* to verify that all active special districts disclose their annual revenues, expenditures and expenses, and long-term debt by filing the Annual Financial Report (see [Chapter 12: Annual Financial Report](#)). The Florida Auditor General uses the *Official List of Special Districts* along with the financial information from the Florida Department of Financial Services to ensure that all special districts meeting the financial threshold are providing for a financial audit and filing the Financial Audit Report (see [Chapter 13: Financial Audit Report](#)) with the Florida Auditor General. For more information, see [About the Official List of Special Districts](#).

Available Data

The *Official List of Special Districts* allows users to access data through various reports, such as state and county totals, merged, inactive, and dissolved special districts, and, by selecting variables of interest, customized and sortable reports. Available information includes the special district's official name, the name of its registered agent, its registered office address, its independent or dependent status, its special purpose, the county, or counties in which it has territory, and its official web address. For a complete list of the available data, see [About the Official List of Special Districts](#).

Data Accuracy

Each special district is required to file certain information with the Program, keep it updated, and annually review it. The Program must ensure that the dependent or independent status submitted by each special district is correct. If not, and the status of a special district on the *Official List of Special Districts* is inconsistent with the status submitted by the special district, the special district may request the Program to issue a declaratory statement setting forth the requirements necessary to resolve the inconsistency. If necessary, upon issuance of a declaratory statement by the Program that is not appealed pursuant to [Chapter 120, Florida Statutes - Administrative Procedure Act](#), the governing body of the special district

must apply to the entity that originally established the special district for an amendment to its charter correcting the specified defects in its original charter.

Data Completeness

Special districts are required to register within the Program within 30 days of creation. If this does not occur, and the special district is later attempting to file financial information with the Florida Department of Financial Services and / or the Florida Auditor General and those agencies are unable to locate the special district on the *Official List of Special Districts*, those agencies will notify the Program and the Program will determine whether the entity is a special district. If so, the Program notifies the entity that it must register with the Program as a special district.

Coordinating and Communicating Among State Agencies

Since the Program continuously collects, classifies, and maintains constantly changing information about Florida's special districts and is in direct contact with special district personnel, the Program is often the first to learn about changes that other state agencies need to know about, sometimes very quickly. The Program works closely with state agencies to make sure vital information is timely provided to the appropriate parties.

Declaring Special Districts Inactive

The Program must declare special districts inactive under certain circumstances. Two separate methods exist: (1) declaring a special district inactive under Chapter 189, Florida Statutes, and (2) declaring a community redevelopment agency (a dependent special district) inactive under Chapter 163, Part III, Florida Statutes.

The Chapter 189, Florida Statutes, Process

[Section 189.062, Florida Statutes - special procedures for inactive districts](#), requires the Program to initiate the process of declaring a special district inactive if the special district meets one of the following criteria:

1. The special district's registered agent or governing body chair, or the governing body of the appropriate county or municipality, provides notification in writing that the special district:
 - Has taken no action for two or more years or,
 - Has not had a governing body or a sufficient number of governing body members to constitute a quorum for two or more years.
2. The registered agent of the special district, the chair of the governing body of the special district, or the governing body of the appropriate local general-purpose government, fails to respond to an inquiry by the Program within 21 days.
3. The Program determines that an independent special district failed to file any of the following reports with the appropriate county and / or municipality (see [Noncompliance Status Reports and Follow-up Action](#)):
 - Registered office and agent information (see [Designate a Registered Agent and a Registered Office](#))
 - [Schedule of Regular Meetings](#)
 - A public facilities report (see [Chapter 7: The Public Facilities Report](#))
4. After going through the technical assistance and legal action processes (see [Noncompliance Status Reports and Follow-up Action](#)), the Program determines that one or more of the following occurred:

- A special district failed to file retirement related reports with the Florida Department of Management Services (see [Chapter 15: Retirement Plans and Reporting Requirements](#)).
 - A special district failed to file an Annual Financial Report with the Florida Department of Financial Services or failed to provide additional information requested by the Florida Department of Financial Services (see [Chapter 12: The Annual Financial Report](#)).
 - A special district failed to file a Financial Audit Report with the Florida Auditor General, failed to provide additional information requested by the Florida Auditor General, or failed to take corrective action regarding noncompliance with special district investment requirements (see [Chapter 13: The Financial Audit Report](#)).
 - A special district failed to file bond related reports with the State Board of Administration of Florida, Division of Bond Finance (see [Chapter 14: Bond Financing and Reporting Requirements](#)).
 - A special district failed to provide information requested by the Governor's office concerning one or more financial emergency conditions (see [Financial Emergencies](#)).
5. The special district has not had a registered office and agent on file with the Program for one or more years (see [Designate a Registered Agent and a Registered Office](#)).
 6. The special district's governing body provides documentation that it has unanimously adopted a resolution declaring the special district inactive. This method does not require a referendum. However, the special district must cover any costs associated with its dissolution.

To declare a special district inactive, the Program will do the following:

1. Publish a *Notice of Proposed Declaration of Inactive Status* in a newspaper of general circulation in the county or municipality in which the territory of the special district is located and send a copy of such notice by certified mail to the registered agent or chair of the governing body, if any. The notice will include the following:
 - The name of the special district
 - Each known law under which it was organized and operating
 - A general description of the territory included in the special district
 - A statement that any objections must be filed pursuant to [Chapter 120, Florida Statutes - Administrative Procedures Act](#), within 21 days after the publication date
2. After 21 days have elapsed from the publication date of the *Notice of Proposed Declaration of Inactive Status* and if no administrative appeals were filed, the Program will change the special district's status on the *Official List of Special Districts* from "active" to "inactive" and the special district will no longer appear in the various active lists. Instead, the inactive special district will appear in a separate list of inactive special districts.
3. The Program will send a notice of declaration of inactive status to the entity or entities that created the special district as follows:
 - If created by the legislature, notify the President of the Senate, the Speaker of the House of Representatives, the standing committees of the Senate and the House of Representatives charged with special district oversight as determined by the presiding officers of each respective chambers, and the Joint Legislative Auditing Committee. This notification is sufficient notice, pursuant to [section 10 Article III \(Special laws\) of the State Constitution](#), to authorize the legislature to dissolve the special district by repealing its enabling laws.

- If created by any other entity, notify that entity and that entity must dissolve the special district by repealing its enabling laws or by other appropriate means.

A special district declared inactive may not collect taxes, fees, or assessments unless the declaration is:

- Withdrawn or revoked by FloridaCommerce, or
- Invalidated in proceedings initiated by the special district within 30 days after the publication date of the proposed notice of declaration of inactive status.

The special district's governing body may initiate proceedings within this 30-day time period by one of the following methods:

- Filing a petition with FloridaCommerce for an administrative hearing pursuant to [section 120.569, Florida Statutes - Decisions which affect substantial interests](#), or
- Filing an action for declaratory and injunctive relief under [Chapter 86, Florida Statutes, Declaratory Judgments](#), in the circuit court of the judicial circuit in which the majority of the area of the special district is located.

If the special district's governing body does not initiate a timely challenge to the declaration of inactive status or FloridaCommerce prevails in a proceeding initiated by the special district, FloridaCommerce may enforce the prohibition of an inactive special district that continues to collect taxes, fees, or assessments with the circuit court in and for Leon County. The petition may request declaratory, injunctive, or other equitable relief, including the appointment of a receiver and any forfeiture or other remedy provided by law. The prevailing party shall be awarded costs of litigation and reasonable attorney fees in any proceedings.

An inactive special district's property or assets are subject to legal process for payment of any debts. The county or municipality may levy a tax or taxes on property in the inactive special district to pay its debt. The county property appraiser must assess the property and the county tax collector must collect the tax. After the payment of all its debts, the remainder of its property or assets transfer to the county or municipality in which the special district is located.

The Chapter 163, Part III, Florida Statutes, Process

[Section 163.3756, Florida Statutes - inactive community redevelopment agencies](#), requires the Program to declare a community redevelopment agency inactive when it has reported no revenue, no expenditures, and no debt for six consecutive fiscal years beginning October 1, 2016.

Annually, by November 1, the Florida Department of Financial Services provides the Program with a list of each community redevelopment agency established pursuant to Chapter 163, Part III, Florida Statutes, that did not report any revenues, expenditures, or debt on its Annual Financial Report for the previous fiscal year. When a community redevelopment agency has reported no revenue, no expenditures, and no debt for six consecutive fiscal years, beginning no earlier than October 1, 2016, the Program must declare the community redevelopment agency inactive and notify the community redevelopment agency. If the community redevelopment agency does not have governing body members or a registered agent, FloridaCommerce will notify the county or municipality that created the community redevelopment agency. On the *Official List of Special Districts*, the Program must report these community redevelopment agencies as inactive separately from those declared inactive under Chapter 189, Florida Statutes.

The governing body of a community redevelopment agency declared inactive may seek to invalidate the declaration by initiating proceedings under section 189.062(5), Florida Statutes, within 30 days after the date of receiving this notice. However, the provisions in section 189.062(2) and (4), Florida Statutes, relating to the legal process for payment of any debts and the requirement for the entity that created a community redevelopment agency declared inactive to dissolve it, do not apply.

Providing Technical Advisory Assistance to Special Districts

The Program provides technical advisory assistance to special districts regarding the requirements of the Act. When appropriate, the Program provides referrals to other agencies (see [Special District Resources and Contacts](#)). The Program may contract with a qualified third-party vendor to provide education programs for all newly elected or appointed members of special district governing bodies, such as the code of ethics for public officers and employees, public meeting and public records requirements, public finance, and parliamentary procedure.

The Program publishes and continuously updates the [Florida Special District Handbook](#) to help special districts understand and comply with the requirements of the Act. Topics include special district basics, such as definitions and status distinctions, how to create, modify, and dissolve special districts, general operating procedures, reporting requirements, and the evaluation and appraisal notification schedule for public facilities reporting.

Helping to Ensure the Accountability of Special Districts to State and Local Governments

The Program has a series of duties relating to the accountability of special districts to state and local governments. When a special district fails to comply with certain reporting and filing requirements, the state and local agency files a noncompliance status report with the Program, which the Program must post on the Program's website (see [Special District Noncompliance Status Reports](#)). Next, the Program helps the agency collect the delinquent report from the special district by mailing a certified technical assistance letter to the special district explaining the requirement in detail and providing 60 days to comply (see [Technical Assistance](#)). If the special district remains noncompliant, the Joint Legislative Auditing Committee may request the Program to initiate enforcement proceedings through the circuit court or declare the special district inactive (see [Noncompliance Status Reports and Follow-up Action](#)).

Collecting an Annual State Fee

The Act requires the Program to establish a fee schedule by rule (see [Chapter 73C-24, Florida Administrative Code - Special District Accountability Program](#)) for purposes of collecting an annual state fee from each special district to cover the costs of administering the Act. This fee schedule corresponds with the fiscal year that most special districts must use (October 1 through September 30).

Each year around October 1, the Program mails the "Special District Fee Invoice and Update Document" (document) to each special district. For most special districts, the annual state fee is \$175. A newly created special district is invoiced a prorated state fee upon registration for its first fiscal year. The fee depends upon the quarter in which the special district was created:

- If created during the first quarter (October 1 through December 31) the fee is \$150.
- If created during the second quarter (January 1 through March 31) the fee is \$125.
- If created during the third quarter (April 1 through June 30) the fee is \$100.
- If created during the fourth quarter (July 1 through September 30) the fee is \$75.

A special district meeting all three of the following conditions is not required to pay an annual state fee if its registered agent completes the section on the document certifying that all three of the following statements are true. Upon verification, the Program will approve the zero fee.

- The special district and its Certified Public Accountant determined the special district is not a component unit of a local general-purpose government (see [component units](#)).
- The special district has complied with the reporting requirements of the Florida Department of Financial Services (see [Chapter 12: The Annual Financial Report](#)).

- Through the Annual Financial Report, the special district reported \$3,000 or less in annual revenues for the most recent fiscal year in which complete annual data is available. A newly created special district that has not yet filed an Annual Financial Report must attach a current income statement verifying \$3,000 or less in revenues for the current fiscal year.

To keep the *Official List of Special Districts* up to date, the document also serves as a method to update the information on file with the Program. Each special district must review and, if necessary, update the information on the document and return it to the Program, along with payment, by the due date (approximately 60 days after the invoice date).

Any special district not complying with state fee requirements by the due date will be subject to fines up to \$50 (two late notices with an additional \$25 late fee for each notice).

Any special district not paying the state fee and fine will be reported to the debt collection agency. This will result in additional fees and a report of collection activities to the credit bureaus.

Additional Information

- [Appendix C: Specialty Area Contacts - General Inquiries / Chapter 189, Florida Statutes, Requirements](#)

Chapter 3: Creating and Amending Special Districts

Reasons Why Special Districts May Be Created

The Florida Legislature, municipalities, counties and the Governor and Cabinet create special districts for use by the private and public sectors for many different reasons. For example:

- Special districts can be used to finance, construct, operate, and maintain capital infrastructure, facilities, and services.
- Special districts often generate their own revenue to pay for projected growth (such as providing additional services, facilities, and infrastructure) without requiring all other taxpayers (who don't benefit from the special district's services) to pay; in other words, only those who benefit from the special district's services pay. Common revenue sources include:
 - Ad valorem assessments
 - Non-ad valorem assessments
 - User fees
 - Tax increment financing
 - Tolls
 - Grants
- Special districts can provide services when growth and development issues transcend the boundaries, responsibilities and authority of individual municipalities and counties. This is the reason for regional and multi-county special districts.
- Special districts – since they are units of local government – can sell tax-exempt bonds (to provide financing), purchasing essential goods and services tax-free, and participating in state programs and initiatives, such as state-term contracting.
- Special districts provide highly specialized local governmental services – often in response to citizen demand.
- Special districts can be governed by appointed or elected members who have the expertise to oversee the specialized purpose of the special district.
- Special districts empower citizens to govern their own neighborhood / community since it is often possible for them to serve on the special district's governing body. Governing body meetings may be held near their homes, making it more convenient for citizens to attend the meetings.
- Special districts ensure accountability of public resources because special districts are held to the same high standards as municipalities and counties, plus the accountability standards under Chapter 189, Florida Statutes. Examples of accountability standards include complying with financial reporting, open government, and ethics requirements.
- Special district liability is limited in the case of civil lawsuits.
- Special districts can receive state assistance in the event of a financial emergency.
- Special districts are local special-purpose governmental agencies with funding, employment, and missions separate from local general-purpose government.
- Special districts can recruit qualified employees by offering governmental employment benefits and incentives, such as participation in Florida's Deferred Compensation Plan, possible

participation in the Florida Retirement System, and possible housing assistance for eligible employees.

Creation Requirements

The following sections cover the creation requirements for various types of special districts.

Authority to Create Independent Special Districts

Generally, only the Florida Legislature may create independent special districts. However, the following exceptions apply:

- The Governor and Cabinet may create:
 - Community Development Districts with a size of 2,500 acres or more (see [Chapter 190, Florida Statutes - Community Development Districts](#))
 - Regional Water Supply Authorities (see [section 373.713, Florida Statutes - Regional water supply authorities](#))
- A county may create:
 - County Children's Services Districts (see [section 125.901, Florida Statutes - Children's services; independent special district; council; powers, duties, and functions; public records exemption](#))
 - County Health and Mental Health Care Districts (see [section 154.331, Florida Statutes - County health and mental health care special districts](#))
 - County Hospital Districts (see [Chapter 155, Florida Statutes - Hospitals](#))
 - Community Development Districts (see [Chapter 190, Florida Statutes - Community Development Districts](#))
- Two or more counties may create:
 - Regional Jail Districts (see [section 950.001, Florida Statutes - Regional jails; establishment, operation](#))
 - Community Development Districts (see [Chapter 190, Florida Statutes - Community Development Districts](#))
- Any combination of two or more counties or municipalities may create:
 - Regional Water Supply Authorities (see [section 373.713, Florida Statutes - Regional water supply authorities](#))
 - Community Development Districts (see [Chapter 190, Florida Statutes - Community Development Districts](#))
- Any combination of two or more counties, municipalities or other political subdivisions may create:
 - Regional Transportation Authorities (see [section 163.567, Florida Statutes - Regional transportation authorities](#))
- A municipality may create:
 - Community Development Districts (see [Chapter 190, Florida Statutes - Community Development Districts](#))

Creation Document Requirements for Independent Special Districts

The charter (a general law or a special act) that establishes an independent special district must address the following:

1. A status statement referencing its independent status. Recommendation: Include a brief statement explaining why the special district is independent (such as, it does not meet any dependent criteria listed in [section 189.012\(2\), Florida Statutes - Definitions](#)). When necessary, this status statement must be amended to conform to FloridaCommerce's determination or declaratory statement regarding the status of the special district. When practical and feasible, the charter of an existing independent special district must be amended to contain a reference to the status of the special district as independent.
2. The special district's purpose
3. The powers, functions, and duties of the special district regarding the following:
 - a. Ad Valorem Taxation
 - b. Bond Issuance
 - c. Other Revenue-Raising Capabilities
 - d. Budget Preparation and Approval Processes
 - e. Liens and Liens Foreclosure
 - f. Use of Tax Deeds and Tax Certificates as Appropriate for Non-Ad Valorem Assessments and Contractual Agreements
4. The method for establishing the special district
5. The method for amending the charter of the special district
6. The membership and organization of the governing body. If the special district uses a one-acre/one-vote election principle, it must provide for a governing body consisting of five members with three members making up a quorum.
7. The maximum compensation of a governing body member
8. The administrative duties of the governing body
9. The applicable financial disclosure, noticing and reporting requirements
10. The procedures and requirements for issuing bonds, if applicable
11. Election procedures, the qualifications of an elector and / or required referenda
12. The methods for financing the special district
13. The authorized millage rate (only if the special district has the authority to levy ad valorem taxes, other than taxes levied for the payment of bonds and taxes levied for periods not longer than two years when authorized by vote of the electors of the special district)
14. The methods for collecting non-ad valorem assessments, fees, or service charges
15. Planning requirements
16. The geographic boundary limitations

Exemptions Not Allowed

The general law or special act that establishes an independent special district must not exempt the special district from the following requirements of Chapter 189, Florida Statutes:

- Elections
- Bond Referenda
- Reporting
- Public Notices
- Public Meetings

Authority to Create Dependent Special Districts

- The legislature may create dependent special districts by special act at the request or with the consent of the county or municipality upon which the special district will be dependent.
- A county may create dependent special districts within its boundaries by ordinance, subject to the approval of the governing body of the incorporated area affected (if any).
- A municipality may create dependent special districts within its boundaries, by ordinance.

Creation Document Requirements for Dependent Special Districts

The local ordinance creating a dependent special district must include the following at a minimum:

1. Purpose, powers, functions, and duties
2. Geographic boundary limitations
3. The statutory authority to create the special district (e.g., section, 189.02, Florida Statutes, Chapter 163, Part III, Florida Statutes, etc.)
4. A statement explaining why the special district is the best alternative
5. The membership, organization, compensation, and administrative duties of the governing body
6. The applicable financial disclosure, noticing and reporting requirements
7. The methods for financing the special district
8. A declaration that the creation of the special district is consistent with the approved local government comprehensive plans
9. A status statement referencing the status of the special district as dependent. A recommendation is to include a brief statement documenting the dependent criteria listed in [section 189.012\(2\), Florida Statutes - Definitions](#), that apply to the special district. When necessary, this status statement must be amended to conform to FloridaCommerce's determination or declaratory statement regarding the status of the district. When practical and feasible, the charter of an existing dependent special district must be amended to contain a reference to the status of the special district as dependent.

Newly Created Special District Responsibilities

Notify the Florida Legislature

When a local general-purpose government creates an independent special district, it must submit a statement to the Florida Legislature that includes the following:

1. The purpose of the proposed special district

2. The authority of the proposed special district
3. An explanation of why the special district is the best alternative
4. A resolution or official statement from the local general-purpose government's governing body or an administrator stating the following:
 - a. The creation of the proposed special district is consistent with approved local government comprehensive plans
 - b. The local general-purpose government does not object to its creation

Notify the Special District Accountability Program

Within 30 days after its creation date, each dependent and independent special district must notify FloridaCommerce's Special District Accountability Program (Program) of its existence by filing the following documents and information with the Program (electronic submission via email is preferred - see [Appendix C: Specialty Area Contacts - General Inquiries / Chapter 189, Florida Statutes, Requirements](#)):

1. The special district's creation document
2. A written status statement that includes a reference to the status of the special district as dependent or independent and the basis for such classification. If this is not filed, the Program, may determine the status and render its determination to an agent of the special district.
3. A map of the special district clearly showing the following, if applicable:
 - a. The special district's boundaries
 - b. Municipal boundaries, if any, crossing the special district's boundaries
 - c. County lines if the special district is in more than one county
4. If known, the registered agent's name, address, telephone, fax, and email. If not known, file this information within 30 days after the governing body's first meeting

Within 30 days of receiving these documents, the Program will do the following:

1. Review the creation documents to verify the special district's dependent or independent status
2. Add the special district to the [Official List of Special Districts](#)
3. Notify the special district and the local general-purpose government of the status determination
4. Send the Annual Special District Fee Invoice and Update Form to the Special District

Comply with the Annual State Fee and Update Requirement

When the special district files with the Program, the Program will send the "Special District State Fee Invoice and Profile Update" to the special district for the annual state fee. This fee may be prorated based on when the special district was created (see [Collecting an Annual State Fee](#)).

In addition, the special district must review the special district's information on the document, make necessary changes, complete missing information, have the registered agent sign it, and return it to the Program. Make sure the information on this document is correct since the Program must make the information available through the [Official List of Special Districts](#). By the due date on the document, the special district must comply with the state fee requirement and return the document to the Program.

Designate a Registered Agent and a Registered Office

Within 30 days after its first meeting of its governing body, each special district must designate a registered agent and a registered office, then provide that information to the following:

1. The Special District Accountability Program
2. The Local Governing Authority (each local general-purpose government in which the special district has territory)

Registered Agent Defined

A registered agent is an agent of the special district upon whom any process, notice or demand required or permitted by law to be served upon the special district may be served. The registered agent must be an individual resident of Florida whose business address is the same as the special district's registered office. The registered office does not have to be the special district's place of business.

How to Change a Registered Agent and / or Registered Office

A special district may change its registered office and / or registered agent anytime by filing such changes with the county or municipality in which the special district is located and by sending an email to the Program at SpecialDistricts@Commerce.fl.gov. This notification must occur upon making the change.

Comply with All Applicable Reporting Requirements

Special Districts must begin complying with all applicable reporting requirements immediately. For example, each newly created special district must comply with its Annual Financial Report requirement (see [Chapter 12: The Annual Financial Report](#)) starting with the fiscal year in which it was created, even if the special district has no revenues, no expenditures, and no debt, and was in existence for only one day in that fiscal year. If a newly created special district incurs over \$50,000 in revenues or combined expenditures and expenses in its first year of operation, it is subject to the financial audit requirement (see [Chapter 13: The Financial Audit Report](#)). For an overview of reporting requirements, see [Appendix A: Reporting Requirements by Due Date](#).

Develop and Maintain an Official Website

To increase special district accountability, oversight and transparency, all special districts must maintain an official website that complies with accessibility and minimum content requirements. Each new special district must have an official website by the end of the first full fiscal year after its creation that meets the following minimum requirements as applicable:

Accessibility Requirements

Special district websites must comply with the Americans with Disabilities Act of 1990 and, if the special district received federal funding, the Rehabilitation Act of 1973. One way to help meet these requirements is to make websites accessible to people with disabilities who use assistive technology devices to access the Internet. Each special district should consult with its legal counsel regarding compliance requirements and should ensure that its webmaster is well trained in making websites accessible. You may test your webpages for compliance using commercial or free online checkers and evaluators and correct noted deficiencies. Examples of accessible website features include, but are not limited to, the following:

- A "skip navigation" link is present at the top of each webpage so screen reader users can bypass the various navigational links and go directly to the main content.
- Portable Document Format files are readable by screen readers and braille displays. Unless remediated, scanned documents are not compliant. As an alternative, the content is provided in Hypertext Markup Language.
- Links are descriptive so they make sense when read out of context. For example, never use, "Click Here" as a link.
- Links are unique.
- Acronyms have the proper markup to tell screen readers what to read.

- "Alt tags" are present for images so screen reader users can hear a text alternative of the image. "Long descriptions" are present for complex images, such as graphs and charts, so screen reader users are redirected to a separate text-based page that provides a detailed explanation.
- Videos have closed captioning or plain text scripts.
- Color is not used to convey a message.
- Online forms contain corresponding labels.

Additional information about website accessibility is available through the following resources:

- [Accessibility of State and Local Government Websites to People with Disabilities](#)
- [Americans with Disabilities Act Best Practices Tool Kit for State and Local Governments](#)
- [Web Content Accessibility Guidelines Overview](#)

General Requirements

1. Each independent special district must maintain a separate website.
2. Each dependent special district must be prominently displayed on the home page of the local general-purpose government upon which it is dependent and linked to the special district's website. A dependent special district's website must:
 - a. Be maintained as a part of the local general-purpose government's website upon which it is dependent, or
 - b. Be maintained as a separate website.
3. All special districts must ensure that their official website address is on file with the Program so the Program can link to it from its website. To verify whether a special district's website address is on file with the Program, see the [Official List of Special Districts](#) (list 2, Website Links).

Content Requirements

1. **General Information:**
 - a. The special district's full legal name (as cited in creation document and the *Official List of Special Districts*)
 - b. A public purpose statement
 - c. A written description of the special district's boundaries or service area. Additionally, posting a map may be useful.
 - d. The services provided
 - e. The full text of the special district's charter (creation document), as amended. Community Development Districts may reference [Chapter 190, Florida Statutes - Community Development Districts](#), as the uniform charter, but must include information relating to any grant of special powers.
 - f. The statute(s) under which the special district operates, if different from the statute(s) under which the special district was established. Include [Chapter 189, Florida Statutes - Uniform Special District Accountability Act](#), since all special districts must comply with this law.
 - g. Date established (effective date of creation document)
 - h. Establishing entity (legislature, county(ies), municipality(ies), or Governor and Cabinet)

2. General Contact Information:

- a. Mailing address
- b. Email address
- c. Telephone number
- d. Web address
- e. Registered agent / registered office (name and address of the registered agent on file with the Program and listed in the [Official List of Special Districts](#))

3. Contact Information for Each Governing Body Member:

- a. Name
- b. Official address
- c. Official email address
- d. If applicable, the term and appointing authority (county, municipality, Governor, etc.)

4. Revenue Information:

- a. A listing of all taxes, fees, assessments, or charges imposed and collected
- b. The rates or amounts for the current fiscal year
- c. The statutory authority for the levy of the tax, fee, assessment, or charge

5. General Financial Information:

- a. The fiscal year period - most special districts are required to use October 1 through September 30; some housing authorities use January 1 through December 31, April 1 through March 30, and July 1 through June 30.
- b. A link to the Florida Department of Financial Services website to view the special district's Annual Financial Report. To find the direct link to the special district's Annual Financial Report, visit [Florida Department of Financial Services – Local Government Financial Services – Special Districts](#).
- c. The final, complete audit report for the most recent completed fiscal year and audit reports required by law or authorized by the governing body of the special district. If the special district has filed this audit report with the Florida Auditor General, the special district may provide a link to the audit report on the Florida Auditor General's website as opposed to posting the audit report on its own website. To find the direct link to the special district's audit report, visit [Florida Auditor General - Financial Audit Reports Submitted by Special Districts](#).

6. Budget Information:

- a. The tentative budget, if applicable – post at least two days before the budget hearing held pursuant to [section 200.065, Florida Statutes, Method of fixing millage](#) or other law, to consider such budget and keep it on the website for at least 45 days
- b. Final adopted budget - post within 30 days after adoption and keep it on the website for at least two years (see [Budget Requirements](#))
- c. Budget amendment in which a resolution is required to adopt such an amendment (see [Budget Amendment Procedures](#)) - post within five days after adoption and keep it on the website for at least two years

7. Meeting Information:

- a. [Schedule of Regular Meetings](#) prepared quarterly, semiannually, or annually
- b. Meeting / workshop agendas - post at least seven days before the event and maintain on the website for at least one year
- c. A link on the special district's homepage to a webpage that lists each newspaper in which the special district publishes notices (for special districts opting to publish internet only notices)

8. Ethics Information:

- a. Code of Ethics, if adopted
- b. A link to generally applicable ethics provisions (one option is to link to the [Florida Commission on Ethics - Ethics Laws](#) webpage)

9. Retirement System Information - If applicable, Defined Benefit Retirement System or Plan Information (excluding the Florida Retirement System), as required by [section 112.664, Florida Statutes - Reporting standards for defined benefit retirement plans or systems](#). For more information about the following retirement related website requirements, please see [Appendix C: Specialty Area Contacts – Local Retirement Plans](#)):

- a. The annual financial statements (for more information, see [Additional Actuarial Disclosures](#)) using one of the mortality tables used in either of the two most recently published Florida Retirement System actuarial valuation reports
- b. The annual financial statements similar to those required above but which use an assumed rate of return on investments and an assumed discount rate that are equal to 200 basis points less than the plan's assumed rate of return
- c. Information indicating the number of months or years for which the current market value of assets is adequate to sustain the payment of expected retirement benefits as determined in the plan's latest valuation and under the financial statements prepared pursuant to (a.) and (b.) above
- d. Information indicating the recommended contributions to the plan based on the plan's latest valuation and the contributions necessary to fund the plan based on financial statements prepared pursuant to (a.) and (b.) above, stated as an annual dollar value and a percentage of valuation payroll
- e. The funded ratio of the system or plan as determined in the most recent actuarial valuation as part of the disclosure
- f. The plan's most recent financial statement and actuarial valuation, including a link to the Florida Department of Management Services, Division of Retirement [Actuarial Summary Fact Sheet](#) for that plan
- g. For the previous five years, a side-by-side comparison of the plan's assumed rate of return compared to the actual rate of return, as well as the percentages of cash, equity, bond, and alternative investments in the plan portfolio
- h. Any charts and graphs of the data provided above presented in a standardized, user-friendly, and easily interpretable format as prescribed by the Florida Department of Management Services

Amending Special Districts

General Amendments

The entity originally establishing a special district may amend the charter and / or boundaries of that special district, pursuant to the amendment processes contained in the charter. Within 30 days of the effective date, the special district must file a copy of the amendment, and the map if the boundaries were amended, with the Program (see [Appendix C: Specialty Area Contacts - General Inquiries / Chapter 189, Florida Statutes, Requirements](#)).

Conversion to a Municipality

Upon an elector-initiated and approved referendum, the following independent special districts may convert to a municipality:

1. The special district must have been created by Special Act of the Florida Legislature
2. The special district must be designated as:
 - An improvement district created pursuant to [Chapter 298, Florida Statutes](#), or
 - A stewardship district created pursuant to [section 189.031, Florida Statutes](#).
3. The special district must have an elected governing body
4. The special district's governing body must agree to the conversion
5. The special district must provide at least four of the following municipal services:
 - Water
 - Sewer
 - Solid waste
 - Drainage
 - Roads
 - Transportation
 - Public works
 - Fire and rescue
 - Street lighting
 - Parks and recreation
 - Library or cultural facilities
6. The special district cannot have any territory within the jurisdictional limits of a municipality

For more information, see [Chapter 165, Florida Statutes - Formation of Local Governments](#).

Incorporation or Annexation of a Community Development District

Community development districts may incorporate or be annexed into a municipality. Part of the process requires the following:

- The community development district must determine if it meets the population standards required for incorporation.

- FloridaCommerce, which continuously monitors the status of all special districts (see the [Official List of Special Districts](#)), must review the district's population estimate to determine if the estimate is based upon a professionally acceptable method. To make this request, please contact the planner assigned to the county or municipality in which the community development district is located (see [Community Planning Review Team Assignments](#)).

For more information about the incorporation or annexation of a community development district, consult with the special district's legal counsel and see the following statutes:

- [Section 190.047, Florida Statutes - Incorporation or annexation of district](#)
- [Section 165.061, Florida Statutes - Standards for incorporation, merger, and dissolution](#)
- [Chapter 171, Florida Statutes - Local Government Boundaries](#)

Additional Information

- [Appendix C: Specialty Area Contacts - General Inquiries / Chapter 189, Florida Statutes, Requirements](#)

This page intentionally left blank.

Chapter 4: Merging Special Districts

Excluding community development districts established pursuant to Chapter 190, Florida Statutes, or to water management districts created and operated pursuant to Chapter 373, Florida Statutes, the following describes how to merge dependent and independent special districts.

Merging Dependent Special Districts

By ordinance, counties and municipalities may merge their own dependent special districts. A county may not merge a special district that is dependent to a municipality or vice versa and a county or municipality may not merge a dependent district created by special act.

Unless otherwise provided by general law, the Florida Legislature may merge an active dependent special district created and operating pursuant to a special act.

A referendum is not required to merge a dependent special district created by special act if that special district meets any criteria for being declared inactive (see [Declaring Special Districts Inactive](#)).

Merging Independent Special Districts Created by Special Act

The legislature, by special act, may merge independent special districts created and operating pursuant to special act.

The special act merging the special districts must be approved at separate referenda of the impacted local governments by a majority of the resident electors, or for special districts in which a majority of governing body members are elected by landowners, a majority of the landowners voting in the same manner by which each independent special district's governing body is elected.

The special act merging the special districts must include a plan of merger that addresses transition issues such as:

- Effective Date
- Governance
- Administration
- Powers
- Pensions
- Assumption of all assets and liabilities

If a county or municipality passes an ordinance or resolution in support of the merger, the county or municipality must pay any expenses associated with the referendum.

Merging Independent Special Districts Created by a County or Municipality

A county or municipality may merge an independent special district created by the county or municipality pursuant to a referendum or any other procedure by which the independent special district was created. However, if the independent special district has ad valorem taxation powers, the same procedure required to grant the ad valorem taxation powers is required to merge the special district. Any political subdivision proposing the involuntary merger must pay any expenses associated with the referendum.

Merging Independent Special Districts That Are Inactive

An independent special district that meets any criteria for being declared inactive, or that has already been declared inactive by FloridaCommerce pursuant to [section 189.062, Florida Statutes, special](#)

[procedures for inactive districts](#), may be merged by special act without a referendum (see also [Declaring Special Districts Inactive](#)).

Voluntarily Initiating the Merger of Independent Special Districts Created by Special Act

Two or more special districts may elect to merge into a single independent special district if each of these criteria is met:

- They are contiguous
- They have similar functions
- They have elected governing bodies (does not apply to independent special districts whose governing bodies are elected by district landowners voting the acreage owned within the district)

Two ways exist to initiate the merger proceedings:

1. Joint Merger Plan by Resolution, which is initiated by the governing body of each special district
2. A qualified elector initiative, which is initiated by the electors of each special district

Joint Merger Plan by Resolution, Initiated by the Governing Body

The governing bodies of two or more contiguous independent special districts may, by joint resolution, endorse a proposed joint merger plan to commence proceedings to merge the districts. This plan must specify:

1. The name of each special district to be merged
2. The proposed special district's:
 - Name
 - Rights, Duties and Obligations
 - Territorial Boundaries
 - Governmental organization insofar as it concerns elected and appointed officials and public employees, along with a transitional plan and schedule for elections and appointments of officials
3. A fiscal estimate of the potential cost or savings as a result of the merger
4. Each special district's assets, including, real and personal property and the current value
5. Each special district's liabilities and indebtedness, bonded and otherwise and the current value
6. Terms for the assumption and disposition of existing assets, liabilities, and indebtedness of each special district (jointly, separately or in defined proportions)
7. Terms for the common administration and uniform enforcement of existing laws within the proposed merged special district
8. The times and places for public hearings on the proposed joint merger plan
9. The times and places for a referendum in each special district on the proposed joint merger plan, along with the referendum language to be presented for approval
10. The effective date of the proposed merger

The resolution endorsing the proposed joint merger plan:

- Must be approved by a majority vote of the governing bodies of each special district
- Must be adopted at least 60 business days before any general or special election on the proposed joint merger plan

Within five business days after the governing bodies approve the resolution endorsing the proposed joint merger plan, the governing bodies must:

- Display for public inspection in at least three public places within the boundaries of each special district, or if fewer than three public places exist in any special district, display in all public places:
 - A copy of the proposed joint merger plan
 - A descriptive summary of the plan
- Post on a website maintained by each special district – or on a website maintained by the county or municipality in which the special districts are located – the following:
 - The proposed joint merger plan
 - A descriptive summary of the plan
 - A reference to the public places where a copy of the plan may be examined
- Once each week for four successive weeks, publish in a newspaper of general circulation within each special district:
 - A descriptive summary of the proposed joint merger plan
 - A reference to the public places where a copy of the plan may be examined

The governing body of each special district must schedule one or more public hearings on the proposed joint merger plan. Each public hearing:

- Must be held on a weekday
- Must be held at least seven business days after the day the first advertisement is published
- Must be held jointly or separately by the governing bodies of each special district
- Must give any interested person residing in the respective district a reasonable opportunity to be heard on any aspect of the proposed merger

The notice of the public hearing:

- Must be published pursuant to the notice requirements in [section 189.015, Florida Statutes, Meetings; notice; required reports](#)
- Must provide a descriptive summary of the proposed joint merger plan
- Must reference the public places where a copy of the plan may be examined

After the final public hearing, the governing bodies of each special district may amend the proposed joint merger plan if the amended version complies with the notice and public hearing requirements previously summarized. Then, the governing bodies may:

- Approve a final version of the joint merger plan (must occur within 60 business days after the final hearing), or
- Decline to proceed further with the merger

If each governing body approves the final version of the joint merger plan, each governing body must notify the supervisors of elections (in each of the applicable counties in which district is located) of the adoption of the resolution by each governing body. The supervisors of elections will schedule a separate referendum for each special district. The referenda may be held in each special district on the same day, or on different days, but no more than 20 days apart.

Notice of a referendum on the merger must be provided pursuant to the notice requirements in [section 100.342, Florida Statutes, Notice of special election or referendum](#). At a minimum, the notice must include:

1. A brief summary of the resolution and joint merger plan
2. A statement as to where a copy of the resolution and joint merger plan may be examined
3. The names of each special district to be merged and a description of their territory
4. The times and places at which the referendum will be held
5. Such other matters as may be necessary to call, provide for and give notice of the referendum and to provide for the conduct thereof and the canvass of the returns

The referenda must be held in accordance with the Florida Election Code and may be held pursuant to section 101.6101 - 101.6107, Florida Statutes. All costs associated with the referenda shall be borne by each respective special district.

The ballot question in such referendum must be in substantially the following form:

Shall (name of special district) and (name of special district or special districts) be merged into (name of newly merged independent district)?

YES

NO

If the special districts proposing to merge have disparate millage rates, the ballot question in the referendum must be in substantially the following form:

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

YES

NO

The ballots must be counted, returns made and canvassed, and results certified in the same manner as other elections or referenda for the special district.

The merger may not take effect unless a majority of the votes cast in each special district are in favor of the merger. If one of the special districts does not obtain a majority vote, the referendum fails and merger does not take effect and, the merger process may not be initiated for the same purpose within two years after the date of the referendum.

If the merger is approved, see [Approval of the Joint Merger Plan or Elector-Initiated Merger Plan](#).

Qualified Elector-Initiated Merger Plan Initiated by the Electors

The qualified electors of two or more contiguous independent special districts may commence a merger proceeding by each filing a petition with the governing body of their respective special district proposing to be merged. The petition:

- Must contain the signatures of at least 40 percent of the qualified electors of each special district
- Must be submitted to each special district's governing body no later than one year after the start of merger process

The form the petition must comply with, and be circulated in, is as follows:

*PETITION FOR
INDEPENDENT SPECIAL DISTRICT MERGER*

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

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

Date, Name, and Home Address

(print under signature)

The petition must be validated by a signed statement by a witness who is:

- A duly qualified elector of one of the special districts
- A notary public, or
- Another person authorized to take acknowledgments

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

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

Date and Signature of Witness

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

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

Date and Signature of Witness

The appropriately signed petition:

- Must be filed with the governing body of each special district
- Must be submitted to the supervisors of elections of the counties in which the special districts are located

Within 30 business days after receipt of the petitions, the supervisors of elections must:

- Certify to the governing bodies the number of signatures of qualified electors contained on the petitions
- Upon verification that 40 percent of the qualified electors have petitioned for merger and that all such petitions have been executed within one year after the date of the initiation of the qualified-elector merger process, the governing bodies of each special district must meet within 30 business days to prepare and approve by resolution a proposed elector-initiated merger plan. The proposed plan must include:
 1. The name of each special district to be merged
 2. The proposed special district's:
 - Name
 - Rights, duties, and obligations
 - Territorial boundaries
 - Governmental organization insofar as it concerns elected and appointed officials and public employees, along with a transitional plan and schedule for elections and appointments of officials
 3. A fiscal estimate of the potential cost or savings as a result of the merger
 4. Each special district's assets, including real and personal property and the current value
 5. Each special district's liabilities and indebtedness, bonded and otherwise and the current value
 6. Terms for the assumption and disposition of existing assets, liabilities, and indebtedness of each special district (jointly, separately or in defined proportions)
 7. Terms for the common administration and uniform enforcement of existing laws within the proposed merged special district
 8. The times and places for public hearings on the proposed joint merger plan
 9. The effective date of the proposed merger

The resolution endorsing the proposed elector-initiated merger plan:

- Must be approved by a majority vote of the governing bodies of special district, and
- Must be adopted at least 60 business days before any general or special election on the proposed elector-initiated plan

Within five business days after the governing bodies of each special district approve the proposed elector-initiated merger plan, the governing bodies must:

- Display for public inspection in at least three public places within the boundaries of each special district, or if fewer than three public places exist in any special district, display in all public places:
 - A copy of the proposed elector-initiated merger plan
 - A descriptive summary of the plan
- Post on a website maintained by each special district – or on a website maintained by the county or municipality in which the districts are located – the following:
 - The proposed elector-initiated merger plan
 - A descriptive summary of the plan
 - A reference to the public places where a copy of the plan may be examined
- Once each week for four successive weeks, publish in a newspaper of general circulation within each special district:
 - A descriptive summary of the proposed elector-initiated merger plan
 - A reference to the public places where a copy of the plan may be examined

The governing body of each special district must schedule one or more public hearings on the proposed elector-initiated merger plan. Each public hearing:

- Must be held on a weekday
- Must be held at least seven business days after the day the first advertisement is published
- Must be held jointly or separately by the governing bodies of each special district
- Must give any interested person residing in the respective district a reasonable opportunity to be heard on any aspect of the proposed merger

The notice of the public hearing:

- Must be published pursuant to the notice requirements in [section 189.015, Florida Statutes, Meetings; notice; required reports](#)
- Must provide a descriptive summary of the elector-initiated merger plan
- Must reference the public places where a copy of the plan may be examined

After the final public hearing, the governing bodies of each special district may amend the proposed elector-initiated merger plan if the amended version complies with the notice and public hearing requirements previously summarized. Then, the governing bodies must approve a final version of plan within 60 business days after the final hearing.

Next, the governing bodies must notify the supervisors of elections of the applicable counties in which the special district is located of the adoption of the resolution by each governing body. The supervisors of elections will then schedule a date for the separate referenda for each special district. The referenda may be held in each special district on the same day or on different days, but no more than 20 days apart.

Notice of a referendum on the merger must be provided pursuant to the notice requirements in [section 100.342, Florida Statutes, Notice of special election or referendum](#). At a minimum, the notice must include:

1. A brief summary of the resolution and elector-initiated merger plan
2. A statement as to where a copy of the resolution and petition for merger may be examined

3. The names of each special district to be merged and a description of their territory
4. The times and places at which the referendum will be held
5. Such other matters as may be necessary to call, provide for and give notice of the referendum and to provide for the conduct thereof and the canvass of the returns

The referenda must be held in accordance with the Florida Election Code and may be held pursuant to sections 101.6101 - 101.6107, Florida Statutes. All costs associated with the referenda shall be borne by each special district.

The ballot question must remain in substantially the following format:

Shall (name of special district) and (name of special district or special districts) be merged into (name of newly merged independent district)?

YES

NO

If the separate special districts proposing to merge have disparate millage rates, the ballot question in the referendum placed before the qualified electors of each special district must remain in substantially the following format:

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

YES

NO

In any such referendum, the ballots must be counted, returns made and canvassed, and results certified in the same manner as other elections or referenda for the special district.

The merger may not take effect unless a majority of the votes cast in each special district are in favor of the merger. If one of the special districts does not obtain a majority vote, the referendum fails, the merger does not take effect, and the merger process may not be initiated for the same purpose within two years after the date of the referendum.

Approval of the Joint Merger Plan or Elector-Initiated Merger Plan

If the merger is approved, the merged special district is created. Upon approval, the merged special district must:

- Notify the Special District Accountability Program (see [Appendix C: Special Area Contacts - General Inquiries / Chapter 189, Florida Statutes, Requirements](#))
- The local general-purpose governments in which any part of the special district is located

Each special district must continue to be governed as before the merger until the effective date specified in the adopted joint merger plan.

Effective Date of the Plan

The effective date of the merger will be the date provided in the plan. It is not contingent upon the future act of the legislature.

However, as soon as practicable, the newly merged special district must, at its own expense, submit a unified charter for the merged special district to the legislature for approval. This charter must make the

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

Within 30 business days after the effective date of the merger, the newly merged special district's governing body must hold an organizational meeting to implement the provisions of the plan.

Transition Period Restrictions

Until the legislature formally approves the unified charter by passing a special act, the previously separate special districts are a subunit of the merged special district subject to the following restrictions:

- The merged special district is limited in its powers and financing capabilities to those that existed within the boundaries of each previously separate special district before the merger.
- The merged special district may not, solely by reason of the merger, increase its powers or financing capability.
- The merged special district shall exercise only the legislative authority to levy and collect revenues within the boundaries of each previously separate special district before the merger, including the authority to levy ad valorem taxes, non-ad valorem assessments, impact fees, and charges.
- The merged special district may not, solely by reason of the merger or the legislatively approved unified charter, increase ad valorem taxes on property within the original limits of each previously separate special district before the merger unless the electors of each approve an increase at a subsequent referendum of the electors of each. Each subunit may be considered a separate taxing unit.
- The merged special district may not, solely by reason of the merger, charge non-ad valorem assessments, impact fees, or other new fees within the previous separate special districts that were not otherwise previously authorized to be charged.
- Each previously separate special district must continue to file all information and reports separately until the legislature formally approves the unified charter pursuant to a special act.

Effect of Merger

- Beginning on the effective date of the merger, the merged special district will be treated and considered for all purposes as one entity under the name and on the terms and conditions set forth in the plan.
- All rights, privileges and franchises of each separate special district and all assets, real and personal property, books, records, papers, seals, and equipment, as well as other things in action belonging to each separate special district before the merger will be deemed as transferred to and vested in the merged special district without further act or deed.
- All property, rights-of-way and other interests are as effectually the property of the merged special district. The title to real estate, by deed or otherwise, under the laws of Florida vested in the separate special district before the merger may not be deemed to revert or be in any way impaired by reason of the merger.
- The merged special district is in all respects subject to all obligations and liabilities imposed and possesses all the rights, powers and privileges vested by law in other similar entities.
- Upon the effective date of the merger, the merger plan, as appropriate, is subordinate in all respects to the contract rights of all holders of any securities or obligations of each separate special district outstanding at the effective date of the merger.
- The new registration of electors is not necessary as a result of the merger, but all elector registrations of each separate special district shall be transferred to the proper registration books

of the merged special district and new registrations shall be made as provided by law as if no merger had taken place.

Governing Body of Merged Special District

From the effective date of the merger until the next general election, the governing body of the merged special district will be comprised of the governing body members of each separate special district. These members will serve until the governing body members elected at the next general election take office.

Beginning with the next general election after the merger, the governing body of the merged special district will be comprised of five members. The office of each governing body member will be designated by seat, which will be distinguished from other body member seats by an assigned numeral: 1, 2, 3, 4 or 5.

The governing body members that are elected in this initial election will serve unequal terms of two and four years in order to create staggered membership of the governing body:

- Member seats 1, 3, and 5 will be for four-year terms
- Member seats 2 and 4 will be for two-year terms

In general elections thereafter, all governing body members will serve four-year terms.

Various Legal Issues

For more information on various legal effects of the merger, see [Chapter 189, Part VII, Florida Statutes, Merger and Dissolution](#).

Disposition of Public Records

See [Disposition of Public Records Upon Dissolution or Merger](#).

Additional Information

- [Appendix C: Specialty Area Contacts - General Inquiries / Chapter 189, Florida Statutes, Requirements](#)

Chapter 5: Dissolving Special Districts

Excluding community development districts established under Chapter 190, Florida Statutes, and water management districts created and operating under Chapter 373, Florida Statutes, this chapter covers how to dissolve dependent and independent special districts. Questions concerning the dissolution of community development districts and water management districts should be directed to the special district's legal counsel.

Dissolving Dependent Special Districts

A county or municipality may dissolve by ordinance a dependent special district created by that county or municipality. A county may not dissolve a special district that is dependent to a municipality or vice versa and a county or municipality may not dissolve a dependent district created by special act.

Unless otherwise provided by general law, the Florida Legislature may dissolve a dependent special district created and operating pursuant to a special act.

A referendum is not required to dissolve a dependent special district created by special act if that special district meets any criteria for being declared inactive (see [Declaring Special Districts Inactive](#)).

Dissolving Independent Special Districts

When Created and Operating Pursuant to a Special Act

The special district's governing body, by a majority vote plus one, may voluntarily elect to dissolve the special district and request legislative dissolution, unless otherwise provided by general law. The special act dissolving the special district must:

- Be approved by a majority of the resident electors of the special district, or
- Be approved by a majority of the landowners voting in the same manner by which the special district's governing body is elected (for special districts in which a majority of governing body members are elected by landowners).

If a local general-purpose government passes an ordinance or resolution in support of the dissolution, the local general-purpose government must pay any expenses associated with the required referendum.

When Created by a County or Municipality by Referendum or any other Procedure

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

When Inactive

If an independent special district meets any criteria for being declared inactive, it may be dissolved by special act without a referendum (see [Declaring Special Districts Inactive](#)).

If an inactive independent special district was created by a county or municipality through a referendum and FloridaCommerce has not already declared the special district inactive, the county or municipality that created the special district may dissolve the district after publishing a "Notice of Proposed Declaration of Inactive Status" in a newspaper of general circulation in the county or municipality in which the territory of the special district is located and sending a copy of such notice by certified mail to the registered agent or chair of the governing body, if any. The notice must include the following:

1. The name of the special district.

2. The law under which it was organized and operating.
3. A general description of the territory included in the special district.
4. A statement that any objections must be filed pursuant to [Chapter 120, Florida Statutes - Administrative Procedures Act](#) within 21 days after the publication date.

After 21 days have elapsed from the publication date of the Notice of Proposed Declaration of Inactive Status and no administrative appeals were filed, the county or municipality may dissolve the special district.

Debts and Assets of a Dissolved Special District

Unless otherwise provided by law or ordinance, (excluding community development districts and water management districts), the indebtedness and title to all property owned by a dissolving special district is transferred to the local general-purpose government.

Disposition of Public Records

See [Disposition of Public Records Upon Dissolution or Merger](#).

Filing Requirements

File a copy of the dissolution document with the Special District Accountability Program within 30 days of the dissolution's effective date. Electronic submission is preferred (see contact below under Additional Information).

Additional Information

- [Appendix C: Specialty Area Contacts - General Inquiries / Chapter 189, Florida Statutes, Requirements](#)

Chapter 6: Elections

Special districts may have appointed or elected governing body members or a combination of appointed and elected governing body members. This chapter summarizes two ways special districts may elect their governing body members:

1. Popularly Elected Systems
2. One-Acre / One-Vote Electoral Systems

Popularly Elected Systems

- The registered voters elect candidates.
- Majority decision prevails unless general law provides otherwise.

Except for water management districts created and operating under Chapter 373, Florida Statutes, and community development districts established under Chapter 190, Florida Statutes, special districts with popularly elected governing bodies must comply with the following requirements:

Dependent Special District Requirements

- The county supervisor of elections in which the special district is located conducts these elections
- The elections are nonpartisan unless the special district's charter allows partisan elections
- Candidates qualify pursuant to [Chapter 99, Florida Statutes - Candidates](#)
- The elections must comply with the Florida Election Code, Chapters 97 through 106, Florida Statutes, and Division of Elections Rules:
 - Qualifying periods, [section 99.061, Florida Statutes - Method of qualifying for nomination or election to federal, state, county or district office](#)
 - Petition format, [Florida Division of Elections - Laws and Rules](#)
 - Canvassing of returns:
 - [Section 101.5614, Florida Statutes - Canvass of returns](#)
 - [Section 102.151, Florida Statutes - County canvassing board to issue certificates; supervisor to give notice to the Florida Department of State](#)
- Notice of elections, [Chapter 100, Florida Statutes - General, Primary, Special, Bond and Referendum Elections](#)
- Polling hours, [section 100.011, Florida Statutes - Opening and closing of polls, all elections; expenses](#)

Single-County Independent Special District Requirements

- May choose to have the county supervisor of elections conduct their elections following the same requirements for dependent special districts (see above).
- May choose not to have the county supervisor of elections conduct their elections, in which case, they must timely report the following to the County Supervisor of Elections:
 - Election purpose
 - Election date
 - Election authorization

- Election procedures
- Election results

Multicounty Special District Requirements

- Except for special districts conducting elections on a one-acre/one-vote basis, candidates qualify with the Florida Department of State, Division of Elections
- The elections are nonpartisan unless the special district's charter allows partisan elections
- Candidates qualify pursuant to [Chapter 99, Florida Statutes - Candidates](#)

One-Acre / One-Vote Electoral Systems

The charters of some independent special districts require their governing bodies to be elected under an election system called the one-acre / one-vote system. Under this system, landowners have one vote for each acre of land they own within the special district's boundaries. As the special district grows in population, they may begin going to a system where some governing body members are popularly elected, and some are elected under this one-acre/one-vote system. This section summarizes how this process works.

All independent special districts required to elect governing body members on the one-acre/one-vote system must follow specific election requirements. However, the following special districts are exempt from these requirements:

- Single-purpose water control special districts created and operating pursuant to Chapter 298, Florida Statutes, pursuant to a special act, a local government ordinance or a judicial decree
- Community development districts established pursuant to Chapter 190, Florida Statutes

Terminology

The following terms apply to this section:

- Governing body member is a duly elected member of a special district's governing body meeting the following conditions:
 - If elected by popular vote, is also a qualified district elector
 - If elected on the one-acre/one-vote process, has been elected as a supervisor as the next section describes
- Qualified elector is any person who meets all the following conditions:
 - Is at least 18 years old
 - Is a United States citizen
 - Is a permanent resident of Florida
 - Is a freeholder or freeholder's spouse
 - Is a resident of the special district registered with the supervisor of elections of a county in which the special district lands are located when the registration books are open
- Urban area is any contiguous developed, inhabited and reasonably compact urban area located entirely within a special district that meets one of the following conditions:
 - Based on the latest official census, special census, or population estimates, it has at least an average resident population density of one and one-half people per acre

- It has a minimum density of one single-family home per two and one-half acres with access to improved roads
- It has a minimum density of one single-family home per five acres within a recorded plat subdivision

Initial Landowners' Meeting

Within 20 days after a special district's creation date, the special district must publish a notice of a landowners' meeting so they can elect three supervisors to the special district's board. The notice must meet the following requirements:

- Any requirements set forth in the special district's special act
- Clearly state the meeting's date, time, and place, which must be held in a public place in the county in which most of the special district is located
- Appear once a week for two consecutive weeks in a newspaper of general circulation in each county in which the special district is located
- The last publication date must not be less than 10 nor more than 15 days before the meeting date

At the initial meeting, the following must be accomplished:

- The landowners must elect a chair and secretary of the meeting to oversee the election of the three members to the board of supervisors
- The office term of each supervisor elected must be determined based upon the number of board members elected (see [section 189.041, Florida Statutes - Elections; special requirements and procedures for districts with governing bodies elected on a one-acre/one-vote basis](#) - Governing Body - Term of Office, Paragraph (3)(b)). The supervisors will serve until their successors have been elected and qualified.
- The chair and secretary must conduct the initial election of the governing body. The three supervisors must be composed of landowners in the special district and residents of the county or counties in which the special district is located. The owners and proxy holders of special district acreage who are present at this meeting will constitute a quorum for holding this election or any other election after that.

At the election:

- Every acre of land in the special district represents one share
- Landowners are entitled to one vote in person or by proxy in writing duly signed, for every acre of land they own in the special district. The appointment of proxies must comply with [section 607.0722, Florida Statutes - Proxies](#)
- Landowners owning less than one acre in the aggregate are entitled to one vote
- Landowners with more than one acre are entitled to one additional vote for any fraction of an acre greater than one-half of one acre, when all the landowners' acreage has been aggregated for purposes of voting

In addition, the following voting conditions apply concerning who may vote:

- The Florida Department of Environmental Protection may designate someone to vote if the state owns any acreage in the special district and that acreage is subject to an assessment by a water control district
- Guardians may represent their wards

- Executors and administrators may represent estates of deceased people
- Officers or duly authorized agents may represent private corporations

The three people receiving the highest number of votes will serve as the elected supervisors.

Annual Landowners' Meeting

If 10 percent or more of the special district is not contained in an urban area, special districts must do the following:

- The board of supervisors must call for an annual landowners' meeting every year in the same month after the first board of supervisors' election. The governing body must designate this date one month prior to the meeting.
- Provide notice of the annual meeting using the same process used for the initial landowners' meeting.
- Elect at least one supervisor on the one-acre / one-vote basis. Fifty percent of the special district acreage is not required to constitute a quorum. Each governing body member must be elected by a majority of the acreage represented by landowners or by proxy.

If the landowners fail to elect the supervisor, the Governor will appoint the supervisor. This supervisor will hold office for three years or until his or her successor is qualified and elected. If a vacancy occurs in any office of supervisor that the landowner's elect, the remaining supervisors, within 30 days of the vacancy, must appoint someone to fill the vacancy until the next annual meeting. If the supervisors fail to do this, the Governor may appoint someone to fill the vacancy. At the next annual meeting, the landowners may elect a successor to the unexpired term. The Governor may remove any elected or appointed supervisor for malfeasance, misfeasance, dishonesty, incompetency, or failure to perform the duties imposed upon him or her, then appoint someone to fill that vacancy when practicable.

Referendum on Elections for a Popular Election

Each special district with a governing body elected on a one-acre / one-vote basis must call for a referendum to decide whether certain members of its governing body should be elected by qualified electors (popular election). This cannot occur until each of the following conditions has been satisfied at least 60 days before the general or special election at which the referendum will be held:

- The special district has a total population of at least 500 qualified electors, according to the latest official state census, a special census, or a population estimate.
- At least 10 percent of the qualified electors of the special district signed a petition calling for a referendum. This petition is on file with the special district's governing body and the county or counties supervisor of elections in which the special district is located.
- The supervisor(s) of elections has, within 30 days after receiving the petition, verified the number of signatures from the qualified electors. The supervisor(s) of elections has certified to the special district's governing body whether at least 10 percent of the qualified electors petitioned for the referendum. If the supervisor(s) of elections verifies that at least 10 percent of the qualified electors petitioned for a referendum, then the special district's governing body must call for a referendum election at the earliest of the following dates:
 - The next regularly scheduled election of governing body members if this will occur at least 30 days after the verification
 - Within six months of the verification

Popular Elections Disapproved

If the qualified electors disapprove a popular election procedure at the referendum election, the special district may not hold any further referendum on the question for at least two years following the referendum. The method for electing governing body members must be one of the following:

- Continue pursuant to the special district's enabling legislation, or
- Continue as previously described under the initial landowners meeting and the one-acre / one-vote process

Popular Elections Approved

If the qualified electors approve a popular election procedure at the referendum election, the special district must increase its governing body members from three members to a total of five members. The special district must do this by holding popular elections in the future, where qualified electors elect the governing body members at large. These elections are nonpartisan. The qualifications of the governing body member candidates must comply with the Florida Election Code and must occur during the appropriate qualifying period. The first of these popular elections must begin at the earliest date of the following:

- The next regularly scheduled election of governing body members after the referendum approval and final unappealed approval of special district maps that show the urban areas within the special district, or
- At a special election called within six months after the referendum approval and final unappealed approval of special district maps that show the urban areas within the special district

Governing Body Compositions and Office Terms - Creating and Approving the Maps

To create and approve the maps that show the urban areas within the special district, the following must occur:

- Within 30 days after approval of the popular election process, the special district's governing body must designate urban areas within the special district and prepare maps of the special district showing the extent and location of these urban areas. While designating urban areas, special districts must follow these requirements:
 - Obtain assistance from all local general-purpose governments having jurisdiction over the area within the special district
 - Do not use publicly owned parks, right-of-ways, highways, roads, railroads, canals, utilities, bodies of water, watercourses, or other minor geographical divisions of a similar nature to separate an area from being defined as an urban area
- Within 60 days after approval of the popular election process, the special district staff must present the maps that show the urban areas to the special district's governing body.
- Within 30 days of presenting this map to the special district's governing body, any special district landowner or qualified elector can contest the accuracy of the maps. If this happens, the special district's governing body must request the county engineer to prepare maps of the special district describing the extent and location of all urban areas within the special district.
- Within 30 days of the special district's request to prepare the maps, the county engineer must present the maps to the special district's governing body. Then, the special district's governing body must compare both sets of maps and begin deciding which set to adopt. The special district's governing body may amend the maps if necessary.
- Within 60 days after the county engineer presents the maps, the special district's governing body must complete and adopt official maps at a regularly scheduled board meeting.

- Within 30 days of the official map adoption, any special district landowner or qualified elector may contest the accuracy of the adopted urban area maps by petitioning the circuit court with jurisdiction over the special district. The circuit court must hear any petitions expeditiously. The maps must either be approved as is or approved with necessary amendments to render the maps accurate. The maps must be certified to the special district's governing body.

After the special district's governing body adopts the maps or the court certifies them, the maps will become the official maps of the special district. At least every five years or sooner, at the discretion of the special district's governing body, the special district must update and readopt the maps.

After the special district's governing body adopts the official maps, they must begin preparing to order the next regularly scheduled election of governing body members by doing the following:

- Use the maps to figure out what percentage of the special district contains contiguous developed urban areas as compared with the total area within the special district. Using this percentage and the requirements of [section 189.041, Florida Statutes](#), determine the number of governing body members the qualified electors will elect by the following two methods:
 - The popular election method
 - The one-acre/one-vote principle

Within 45 days of any vacancy occurring in a seat occupied by a popularly elected governing body member, the remaining governing body members must appoint an eligible person to hold the office for the remainder of the unexpired term. Future elections must occur at the next regularly scheduled election closest in time to the expiration term date of the current elected governing body members. If that date is beyond the normal term expiration time, the governing body member must hold office until the election of a successor.

Governing Body Compositions and Office Terms

Sections 189.041, 298.11 and 298.12, Florida Statutes, cover special requirements and procedures for special districts with governing bodies elected on a one-acre / one-vote basis. Questions should be directed to the special district's legal counsel.

Additional Information

- [Appendix C: Specialty Area Contacts - General Inquiries / Chapter 189, Florida Statutes, Requirements](#)

Chapter 7: The Public Facilities Report

(www.FloridaJobs.org/PublicFacilitiesReports)

Special District Activities and Local Government Comprehensive Planning

One of the objectives of the Uniform Special District Accountability Act is to improve local government comprehensive planning, while not:

- Creating or altering the respective rights of counties, municipalities, or special districts to provide public facilities or services to a particular geographic area or location
- Altering or affecting the police powers of any local government or the authority or requirements under [Chapter 163, Florida Statutes - Intergovernmental Programs](#)

Special districts must ensure that the construction, expansion, and alterations of public facilities are consistent with the applicable local government comprehensive plan.

Local government comprehensive plans must not:

- Require an independent special district to construct, expand or perform a major alteration of any public facility
- Require any special district to construct, expand or perform a major alteration of any public facility that would result in an impairment of covenants and agreements relating to bonds validated or issued by the special district

Counties and municipalities must not:

- Use the comprehensive planning requirements of the Uniform Special District Accountability Act to limit or modify the right of an independent special district to construct, modify, operate or maintain public facilities authorized by a development order issued by a county / municipality that approves the construction of public facilities or has issued a development order pursuant to [Chapter 380, Florida Statutes - Land and Water Management](#).

Exceptions

The following types of special districts are exempt from the above provisions:

- Water Management Districts created under [section 373.069, Florida Statutes - Creation of water management districts](#)
- Regional Water Supply Authorities created under [section 373.713, Florida Statutes - Regional water supply authorities](#)
- Spoil disposal sites owned or used by the federal government

Additionally, the ports listed in the following statute that operate in compliance with a port master plan that has been incorporated into the appropriate local government comprehensive plan, are deemed to be in compliance with the comprehensive planning requirements of the Uniform Special District Accountability Act:

- [Section 403.021, Florida Statutes - Legislative declaration; public policy](#), See Paragraph (9)(b) - ports of Jacksonville, Tampa, Port Everglades, Miami, Port Canaveral, Ft. Pierce, Palm Beach, Port Manatee, Port St. Joe, Panama City, St. Petersburg, Pensacola, Fernandina, and Key West.

Public Facilities Definition

Public facilities are major capital improvements. Examples include the following:

- Transportation facilities
- Sanitary sewer facilities
- Solid waste facilities
- Water management and control facilities
- Potable water facilities
- Alternative water systems
- Educational facilities
- Parks and recreational facilities
- Health systems and facilities
- Spoil disposal sites for maintenance dredging in waters of the state (except for spoil disposal by the ports of Jacksonville, Port Canaveral, Fort Pierce, Palm Beach, Port Everglades, Miami, Port Manatee, St. Petersburg, Tampa, Port St. Joe, Panama City, Pensacola, Key West, and Fernandina)

Public Facilities Reporting

Counties and municipalities must develop comprehensive plans and revise them as necessary. This process requires that they know about the public facilities owned or operated by independent special districts that have territory within their boundaries. Therefore, with certain exceptions, each independent special district must file the following with each local general-purpose government in which it is located:

- Public Facilities Initial Report
- Public Facilities Annual Notice of Any Changes
- Public Facilities Updated Report

Public Facilities Initial Report

Within one year after its creation, certain independent special districts must submit this report to each county and / or municipality in which it is located. This report describes all of the existing public facilities the special district owns or operates, including those that the special district leases to other entities, besides counties and municipalities. The description of each public facility must include the following:

1. Its current capacity
2. The current demands placed upon the public facility
3. Its location

In addition, if the special district is proposing to construct a public facility within the next seven years, identify it and provide details.

Any special district that has not yet submitted the initial public facilities report to the appropriate county and / or municipality should do so right away so they can update their records.

Filing Exceptions

For specific exemptions, please see [section 189.08, Florida Statutes - Special district public facilities report](#), Paragraphs (7) – (10).

Public Facilities Annual Notice of Any Changes

Annually, after submitting the Public Facilities Initial Report, independent special districts must submit a Public Facilities Annual Notice of Any Changes to each county and / or municipality in which it is located. This notice describes changes or updates, if any, that may need to be made to the Public Facilities Initial Report.

Filing Exception

Any special district that has completed its public facilities construction, improvement, or development, and has submitted the Public Facilities Initial Report, does not have to submit the Public Facilities Annual Notice of Any Changes.

Public Facilities Updated Report

At least every seven years, municipalities and counties must determine whether the need exists to amend their comprehensive plan to reflect changes in state requirements since the last time they updated their comprehensive plan. After they make this determination, they must notify the state land planning agency by letter of their determination. If they determine that amendments to their comprehensive plan are necessary, they must prepare and transmit the proposed amendments to the state land planning agency within one year.

As municipalities and counties determine whether the need exists to amend their comprehensive plan, they will need to know about updates to public facilities owned or operated by independent special districts that have territory within their boundaries. Therefore, every seven years, each independent special district must submit a Public Facilities Updated Report to each county and / or municipality in which it is located.

Filing Exception

Any special district that has completed its public facilities construction, improvement, or development, and has submitted the Public Facilities Initial Report, is not required to submit a Public Facilities Updated Report.

Contents

The Public Facilities Updated Report must contain a description of the following:

- Updates concerning anything from the Initial Public Facilities Report
- Each public facility the special district is building, improving, or expanding
- Each public facility the special district is proposing to build, improve or expand within at least the next seven years
- Any public facilities that the special district is helping another entity (except a county or municipality) build, improve or expand through a lease or other agreement
- How the special district proposes to finance each public facility
- The anticipated completion times
- The anticipated capacity of and demands on each public facility when completed. If a public facility will be improved or expanded, include existing and anticipated capacity
- If applicable within the next 10 years, the date the special district currently proposes to replace any of the public facilities identified above or in the Initial Public Facilities Report

Due Dates

A special district's Public Facilities Updated Report is due to the appropriate county and / or municipality within the special district's boundaries at least 12 months before the county and / or municipality must notify the state land planning agency of its determination of whether they need to amend their comprehensive plan (see [Evaluation and Appraisal Review of the Comprehensive Plan](#), Evaluation and Appraisal Notification Schedule 2019 – 2025).

For example, if a county's notification due date is October 1, 2024, then the special district's first Public Facilities Updated Report must be submitted to that county by October 1, 2023, and then every seven years.

Each applicable independent special district may use either of the following links to find out when its Public Facilities Updated Report is due to the appropriate county or municipality:

- [Customized List - Public Facilities Updated Report Due Dates 2019 - 2025](#) – Select the appropriate county and / or municipality to create a customized list of due dates (useful for multi-jurisdictional special districts).
- [Quick List - Public Facilities Updated Report Due Dates 2019 - 2025](#) – View the entire list at once (sorted alphabetically by the county / municipality).

Notes

- If the building, improving or expanding process requires a Certificate of Need pursuant to [Chapter 408, Florida Statutes - Health Care Administration](#), the special district must decide whether to notify the appropriate county / municipality of its plans in this seven-year update or at the time the special district files its letter of intent with the Florida Agency for Health Care Administration pursuant to [section 408.039, Florida Statutes - Review process](#).
- If the building, improving or expanding process is addressing a development order issued to the developer pursuant to [section 380.06, Florida Statutes - Developments of regional impact](#), the special district may use the most recent local government report required by subsection 6 if it provides the information required by the Initial Public Facilities Report and annual notice of any changes.

Filing Requirements

- If the local general-purpose government is a county, file public facilities reports with the clerk of the board of county commissioners.
- If the special district is a multicounty special district, file public facilities reports with the clerk of the board of county commissioners in each county.
- If the local general-purpose government is a municipality, file public facilities reports at the place designated by the municipal governing body.

Additional Information

- A state policy of Florida is to foster coordination between special districts and local general-purpose governments as those local general-purpose governments develop comprehensive plans. Each special district is encouraged to coordinate with the appropriate local planning department as the special district develops and updates its reports. The local planning department should be able to answer questions regarding the data they will need from the special district.
- [Appendix C: Specialty Area Contacts - General Inquiries / Chapter 189, Florida Statutes, Requirements](#)

Chapter 8: Oversight Reviews

This chapter covers three special district oversight review processes. The first two processes covered are related to special districts that fail to file certain required reports or information with the appropriate state agency or office. A third process exists by which any special district is subject to a general oversight review.

Oversight Review Based on a Filing Requirement Failure

When a special district fails to file a required report or requested information with the appropriate state agency or office, the special district is subject to an oversight review. The process depends on whether the special district was created by special act of the legislature or by local ordinance or enacted by a local resolution.

Process When Created by a Special Act of the Legislature

If a special district created by special act of the legislature fails to file required reports or requested information with the appropriate state agency or office, the Joint Legislative Auditing Committee may schedule a public hearing to determine whether the special district should be subject to further state action (see [Consequences of Continued Noncompliance](#)). If such a determination is made, the Joint Legislative Auditing Committee may convene another public hearing on the issue of noncompliance, as well as general oversight of the special district (see [General Oversight Review](#)), at the direction of the President of the Senate and the Speaker of the House of Representatives.

Before this public hearing, the special district must provide the following information to the Joint Legislative Auditing Committee:

1. The special district's Annual Financial Report for the prior fiscal year
2. The special district's Financial Audit Report for the previous fiscal year
3. An "Annual Report" for the previous fiscal year that the special district will need to create to provide a detailed review of the performance of the special district, including the following information:
 - a. The purpose of the special district
 - b. The sources of funding for the special district
 - c. A description of the major activities, programs, and initiatives the special district undertook in the most recently completed fiscal year and the benchmarks or criteria under which the success or failure of the district was determined by its governing body
 - d. Any challenges or obstacles faced by the special district in fulfilling its purpose and related responsibilities
 - e. Ways the special district believes it could better fulfill its purpose and related responsibilities and a description of the actions that it intends to take during the ensuing fiscal year
 - f. Proposed changes to the special act that established the special district and justification for such changes
 - g. Any other information reasonably required to provide the Legislative Auditing Committee with an accurate understanding of the purpose for which the special district exists and how it is fulfilling its responsibilities to accomplish that purpose
 - h. Any reasons for the special district's noncompliance

- i. Whether the special district is currently in compliance
- j. Plans to correct any recurring issues of noncompliance
- k. Efforts to promote transparency, including maintenance of the special district's website (see [Develop and Maintain an Official Website](#))

Process When Created by a Local Ordinance or Enacted by a Local Resolution

If a special district created by a local ordinance or enacted by a local resolution fails to file required reports or requested information with the appropriate state agency or office, the Joint Legislative Auditing Committee may schedule a public hearing to determine whether the special district should be subject to further state action (see [Consequences of Continued Noncompliance](#)). If such a determination is made, the Joint Legislative Auditing Committee will provide written notice of the special district's noncompliance to the chair of the county or municipality in which the special district is located. The chair may convene a public hearing on the issue of noncompliance, as well as general oversight of the special district (see [General Oversight Review](#)), within three months after receipt of the notice of noncompliance from the Joint Legislative Auditing Committee. Within 30 days after receiving this notice, the county or municipality must notify the Joint Legislative Auditing Committee as to whether a hearing will be held, and if so, provide the date time and location of the hearing.

Before this public hearing, the special district must provide the following information at the request of the county or municipality:

1. The special district's Annual Financial Report for the prior fiscal year
2. The special district's Financial Audit Report for the previous fiscal year
3. An "Annual Report" that the special district will need to create for the previous fiscal year that provides a detailed review of the performance of the special district, including the following information:
 - a. The purpose of the special district
 - b. The sources of funding for the special district
 - c. A description of the major activities, programs, and initiatives the special district undertook in the most recently completed fiscal year and the benchmarks or criteria under which the success or failure of the district was determined by its governing body
 - d. Any challenges or obstacles faced by the special district in fulfilling its purpose and related responsibilities
 - e. Ways the special district believes it could better fulfill its purpose and related responsibilities and a description of the actions that it intends to take during the ensuing fiscal year
 - f. Proposed changes to the special act that established the special district and justification for such changes
 - g. Any other information reasonably required to provide the Legislative Auditing Committee with an accurate understanding of the purpose for which the special district exists and how it is fulfilling its responsibilities to accomplish that purpose
 - h. Any reasons for the special district's noncompliance
 - i. Whether the special district is currently in compliance
 - j. Plans to correct any recurring issues of noncompliance

- k. Efforts to promote transparency, including maintenance of the special district's website (see [Develop and Maintain an Official Website](#))

Within 60 days after the hearing, if held, the county or municipality must provide a report containing its findings and conclusions to the following:

- The Special District Accountability Program
- The Joint Legislative Auditing Committee

General Oversight Review

A general oversight review process of special districts exists to contribute to informed decision making that may involve the following:

- The need for its continued existence
- Whether to dissolve the special district
- The appropriate future role and focus of the special district
- Improvements in the functioning or delivery of services by the special district
- The need for any transition, adjustment or special implementation periods or provisions

Exemptions

The following special districts are exempt from the general oversight review process:

- Deepwater ports listed in [section 311.09, Florida Statutes - Florida Seaport Transportation and Economic Development Council](#), Paragraph (1) complying with a port master plan adopted pursuant to [section 163.3178, Florida Statutes - Coastal management](#), Paragraph (2)(k)
- Airport authorities complying with an airport master plan approved by the Federal Aviation Administration
- Any special district organized to operate health systems and facilities licensed under one of the following statutes:
 - [Chapter 395, Florida Statutes - Hospital Licensing and Regulation](#)
 - [Chapter 400, Florida Statutes - Nursing Homes and Related Health Care Facilities](#)
 - [Chapter 429, Florida Statutes - Assisted Care Communities](#)

The Oversight Entity

The appropriate oversight entity depends on how the special district was created:

- Any special district created by special act of the legislature may be reviewed by the legislature following the same process used when special districts fail to comply with reporting requirements (see [Process When Created by a Special Act of the Legislature](#))
- Any special district created by a local ordinance or enacted by a local resolution may be reviewed by the county or municipality that enacted the ordinance or resolution following the same process used when special districts fail to comply with reporting requirements (see [Process When Created by a Local Ordinance or Enacted by a Local Resolution](#))
- Any dependent special district not created by special act may be reviewed by the county or municipality upon which it is dependent

- Any special district created or established by rule of the Governor and Cabinet may be reviewed as directed by the Governor and Cabinet
- Any other special districts not fitting into any of the above categories may be reviewed as directed by the President of the Senate and the Speaker of the House of Representatives

All special districts, governmental entities and state agencies must cooperate with the legislature and with any county or municipality seeking information or assistance with the oversight review process and with the preparation of an oversight review report.

Criteria Reviewers Must Consider

Those conducting the oversight review process must, at a minimum, consider the following criteria, as applicable, and may also consider any additional factors relating to the special district and its performance:

1. The degree to which the services of the special district are essential or contribute to the well-being of the community
2. The extent of the continuing need for the services of the special district
3. The extent of municipal annexation or incorporation activity occurring or likely to occur within the boundaries of the special district and its impact on the delivery of the services
4. Whether a less costly alternative method of delivering the services exists
5. Whether transfer of the responsibility for delivery of the services to another entity could occur without jeopardizing the special district's existing contracts, bonds, or outstanding indebtedness
6. Whether the Auditor General has notified the Joint Legislative Auditing Committee that the special district's audit report indicates that the special district has met any of the financial emergency conditions described in [section 218.503\(1\), Florida Statutes - Determination of Financial Emergency](#), or that a deteriorating financial condition exists that may cause a financial emergency condition to occur if actions are not taken to address such condition
7. Whether the special district is inactive according to the [Official List of Special Districts](#) (see list 7, Inactive), and whether the special district is meeting and discharging its responsibilities as its charter requires and projected increases or decreases in special district activity
8. Whether the special district has failed to comply with any of its required reporting responsibilities
9. Whether the special district has designated a registered office and registered agent

Anytime, the special district under review may provide to the legislature, and the county or municipality conducting the review, and / or making decisions based upon the final oversight review report, with written responses to any questions, concerns, preliminary reports, draft reports, or final reports relating to the special district.

Additional Information

- [Appendix C: Specialty Area Contacts - General Inquiries / Chapter 189, Florida Statutes, Requirements](#)

Chapter 9: Performance Reviews of Certain Special Districts

This chapter covers the required performance reviews for the following special districts:

- Independent special fire control districts, as defined in [section 191.003, Florida Statutes](#)
- Hospitals licensed under [Chapter 395, Florida Statutes](#), which are governed by the governing body of a special district, as defined in [section 189.012, Florida Statutes](#), or by the board of trustees of a public health trust created under [section 154.07, Florida Statutes](#)
- Independent mosquito control districts, as defined in [section 388.011, Florida Statutes](#)
- Soil and water conservation districts, as defined in [section 582.01, Florida Statutes](#)

Some performance reviews will be conducted by or contracted by the Office of Program Policy Analysis and Government Accountability. Others will be conducted by an independent entity under contract by the special district.

Office of Program Policy Analysis and Government Accountability Performance Reviews

The following special districts must have a performance review conducted or contracted by the Office of Policy Analysis and Government Accountability:

- Independent special fire control districts located within [Rural Areas of Opportunity](#) as defined in [section 288.0656\(2\), Florida Statutes](#). The performance reviews will begin October 1, 2022, and occur every five years thereafter
- Independent mosquito control districts by September 30, 2023 (scheduled to begin in 2023)
- Independent soil and water conservation districts by September 30, 2024 (scheduled to begin in 2023)

The process may include an entrance conference, information requests, fieldwork (interviews, surveys, and data analysis), and an opportunity for the special district to review preliminary and tentative drafts of the reports for accuracy and to provide formal comment. Upon completion of the review, the Office of Program Policy Analysis and Government Accountability will submit a final written report to the President of the Senate and Speaker of the House of Representatives.

Contracted Performance Reviews

The following special districts must contract with an independent entity to conduct a performance review:

- Independent special fire control districts not located within [Rural Areas of Opportunity](#), beginning October 1, 2022, and every five years thereafter
- Independent hospital special districts / public health trusts, beginning October 1, 2023, and every five years thereafter

Contracting with an Independent Entity

Special districts required to contract with an independent entity to conduct a performance review must ensure that the independent entity:

- Has at least five years of experience conducting comparable reviews of organizations similar in size and function to the special district
- Conducts the review according to applicable industry best practices

- Has no affiliation or financial involvement with the special district

Performance Review Contents

A performance review is an evaluation of an independent special district and its programs, activities, and functions. The review includes research and analysis of the following:

- The special district's purpose and goals as stated in its charter.
- The special district's goals and objectives for each program and activity, the problem or need that the program or activity was designed to address, the expected benefits of each program and activity, and the performance measures and standards used by the special district to determine if the program or activity achieves the special district's goals and objectives.
- The delivery of services by the special district, including alternative methods of providing those services that would reduce costs and improve performance, including whether revisions to the organization or administration will improve the efficiency, effectiveness, or economical operation of the special district.
- A comparison of similar services provided by the county and municipal governments located wholly or partially within the boundaries of the special district, including similarities and differences in services, relative costs and efficiencies, and possible service consolidations.
- The revenues and costs of programs and activities of the special district, using data from the current year and the previous three fiscal years.
- The extent to which the special district's goals and objectives have been achieved, including whether the goals and objectives are clearly stated, are measurable, adequately address the statutory purpose of the special district, provide sufficient direction for the special district's programs and activities, and may be achieved within the special district's adopted budget.
- Any performance measures and standards of the special district's programs and activities using data from the current year and the previous three fiscal years, including whether the performance measures and standards:
 - Are relevant, useful, and sufficient to evaluate the costs of the programs and activities.
 - Are being met.
 - Should be revised.
- Factors that have contributed to any failure to meet the special district's performance measures and standards or achieve the special district's goals and objectives, including a description of efforts taken by the special district to prevent such failure in the future.
- Recommendations for statutory or budgetary changes to improve the special district's program operations, reduce costs, or reduce duplication, including the potential benefits to be achieved and the potential adverse consequences of the proposed changes.

The Final Report

The final report of a performance review must be filed with the following no later than nine months from the beginning of the district's fiscal year according to the dates listed under [Contracted Performance Reviews](#). However, an independent special fire control district located entirely or partially within 50 miles of where Hurricane Ian made landfall, which was required to submit its final report of the performance review by July 1, 2023, may file its report no later than January 1, 2024.

- The governing body of the special district
- The [Florida Auditor General](#)

- The [President of the Senate](#)
- The [Speaker of the House of Representatives](#)

If the Florida Auditor General conducts a performance audit of a special district during the same fiscal year in which a performance review is due, that performance audit qualifies as the special district's scheduled performance review.

Additional Information

- [Appendix C: Specialty Area Contacts - General Inquiries / Chapter 189, Florida Statutes, Requirements](#)
- [Appendix C: Specialty Area Contacts - Performance Reviews by Office of Program Policy Analysis and Government Accountability](#)

This page intentionally left blank.

Chapter 10: Accountability Overview

Through the passage of the Uniform Special District Accountability Act ([Chapter 189, Florida Statutes - Uniform Special District Accountability Act](#)), as amended, the Florida Legislature deemed the following to be the policy of the state:

- Financial reporting is an essential requirement of law.
- Special districts exist to serve a public purpose and must be held to certain minimum standards of accountability to keep the public, the appropriate counties and municipalities, and state agencies informed of their status and activities.
- A legislative intent is to improve communication and coordination between state agencies with respect to required special district reporting and state monitoring.
- When special districts fail to comply with minimum disclosure requirements, state action will be taken to help noncomplying special districts come into compliance and, when necessary, legal action to enforce compliance.

Local Government Financial Reporting System

The "Local Government Financial Reporting System" is a network of state and local agencies working together to timely and cost effectively collect accurate and uniform financial and other information from all governmental entities, including special districts. Special districts, counties, municipalities, and state agencies - including the Special District Accountability Program (Program) - have vital roles and responsibilities in this system. Members of the legislature and other appropriate officials rely on the information this system produces to accomplish the following goals:

- Enhance citizen participation in local government
- Improve the financial condition of local governments
- Provide essential government services in an efficient and effective manner
- Improve decision-making on the part of the Legislature, state agencies and local government officials on matters relating to local government

Periodically, the Florida Auditor General makes a performance audit of the system. Special districts must cooperate during this process. The audit analyzes the system component by component and as a whole to evaluate its effectiveness in achieving system goals and objectives. It includes a determination of whether special districts are complying with statutorily required financial reporting requirements and makes recommendations to local governments and the legislature about improving the system and reducing costs.

Important Accountability Filings and Reports

The following filings and reports are so essential to the Local Government Financial Reporting System and for special district monitoring and accountability purposes that when special districts fail to file them, action can be taken to enforce compliance:

Filings with State Agencies

Certain state agencies are responsible for reviewing, interpreting, and summarizing financial information for the public, the Legislature, and other officials. Therefore, each special district must submit the following reports and information to state agencies, as applicable:

- The Annual Financial Report (see [Chapter 12: The Annual Financial Report](#))

- Includes any required response to requests for additional information.
- The Financial Audit Report (see [Chapter 13: The Financial Audit Report](#))
 - Includes any required response to requests for significant items that were omitted from this report.
- Response to any requests from the Governor's office concerning one or more [financial emergency conditions](#).
- Bond related reports:
 - [Advance Notice of a Bond Sale](#)
 - [Bond Information Form / Bond Disclosure Form \(BF2003 / 2004A and B\)](#)
- Retirement system reports:
 - [Actuarial Valuation Report](#)
 - [Actuarial Impact Statement for Proposed Plan Amendments](#)
 - [Defined Contribution Report](#)

Filings with the County or Municipality in which the Special District is Located

Counties and municipalities must have certain information from special districts to coordinate activities and to comply with their own requirements. Therefore, each special district must submit the following to each county and / or municipality in which it is located:

- Public facilities reports (see [Chapter 7: The Public Facilities Report](#))
- Designation of registered office and agent (see [Designate a Registered Agent and a Registered Office](#))
- [Schedule of Regular Meetings](#)
- Budget and financial information, if requested

Filings with the Special District Accountability Program

Since the Program must properly classify each special district and maintain up-to-date special district information to state and local agencies, each special district must file the following with the Program (for more information on these filings, see [Chapter 3: Creating and Amending Special Districts](#)).

- Registered agent's name
- Registered office address
- Official website address
- Creation document, as amended
- From newly created special districts, a written statement referencing the basis for its independent or dependent status
- Boundary map, as amended
- The annual state fee (\$175) plus any applicable late fee(s)

Noncompliance Status Reports and Follow-up Action

At any time, the following agencies may file a special district noncompliance status report with the Program. The Program makes these reports available to the public electronically (see [Special District Noncompliance Status Reports](#)).

The Florida Department of Management Services, Division of Retirement

This report lists all special districts enrolled in state or local government retirement plans and those special districts that are not providing for regularly scheduled actuarial reports and statements of actuarial impact prepared and certified by an enrolled actuary or that the submitted reports do not satisfy the requirements set forth in [Chapter 112, Part VII, Florida Statutes – Actuarial Soundness of Retirement Systems](#).

The Florida Department of Financial Services

This report lists each special district that is required to submit the Annual Financial Report (see [Chapter 12: The Annual Financial Report](#)) but failed to do so.

The State Board of Administration of Florida, Division of Bond Finance

This report lists the special districts that did not timely provide the [Advance Notice of a Bond Sale](#) and / or the [Bond Information Form / Bond Disclosure Form \(BF2003 / 2004A and B\)](#).

Florida Auditor General

This report lists each special district that failed to submit the Financial Audit Report (see [Chapter 13: The Financial Audit Report](#)) but should have submitted one based on its expenditures and revenues as reported to the Florida Department of Financial Services in its Annual Financial Report. It also includes special districts that may be required to submit the Financial Audit Report, but the Florida Auditor General is unable to verify whether the special district meets the financial threshold to file because the special district has not filed an Annual Financial Report.

The Joint Legislative Auditing Committee

This is a follow-up / reconciliation report that often comes after more in-depth analysis of financial reporting. It may include the following:

- Special districts that did not file an Annual Financial Report and / or a Financial Audit Report and were not included on the state agency's original noncompliance status report
- Special districts that failed to respond to a request from the Florida Department of Financial Services for additional information
- Special districts that failed to respond to a request from the Florida Auditor General concerning significant items that were omitted from the Financial Audit Report
- Special districts that failed to respond to requests from the Executive Office of the Governor concerning [financial emergency conditions](#)
- Special districts with repeat audit findings of failure to sufficiently respond to the committee
- Special districts that were reported to be in noncompliance with investment requirements (see [Chapter 21: Investments](#)) and failed to take corrective action

Local General-Purpose Governments (Counties and Municipalities)

At any time, if an independent special district fails to file any report it is required to file with a county or municipality, the County Clerk of the Courts or the municipality designee must notify the special district's registered agent and approve a filing extension of up to 30 days. After that, if the county or municipality

determines that an unjustified failure to file the reports has occurred, it may notify the Program, which may proceed with technical assistance.

Technical Assistance

When the Program receives a noncompliance status report, the Program provides technical assistance to help the special district comply with its requirements.

In the case of a special district that did not timely file bond related reports or information, the Program sends a certified letter to the special district that summarizes the requirements and compels it to take steps to prevent the noncompliance from reoccurring.

For all other reporting requirements, the Program attempts to help the special district comply by mailing a certified letter to the special district's registered agent that includes the following:

- A description of the required report
- Statutory submission deadlines
- A contact telephone number for technical assistance
- A 60-day extension of time for filing the required report
- The address where the report must be filed
- The consequences of failing to comply with the requirement

If a special district is unable to meet the 60-day deadline, the special district must provide written notice to the Program before the expiration of the deadline that provides the following information:

- The reason the special district is unable to meet the deadline
- The steps the special district is taking to prevent the noncompliance from reoccurring
- The estimated date that the special district will file the report with the appropriate agency

The Program forwards these responses to the appropriate agency for consideration in determining whether the special district should be subject to further action:

- If the written response refers to the Annual Financial Report and / or the Financial Audit Report, the response is forwarded to the Joint Legislative Auditing Committee for its consideration in determining whether the special district should be subject to further action.
- If the written response refers to public facilities reports, registered agent information, registered office information, regular public meeting schedule, and / or financial information requested by a local general-purpose government, the response is forwarded to the appropriate local general-purpose government or governments for their consideration in determining whether the [general oversight review](#) should be undertaken.
- If the written response refers to retirement system reports the response is forwarded to the Florida Department of Management Services for its consideration in determining whether the special district should be subject to further action.

Consequences of Continued Noncompliance

By an Independent Special District to One or More Counties or Municipalities

If, after receiving the technical assistance above, an independent special district does not comply with a reporting requirement to a county or municipality, the county or municipality may initiate the [general oversight review](#) and FloridaCommerce may declare the special district inactive (see [Enforcement](#)).

By a Dependent Special District to the County or Municipality to Which it is Dependent

If a dependent special district does not comply with a reporting requirement to the county or municipality to which it is dependent, the county or municipality must take whatever steps it deems necessary to enforce the special district's accountability. Such steps may include, as authorized:

- Withholding funds
- Removing governing body members at will
- Vetoing the special district's budget
- Conducting oversight reviews (see [Chapter 8: Oversight Reviews](#))
- Amending, merging, or dissolving the special district

In addition, FloridaCommerce may declare the special district inactive (see [Enforcement](#)).

By an Independent or Dependent Special District to a State Agency

If, after receiving the technical assistance above, a dependent or independent special district does not comply with retirement system reports to the Florida Department of Management Services, FloridaCommerce will file a petition for enforcement with the circuit court in and for Leon County. This petition may request the following:

- Declaratory relief
- Injunctive relief
- Other equitable relief, including the appointment of a receiver and any forfeiture or other remedy provided by law

If, after receiving the technical assistance above, a dependent or independent special district does not comply with one of the following requirements, the appropriate state agency will notify the Joint Legislative Auditing Committee that the special district failed to comply with one or more of the following:

- The Annual Financial Report (see [Chapter 12: The Annual Financial Report](#))
- The Financial Audit Report (see [Chapter 13: The Financial Audit Report](#))
- Adequately responding to any requests from the Auditor General for significant items that were omitted from the Financial Audit Report
- Adequately responding to any requests from the Governor's Office concerning one or more [financial emergency conditions](#)

At that point, the following action will happen, depending on how the special district was created:

When Created by a Special Act

The Joint Legislative Auditing Committee may schedule a public hearing to determine if the special district should be subject to further state action and, if such determination is made, will notify:

- The President of the Senate
- The Speaker of the House of Representatives
- The standing committees of the Senate and the House of Representatives charged with special district oversight as determined by the presiding officers of each respective chamber
- The legislators who represent a portion of the geographical jurisdiction of the special district

- FloridaCommerce, which must provide technical assistance, if it has not already done so

The Joint Legislative Auditing Committee may convene another public hearing at the direction of the President of the Senate and the Speaker of the House of Representatives (see [Process When Created by Special Act of the Legislature](#)).

If the special district remains noncompliant after the hearing, or if a hearing is not held, the Joint Legislative Auditing Committee may direct FloridaCommerce to declare the special district inactive for dissolution (see [Declaring Special Districts Inactive](#)) or initiate [enforcement](#).

When Created by a Local Ordinance

The Joint Legislative Auditing Committee may schedule a public hearing to determine if the special district should be subject to further state action and, if such determination is made, will notify:

- The chair or equivalent of the county or municipality in which the special district is located
- FloridaCommerce, which must provide technical assistance, if it has not already done so

The county or municipality may convene a hearing (see [Process When Created by a Local Ordinance or Enacted by a Local Resolution](#)).

If the special district remains noncompliant after the hearing, or if a hearing is not held, the Joint Legislative Auditing Committee may direct FloridaCommerce to declare the special district inactive for dissolution (see [Declaring Special Districts Inactive](#)) or initiate [enforcement](#).

When Created by Any Manner Other Than a Special Act or Local Ordinance

The Joint Legislative Auditing Committee may schedule a public hearing to determine if the special district should be subject to further state action and, if such determination is made, will notify FloridaCommerce, which must provide technical assistance, if it has not already done so.

If the special district remains noncompliant, FloridaCommerce must declare the special district inactive (see [Declaring Special Districts Inactive](#)) or initiate [enforcement](#).

Enforcement

Special districts that continue to remain noncompliant after receiving technical assistance will face serious consequences. Within 60 days of being notified by the Joint Legislative Auditing Committee, FloridaCommerce must take the following action:

Petition for Enforcement, Leon County Circuit Court

FloridaCommerce will file a petition for enforcement with the circuit court in and for Leon County. This petition may request the following:

- Declaratory relief
- Injunctive relief
- Other equitable relief, including the appointment of a receiver and any forfeiture or other remedy provided by law

The venue for all actions is in Leon County. The court shall award the prevailing party reasonable attorney's fees and costs unless affirmatively waived by all parties.

Declaration of Inactive Status

If the special district remains noncompliant, or FloridaCommerce determines the special district is not filing a required report because the special district is no longer in operation (e.g., returned mail, telephone

calls from the last registered agent or local governing authority, disconnected telephone lines or lack of a registered agent and registered office), FloridaCommerce will declare the special district inactive (see [Declaring Special Districts Inactive](#)).

Other Accountability Requirements

Each special district should check its statutory authority (if applicable) and charter to find out if it must comply with additional requirements that this handbook did not cover. For a summary of reporting requirements, see [Appendix B: Reporting Requirements by Agency](#).

Additional Information

- [Appendix C: Specialty Area Contacts - General Inquiries / Chapter 189, Florida Statutes, Requirements](#)

This page intentionally left blank.

Chapter 11: General Financial Requirements

This chapter covers general financial issues that are important under Florida's [Local Government Financial Reporting System](#).

Uniform Fiscal Year

Unless a special district's charter or some other law specifies otherwise, each special district must use a fiscal year that begins on October 1 and ends on September 30 (see [section 218.33, Florida Statutes](#)). This is the same fiscal year that all counties and municipalities use. Housing authorities use one of four fiscal years assigned by the United States Department of Housing and Urban Development. The state of Florida's fiscal year begins July 1 and ends June 30.

Uniform Chart of Accounts

The Uniform Chart of Accounts enables the Florida Department of Financial Services to collect uniform financial data from all governmental entities in Florida. This makes it easier to analyze and compare various financial transactions and provide accurate financial data to the legislature, citizens, and other officials. The Uniform Chart of Accounts sets forth the following:

- Uniform accounting procedures.
- Generally accepted accounting principles, classification of funds and accrual accounting.
- Standardized account classifications, such as revenues, expenditures, assets, liabilities, and fund equity levels:
 - Every financial transaction has a numbered account.
 - The complexity of the account number depends upon its function and detail. For example, contributions to the general fund are in account #101. A twelve-digit account number, such as 104-2132-521.40, identifies a travel expenditure for a law enforcement activity with a public safety function in the patrol division of a police department.

For more information, please select the "Manuals" tab on the [Florida Department of Financial Services, Accounting and Auditing, Local Governments](#) website.

Travel Expenses and Reimbursements

Special district travel reimbursements for expenses incurred while on official business must comply with the state travel provisions (see [section 112.061, Florida Statutes - Per diem and travel expenses of public officers, employees, and authorized persons; statewide travel management system](#)).

However, a special district's governing body, by the enactment of a resolution, may set per diem rates that exceed the state's maximum travel reimbursement rates, which are made based on whether the travel is Class A, B, or C:

- Class A is continuous travel of 24 hours or more away from official headquarters. The travel day is a calendar day (midnight to midnight).
- Class B is continuous travel of less than 24 hours with an overnight absence from official headquarters. The travel day begins at the same time as the travel period.
- Class C is travel for short or day trips when the traveler is not away from official headquarters overnight.

Class A and Class B Travel

For Class A and Class B travel, the traveler is reimbursed one-fourth of the authorized rate of per diem for each quarter, or fraction thereof, of the travel day included within the travel period. The travel reimbursements for overnight travel for Class A or B must be either:

- \$80.00 per day or,
- Actual expenses for lodging at a single-occupancy rate plus meals as follows:
 - \$6.00 for breakfast
 - \$11.00 for lunch
 - \$19.00 for dinner

If a convention or conference registration fee included a meal, no reimbursement is allowed for that meal. When requesting reimbursement for actual lodging expenses, travelers must submit a paid, itemized hotel or motel receipt billed single occupancy.

Class C Travel

For Class C travel, reimbursements are not made on a per diem basis. However, meal allowances must be based on the following schedule:

- Breakfast (\$6.00), when travel begins before 6:00 a.m. and extends beyond 8:00 a.m.
- Lunch (\$11.00), when travel begins before 12:00 noon and extends beyond 2:00 p.m.
- Dinner (\$19.00), when travel begins before 6:00 p.m. and extends beyond 8:00 p.m., or when travel occurs during nighttime hours due to special assignment.

No allowance shall be made for meals when travel is confined to the city or town of the official headquarters or immediate vicinity, except assignments of official business outside the traveler's regular place of employment if travel expenses are approved.

Designate the Most Economical Method of Travel

The special district must designate the most economical method of travel for each trip, keeping in mind:

- The nature of the business
- The most efficient and economical means of travel considering:
 - Time
 - Impact on productivity
 - Cost of transportation
 - Per diem
- The number of persons making the trip
- The amount of equipment or material to be transported

Mileage Allowances

When privately owned vehicles are used, the traveler is entitled to a mileage allowance at a rate of 44.5 cents per mile, computed using the [Florida Department of Transportation's Official Highway Mileage Viewer](#). Vicinity mileage is allowable but must be shown as a separate item on the expense voucher.

Other Allowable Expenses

Other allowable expenses include:

- Taxi fare
- Bridge and road tolls
- Parking fees
- Communication expenses

Budget Requirements

Except for the water management districts defined in [section 373.019, Florida Statutes - Definitions](#), all special districts must comply with the following budget requirements:

- Adopt a budget by resolution each fiscal year.
- The total amount available from taxation and other sources, including balances brought forward from prior fiscal years, must equal the total of appropriations for expenditures and reserves.
- At a minimum, the adopted budget must show for each fund, as required by law and sound financial practices, budgeted revenues, and expenditures by organizational unit that are at least at the level of detail required for the Annual Financial Report (see [Chapter 12: The Annual Financial Report](#)).
- The adopted budget must regulate expenditures of the special district.
- An officer of a special district may not expend or contract for expenditures in any fiscal year except pursuant to the adopted budget.
- Website Requirements:
 - The tentative budget, if applicable, must be posted on the special district's official website at least two days before the budget hearing held pursuant to [section 200.065, Florida Statutes - Method of Fixing Millage](#), or other law, to consider such budget and must remain on the website for at least 45 days.
 - The final adopted budget must be posted on the special district's official website within 30 days after adoption and must remain on the website for at least two years.

Additional Budget Requirements for Dependent Special Districts

The proposed budget must be:

- Contained within the general budget of the county or municipality to which it is dependent (unless the county or municipality agrees to that the special district may have its own separate budget).
- Clearly stated as the budget of the dependent special district.
- Provided to the county or municipality when they request it.

Budget Reviews

A county or municipality may review the budget or tax levy of any special district located solely within its boundaries.

Budget Amendment Procedures

A special district's governing body may amend the special district's budget any time within a fiscal year or within 60 days following the end of its fiscal year as follows:

- May increase or decrease appropriations for expenditures within a fund if the total appropriations of the fund do not increase.
 - Method: Motion recorded in the minutes.
- The designated budget officer may authorize certain amendments if the total appropriations of the fund do not increase:
 - Method: Procedures established by the special district's governing body.
- Other amendments not specifically authorized above:
 - Methods:
 - Adopted by a resolution of the special district's governing body.
 - Posted on the official website of the special district within five days after adoption and must remain on the website for at least two years.

Budget Variance Report

When filing the Annual Financial Report (see [Chapter 12: The Annual Financial Report](#)), any special district, except for housing authorities, amending its final adopted budget must upload in Portable Document Format (PDF) a budget variance report based on the budget adopted before the beginning of the fiscal year being reported. The layout of the variance report is up to the special district. A variance report may show the original budget, the final budget, the actual budget, and the variance with the final budget.

Financial Emergencies

Florida has what is known as the "Local Governmental Entity, Charter School, Charter Technical Career Center, and District School Board Financial Emergencies Act" (see [Chapter 218, Part V - Local Governmental Entity and District School Board Financial Emergencies](#)). This act promotes fiscal responsibility, helps local governments provide essential services without interruption and in meeting financial obligations, and helps to improve local financial management procedures.

Financial Emergency Conditions

All local governmental entities, which includes special districts, are subject to review and oversight by the Governor if any one of the following conditions occurs:

- Failure within the same fiscal year in which due to pay short-term loans or failure to make bond debt service or other long-term debt payments when due, as a result of lack of funds
- Failure to pay uncontested claims from creditors within 90 days after the claim is presented, as a result of a lack of funds
- Failure to transfer at the appropriate time, due to lack of funds:
 - Taxes withheld on the income of employees
 - Employer and employee contributions for federal Social Security or any pension, retirement, or benefit plan of an employee
- Failure for one pay period to pay, due to lack of funds:
 - Wages and salaries owed to employees
 - Retirement benefits owed to former employees

Actions Required When a Financial Emergency Condition Occurs, or Will Occur

If any one of the above conditions occur, or will occur if action is not taken to assist the special district, the special district must:

- Notify the [Governor's Office of the Chief Inspector General](#)
- Notify the [Joint Legislative Auditing Committee](#)

In addition, any state agency must notify the above within 30 days after a determination that one or more of the above conditions has or will occur if action is not taken to assist the special district. Upon notification that any one of the conditions have occurred, or will occur:

- The Governor or designee shall contact the special district to determine what actions have been taken to resolve or prevent the condition.
- The special district must provide the information requested within 45 days after the date of the request. If the special district does not comply with the request, the Governor or designee shall notify the Joint Legislative Auditing Committee, which may act pursuant to section 11.40, Florida Statutes.
- If the Governor determines that the special district needs state assistance to resolve or prevent the condition, then the special district is in a state of financial emergency.

Resolving Financial Emergencies

To resolve a financial emergency, the Governor has the authority to implement measures to resolve the financial emergency, including, but not limited to:

- Requiring approval of the special district's budget.
- Authorizing a state loan to the special district and providing for repayment of the loan.
- Prohibiting the special district from issuing bonds, notes, certificates of indebtedness or any other form of debt until the special district financial emergency is resolved.
- Making inspections and reviews of records, information, reports, and assets of the special district.
- Consulting with officials and auditors of the special district and appropriate state officials regarding any steps necessary to bring the books of account, accounting systems, financial procedures, and reports into compliance with state requirements.
- Providing technical assistance to the special district.
- Establishing and appointing members to a financial emergency board to oversee the activities of the special district and submit recommendations and reports to the Governor for appropriate action. The board may do the following:
 - Review the records, reports, and assets of the special district as needed.
 - Consult with the officials and auditors of the special district and appropriate state officials regarding any steps necessary to bring the books of account, accounting systems, financial procedures, and reports into compliance with state requirements.
 - Review the operations, management, efficiency, productivity, and financing of functions and operations of the special district.
 - Consult with other governmental entities for the consolidation of all administrative direction and support services, including but not limited to services for asset sales, economic and community development, building inspections, parks and recreation, facilities management, engineering and construction, insurance coverage, risk

management, planning and zoning, information systems, fleet management and purchasing.

- Requiring and approving a plan to be prepared by the special district in consultation with appropriate state officials, prescribing actions that will cause the special district to no longer be in a state of financial emergency. The plan must include at least the following:
 - Provision for payment in full of obligations designated as priority items that are currently due or will come due.
 - Establishment of priority budgeting or zero-based budgeting to eliminate items that are not affordable.
 - The prohibition of a level of operations that can be sustained only with nonrecurring revenues.
 - Provision implementing the consolidation, sourcing or discontinuance of all administrative direction and support services, including, but not limited to, services for asset sales, economic and community development, building inspections parks and recreation, facilities management, engineering and construction, insurance coverage, risk management, planning and zoning, information systems, fleet management, and purchasing.

Failure to Resolve a State of Financial Emergency

For purposes of Section 7, Article IV of the State Constitution, the failure of the members of the special district's governing body to resolve a state of financial emergency constitutes:

- Malfeasance
- Misfeasance
- Neglect of duty

Financial Emergency Resolved

The Governor may terminate all state action when the Governor determines that the special district has:

- Established and is operating an effective financial accounting and reporting system.
- Resolved the financial emergency conditions.

Bankruptcy

A special district may not seek application of laws under the bankruptcy provisions of the United States Constitution without the prior approval of the Governor.

Procurement - General Requirements and Options

[Rule Chapter 60A-1, Florida Administrative Code \(General Regulations\)](#), authorizes special districts to participate in state-term contracting. For more information, visit the [Florida Department of Management Services, Division of State Purchasing](#) website.

Special districts may also purchase commodities and contractual services from the purchasing agreements of other special districts, municipalities, or counties subject to the following requirements:

- The commodities or contractual services were procured pursuant to one of the following:
 - Competitive bid
 - Requests for proposals
 - Requests for qualifications

- Competitive selection
- Competitive negotiations
- The procurement procedures are otherwise in compliance with general law if the purchasing agreement of the other special district, municipality, or county was procured by a process that would have met the procurement requirements of the purchasing special district.
- Exception to above: Services subject to the Consultants' Competitive Negotiation Act (see [section 287.055, Florida Statutes - Acquisition of professional architectural, engineering, landscape architectural, or surveying and mapping services; definitions; procedures; contingent fees prohibited; penalties](#)).

In addition, the following statutes apply to special districts:

- [Section 255.20, Florida Statutes - Local bids and contracts for public construction works; specification of state-produced lumber](#): Requires special districts to "competitively award" construction contracts to licensed contractors under certain circumstances.
- [Section 283.35, Florida Statutes - Preference given printing within the state](#): Requires a preference for Florida vendors of five percent for printing bids. See [Chapter 283, Florida Statutes - Public Printing](#), for additional requirements.
- [Section 287.055, Florida Statutes - Acquisition of professional architectural, engineering, landscape architectural, or surveying and mapping services; definitions; procedures; contingent fees prohibited; penalties](#): Requires special districts to comply with the Consultants' Competitive Negotiation Act as it relates to the hiring of a surveyor, architect, engineer, or landscape architect; specifies a particular process to be used when hiring one of these professionals.
- [Section 287.084, Florida Statutes - Preference to Florida businesses](#): Requires a preference for Florida businesses in procuring personal property. See [Chapter 287, Florida Statutes - Procurement of Personal Property and Services](#), for additional requirements.

Special districts should consult with their legal counsel regarding whether other procurement requirements apply.

Additional Information

- [Appendix C: Specialty Area Contacts - Financial Emergencies](#)
- [Appendix C: Specialty Area Contacts - General Inquiries / Chapter 189, Florida Statutes, Requirements](#)

This page intentionally left blank.

Chapter 12: The Annual Financial Report

The Annual Financial Report is a report that the Florida Department of Financial Services (DFS) uses to collect uniform revenue, expenditure, debt and other financial data from all special districts, municipalities, and counties in Florida. DFS compiles this data and provides it to the Florida Legislature, state and local agencies and citizens. The data is also available on the [Chief Financial Officer – Florida Open Financial Statement System – Local Government Financial Reporting](#) website.

Be careful not to confuse the Annual Financial Report with the Financial Audit Report (see [Chapter 13: The Financial Audit Report](#)). These are two separate reports with two different filing requirements. In addition, the Annual Financial Report is not the same document as the Financial Statement.

All special districts, with the exception of housing authorities created under [Chapter 421, Florida Statutes - Public Housing](#), must comply with the Annual Financial Report requirement - even if the special district does not have any revenues, expenditures or debt.

Cooperation and Coordination Requirements

Counties and municipalities must also file an Annual Financial Report. As they prepare their report, they may need financial information from special districts located solely within their boundaries. Special districts must cooperate with any such request and provide financial information as requested by the county or municipality. This is especially important regarding special districts defined as a “component unit” (reporting entity) of a county or municipality.

Component Units

A special district’s Annual Financial Report filing method depends upon whether it is independent or dependent (see [The Status of Special Districts: “Dependent” and “Independent”](#)), and whether it is a component unit (reporting entity) of a municipality or county. “Component Unit” is defined in:

- [Summary of Statement No. 14 - The Financial Reporting Entity, Issued June 1991](#)
- [Summary of Statement No. 61 - The Financial Reporting Entity: Omnibus - an amendment of Governmental Accountability Standards Board Statements No. 14 and No. 34, Issued November 2010](#)

Questions concerning whether a special district is a component unit must be directed to the special district’s certified public accountant or the appropriate municipality or county.

Filing Methods

Independent Special Districts

All independent special districts must file as follows:

- Independent special districts that are not component units (most all independent special districts fall into this category):
 - File a separate, independent Annual Financial Report with DFS, even if the special district had no revenues and no expenditures.
- Independent special districts that are component units (rare situation):
 - File a separate, independent Annual Financial Report with DFS, even if the special district had no revenues and no expenditures.

- In addition, provide financial information to the municipality or county in time to be included in the municipality's or county's Annual Financial Report, even if the special district had no revenues and no expenditures.

Dependent Special Districts

All dependent special districts must file as follows:

- Dependent special districts that are not component units:
 - File a separate, independent Annual Financial Report with DFS, even if the special district has no revenues and no expenditures.
- Dependent special districts that are component units:
 - Provide financial information, including community redevelopment agency financial audits, if applicable, to the municipality or county in time to be included in the municipality's or county's Annual Financial Report, even if the special district had no revenues and no expenditures.

Information That Must Be Reported

1. Annual revenues, even if those figures are zero.
2. Annual expenditures, even if those figures are zero.
3. Long term debt, even if those figures are zero.
4. Information about impact fees charged:
 - a. The specific purpose of the impact fee, including the specific infrastructure needs to be met, including, but not limited to, transportation, parks, water, sewer, and schools.
 - b. The impact fee schedule policy describing the method of calculating impact fees, such as flat fees, tiered scales based on number of bedrooms, or tiered scales based on square footage.
 - c. The amount assessed for each purpose and for each type of dwelling.
 - d. The total amount of impact fees charged by type of dwelling.
 - e. Each exception and waiver provided for construction or development of housing that is affordable.
 - f. A separate affidavit signed by the chief financial officer or, if there is no chief financial officer, its executive officer attesting, to the best of his or her knowledge, that all impact fees were collected and expended by the special district, or were collected and expended on its behalf, in full compliance with the spending period provision in the local ordinance or resolution, and that funds expended from each impact fee account were used only to acquire, construct, or improve specific infrastructure needs.
5. Compensation Information:
 - a. The total number of special district employees compensated in the last pay period of the special district's fiscal year being reported.
 - b. The total number of independent contractors to whom nonemployee compensation was paid in the last month of the special district's fiscal year being reported.
 - c. All compensation earned by or awarded to employees, whether paid or accrued, regardless of contingency.

- d. All compensation earned by or awarded to nonemployee independent contractors, whether paid or accrued, regardless of contingency.
6. Construction Information:
 - a. Each construction project with a total cost of at least \$65,000 approved by the special district that is scheduled to begin on or after October 1 of the fiscal year being reported, together with the total expenditures for such project.
7. For any special district amending its final adopted budget, a [budget variance report](#) based on the final adopted budget before the beginning of the fiscal year being reported.
8. For any independent special district imposing ad valorem taxes:
 - a. The millage rate or rates imposed by the special district
 - b. The total amount of ad valorem taxes collected by or on behalf of the special district
 - c. The total amount of outstanding bonds issued by the special district and the terms of such bonds
9. For any independent special district imposing non-ad valorem special assessments:
 - a. The rate or rates of such assessments imposed by the special district
 - b. The total amount of special assessments collected by or on behalf of the special district
 - c. The total amount of outstanding bonds issued by the special district and the terms of such bonds

Filing Deadline

The deadline for electronically filing the Annual Financial Report with DFS is no later than nine months after the end of the special district's fiscal year. Therefore, since most special districts use a fiscal year that begins on October 1 and ends on September 30, the deadline is by each June 30 at the latest.

If the special district has a fiscal year end date other than September 30 and is waiting on its Financial Audit Report to be finalized, file the Annual Financial Report no later than nine months after the close of the fiscal year under which the special district operates.

Filing Instructions

The Annual Financial Report must be filed electronically on the DFS website. For more information, see [Rule 69J-51.003, Florida Administrative Code - Procedures for Local Government Electronic Reporting](#).

When completing the Annual Financial Report, use accounting principles, such as the Uniform Chart of Accounts, as described in the [Uniform Accounting System Manual for Local Governments Beginning 2021 - 2022](#). For a step-by-step guide in completing your Annual Financial Report, see [LOGER Instruction Manual for Annual Financial Reports Effective Fiscal Year 2020 - 2021](#).

Filing Instructions for Independent Special Districts

1. Visit the [Florida Department of Financial Services, Division of Accounting and Auditing, Local Governments](#) website.
2. Click on the drop-down menu called "Annual Financial Reports / LOGERx."
3. Select "LOGERx Sign On."
4. Login and follow the instructions to complete and submit the Annual Financial Report online.

5. Email an electronic copy of the Financial Audit Report, if required, to LocalGov@MyFloridaCFO.com.

Filing Instructions for Dependent Special Districts

A dependent special district that is not a component unit must file its own Annual Financial Report directly with DFS. See above "Instructions for Independent Special Districts."

A dependent special district that is a component unit must file through its local governing authority. The local governing authority will include the special district's financial data in its Annual Financial Report and will file the report online with DFS.

A dependent special district that is a component unit should find out from its local governing authority exactly what they need from the special district and when they need it.

Website Requirement

Each special district's official website must provide a link to the special district's Annual Financial Report on the DFS website. For more information, see [Develop and Maintain an Official Website](#).

Failure to Comply

See [Noncompliance Status Reports and Follow-up Action](#) for more information about what will happen when special districts do not comply with the Annual Financial Report requirement.

Additional Information

- [Appendix C: Specialty Area Contacts – Annual Financial Report](#)

Chapter 13: The Financial Audit Report

The Financial Audit Report ([Section 218.39, Florida Statutes](#)):

- Covers the results of a financial audit
- Examines financial statements in order to assess whether they are fairly presented in conformity with generally accepted accounting principles
- Examines whether operations are properly conducted in accordance with legal and regulatory requirements
- Must be filed with:
 - The Florida Auditor General
 - The Florida Department of Financial Services

Be careful not to confuse the Financial Audit Report with the Annual Financial Report (see [Chapter 12: The Annual Financial Report](#)). These are two separate reports with two different filing requirements.

Cooperation and Coordination Requirements

Counties and municipalities must also comply with the section 218.39, Florida Statutes, audit requirement. As they prepare their financial audit, they may need financial information from special districts located solely within their boundaries. Special districts must cooperate with any such request and provide financial information as requested by the county or municipality.

Special Districts Required to Provide for a Financial Audit

The following special districts must provide for a section 218.39, Florida Statutes, Financial Audit:

- All special districts with revenues or combined expenditures and expenses exceeding \$100,000.
- All special districts whose revenues or combined expenditures and expenses fall between \$50,000 and \$100,000 and have not had a financial audit for the previous two fiscal years. This includes a newly created special district that incurs over \$50,000 in revenues or combined expenditures and expenses in its first year of operation.
- All housing authorities in accordance with federal audit requirements. Housing authorities are exempt from the state requirement to file a Financial Audit Report with the Florida Auditor General and the Florida Department of Financial Services.

Anytime, or at the direction of the Joint Legislative Auditing Committee, the Florida Auditor General may perform audits of any governmental entity in Florida, including any special district. Additionally, the Joint Legislative Auditing Committee may investigate any matter within the scope of an audit conducted by the Florida Auditor General and use its powers of subpoena.

The process by which a special district complies with the financial audit requirement depends upon whether it is independent or dependent (see [The Status of Special Districts: “Dependent” and “Independent”](#)), whether it is a component unit (reporting entity) of a municipality or county (see [Component Units](#)), and whether it is a community redevelopment agency (CRA) established under [Chapter 163, Part III, Florida Statutes](#).

Independent Special Districts

All independent special districts meeting the financial threshold must provide for a separate financial audit.

Dependent Special Districts that are Not Component Units

All dependent special districts that are not component units meeting the financial threshold must provide for a separate financial audit.

Dependent Special Districts that are Component Units

Most dependent special districts that are component units of a county or municipality may provide for the required financial audit by being included in the audit of that county or municipality, as opposed to providing for a separate financial audit.

Community Redevelopment Agencies that are Component Units

Each CRA with revenues or a total of expenditures and expenses more than \$100,000 must provide for its own separate financial audit. The financial audit must include the geographical areas within the CRA. Portions of geographical areas within a singularly created CRA may not issue separate audit reports to satisfy the audit requirement.

The scope of such audits must include an examination pursuant to American Institute of Certified Public Accountants Professional Standards, AT-C Section 315, that includes a determination regarding the CRA's compliance with sections 163.387(6) and (7), Florida Statutes. A Compliance Supplement is available on the Auditor General's website at [Florida Auditor General - Technical Guidance - Local Governments](#).

The CRA financial audit report must accompany the Annual Financial Report (see [Chapter 12: The Annual Financial Report](#)) submitted to the Florida Department of Financial Services by the county or municipality. CRA financial audits be conducted in accordance with the Rules of the Auditor General.

The CRA financial audit is to be separate from the financial audit of the county or municipality that created the CRA, which include within their reporting entities the CRA as a component unit. The separate CRA financial audit report must include the financial statements required by section 163.387(8)(b)2., Florida Statutes. Pursuant to Florida Auditor General Rule 10.557(3), the CRA financial audit report must include basic financial statements, notes to the financial statements, and management's discussion and analysis and other required supplementary information. CRA Stand-Alone Finance Statements Guidance is available on the Florida Auditor General website at [Florida Auditor General - Technical Guidance - Local Governments](#).

Procedures to Follow When a Financial Audit is Required

1. Create an auditor selection committee (see [section 218.391, Florida Statutes - Auditor selection procedures](#)).
2. Define auditor selection procedures.
3. Select an auditor that is an independent certified public accountant licensed pursuant to [Chapter 473, Florida Statutes - Public Accountancy](#).
4. Arrange for a financial audit to occur shortly after the beginning of the new fiscal year (usually October 1).
5. Ensure that the Financial Audit Report:
 - Is prepared in accordance with the [Rules of the Auditor General](#) and contains all the required information in Rule 10.557
 - Is a single document
 - Includes a statement that indicates whether the special district met any financial emergency conditions

Auditor Selection and Auditor Selection Committee Guidance is available on the Florida Auditor General website at [Florida Auditor General - Technical Guidance - Local Governments](#). Section 218.391, Florida Statutes, applies to audits required by section 218.39, Florida Statutes. Section 163.387(8), Florida Statutes, does not specify how the CRA is to select an auditor to conduct a financial audit required by that law. However, effective for audits for fiscal years beginning October 1, 2021, and thereafter, section 218.391, Florida Statutes, applies to CRA audits conducted pursuant to sections 163.387(8), and 218.39(1)(h), Florida Statutes. For guidance on selecting an auditor to conduct a CRA financial audit required by sections 163.387(8) and 218.39(1)(h), Florida Statutes, see Appendix B, questions 17 and 18 of the Auditor Selection and Auditor Selection Committee Guidance.

Filing Deadline

Whichever date is the earliest:

- Within 45 days after the auditor delivers the completed audit report to the special district's governing body
- Nine months after the end of the special district's fiscal year (the due date is each June 30 for most special districts)

Filing Instructions

1. Mail one paper copy to the Florida Auditor General (for the address, see the "Local Governmental Entity Audit Report Submittal Checklist" available on the Florida Auditor General website at [Florida Auditor General - Technical Guidance - Local Governments](#)).
2. Email one electronic copy to the Florida Auditor General (see [Instructions for Local Governmental Entity Audit Reports Electronically Submitted to the Auditor General](#)).
3. Complete and mail or email the "Local Governmental Entity Audit Report Submittal Checklist."
4. Email one electronic copy to the Florida Department of Financial Services at localgov@myfloridacfo.com when filing the Annual Financial Report online (see [Chapter 12: The Annual Financial Report](#)).
5. Give one copy to each member of the special district's governing body.

Website Requirement

Each special district must post on its official website the final complete audit report for the most recent completed fiscal year and any audit reports required by law or authorized by the governing body of the special district. For more information, see [Develop and Maintain an Official Website](#).

The Florida Auditor General's Review

The Florida Auditor General reviews all audit reports submitted by special districts to identify:

- Financial trends
- Significant findings
- Whether the special district met one or more of the financial emergency conditions specified in section 218.503(1), Florida Statutes. If conditions are met, the Florida Auditor General will notify the Joint Legislative Auditing Committee and the Governor's office. If state assistance is needed, the special district is in a state of financial emergency (see also [Financial Emergencies](#)).

Results of the Review

Upon completing the review of all audit reports, the Florida Auditor General prepares two reports:

- One for the Florida Legislature that summarizes the results of audit reviews.
- One for the Joint Legislative Auditing Committee that indicates if a special district has failed to take full corrective action in response to a recommendation that was included in the two preceding financial audit reports. The committee may direct the special district to provide a written statement to the committee:
 - Explaining why full corrective action has not been taken
 - Describing the corrective action the special district intends to take and when it will occur

If the committee determines that the written statement is not sufficient, it may require the special district to appear before the committee.

Related Information

- [Chapter 21: Investments](#)

Failure to Comply

For information about what will happen when a special district does not comply with the section 218.39, Florida Statutes, Financial Audit Report requirement, see [Noncompliance Status Reports and Follow-up Action](#).

Additional Information

- [Appendix C: Specialty Area Contacts – Financial Audit Report](#)

Chapter 14: Bond Financing and Reporting Requirements

Issuing Bond Debt

A special district's charter may authorize the special district to issue bonds, payable from taxes or other assessments, to finance or refinance capital projects. The charter will specify whether a referendum is required to issue bonds.

Bond Referendum Required

If the charter requires a bond referendum, the special district can only issue bonds after a majority vote of the people living in the special district vote in favor of a bond referendum. To start the process, the special district must adopt a resolution ordering a bond referendum and give notice as follows:

- Provide at least a 30-day notice of the referendum
- If a local newspaper of general circulation exists in the area, publish the notice at least twice - once in the fifth week before the referendum and once in the third week before the referendum
- If no such newspaper exists in the area, post the notice in at least five places within the limits of the special district
- Hold the referenda where the special district holds its general elections

The bond referendum must comply with the general election provisions contained in [Chapter 100, Florida Statutes - General, Primary, Special, Bond, And Referendum Elections](#), unless sections 100.201 through 100.351, Florida Statutes, exempts it otherwise. Community Development Districts are exempt from the general election procedures. The special district must pay the election costs, unless otherwise provided.

Bond Referendum Not Required

Special districts that have the authority to issue bonds without a referendum must ensure that at the time of the closing, the bonds met at least one of the following criteria:

- The bonds were rated in one of the highest four ratings by a nationally recognized rating service.
- The bonds were privately placed with or otherwise sold to accredited investors.
- The bonds were backed by a letter of credit from a bank, savings and loan association, or other creditworthy guarantor or by bond insurance, guaranteeing payment of principal and interest on the bonds.
- The bonds were accompanied by an independent financial advisory opinion stating that estimates of debt service coverage and probability of debt repayment are reasonable. This opinion must have been provided by an independent financial advisory, consulting or accounting firm registered where professional registration is required by law and is in good standing with the state and in conformance with all applicable professional standards for such opinions.

Complaint for Validation of Bonds

Any special district may determine its authority to do the following by filing a Complaint for Validation of Bonds in the circuit court of the county in which the special district is located:

- Incur bonded debt
- Issue certifications of debt
- Assess taxes levied or to be levied

- Initiate proceedings or remedies for collection

The Complaint for Validation of Bonds must provide the following:

- The special district's authority to incur the bonded debt or to issue certificates
- Proof that an election was held along with the results of the election
- Verification that a resolution or ordinance was adopted (if applicable)
- The amount of the bonds or certificates to be issued
- The interest the bonds are to bear
- A reference to the creation of a trust indenture established for a bonded trustee acceptable to the court (independent special districts only)

The Complaint for Validation of Bonds for drainage, conservation or reclamation special districts must also include proof of its authority to do the following:

- Create such a special district
- Issue the bonds
- Levy and assess taxes

The court must certify the proper expenditure of the proceeds of the bonds by issuing a Validation Order.

A special district may validate bonds, certificates, and other obligations, at its option, so no one can ever question the validity of the bonds, certificates, or other obligations. This process is as follows:

1. File a Complaint for Validation pursuant to [Chapter 75, Florida Statutes - Bond Validation](#).
2. The court will order the state, property owners, taxpayers, and others affected by the issue to appear at a hearing in the circuit court where the complaint is filed to show cause why the bonds should not be validated.
3. At least 20 days before this hearing, the special district must serve a copy of the Complaint for Validation of Bonds and a copy of the Order to Show Cause on the state attorney in the circuit or each circuit if the special district's jurisdiction covers more than one judicial circuit.
4. The state attorney will then examine the Complaint for Validation of Bonds. If they question the validity of the bonds or certificates, the special district must make a defense. Make sure the state attorney has access to all records concerning the bonds or certificates.
5. No less than 20 days before the hearing, and at least once a week for two consecutive weeks, the county clerk will publish a copy of the Order to Show Cause in a newspaper of general circulation in the county or counties in which the special district filed the Complaint for Validation of Bonds. This publication causes all people interested in the action to become defendants to the action, as if they had been personally served with process.
6. If the final judgment validates the district's bonds, certificates, or other obligations, and no one makes an appeal, the judgment is forever conclusive as to matters adjudicated thereby and no one can ever question the validity of the bonds, certificates, or other obligations.

Selling General Obligation Bonds and Revenue Bonds

Special districts selling general obligation bonds and revenue bonds must sell them at a public sale by competitive bids. However, if the special district determines that it is in its best interest to sell the bonds through a negotiated sale, it may do so.

Competitive Bid Requirements

Publish, in one or more newspapers or financial journals, a notice of the sale, one or more times, at least ten days before the date of the sale. Include a truth-in-bonding statement in substantially the following form:

The (insert special district's name) is proposing to issue \$ (insert principal) of debt or obligation for the purpose of (insert purpose). This debt or obligation is expected to be repaid over a period of (insert term of issue) years. At a forecasted interest rate of (insert rate of interest), total interest paid over the life of the debt or obligation will be \$ (insert sum of interest payments).

The source of repayment or security for this proposal is the (insert special district's name) existing (insert fund). Authorizing this debt or obligation will result in \$ (insert the annual amount) of (insert special district's name) (insert fund) moneys not being available to finance the other services of the (insert special district's name) each year for (insert the length of the debt or obligation).

In addition:

- Open all proposals in public.
- Do not reject any bid conforming to the notice of sale unless all bids are rejected. If all bids are rejected, the bonds may then be sold at a public sale by competitive bids or negotiated sale.
- Award the bonds, by resolution, to the lowest bid consistent with the notice of sale.
- Within 90 days after delivery of the bonds, each underwriter or financial consultant must file with the special district a statement listing the fees, bonuses, or gratuities the underwriter paid to anyone other than a regular employee of the underwriter.

Negotiated Sale Requirements

If a special district's governing body determines that a negotiated sale of the bonds is in the best interest of the special district, the special district may negotiate the sale of the bonds. The following special requirements apply:

- The special district's governing body must hold a public meeting to adopt a Resolution for Bond Sale authorizing a negotiated bond sale. This resolution must state the specific reasons why a negotiated sale is necessary. This resolution may also authorize the issuance of such bonds.
- The managing underwriter or financial consultant or advisor must provide a disclosure statement to the special district before the special district awards the bonds to the managing underwriter. The disclosure statement must contain the following information:
 - An itemized list showing the nature and estimated amounts of expenses that the managing underwriter will incur in connection with issuing the bonds.
 - The names, addresses and estimated amounts of compensation of any "finders" connected with the issuance of the bonds. A "finder" is a person who is not regularly employed by, or not a partner or officer of, an underwriter, bank, banker or financial consultant or adviser and who enters into an understanding with either the issuer or the managing underwriter, or both, for any paid or promised compensation or valuable consideration directly or indirectly, expressly or impliedly, to act solely as an intermediary between such issuer and managing underwriter for the purpose of influencing any transaction in the purchase of such bonds.
 - The amount of underwriting spread expected.

- Any management fee the managing underwriter will charge.
- Any other fee, bonus and other compensation estimated to be paid by the managing underwriter in connection with the bond issue to any person not regularly employed or retained by it.
- The managing underwriter's name and address.
- Any other disclosure the special district may require.

Within 90 days after the delivery of the bonds each underwriter or financial consultant must file with the special district a statement listing the following:

- Management fees charged by the underwriter.
- Underwriting spread to be realized.
- Fees, bonuses, or gratuities paid by the underwriter to anyone other than a regular employee of the underwriter.

Bond Reporting Requirements

All special districts issuing bonds must electronically submit to the State Board of Administration of Florida, Division of Bond Finance, an Advance Notice of Sale, Bond Information Form (BF2003), Bond Disclosure Form BF2004-A Competitive Sale or BF2004-B Negotiated Sale, and a copy of the final official statement, if one is published. These forms are required unless the special district is issuing bonds under the following statutes:

- Health Facilities Authorities Law, [Chapter 154, Part III, Florida Statutes - Health Facilities Authorities](#)
- Florida Industrial Development Financing Act, [Chapter 159, Part II, Florida Statutes - Florida Industrial Development Financing Act](#)
- Industrial Development Authorities, [Chapter 159, Part III, Florida Statutes - Industrial Development Authorities](#)
- Research and Development Authorities Law, [Chapter 159, Part V, Florida Statutes - Research and Development Authorities](#)
- Higher Educational Facilities Financing, [Chapter 243, Part II, Florida Statutes - Higher Educational Facilities Financing](#)

The Division of Bond Finance has implemented a system for electronic filing of the notice of sale and the information forms. Filing electronically at the following website satisfies the statutory reporting requirements and does away with the need to submit paper copies of documents.

- [State Board of Administration of Florida - Division of Bond Finance - Local Bond Monitoring](#)

The following reporting requirements apply to special district bond issues (but not bond anticipation notes):

Advance Notice of a Bond Sale

Before a special district issues general obligation or revenue bonds, the special district must electronically provide advance notice of the sale to the Division of Bond Finance at the following website:

- [State Board of Administration of Florida - Division of Bond Finance - Local Bond Monitoring](#)

If a notice of sale is published, the notice must be electronically submitted to the Division of Bond Finance before the sale date. If the sale of the bond issue is by a competitive sale process, the notice must be published at least 10 days before the sale in one or more newspapers or financial journals published in or out of Florida.

Bond Information Form / Bond Disclosure Form (BF2003 / 2004A and B)

This form collects bond information from new bond issues only, as appropriate, depending upon the circumstances of the bond issuance:

- Bond Information (BF2003) - File within 120 days after the delivery of the bond issue.
- Bond Disclosure (Competitive Sale, BF2004-A) - File within 120 days after delivery of the bonds.
- Bond Disclosure (Negotiated Sale, BF 2004-B) - File within 120 days after delivery of the bonds.

The Division of Bond Finance has combined the forms into a single document for ease and convenience in electronic filing. Please note that an issuer may access the forms at the following website after the notice of sale has been electronically submitted:

- [State Board of Administration of Florida - Division of Bond Finance - Local Bond Monitoring](#)

Bond Verification Form (BF 2005)

The Division of Bond Finance periodically sends this form, along with copies of bond disclosure information they have on file, to special districts for updating. Within 45 days, the special district must update and correct items on the form as necessary, then return it to the Division of Bond Finance.

Final Official Statement

The final official statement is a document published by the issuer (usually prepared by underwriter's counsel or disclosure counsel), which generally discloses material information on a bond issue. This includes the purposes of the bond issue, how the bonds will be prepaid and the financial, economic, and demographic characteristics of the issuer. Investors may use this information to evaluate the credit quality of the bonds. Some bonds may be issued without publishing an official statement. However, if one is published regarding an issue for which a filing is required with the Division of Bond Finance, the final official statement must also be filed with the Division of Bond Finance and can be uploaded electronically following the completion of the online Bond Disclosure form.

Internal Revenue Service Form 8038

If the special district issued any bonds under the following laws, file a copy of Internal Revenue Service Form 8038 with the Division of Bond Finance, in addition to the other forms:

- Florida Industrial Development Financing Act, [Chapter 159, Part II, Florida Statutes - Florida Industrial Development Financing Act](#)
- Industrial Development Authorities Law, [Chapter 159, Part III, Florida Statutes - Industrial Development Authorities](#)
- Research and Development Authorities Law, [Chapter 159, Part V, Florida Statutes - Research and Development Authorities](#)

Failure to Comply

In the case of a special district that does not timely file bond related reports or information, the State Board of Administration of Florida, Division of Bond Finance, will notify the Special District Accountability Program. The Program will send a certified letter to the special district that summarizes the requirements and encourages it to take steps to prevent the noncompliance from reoccurring.

Additional Information

- [Appendix C: Specialty Area Contacts – Bond Finance](#)

Chapter 15: Retirement Plans and Reporting Requirements

The Florida Protection of Public Employee Retirement Benefits Act ([Chapter 112, Part VII, Florida Statutes - Actuarial Soundness of Retirement Systems](#)) governs local government and alternative retirement plans supported in part or completely by public funds. When local governments, such as special districts, use public funds to pay for a public employee retirement plan, the plan administrator must manage the plan to ensure the following:

- Employees' retirement benefits are protected
- Costs are allocated equitably to current and future taxpayers

Retirement Plan Options for Independent Special Districts

- May participate in the Florida Retirement System (independent fire special districts may participate under [Chapter 175, Florida Statutes - Firefighter Pensions](#))
- May participate in other existing plans
- May establish its own plan
- May have no plan

Retirement Plan Options for Dependent Special Districts

- Must participate in the Florida Retirement System if its governing authority participates in the Florida Retirement System.
- Subject to the directives of its local governing authority that does not participate in the Florida Retirement System:
 - May participate in the same retirement plan of its governing authority
 - May participate in another plan
 - May establish its own plan
 - May have no plan

Types of Retirement Plans

Locally Established Defined Benefit Retirement Plans

Locally established defined benefit retirement plans may be administered in-house, by an insurance company or through other arrangements, such as a contract administrator, a money manager, or a combination of administrators. The plan must be managed, administered, operated, and funded in a way that maximizes the protection of the benefits. It is not permitted to use any procedure, methodology or assumptions that would transfer to future taxpayers any portion of the costs that the current taxpayers should reasonably be expected to pay.

Features

- Is not an individual account plan. It generally provides a monthly benefit for life.
- Uses a predefined formula to calculate the benefit amount.
- The special district contributes an actuarially determined amount to support the promised benefits. Therefore, the special district bears the full investment risk. The contribution amount depends upon the plan's actuarial experience:

- If favorable, the special district can reduce its contributions.
- If unfavorable, the special district must increase its contributions.
- The employees are usually required to contribute.
- The benefit amount is not affected by investment experience.
- It guarantees predefined retirement benefits. Therefore, the individual can estimate at any given time their retirement benefit amount, which is generally specified as income for life. The retirement benefit amount is agreed upon in advance or determined by applying the plan's benefit formula to salient facts about the individual (e.g., years of service, average final salary, etc.).

Actuarial Valuation Report

Defined benefit retirement plans must go through an actuarial valuation review at least once every three years by an enrolled actuary who collects and analyzes data about the plan's finances, statistics, and employee demographics. This review helps to ensure that the retirement plan can pay benefits to current and future retirees. The actuary prepares this report, revealing the results of the review. Within 60 days of completion and certification by the actuary, special districts must do the following:

- Make the results of the report available for public inspection upon request
- File the results with the special district's governing body or plan administrator
- File the results with the Florida Department of Management Services

Failure to Comply with the Actuarial Valuation Report

The Florida Department of Management Services (DMS) will notify the special district and the plan's administrator and request adjustments to the report and / or the additional information if any of the following occurs:

- The special district fails to submit the actuarial valuation report.
- The report is incomplete, inaccurate, or not based on reasonable assumptions.
- Fails to satisfy the requirements of [Chapter 112, Part VII, Florida Statutes - Actuarial Soundness of Retirement Systems](#).
- Additional information is needed.

Within a reasonable period after receiving this request, the special district must satisfy the requests and / or notify DMS of the progress of the request. DMS can provide technical assistance to help the special district comply with the statutory provisions.

If DMS determines that the special district has not or will not satisfy the requests, DMS will notify the special district and the plan's administrator of the consequences for failure to comply:

- The Florida Department of Financial Services (DFS) and the Florida Department of Revenue (DOR) will withhold from the special district any funds not pledged for satisfaction of bond debt service until the requests are satisfied.

Within 21 days of receipt of this notice, the special district may petition for an administrative hearing under:

- [Section 120.569, Florida Statutes - Decisions which affect substantial interests](#)
- [Section 120.57, Florida Statutes - Additional procedures for particular cases](#)

If the hearing officer finds in favor of DMS, DMS will prepare an actuarial valuation and / or collect the requested information and charge the cost to the special district. If DMS does not receive payment of the costs within 60 days of invoice, DMS will certify to DOR and DFS the amount due and the DOR and DFS will pay DMS the amount due from any funds not pledged for satisfaction of bond debt service payable to the special district.

If the hearing officer finds in favor of the special district, DMS will decide whether to prepare an actuarial valuation report and / or collect the requested information and pay the costs of doing so.

In addition, DMS will notify FloridaCommerce, which must proceed pursuant to [Section 189.067, Florida Statutes - Failure of district to disclose financial reports](#) (see [Noncompliance Status Reports and Follow-up Action](#) for more information).

Actuarial Impact Statement for Proposed Plan Amendments

Each special district can propose benefit changes to its defined benefit retirement plan. For example, a special district may propose adding a new benefit, or increasing the benefit accrual rate (e.g., from 2 percent per year of service to 2.5 percent), or reducing the age / service eligibility requirement.

Before the benefit improvement can be adopted, the plan administrator or an enrolled actuary must analyze the effect the changes will have on the actuarial soundness of the plan. This includes the plan's ability to support the increased benefit cost in the short and long term. The result of this analysis is called an actuarial impact statement. The actuarial impact statement must meet the following requirements:

- It must be issued before the final public hearing about the proposed change.
- It must contain the following information:
 - A description of the proposed amendment
 - A statement that the actuary was provided with a copy of the proposed amendment and the information necessary to evaluate the proposed amendment
 - A statement, signed by an enrolled actuary, of the estimated cost of implementing the amendment. It must include enough data about the amendment so that an actuary unfamiliar with the situation could accurately assess the statement's conclusion. It must be based on the actuarial valuation prepared within 12 months of the effective date of the proposed amendments
 - A statement saying that the proposed amendment complies with:
 - [Section 112.64, Florida Statutes - Administration of funds; amortization of unfunded liability](#)
 - [Section 14, Article X of the Florida Constitution - State retirement systems benefit changes](#)

File the actuarial impact statement and the amendment with DMS, along with a written declaration that the prepared information reflects the estimated costs of the proposed amendment. The plan administrator must certify, sign and date the statement.

Additional Actuarial Disclosures

Special districts that sponsor defined benefit pension plans for its employees are required to report additional actuarial disclosures within 60 days of receipt of their certified actuarial reports. These additional disclosures include financial statements that comply with [Governmental Accounting Standards Board Statement 67](#) and [Governmental Accounting Standards Board Statement 68](#) and use prescribed mortality tables and rate of return assumption adjustments, cash flow projections and adjusted contribution requirements. This information must be submitted to the DMS electronically and placed on

the district's website. In addition, certain other disclosures must also be placed on the district's website, including the plan's most recent financial statements and actuarial valuation, a five-year comparison of assumed and actual rates of return and asset allocation percentages. For more information, see [section 112.664, Florida Statutes - Reporting standards for defined benefit retirement plans or systems](#) and [Develop and Maintain an Official Website](#).

Locally Established Defined Contribution Retirement Plans

In a defined contribution retirement plan, the contributions of the special district, and if applicable, the employee, are invested. The employee usually has some choice about how contributions are invested. When it is time to collect benefits, the employee receives the principal and the accumulated interest. The benefits due at retirement are dependent on the success of the plan investments. This plan may be administered in-house, by an insurance company or through other arrangements, such as a contract administrator, money managers or a combination of administrators.

Features

- Provides an individual account for each participant.
- The amount of each participant's benefit is based solely upon the amount contributed to the participant's account and any income, expenses, gains and losses and, if applicable, any forfeiture of accounts of other participants that may be allocated to their account.
- The value of each account can be determined anytime. The plan defines the amount of the plan sponsor's annual contribution to each account.
- The participant bears the full investment risk.

Defined Contribution Report

Special districts with defined contribution plans must annually provide DMS with information necessary to gather, catalog and maintain a database of such plans.

Prepare this report according to either the plan's anniversary date or the special district's fiscal year. It must contain the following information:

- Plan description
- Contribution formula
- Vesting schedule
- Normal retirement date
- Member eligibility
- Anniversary date
- Plan sponsor
- Plan administrator
- Sources of funds
- Any changes and / or amendments to the plan since the last report
- A statement by the plan administrator's that verifies the completeness and accuracy of the report

Filing Requirement When Initially Implementing a Defined Contribution Plan

Send the following documents to DMS:

- Plan documents
- Ordinances
- Contracts
- Enactment or other statement on funding and administration
- A copy of the Internal Revenue Service Plan qualification letter, approving the plan as tax qualified, if applicable
- Internal Revenue Code section under which the plan operates

Local Government Retirement Plan Requirements

Special districts with a local government retirement plan must maintain accurate and accessible records of the following:

- For All Active or Inactive Members:
 - ID number
 - Birth date
 - Employment dates
 - Occupational classification
 - Period of credited service (divided between prior and current service)
- For All Active Members:
 - Current pay rate
 - Current rate of contributions
 - Cumulative contributions (with accumulated interest)
- For All Inactive Members:
 - Age when deferred benefit begins
 - Average final compensation or equivalent
- For All Retired Members and Other Beneficiaries:
 - ID number
 - Birth date
 - Gender
 - Date benefit begins
 - Retirement type
 - Amount of monthly benefit
 - Type of survivor benefit

Firefighter Pensions

Firefighters employed by independent special fire control districts that elect to participate under the provisions of Chapter 175, Florida Statutes, are entitled to the benefits available under a uniform

retirement system for firefighters. For more information on eligibility and benefits, see [Chapter 175, Florida Statutes - Firefighter Pensions](#) and [Appendix C: Specialty Area Contacts – Local Retirement Plans](#).

Independent special fire control districts that elect to participate under the provisions of Chapter 175, Florida Statutes, and which meet all the chapter requirements annually, are eligible to receive a distribution of state insurance premium tax revenues collected on property insurance policies written within the fire control district boundaries in the preceding calendar year.

Additional reporting requirements are applicable. By February 1 each year, independent special fire control districts participating as a chapter plan and by March 15 each year, independent special fire control districts participating as a local law plan must file an annual report with the Division of Retirement regarding actuarial valuations and plan activity. For specific information on the reporting requirements, see [section 175.261, Florida Statutes, Annual Report to Division of Retirement; Actuarial Valuations](#).

Florida Retirement System

The Florida Retirement System provides retirement, disability or death benefits to retirees or their designated beneficiaries and offers a wide range of informational services to its members.

Special districts participating must make monthly contributions, as a percentage of salary paid, to the Florida Retirement System based on the membership class of each employee. The legislature establishes employer and employee contribution rates annually.

The State Board of Administration is governed by the Governor, the Attorney General, and the Chief Financial Officer. The board is responsible for investing the assets of the Florida Retirement System Trust Fund for the defined benefit plan. The State Board of Administration is also responsible for the administration of the defined contribution plan, the choice program between the two plans, and the financial education program for all members.

The Florida Retirement System is carefully monitored as follows:

- Annually, the Division of Retirement presents a comprehensive written report to the Florida Legislature concerning the Florida Retirement System.
- Annually, the Division of Retirement has an independent actuary study the Florida Retirement System to determine its fiscal soundness and to recommend employer contributions to the Legislature in addition to required employee contributions that are sufficient to meet the actuarially sound funding requirements to pay current and future benefits.
- Ongoing, the Office of Program Policy Analysis and Government Accountability contracts with an independent consulting actuary to review the valuation for reasonableness to help determine whether the Florida Retirement System is complying with the Florida Protection of Public Employee Retirement Benefits Act.

Two Choices of Plans

1. A defined benefit plan
2. A defined contribution plan

Eligibility

- Compulsory (For Regularly Established Positions)
 - State employees
 - County employees

- District school board employees
- Community college employees
- University employees
- Dependent special districts if its governing authority participates
- May Make an Irrevocable Election to Join
 - Cities
 - Independent special districts
 - Public charter schools
 - Public charter technical schools
 - Metropolitan planning organizations

After a city, special district, charter school, charter technical school, or metropolitan planning organization joins, all current and future regular employees filling regularly established positions become compulsory members.

If the independent or dependent status of the special district changes, the special district must contact the Division of Retirement to confirm its continued eligibility.

Special District Responsibilities

Ensure that contributions are received by the Division of Retirement by the fifth working day of the month following the month in which the salary was paid.

Contribution Delinquencies

If a special district is delinquent in making its payment, the Division of Retirement shall assess a fee of one percent of the contributions due.

If the contributions are delinquent after 120 days, the state may withhold the amount owed from any state funds allocated to the special district and / or have the local tax collector collect the funds. In addition, the employer of delinquent contributions for a defined contribution plan member will also be liable to reimburse the member's individual account for market losses resulting from the late contributions, plus the cost of the third-party administrator for determining the loss.

Failure to Meet a Pension Obligation

A special district financial emergency exists if the special district fails to transfer its own contributions or employee contributions for any pension, retirement, or benefit plan of an employee, or fails to pay retirement benefits owed to former employees. Therefore, the Florida Department of Management Services must notify the Governor (see [Financial Emergencies](#) for more information).

Additional Information

- [Appendix C: Specialty Area Contacts – Local Retirement Plans](#)
- [Appendix C: Specialty Area Contacts – Florida Retirement System](#)

This page intentionally left blank.

Chapter 16: Ethics Laws and Disclosures

The Code of Ethics ([Chapter 112, Part III, Florida Statutes - Code of Ethics for Public Officers and Employees](#)), and [Article II, Section 8, Florida Constitution, Ethics in government](#) was created to help:

- Prevent conflicts between public duty and private interests
- Ensure that public sector employees and officers will not abuse their public positions in order to obtain a disproportionate benefit or misuse their government office for private gain

All special district local officers and special district employees must comply with Florida's ethics laws.

Lobbyists wishing to lobby a Water Management District must register with the district prior to undertaking any lobbying activities. For more information, see [section 112.3261, Florida Statutes - Lobbying before water management districts: registration and reporting](#).

This section covers ethics laws and related forms and filings, which are available on the [Florida Commission on Ethics - Forms](#) website.

Required Training

The following individuals must complete four hours of ethics training each calendar year:

- Each commissioner of a community redevelopment agency created pursuant to Chapter 163, Part III, Florida Statutes
- Each elected local officer of an independent special district (beginning January 1, 2024)
- Each person who is appointed to fill a vacancy for an unexpired term of such elective office (beginning January 1, 2024)

At a minimum, the training must include the following:

- Section 8, Article II of the State Constitution (Ethics in Government)
- The Code of Ethics for Public Officers and Employees
- Public records laws of the State
- Public meetings laws of the State

The training requirement may be satisfied by completion of a continuing legal education class or other continuing professional education class, seminar, or presentation that covers the above subjects.

Those required to complete the training should do so as soon as possible after assuming office. A newly elected local officer who assumes office on or before March 31 must complete the annual training on or before December 31 of the year in which the term of office began. If the individual assumes office after March 31, the individual is not required to complete the training until the next calendar year.

For more information, please visit the following resources:

- [Florida Commission on Ethics – Training](#)
- [Office of the Attorney General – Open Government Training](#) (public records and public meetings)

Ethics Disclosures

The following public officers and employees of a special district must file ethics disclosures:

- A person elected to a special district's governing body
- A person appointed to complete an unexpired term
- A person appointed to a special district's governing body
- A person seeking nomination or election to a special district's governing body
- A special district's chief administrative employee
- A fire chief of a fire control special district
- A special district purchasing agent making purchases more than \$35,000

Each January, the Florida Commission on Ethics receives updates from all counties, municipalities, and special districts regarding who must file a Statement of Financial Interests (Form 1), the limited disclosure form. The Florida Commission on Ethics then provides a list of those who must file this form to all county supervisors of elections. All special district local officers and specified employees (the chief administrative employee and any purchasing agent making purchases more than \$35,000) must file this form. They may also need to file additional disclosures, depending upon their position, businesses, or interests. Form 1 describes this in more detail. Therefore, all special district officers and specified employees must review Form 1 carefully. This section summarizes disclosure requirements.

Form 1, Statement of Financial Interests

- Who must file:
 - All independent special district local officers and specified employees must file this report even if no financial interests exist that require disclosure
- Where to file:
 - The supervisor of elections in the county in which the person permanently resides
- When to file:
 - Within 30 days of the appointment or date of employment
 - By July 1 every year thereafter.
- Disclose (the form does not require dollar figures):
 - Primary sources of income
 - Secondary sources of any business income
 - Real estate owned
 - Intangible personal property owned
 - Liabilities
 - Interests in specified businesses

Consequences of Failure to Comply

This form is due July 1. Any person who does not file this form by September 1 will be subject to automatic fines of \$25 for each late day, up to a cap of \$1,500. Modeled after the automatic fine system in place for campaign finance reports, the Ethics Commission can hear appeals and has the power to waive fines under limited circumstances.

Read the full set of directions that come with the form and complete the form as required. Contact the Commission on Ethics if you have questions about how to complete the form. Failure to properly complete the form can result in a complaint being filed against you. Penalties for violations found as a result of the complaint process range from a public censure, reprimand, suspension, demotion, reduction in pay or a civil penalty of up to \$10,000.

Any person who fails to file their annual disclosure is subject to automatic complaint proceedings to determine if the failure to file was willful. If the commission determines that the person willfully failed to file their disclosure form, the commission will enter an order recommending that the officer or employee be removed from his or her public office or employment.

Form 1F, Final Statement of Financial Interests

- Who must file:
 - All independent special district local officers and employees who must file Form 1, Statement of Financial Interests
- When to file:
 - Within 60 days of leaving their public office or employment position covering the period between January 1 and their last day of office or employment

Form 2, Quarterly Client Disclosure

- Who must file:
 - Certain independent special district local officers may be required to file it, depending upon their position, businesses, or interests:
 - If they represented a client for a fee or commission before any agency within the political subdivision served by that special district
 - If any of their partners or associates of a professional firm of which they are a member represented a client for a fee or commission before any agency within the political subdivision served by that special district and the special district local officer has knowledge of that representation
- Where to file:
 - The supervisor of elections of the county in which the special district local officer permanently resides
- When to file:
 - No later than the last day of the calendar quarter following the calendar quarter during which the representation was made

Form 3A, Interest in Competitive Bid for Public Business

Special district local officers and employees are prohibited from:

- Doing business with that special district
- Entering into a conflicting employment or contractual relationship with any other special district local officer, employee, their spouse and / or their children

Certain limited exemptions apply to these prohibitions, such as the following:

- The business is awarded under a system of sealed competitive bidding

- The special district local officer has exerted no influence on bid negotiations or specifications
- Disclosure is made, before or at the time of the submission of the bid, of the special district local officer's or employee's or his or her spouse's or child's interest and the nature of the intended business

Requirements

- Who must file:
 - Special district local officers and employees that need to disclose competitive bidding interests
- Where to file:
 - The supervisor of elections of the county in which the special district is located
- When to file:
 - Before or at the time of the bid submission

Form 4A, Disclosure of Business Transaction, Relationship, or Interest

Special district local officers and employees are prohibited from:

- Doing business with that special district
- Entering into a conflicting employment or contractual relationship with any other special district local officer, employee, their spouse and / or their children

Certain limited exemptions apply to these prohibitions, such as the following:

- Disclosure is made, before the time of the submission of the bid, of the special district local officer's or employee's or his or her spouse's or child's interest and the nature of the intended business

Requirements

- Who must file:
 - Special district local officers and employees that need to disclose interest in sole source of supply
- Where to file:
 - The governing body of the political subdivision
- When to file:
 - Before the bid submission

Form 6, Full and Public Disclosure

Form 6 is a detailed disclosure of assets, liabilities, and sources of income over \$1,000 and their values, as well as net worth. In addition, the form requires the disclosure of certain relationships with, and ownership interests in, specified types of businesses such as banks, savings and loans, insurance companies, and utility companies.

Requirements

- Who must file:
 - Members of expressway authorities, transportation authorities (except the Jacksonville Transportation Authority), bridge authority, or toll authorities created pursuant to Chapter 348 or 343, or 349, Florida Statutes, or other general law.
- Where to file:
 - Electronically via the [Electronic Financial Disclosure Management System](#) on the Florida Commission on Ethics website.
- When to file:
 - Annually by July 1
- Disclose in dollar figures:
 - Net Worth
 - Assets
 - Liabilities
 - Income
 - Interests in specified businesses

Consequences of Failure to Comply

This form is due July 1. Any person who does not file this form by September 1 will be subject to automatic fines of \$25 for each late day, up to a cap of \$1,500. Modeled after the automatic fine system in place for campaign finance reports, the Ethics Commission can hear appeals and has the power to waive fines under limited circumstances.

Read the full set of directions that come with the form and complete the form as required. Contact the Commission on Ethics if you have questions about how to complete the form. Failure to properly complete the form can result in a complaint being filed against you. Penalties for violations found as a result of the complaint process range from a public censure, reprimand, suspension, demotion, reduction in pay or a civil penalty of up to \$10,000.

Any person who fails to file their annual disclosure is subject to automatic complaint proceedings to determine if the failure to file was willful. If the commission determines that the person willfully failed to file their disclosure form, the commission will enter an order recommending that the officer or employee be removed from his or her public office or employment.

Form 6F, Final Full and Public Disclosure**Requirements**

- Who must file:
 - Members of expressway authorities, transportation authorities (except the Jacksonville Transportation Authority), bridge authority, or toll authorities created pursuant to Chapter 348 or 343, or 349, Florida Statutes, or other general law.
- Where to file:

- Electronically via the [Electronic Financial Disclosure Management System](#) on the Florida Commission on Ethics website.
- When to file:
 - Within 60 days of leaving their public office or employment position covering the period between January 1 and their last day of office or employment.

Form 8B, Memorandum of Voting Conflict for County, Municipal and Other Local Public Officers

A special district local officer must abstain from voting on the following measures:

- One that inures to his or her special private gain or loss
- One that inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained
- One that could result in special private gain or loss to a relative
- One that could result in special private gain or loss to a business associate. Special district local officers of community redevelopment agencies and special district local officers of independent special districts elected on a one-acre, one-vote basis, are not prohibited from voting in that capacity, but still must file Form 8B.

For more information, see [section 112.3143, Florida Statutes - Voting conflicts](#).

Requirements

- Who must file:
 - Elected special district local officers must abstain from voting in these situations but may participate in such matters.
 - Appointed special district local officers must disclose the nature of the conflict on the Form 8B before any participation in the matter. If an appointed special district local officer intends to try to influence the decision before the meeting in which the vote will take place, the special district local officer first must complete this form, which must be immediately provided to the other governing body members of the special district and read publicly at the next meeting.
- Where to file:
 - With the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes, provide a copy to the other members of the special district and read the form at the next meeting
 - If the special district local officer does not try to influence the decision except by discussion at the meeting in which the vote will take place, they must disclose orally the nature of the conflict in the measure before participating. The form must be:
 - Completed and filed within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting
 - Incorporated in the minutes
 - Copied immediately for the other members of the governing body
 - Read publicly at the next meeting after the form is filed

Form 9, Quarterly Gift Disclosure

A "gift" is anything accepted by a person or on that person's behalf, whether directly or indirectly, for that person's benefit and for which equal or greater consideration is not given within 90 days. Examples of reportable "gifts" include the following:

- Real property or its use
- Tangible or intangible personal property or its use
- Preferential rates or terms on transactions unavailable to others similarly situated
- Forgiveness of a debt
- Transportation (unless provided by an agency in relation to officially approved governmental business)
- Lodging or parking
- Food or beverage
- Dues, fees, and tickets
- Plants and flowers
- Personal services for which a fee is normally charged
- Any other goods or services with an attributable value

The definition of "gift" does not include the following:

- Salary, benefits, services, fees, commissions, or expenses associated with one's private employment, business or service as an officer or director of a corporation or organization
- Campaign contributions or expenditures pursuant to the election laws
- An honorarium or honorarium expense (Use Form 10)
- An award, plaque, certificate, etc., given in recognition of public, civic, charitable, or professional service
- Honorary membership in a service or fraternal organization
- The use of a public facility or public property provided by a governmental agency for a public purpose
- Certain gifts from organizations which promote the exchange of ideas or the professional development of governmental officials and employees whose membership is primarily composed of elected or appointed public officials or staff, if the gift is to a member of the organization
- Gifts from relatives
- Gifts from certain governmental entities (Use Form 10)
- Contributions or expenditures by a political party

Prohibited gifts include the following:

- Gifts valued at more than \$100 from a vendor, lobbyist, or the partner, firm, or principal of a lobbyist
- Gifts valued at more than \$100 from political committees

Lobbyist - For purposes of gift disclosures / prohibitions, a lobbyist is any natural person who, for compensation, seeks or sought during the past 12 months to:

- Influence the governmental decision-making of a special district local officer, procurement employee or their special district
- Seeks or sought to encourage the passage, defeat or modification of any proposal or recommendation by a special district local officer, procurement employee or their agency

Water Management District Lobbyists - The definition of lobbyist of a water management district includes only a person who is required to be registered as a lobbyist in accordance with Section 112.3261, Florida Statutes.

Special district local officers and specified employees may not solicit any gift, including food or beverage, from the following:

- A political committee
- A lobbyist who has lobbied that special district local officer's or specified employee's special district within the past 12 months
- A partner, firm, employer, or principal of a lobbyist
- A vendor

A special district local officer or specified employee may accept a gift valued between \$25 and \$100 from those previously listed. The person giving the gift to the special district local officer or specified employee must report the gift on Commission on Ethics Form 30, Donor's Quarterly Gift Disclosure and notify the special district local officer that they will disclose the gift as required.

A special district local officer or specified employee may not directly or indirectly accept a gift worth more than \$100 from those previously listed. However, they may accept it on behalf of the special district. Then, the special district local officer or specified employee must promptly transfer the gift to the special district.

Water management districts, the South Florida Regional Transportation Authority and airport authorities that lobby governmental entities may give a gift worth more than \$100 to other people required to file Form 1 (certain state officers, local officers, and state employees - see Form 1 for more information) if they can show a public purpose for giving the gift. The entity giving the gift must provide a statement describing the gift, the date it was given and its value to the recipient by March 1 of the following year so the recipient can report such gifts on Form 10.

Requirements

- Who must file:
 - Special district local officers who file Form 1 receiving any gift worth more than \$100 from someone who is not a relative, a lobbyist (including the partner, firm, or principal), or vendor of the special district
- Where to file:
 - Notarize the form and file it with the Commission on Ethics
- When to file:
 - By the last day of the calendar quarter following the previous calendar quarter during which they received the gift

Form 10, Annual Disclosure of Gifts from Governmental Entities and Direct Support Organizations and Honorarium Event Related Expenses

Honorarium refers to a payment of money or anything of value, directly or indirectly, as consideration for one or more of the following:

- Presentation in person, recorded or broadcast
- Written material, excluding books published or in publication

An honorarium does not include the following:

- Ordinary payment or salary related to one's public duties
- Payment for services not related to the reportable duties of a special district local officer or employee
- Campaign contributions defined in [Chapter 106, Florida Statutes - Campaign Financing](#)
- Actual and reasonable expenses for transportation, lodging, food, beverages, and event registration fees related to a presentation or to written material (an honorarium event related expense)

Special district local officers and specified employees may not solicit an honorarium related to his or her public office or duties nor knowingly accept an honorarium from the following:

- A lobbyist who has lobbied the special district local officer's or specified employee's special district within the past 12 months
- A partner, firm, employer, or principal of that lobbyist
- A vendor
- A political committee

Special district local officers and specified employees may accept the payment of actual and reasonable transportation, lodging, food and beverage expenses and registration fees related to an honorarium event from such persons or entities, if the special district local officer or employee discloses such expenses.

Those that pay the official expenses must provide to the special district local officer or employee an expense report within 60 days after the honorarium event that contains:

- The name and address of the person providing the expenses
- A description of the expenses provided each day
- The total value of the expenses provided for the honorarium event

The special district local officer or specified employee must report the expenses received during the preceding calendar year on Form 10 as part of their annual financial disclosure and should attach the statement from those paying the expenses.

Requirements

- Who must file:
 - All special district local officers and specified employees filing Form 1 who received reportable gifts from governmental entities and direct support organizations and / or honorarium event related expenses must use to report them

- Where to file:
 - Florida Commission on Ethics
- When to file:
 - By July 1 of the year following the calendar year in which the gift or honorarium expense was received

Prohibition on Gifts Involving Political Committees

A special district official or employee who files Form 1 and members of his or her immediate family is prohibited from soliciting or knowingly accepting (directly or indirectly) any gift from a political committee (see [section 112.31485, Florida Statutes - Prohibition on gifts involving political committees](#)).

- For purposes of this prohibition only, the term gift means any purchase, payment, distribution, loan, advance, transfer of funds or disbursement of money or anything of value that is not primarily related to contributions, expenditures or other political activities authorized pursuant to Chapter 106, Florida Statutes
 - Violation of this section is subject to a civil penalty equal to three times the amount of a gift, in addition to the regular complaint penalties referred to at the end of this chapter

Penalties for Code of Ethics Violations

Non-Criminal

Penalties for special district officers and employees:

- Impeachment
- Removal or suspension from office or employment
- Public censure, reprimand, demotion, or salary reduction
- A civil penalty up to \$10,000
- Restitution of pecuniary benefits they received

Penalties for candidates seeking election to a special district's governing body:

- Disqualification from being on the ballot
- Public censure or reprimand
- A civil penalty up to \$10,000

Penalties for former special district local officers and employees:

- Public censure and reprimand
- A civil penalty up to \$10,000
- Restitution of pecuniary benefits they received

Felonies Involving Breach of Public Trust and Other Specified Offenses

Any public officer or employee who is convicted in a court of law of a specified felony offense involving their public office or employment is subject to forfeiture of retirement benefits. Examples of such offenses include embezzlement or theft of public funds, bribery, impeachable offenses, threatening a public servant and defrauding the public or the special district.

Violations of Gift Law and / or Honorarium Provisions by a Lobbyist

Violations may result in:

- A fine up to \$5,000
- A two-year ban from lobbying, or employing someone to lobby, before the agency of the person to whom the gift or honorarium was given

Additional Information

- [Appendix C: Specialty Area Contacts - Ethics](#)

This page intentionally left blank.

Chapter 17: Public Meeting and Public Record Requirements

Special districts, along with counties, municipalities, and other governmental agencies, must comply with the meeting requirements contained in [Chapter 286, Florida Statutes - Public Business: Miscellaneous Provisions](#), also known as the "Government-in-the-Sunshine Law" and the "Sunshine Law," the public record requirements contained in [Chapter 119, Florida Statutes - Public Records](#), and the notice requirements contained in [Chapter 50, Florida Statutes - Legal and Official Advertisements](#). Furthermore, special districts must comply with additional meeting requirements in [Chapter 189, Florida Statutes - Uniform Special District Accountability Act](#), and certain special districts may need to comply with meeting requirements in other laws.

This chapter provides an overview of public meeting requirements contained in several laws and public record requirements. For detailed information about Florida's public records and open meetings laws, please refer to the [Government-in-the-Sunshine Manual](#), published by the Florida Office of the Attorney General.

Public Meetings and Public Records Training

Chapter 16 covers required ethics, public record, and public meeting training for community redevelopment agency commissioners and elected local officers of independent special districts. For more information, please see [Required Training](#) and visit the [Office of the Attorney General – Open Government Training](#) webpage.

Public Meeting Requirements

Sunshine Law Requirements

Florida's Sunshine Law assures open government in Florida. It applies to any formal or informal gathering of two or more members of the same governing body to discuss some matter that will foreseeably come before that governing body for action, unless statutorily exempted. In summary, this law:

- Provides a basic right of access to most meetings of boards, commissions, and other governing bodies of state and local government, including special districts
- Applies to discussions, deliberations and formal actions taken by the governing body regardless of whether the matter has been scheduled for a vote or whether there is a quorum present
- Prohibits governing body members from conducting private discussions about governing body business via email, telephone, text messaging, Facebook, or any other form of communication
- Requires that any gathering (formal or casual) of two or more members of the same governing body to discuss some matter on which foreseeable action will be taken by the governing body must be open to the public unless the legislature has created an exemption from the Sunshine Law for that meeting. Exemptions related to special districts include the following:
 - Certain meetings between the governing body and its attorney to provide the attorney with advice on settlement negotiations or litigation expenses in pending civil or administrative litigation, provided strict compliance with specific statutory conditions
 - Collective bargaining strategy discussions between the chief executive officer and a special district's governing body. However, the collective bargaining negotiations between the chief executive officer and a bargaining agent are not exempt and must be conducted in the sunshine

Meeting Notice Requirements

The Sunshine Law requires each special district to:

- Provide reasonable public notice of each meeting
- Include in the public notice a statement that anyone wanting to appeal an official decision made on any subject at the meeting must have a verbatim record of the meeting that includes the testimony and evidence on which the appeal is based (does not apply to tax increase notices in [section 200.065\(3\), Florida Statutes, method of fixing millage](#))

Meeting Minutes Requirements

The Sunshine Law requires each special district to:

- Promptly record minutes of public meetings (an electronic recording or written transcript is not required)
- Make the minutes available for public inspection

Penalties for Violations

The Sunshine Law provides the following penalties regarding a special district governing body member who violates the Sunshine Law:

- A noncriminal infraction is punishable by a fine up to \$500.
- A criminal penalty (a knowing violation) is a second-degree misdemeanor and is punishable by a prison term up to 60 days and / or a fine up to \$500.
- A citizen may apply to a circuit court for an injunction to enforce the Sunshine Law. If the court finds that the Sunshine Law was violated, attorney's fees are assessed against the special district. Fees may also be assessed against governing body members. However, if the governing body seeks advice from its attorney and follows the advice, attorney's fees will not be assessed.
- When a method for removal from office is not otherwise provided by the Florida Constitution or by law, the Governor may suspend an elected or appointed public officer who is indicted or informed against for any misdemeanor arising directly out of his or her official duties. If convicted, the officer may be removed from office by the Governor.

Uniform Special District Accountability Act Requirements

In addition to the Sunshine Law requirements, the Uniform Special District Accountability Act requires each special district to comply with the following public meeting requirements:

Official Website Postings

Each special district must have an official website by the end of the first full fiscal year after its creation. The following public meeting related items are among those that must be posted:

- [Schedule of Regular Meetings](#)
- Meeting / Workshop Agendas - Post the agenda at least seven days before each meeting or workshop and keep it there for at least one year
- A link on the homepage to a webpage that lists each newspaper in which the special district publishes notices (for special districts opting to publish internet only notices)

For more information about official website requirements, see [Develop and Maintain an Official Website](#).

Publication Requirements

Special district meeting related publications must comply with [Chapter 50, Florida Statutes](#). Questions about those requirements should be referred to the special district's legal counsel.

Schedule of Regular Meetings

- Quarterly, semiannually, or annually, prepare a schedule of regular meetings that includes the date, time, and location of each meeting
- File the schedule with each local governing authority in which the special district has jurisdiction
- Publish the schedule as provided in Chapter 50, Florida Statutes, in the county or counties in which the special district has jurisdiction

Additional Requirements for Independent Special Districts

- For any meeting other than a regular meeting or any recessed and reconvened meeting, advertise as provided in Chapter 50, Florida Statutes, in the county or counties in which the special district has jurisdiction the day, time, place, and purpose of such meeting at least seven days before the meeting.
- In the event of an emergency, provide reasonable notice as provided in Chapter 50, Florida Statutes, in the county or counties in which the special district has jurisdiction, hold the emergency meeting, and subsequently ratify the emergency meeting. Do not approve the annual budget at an emergency meeting.

Additional Information for Water Management Districts

Any other provision of law to the contrary, notwithstanding, and except in the case of emergency meetings, water management districts may provide reasonable notice for no less than seven days in the county or counties in which the special district has jurisdiction. For public meetings held to evaluate responses to solicitations issued by the water management district, notice requirements may be by Internet publication, by publication in a newspaper in the county where the principal office of the water management district is located, or in the county or counties where the public work will be performed.

Meeting Locations

The Sunshine Law requires each special district to hold its public meetings in a facility that does not restrict access or discriminate based on sex, age, race, creed, color, origin, or economic status.

In addition, the Uniform Special District Accountability Act requires each special district to hold its public meetings in one of the following facilities:

- A public building when available within the special district
- A county courthouse in the county in which the special district is located
- A building in the county accessible to the public

Suggestions for a Canceled Meeting

Neither the Sunshine Law nor the Uniform Special District Accountability Act address notice for a canceled future meeting. If a meeting must be canceled, the special district should provide reasonable notice as soon as possible to the public as a courtesy. For example, the special district could do one or more of the following:

- Publish a cancellation notice in the paper
- Post a cancellation notice on its official website
- Post a cancellation notice on a bulletin board at its official headquarters
- Post a cancellation notice on the door to the meeting room

Other Public Meeting Requirements

[Section 286.0114, Florida Statutes](#), requires, subject to listed exemptions, governing bodies to provide members of the public a reasonable opportunity to be heard on a proposition before the board.

- The opportunity to be heard does not have to occur at the same meeting at which the governing body takes official action if the opportunity occurs at a meeting that is during the decision-making process and is within reasonable proximity in time before the meeting at which the governing body takes official action.
- Does not prohibit the governing body from, "maintaining orderly conduct or proper decorum at a meeting." Governing bodies can adopt rules that limit the time a person has to address the governing body, provide procedures for allowing representatives of a group to address the governing body and provide procedures or forms for an individual to use in order to inform the governing body of a desire to be heard, the position on the proposition and designation of a representative to speak for him or her.

Each special district should consult with its legal counsel to determine whether other laws addressing meeting notice requirements may apply, such as:

- The special district's charter
- The general law under which the special district operates
- The Administrative Procedures Act ([Chapter 120, Florida Statutes](#)), which may affect the following special districts:
 1. Regional Water Supply Authorities
 2. Multicounty special districts when a majority of its governing body is comprised of non-elected persons
 3. Special districts described in [Chapter 163, Florida Statutes, Intergovernmental Programs](#), including but not limited to:
 - a. Special districts established by interlocal agreement in which a state agency or any type of special district listed in this section is a party to the interlocal agreement
 - b. Collaborative client information systems created by a county
 - c. Community redevelopment agencies created by a county
 - d. Neighborhood improvement districts created by a county
 - e. Qualifying improvements to real property created by a county
 4. Water management districts
 5. Land authorities
 6. Soil and water conservation districts

Public Record Requirements

Special districts, along with state agencies, municipalities, counties, and other units of government, must comply with Florida's public records laws. Public records are all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software or other material, regardless of the physical form, characteristics or means of transmission, made, or received pursuant to law or ordinance or related to the transaction of official business by any agency. Examples include:

- Correspondence
- Emails and text messages
- Facebook posts
- Recordings of governing body meetings
- Employment applications, evaluations, and disciplinary records

These materials must be made available for public inspection and copying unless the legislature has enacted a statute which exempts these materials from disclosure.

No "unfinished business" exception applies to the public records law. If the purpose of a document prepared for the official business of a public agency is to perpetuate, communicate or formalize knowledge, it is a public record even though the record is not in final form. For example, a draft document from one district employee to another about district business must be disclosed unless the Legislature has created a statutory exemption for that record.

It is not necessary that a communication be sent or received from a government office to constitute a public record. In the absence of statutory exemption, all material made or received by agency officers and employees in accordance with official business is a public record regardless of whether the communication is sent from a government or personal account, such as Gmail or a personal cell phone. It is the content of a communication that determines whether it is a public record, not the location.

Providing Public Records

The public records law establishes a right of access to public records:

- Every person who has custody of a public record shall permit the record to be inspected and copied by any person desiring to do so, at any reasonable time, under reasonable conditions and under supervision by the custodian of the public records.

The "reasonable conditions" language referred above does not permit agencies to add their own conditions before review but instead refers only to reasonable regulations to allow the custodian to protect the records from alteration, damage, or destruction. Therefore, the public records law does not authorize an agency to:

- Require that a requestor identify himself or herself. For example, an agency must respond to an anonymous email requesting public records.
- Require that public records requests be in writing or that a requestor fill out a form.
- Deny a public records request because it is "overbroad."
- Require a public records requestor to show a "legitimate" or "noncommercial" interest as a condition of access to public records, although there are statutes which provide penalties for illegal use of public records.
- Deny a public records request at the request of the sender.
- Establish an arbitrary time period during which public records may or may not be inspected. While the public records law does not contain a specific time limit (such as 24 hours or 10 days) for compliance with public records requests, the only delay permitted is producing public records is the reasonable time allowed the custodian to retrieve the record and delete those portions of the record the custodian asserts are exempt.

Fees

Providing access to public records should not be considered a profit-making or revenue-generating operation. The only fees authorized are those established in [Chapter 119, Florida Statutes](#).

An agency may charge a reasonable deposit or advance payment, particularly in cases where many records have been requested. In such cases, the fee should be communicated to the requestor before the work is undertaken.

Exemptions

The legislature has enacted over 1,000 exemptions to the public records law. Examples include:

- Social security numbers
- Medical information
- Credit card and bank account numbers
- Appraisal reports, offers and county offers concerning water management districts purchasing property until an option contract is signed or 30 days before a contract is considered for approval by the governing body.

Penalties for Violations

- A person who has been denied the right to inspect or copy public records may bring a civil action against the agency. If the agency is determined to have unlawfully refused access to public records, attorney's fees are awarded to the prevailing party. An unjustified delay in producing public records can also constitute an unlawful refusal for purposes of attorney's fees.
- A public officer who violates the public record law may be subject to a noncriminal infraction punishable by a fine up to \$500.
- A knowing violation of the public records law constitutes a first-degree misdemeanor, punishable by possible criminal penalties of one year in prison, or \$1,000 fine or both.
- When a method for removal from office is not otherwise provided by the Florida Constitution or by law, the Governor may suspend an elected or appointed public officer who is indicted or informed against for any misdemeanor arising directly out of his or her official duties. If convicted, the officer may be removed from office by the Governor.

Additional Information

Sunshine Law and Public Records Law

- [Appendix C: Specialty Area Contacts – Sunshine Law and Public Records](#)

Uniform Special District Accountability Requirements Covered by this Chapter

- [Appendix C: Specialty Area Contacts - General Inquiries / Chapter 189, Florida Statutes, Requirements](#)

Chapter 18: Public Records Retention and Disposition

Special districts, along with state agencies, municipalities, counties, and many other units of government, must comply with Florida's public records laws.

Public records are all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software or other material, regardless of the physical form, characteristics or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency (see [Chapter 119, Florida Statutes - Public Records](#)).

Public records can take many forms, for example:

- Correspondence
- Photographs
- Email
- Meeting transcripts
- Maps
- Duplicates

However, the following are not public records:

- Law books
- Magazines
- Email that is not sent or received in relation to public business (unless it becomes part of an official investigation such as into alleged misuse of government property)

Records Management

Special districts must create a records management program to help the special district maintain and locate records from the time of creation or receipt to final disposition. To accomplish this task, [designate a records management liaison officer](#) as required by [section 257.36, Florida Statutes - Records and information management](#), paragraph (5)(a). The records management liaison officer serves as the special district's contact with the Florida Department of State. Other suggested responsibilities include the following:

- Coordinating the special district's records inventory
- Maintaining retention/disposition forms
- Coordinating special district records management training
- Developing records management procedures
- Participating in the special district's development of electronic record keeping systems
- Working with the Florida Department of State to establish individual retention schedules for the special district, if necessary

Retention Schedules

A special district may destroy or dispose of its public records only in accordance with retention schedules established by the Florida Department of State. Special districts must follow [General Records Schedule](#)

[GS1-SL for State and Local Government Agencies](#). The schedule organizes records into a number of categories or sets of records called, "record series."

A record series is a group of related public records that are arranged under a single filing arrangement or kept together as a unit (physically or intellectually) because they:

- Consist of the same form
- Relate to the same subject or function
- Result from the same activity
- Document a specific type of transaction
- Have some other relationship arising from their creation, receipt, or use

A record series might contain records in a variety of forms and formats that document a particular program, function, or activity of the special district.

The components of a General Schedule Record Series are:

- Record Series Title: Brief phrase summarizing the form and / or function of the record series
- Item Number: Identifying number assigned to each record series
- Description: General description of the records, their purpose and / or how they are used and types of records that might be included; identifies records that have possible archival value
- Retention: The minimum period of time the records must be retained before final disposition. Types of retention periods include:
 - Anniversary years
 - Calendar years
 - Fiscal years
 - Triggering events
 - Until obsolete, superseded, or administrative value is lost
 - Permanent

An example of a record series from the General Records Schedule GS1-SL is:

PROJECT FILES: CAPITAL IMPROVEMENT - Item #136

This record series documents work done on capital improvement projects and / or project proposals sent out for bid. This may include, but is not limited to, correspondence, memoranda, drawings, construction and contract specifications, resolutions, narratives, budget revisions, survey information, change orders and reports. "Capital Improvements" shall mean improvements to real property (land, buildings, including appurtenances, fixtures and fixed equipment, structures, etc.) that add to the value and extend the useful life of the property, including construction of new structures, replacement, or rehabilitation of existing structures (e.g., major repairs such as roof replacement) or removal of closed structures. See also "PROJECT FILES: FEDERAL," "PROJECT FILES: NON-CAPITAL IMPROVEMENT," and "VOUCHERS: FEDERAL PROJECTS PAID."

RETENTION: 10 fiscal years after completion or termination of project.

Records Disposal

Special districts should dispose of public records once those records have met all retention requirements. Special districts must document each disposition of public records as required by Rule 1B-24.003(9)(d), Florida Administrative Code. A sample [Records Disposition Document](#) is available on the Division of Library and Information Services website.

Do not dispose of the record if it involves:

- Active or anticipated litigation
- An ongoing or pending audit
- A public records request within the last 30 days
- An administrative need to keep it

When physically destroying records, do it in a manner that safeguards the interests of the special district and the safety, security and privacy of individuals (see [Rule 1B-24.003, Florida Administrative Code - Records Retention Scheduling and Disposition](#) - paragraph (10)). Specify the manner of records destruction when documenting disposition. When possible, recycle the material.

If the records contain information that is confidential or exempt from disclosure, make sure it is destroyed in such a way that it cannot practicably be read, reconstructed, or recovered. Do not bury confidential or exempt records since burying does not ensure complete destruction or unauthorized access. Examples of appropriate methods of destruction include the following:

- Paper records - include burning, pulverizing, shredding, or macerating
- Electronic records - shredding, crushing, incineration; high-level overwriting and degaussing or demagnetizing
- Other non-paper media (such as audio tape, video tape, microforms, photographic films, etc.) - pulverizing, shredding and chemical decomposition and recycling

Disposition of Public Records Upon Dissolution or Merger

Florida public agencies, including special districts, are responsible for ensuring the appropriate transfer or disposition of their public records upon dissolution or merger with another entity.

When a special district merges with another entity, its public records are transferred to the new entity.

Excluding community development districts established under Chapter 190, Florida Statutes, when a special district dissolves, its public records become property of the applicable county or municipality.

If any special district dissolves and does not have a successor or parent agency to which it could transfer its public records or for a community development district established under Chapter 190, Florida Statutes, that dissolves without transferring its functions to an applicable county or municipality, custody of public records is governed by [section 257.36, Florida Statutes - Records and information management](#) (see paragraph (2)(b)):

If an agency is dissolved and the legislation dissolving that agency does not assign an existing agency as the custodian of public records for the dissolved agency's records, then the Cabinet is the custodian of public records for the dissolved agency, unless the Cabinet otherwise designates a custodian.

These special districts must contact the Florida Department of State, Bureau of Archives and Records Management prior to dissolution. The Florida Department of State will work with the Florida Cabinet to determine the legal custodian for the public records of each of these special districts.

Do NOT send public records to the Florida Department of State in Tallahassee unless specifically instructed to do so. While the Florida Department of State may accept physical custody for storage at the expense of the custodial agency if requested (see [section 119.021, Florida Statutes - Custodial requirements; maintenance, preservation, and retention of public records](#), paragraph (4)(a)), they are required to accept legal custody only if the Cabinet designates DOS as legal custodian.

Annual Compliance Statement

Once a year, special districts must submit to the Florida Department of State a signed statement attesting to the special district's compliance with records disposition laws, rules, and procedures as required by Rule 1B-24.003, Florida Administrative Code. The Florida Department of State will send the required form to each special district's designated records management liaison officer or records custodian in early November of each year. Each special district must complete and return it by December 31 of that year to the address indicated on the form. A special district that does not receive a form by the end of November should contact the Florida Department of State.

Additional Information

- [Appendix C: Specialty Area Contacts – Records Management](#)

Chapter 19: Ad Valorem Taxes and Truth-in-Millage

Distinctions exist between ad valorem taxes, non-ad valorem assessments and service charges.

Ad Valorem Taxes

Ad valorem (i.e., according to value) taxes are:

- Based on the assessed value of property
- A lien against property
- Measured in millage
- The sovereign right of local governments to raise public money
- Uniform throughout the jurisdiction
- Collected annually
- On the tax roll
- Often called "property taxes"

Non-ad Valorem Assessments

Non-ad valorem assessments are:

- Based on the benefit to the property
- A lien against the property
- Measured in specific units (square footage, acres)
- Revenue contributions by the property owner
- Enforced by the local government
- On the tax roll
- Collected annually ([Chapter 197, Florida Statutes - Tax Collections, Sales, and Liens](#)) or monthly ([Chapter 170, Florida Statutes - Supplemental and Alternative Method of Making Local Municipal Improvements](#)) ([excluding Community Development Districts](#))

Service Charges

Service charges are:

- Based on benefit to the property or the individual
- Not based on millage
- Not a lien against property
- Revenue contributions by individuals
- Enforced by local government
- Often collected monthly
- Not placed on the tax roll

Truth in Millage Process

The forms referenced below can be downloaded from [Florida Department of Revenue - Property Tax Oversight Forms](#).

The Truth-in-Millage Act of 1980 requires taxing authorities to inform taxpayers which governmental entity is responsible for the taxes levied and the tax liability amount they owe to each taxing entity. Truth-in-Millage is often referenced as "TRIM."

Special districts with the authority to levy property taxes, but will not do so during the year, must comply with the following reporting requirement:

- Truth-in-Millage Form (DR-421) – File with the Florida Department of Revenue annually by the 1st of November. Otherwise, the Truth-in-Millage process requires a series of public hearings for open discussion of budget and millage rates of taxing authorities. At these public hearings, elected officials must explain:
 - How they computed tax figures
 - Why they are seeking tax increases

The maximum tax levy allowed by a majority vote of the governing body is based on the rate of growth in per capita personal income in Florida. Ad valorem taxes may be increased at a greater rate only with a super majority or unanimous vote of the local government governing body. For more information, visit the following two websites:

- [Florida Department of Revenue - Truth in Millage](#)
- [Florida Department of Revenue - Maximum Millage Compliance Reports](#)

On or about June 1 each year, the Florida Department of Revenue's Property Tax Oversight Program notifies each taxing authority, by email, of any revisions to the Truth-in-Millage Manual of Instructions. The Truth-in-Millage Manual of Instructions explains the reporting requirements, filing deadlines and hearing procedures and any form changes that are necessary for taxing authorities to comply with millage determination and maximum millage limitation legislation.

A dependent special district's ad valorem millage must be added to the millage of the county or municipality that created it. The combined total of their millage rates must not exceed the millage cap of the county or municipality. This is an important consideration in creating a dependent special district authorized to levy ad valorem taxes.

The Truth-in-Millage process begins on the day of certification of value (day 1), or July 1, whichever comes later. The process ends when the special district submits the required certification documents to the Florida Department of Revenue within 30 days after the final budget hearing and millage rate adoption. The following is a summary of this process:

Day 1

The property appraiser certifies the tax roll, or the court certifies the interim tax roll using the Certification of Taxable Value Form (DR-420). The budget officer submits a tentative budget to the special district.

Day 35

The special district informs the property appraiser of the following:

- The prior year millage rate
- The current year proposed millage rate

- The rolled-back rate
- The time, date, and location of the tentative budget hearing

If the special district fails to provide this information within the 35 days, it will be prohibited from levying a millage rate greater than the rolled-back rate for the year. The property appraiser will compute the rolled-back rate.

Day 55

The property appraiser mails notices of proposed property taxes using the Notice of Proposed Property Taxes From (DR-474). This serves as notice of the tentative millage and budget hearing for all special districts. If a review notice is issued pursuant to [section 193.1142, Florida Statutes - Approval of assessment rolls](#), the Truth-in-Millage notice may not be sent until the assessment roll is approved.

Days 65-80

The special district must hold a millage and budget hearing, no sooner than 10 days following the mailed Truth-in-Millage notice, to do the following:

- Amend and adopt the tentative budget
- Re-compute the proposed millage rate
- Make a public announcement, if applicable, by what percentage the recomputed proposed millage exceeds the rolled-back rate
- Discuss the percentage increase in millage over the rolled back rate, if applicable
- Adopt the tentative millage rate
- Adopt the tentative budget by separate votes

If the tentative adopted millage rate exceeds the rate originally proposed (as presented in the Truth-in-Millage notice), the special district, at its expense, must mail a first-class notice of the new rate to all taxpayers in the special district.

Days 80-95

Special districts must advertise final millage and budget hearing within 15 days of adoption of tentative millage and budget, following the requirements in [section 200.065\(3\), Florida Statutes - Method of fixing millage](#).

Days 97-100

The special district must hold the final budget hearing within two to five days after the advertisement appears in the newspaper. At this hearing, the special district must do the following:

- Discuss the percentage increase in millage over the rolled-back rate, if applicable
- Adopt the final millage rate, which must not exceed the millage rate tentatively adopted
- Adopt the final budget by separate votes

Within 101 Days

Within three days after the final budget hearing, the special district must send the ordinance or resolution adopting the final millage rate to the property appraiser and tax collector and the Florida Department of Revenue's Property Tax Oversight Program.

Before the extension of the tax roll, the property appraiser will notify the special district of the final adjusted value of the tax roll by sending the Certification of Final Taxable Value Form (DR-422) to the special district. Within three days of receiving this form, the special district must certify its final adopted millage rate to the property appraiser. Water management districts may administratively adjust the final adopted millage if a 1 percent variance (+ or -) in certified values exists. All other special districts may administratively adjust the final adopted millage if a 3 percent variance in certified values exists. Failure to certify the adjusted millage within three days negates the adjustment privilege.

Day 130: Truth-in-Millage Compliance Package Report

Within 30 days after the final budget hearing, the special district must comply with the Truth-in-Millage Compliance Package Report - Use the forms in this package to certify compliance with the Requirements of [Chapter 200, Florida Statutes - Determination of Millage](#). Send the Truth-in-Millage Compliance Package Report, which must contain the following documents, to the Florida Department of Revenue:

- A signed Certification of Compliance Form (DR-487)
- A copy of the Certification of Taxable Value Form (DR-420)
- A copy of the Tax Increment Adjustment Worksheet (DR-420TIF), if applicable
- A copy of the Certification of Voted Debt Millage (DR-420DEBT), if applicable
- Ordinance or resolution adopting the final millage rate
- Ordinance or resolution adopting the final budget
- Final budget hearing advertisement - Notice of Proposed Tax Increase or Notice of Budget Hearing advertisement (entire page from newspaper)
- Proof of publication from the newspaper of the final budget hearing advertisement
- The budget summary advertisement (entire page from newspaper)
- Proof of publication from the newspaper of the budget summary advertisement
- Maximum Millage Levy Calculation, Final Disclosure (DR-420MM)
- Vote Record for Final Adoption of Millage Levy (DR-487V)
- A copy of the Certification of Final Taxable Value Form (DR-422) if the property appraiser has issued it in time to be completed. If not, submit it later.

The Florida Department of Revenue will not deny a special district the right to the full Truth-in-Millage period. However, the timeline for Truth-in-Millage compliance may be shortened if the following applies:

- Public hearings cannot be held sooner than 10 days after the Truth-in-Millage notice
- A public hearing is held no sooner than two days and no later than five days after its advertisement in a newspaper
- The property appraiser coordinates the shortened time periods and gives written notice to all affected special districts

Additional Information

- [Appendix C: Specialty Area Contacts - Property Taxes and TRIM Compliance](#)

Chapter 20: Public Deposits

Florida's Public Deposit Program

Special districts with any deposit accounts in banks or savings associations must make those deposits according to [Chapter 280, Florida Statutes - Security for Public Deposits](#). By doing so, those special districts will be covered by Florida's Public Deposits Program (Program), a statewide collateralization program that protects public deposits. For more information, see [Division of Treasury, Collateral Management](#).

Benefits

- When public deposits are made in accordance with Chapter 280, Florida Statutes, public depositors, as defined in [section 280.02, Florida Statutes - Definitions](#), will be protected from loss above the Federal Deposit Insurance Corporation deposit insurance level in the absence of negligence, malfeasance, misfeasance, or nonfeasance on the part of the public depositor or on the part of his or her agents or employees.
- The Program centralizes the management of collateral, custodians, and security agreements across public depositors, which results in reduced risk and collateral management costs.

Requirements

To be covered by the Program, and to comply with Chapter 280, Florida Statutes, special districts must meet the following requirements:

- Initially deposit and continue to maintain all public deposits, as defined in section 280.02, Florida Statutes, in a financial institution designated by the State of Florida's Chief Financial Officer as a qualified public depository (see [Qualified Public Depositories](#)).
- Ensure the account name is adequate to identify the account as a Florida public deposit.
- Execute the [Public Deposit Identification and Acknowledgment Form \(Form DFS-J1-1295\)](#) with the qualified public depository upon the establishment of an account.
 - The public depositor has the responsibility of maintaining the form as an official record. In the event of a claim filing due to a Qualified Public Depository defaulting, the public depositor will submit this executed form to Florida's Chief Financial Officer.
 - If a special district has not executed this form for any of its current accounts, please reach out to the associated Qualified Public Depository to begin the process of routing the form.
- Submit the [Public Depositor Annual Report to the Chief Financial Officer \(Form DFS-J1 -1009\)](#), by November 30, to the Florida Department of Financial Services by emailing the form to CollateralManagement@myfloridacfo.com. Report includes:
 - Confirmation of all open public deposit accounts
 - Confirmation of a current Public Deposit Identification and Acknowledgment Form
 - Listing of Qualified Public Depositories at which there are open accounts for the respective public depositor
- Notify Florida's Chief Financial Officer immediately by either calling 850.413.0614 or by sending an email to CollateralManagement@myfloridacfo.com if the special district receives a notice of default or insolvency from the receiver of the depository. Additionally, please provide the written confirmation and a copy of the notice to the Chief Financial Officer.

Additional Information

- [Appendix C: Specialty Area Contacts – Public Deposit Requirements](#)

Chapter 21: Investments

Requirements

Special district investment activities must be consistent with one of the following:

1. A written investment plan containing sixteen specified criteria and adopted by the special district's governing body
2. Invested or reinvested in one of the following:
 - The Local Government Surplus Funds Trust Fund (see [Investment of Surplus Funds Option](#) below) or any intergovernmental investment pool authorized pursuant to the [Florida Interlocal Cooperation Act of 1969](#)
 - Securities and Exchange Commission registered money market funds with the highest credit quality rating from a nationally recognized rating agency
 - Interest-bearing time deposits or savings accounts in qualified public depositories
 - Direct obligations of the United States Treasury

For more information, see [section 218.415, Florida Statutes - Local government investment policies](#).

Failure to Comply with Special District Investment Requirements

For information about the consequences if a special district reported to be in noncompliance with section 218.415, Florida Statutes, fails to take corrective action, see [Noncompliance Status Reports and Follow-up Action](#) (Joint Legislative Auditing Committee section and Technical Assistance section).

The Local Government Surplus Funds Trust Fund – Florida Prime

Special districts may invest surplus funds in Florida Prime, the Local Government Surplus Funds Trust Fund, which seeks to provide preservation of capital, liquidity, and competitive yield. The State Board of Administration of Florida is governed by a three-member Board of Trustees, comprised of the Governor, Chief Financial Officer, and Florida Attorney General.

Advantages to Investing in Florida Prime

- Seeks preservation of capital, liquidity, and competitive yield by pooling investments in a portfolio of short-term, high quality fixed income securities rated in the highest short-term rating category by one of the nationally recognized statistical rating organizations or of comparable quality
- Seeks to maintain a \$1.00 value and maintain a weighted average maturity of 60 days or less, with a maximum maturity of any investment limited to 397 days
- Maintains current balances for individual accounts and distributes pooled investment earnings to each account monthly, based on the average daily balances of the participating accounts on the accrual basis of accounting
- Provides a monthly statement of the deposits, withdrawals, balances, and earnings
- Complies with legislation that requires numerous operational and reporting enhancements, including restating objectives to emphasize safety, liquidity, and competitive returns with minimization of risks, and providing for enhanced internal controls, transparency, and communication
- Rated AAAM by Standard and Poor's, the highest rating available for a local government investment pool

Investments may be made in the following categories:

- United States Government
- United States Government guaranteed
- United States agency obligations
- United States corporation obligations
- Domestic bank certificates of deposit
- Euro Dollar certificates of deposit
- Bankers' acceptances
- Commercial paper
- Repurchase agreements
- Other investment instruments provided by the Florida Statutes

Filing Requirements

At the time of first investing surplus funds in the Local Government Surplus Trust Fund (Florida Prime), the special district must prepare and file the following three items with the State Board of Administration:

1. Resolution for Investment of Surplus Funds - This resolution must authorize investment in Florida Prime and include the following:
 - The official seal of the entity or be notarized
 - The name of the chief administrative or financial officer or the independent trustee responsible for the funds
2. Disclosure Statement for Participation in Florida Prime Investment Pool - This must be signed before enrolling in the Local Government Investment Pool and mailed to the State Board of Administration, Financial Operations, 1801 Hermitage Boulevard, Suite 100, Tallahassee, Florida 32308.
3. Participant Account Maintenance Form - The State Board of Administration of Florida will provide this form to special districts. Complete this form for each account opened in the fund. Use it to make changes or updates to each account.

The Disclosure Statement and Authorizing Resolution can be downloaded from [Florida Prime – Enrollment Materials](#) and the Participant Account Maintenance Form can be requested by sending an email to LocalGovPool@sbafla.com.

Additional Information

- [Appendix C: Specialty Area Contacts – Investment of Surplus Funds](#)

Chapter 22: State of Florida Deferred Compensation Plan

[Section 112.215, Florida Statutes - Government employees; deferred compensation program](#) (Program), authorizes special districts to join Florida's Deferred Compensation Plan, a retirement savings plan that can help employees supplement their pension and Social Security benefits.

Participation lowers an employee's current taxable income because contributions are not taxed until the employee receives distributions from the plan. Employees decide how much they want to save each pay date and where they would like their money invested. The Program offers default investment options, as well as mutual funds and investments that guarantee a return. Contributions are made through payroll deduction.

If eligible to participate, the special district must approve and provide a letter of intent to participate in the State of Florida Deferred Compensation Plan. Special district employees and appointed or elected officials who provide a service for which compensation or statutory fees are paid by the special district are eligible. The Bureau of Deferred Compensation within the Florida Department of Financial Services will help the special district get started, including helping the special district connect to the plan's record keeping system. Reporting requirements to the state are not applicable

Additional Information

- [Appendix C: Specialty Area Contacts – Deferred Compensation, State of Florida](#)

This page intentionally left blank.

Chapter 23: Reviewing and Revising Rules

[Chapter 120, Florida Statutes - Administrative Procedure Act](#), requires the following types of special districts ("applicable special districts") with adopted rules to submit a Regulatory Plan to the Joint Administrative Procedures Committee:

- Multicounty special districts with a majority of its governing body consisting of non-elected members
- Authorities, including Regional Water Supply Authorities
- Community Redevelopment Agencies created and operating pursuant to [Chapter 163, Part III, Florida Statutes - Community Redevelopment](#)
- Neighborhood Improvement Districts created and operating pursuant to [Chapter 163, Part IV, Florida Statutes - Neighborhood Improvement Districts](#)
- Regional Transportation Authorities created and operating pursuant to [Chapter 163, Part V, Florida Statutes - Regional Transportation Authorities](#)
- Water Management Districts created and operating pursuant to [Chapter 373, Florida Statutes - Water Resources](#)
- Soil and Water Conservation Districts created and operating pursuant to [Chapter 582, Florida Statutes - Soil and Water Conservation](#)

Regulatory Plan Requirement

By October 1 of each year, applicable special districts must prepare a regulatory plan listing each law enacted during the previous 12 months that modifies the duties or authority of the special district. The regulatory plan must:

1. Indicate whether the applicable special district must adopt rules to implement the law.
2. Indicate the following if rulemaking is necessary:
 - a. Whether a notice of rulemaking has been published (if so, the date the notice was published in the Florida Administrative Register)
 - b. The date by which the applicable special district plans to publish the notice of proposed rulemaking
3. Indicate the following if rulemaking is unnecessary
 - a. A concise written explanation of the reasons why the law may be implemented without rulemaking
4. Identify any other law that the applicable special district plans to implement by rulemaking before July 1 of the following year (except emergency rulemaking). Section 120.74(1)(b), Florida Statutes, requires the plan to "state whether the rulemaking is intended to simplify, clarify, increase efficiency, improve coordination with other agencies, reduce regulatory costs, or delete obsolete, unnecessary, or redundant rules."
5. Include any updates to the prior year's regulatory plan (see section 120.74(1)(c), Florida Statutes)
6. Be certified by the applicable special district head and the individual acting as the principal legal advisor (see section 120.74(1)(d), Florida Statutes)
7. Be published by each October 1 on the applicable special district's website or another state website established for the publication of administrative law records

An applicable special district must publish a notice of rule development by November 1 for each law identified in the applicable special district's regulatory plan. The notice of proposed rulemaking must be published by April 1 of the following year (this deadline may be extended if the applicable special district publishes a notice of extension explaining the reasons for the delay in rulemaking in the [Florida Administrative Register](#)). See section 120.74(5) and (6), Florida Statutes for additional requirements.

The regulatory plan must be supplemented within 30 days after a bill becomes law, "if the law is enacted before the next regular session of the legislature and the law substantively modifies the special district's specifically delegated legal duties, unless the law affects all or most state agencies as identified by letter to the committee from the Governor or the Attorney General," (see section 120.74(7), Florida Statutes).

Filing Requirement

Deliver a copy of the certification required by section 120.74(1)(d), Florida Statutes, by each October 1 to the Joint Administrative Procedures Committee.

Additional Information

- [Appendix C: Specialty Area Contacts – Reviewing and Revising Rules](#)

Appendix A: Reporting Requirements by Due Date

The following reports and information may be due, depending on the special district's unique circumstances. The first section includes filings due by a specific date. The next section includes filings due by a general date. For additional information, visit the referenced links.

Due by a Specific Date

October

- October 1 (beginning of fiscal year for most special districts):
 - Begin planning and arranging for a financial audit to cover the previous fiscal year, if applicable - See [Procedures to Follow When a Financial Audit is Required](#)
 - Regulatory Report - See [Chapter 23: Reviewing and Revising Rules](#)

November

- November 1:
 - Truth-in-Millage Form DR421 - See [Truth in Millage Process](#)
- November 30:
 - Public Depositor Annual Report to the Chief Financial Officer - See [Chapter 20: Public Deposits](#)

December

- December 1 (Approximately):
 - State Fee and Update Document - See [Collecting an Annual State Fee](#)
- December 31:
 - [Annual Compliance Statement](#)
 - [Form 9, Quarterly Gift Disclosure](#)
 - [Form 2, Quarterly Client Disclosure](#)

February

- February 1:
 - Annual Report to Division of Retirement - Actuarial Valuations - Chapter Plans for Independent Fire Control Districts Electing to Participate under the provisions of Chapter 175, Florida Statutes - See [Firefighter Pensions](#)

March

- March 15:
 - Annual Report to Division of Retirement - Actuarial Valuations - Local Law Plans for Independent Fire Control Districts Electing to Participate under the provisions of Chapter 175, Florida Statutes - See [Firefighter Pensions](#)
- March 30:
 - [Form 9, Quarterly Gift Disclosure](#)
 - [Form 2, Quarterly Client Disclosure](#)

June

- June 30:
 - [The Financial Audit Report](#)
 - [The Annual Financial Report](#) and if applicable, the [Budget Variance Report](#), and [information about impact fees charged](#) (Impact Fee Waivers / Exceptions, and Impact Fee Affidavit)
 - [Form 9, Quarterly Gift Disclosure](#)
 - [Form 2, Quarterly Client Disclosure](#)
- June 30, 2023, and every five years thereafter:
 - Performance Review of an independent special fire control district not located within a Rural Area of Opportunity - See [Chapter 9: Performance Reviews of Certain Special Districts](#)
- June 30, 2024, and every five years thereafter:
 - Performance Review of an independent hospital special district / public health trust - See [Chapter 9: Performance Reviews of Certain Special Districts](#)

July

- July 1
 - [Form 1, Statement of Financial Interests](#)
 - [Form 6, Full and Public Disclosure](#)
 - [Form 10, Annual Disclosure of Gifts from Governmental Entities and Direct Support Organizations and Honorarium Event Related Expenses](#)

September

- September 30 (end of fiscal year for most special districts)
 - [Form 9, Quarterly Gift Disclosure](#)
 - [Form 2, Quarterly Client Disclosure](#)

Due by a General Date**Due Before Something Occurs**

- [Actuarial Impact Statement for Proposed Plan Amendments](#)
- [Advance Notice of a Bond Sale](#)
- [Form 3A, Interest in Competitive Bid for Public Business](#)
- [Form 4A, Disclosure of Business Transaction, Relationship, or Interest](#)
- [Chapter 21: Investments – Filing Requirements](#)

Due When Something Occurs

- [Designate a Registered Agent and a Registered Office](#)
- Designate a Records Management Liaison Officer – See [Records Management](#)

- [Section 190.009, Florida Statutes - Disclosure of public financing](#)
- [Chapter 21: Investments – Filing Requirements](#)
- [Form 1, Statement of Financial Interests](#)
- Notification of a Financial Emergency Condition - See [Financial Emergencies](#)

Due When / If Requested

- Budget or Tax Levy - See [Budget Requirements](#)

Due Promptly Upon Completion or Adoption

- Determination of the expected rate of return on defined benefit pension plan assets - See [Additional Actuarial Disclosures](#)
- Investment Policies for defined benefit pension plan assets - See [Additional Actuarial Disclosures](#)

Due at Least Two Days Before a Budget Hearing

- Tentative budget posted on the special district's official website - See [Budget Requirements](#)

Due Within 15 Days of Something

- [Form 8B, Memorandum of Voting Conflict for County, Municipal and Other Local Public Officers](#)

Due Within 30 Days of Something

- Creation Documents and Amendments - See [Newly Created Special District Responsibilities](#)
- Written Status Statement - See [Newly Created Special District Responsibilities](#)
- Dissolution Documents - See [Chapter 5: Dissolving Special Districts](#)
- Merger Documents - See [Chapter 4: Merging Special Districts](#)
- Boundary Map and Amendments - See [Amending Special Districts](#)
- Registered Agent and Office Initial Designation - See [Designate a Registered Agent and a Registered Office](#)
- Truth-in-Millage Compliance Package Report – See [Day 130: Truth-in-Millage Compliance Package Report](#)
- [Form 1, Statement of Financial Interests](#)
- Final Adopted Budget posted on the special district's official website (see [Budget Requirements](#))

Due Within 45 Days of Something

- [Bond Verification Form \(BF 2005\)](#)
- [The Financial Audit Report](#)

Due Within 60 Days of Something

- [Additional Actuarial Disclosures](#)
- [Actuarial Valuation Report](#)
- [Form 1F, Final Statement of Financial Interests](#)
- [Form 6F, Final Full and Public Disclosure](#)

Due Within 120 Days of Something

- [Bond Information Form / Bond Disclosure Form \(BF2003 / 2004A and B\)](#)
- [Final Official Statement](#)
- [IRS Form 8038](#)

Due Quarterly, Semiannually or Annually

- [Schedule of Regular Meetings](#)
- [Form 9, Quarterly Gift Disclosure](#)
- [Form 2, Quarterly Client Disclosure](#)

Due Within One Year of Creation

- [Public Facilities Initial Report](#)

Due by the End of the First Full Fiscal Year After Creation

- Official Internet Web Address - See [Develop and Maintain an Official Website](#)

Due Annually

- [Defined Contribution Report](#)
- [Public Facilities Annual Notice of Any Changes](#)
- [Form 1, Statement of Financial Interests](#)

Due at Least Once Every Three Years

- [Actuarial Valuation Report](#)

Due Every Seven Years

- [Public Facilities Updated Report](#) – See also:
 - [Create a Customized List - Public Facilities Updated Report Due Dates for Certain Independent Special Districts Based on the Evaluation and Appraisal Notification Schedule 2019 - 2025](#)
 - [Quick List - Public Facilities Updated Report Due Dates for Certain Independent Special Districts Based on the Evaluation and Appraisal Notification Schedule 2019 - 2025](#)

Appendix B: Reporting Requirements by Agency

Florida Auditor General

1. **[Filing Requirements - Local Governments and Educational Entities](#)**
 - [Instructions for Local Governmental Entity Audit Reports Electronically Submitted to the Auditor General](#)
 - [Section 11.45, Florida Statutes - Definitions; duties; authorities; reports; rules](#)
 - [Section 218.39, Florida Statutes - Annual financial audit reports](#)
 - [Rules of the Auditor General](#)
 - [Chapter 13: The Financial Audit Report](#)
2. ***Performance review of an independent special fire control district not located within a Rural Area of Opportunity***
 - [Section 189.0695, Florida Statutes – Independent special districts; performance reviews](#)
 - [Chapter 9: Performance Reviews of Certain Special Districts](#)
3. ***Performance review of an independent hospital special district / public health trust***
 - [Section 189.0695, Florida Statutes – Independent special districts; performance reviews](#)
 - [Chapter 9: Performance Reviews of Certain Special Districts](#)

Florida Commission on Ethics

1. ***Full and Public Disclosure (Form 6)***
 - [Section 112.3144, Florida Statutes - Full and public disclosure of financial interests](#)
 - [Form 6, Full and Public Disclosure](#)
2. ***Final Full and Public Disclosure (Form 6F)***
 - [Section 112.3144, Florida Statutes - Full and public disclosure of financial interests](#)
 - [Form 6F, Final Full and Public Disclosure](#)
3. ***Quarterly Gift Disclosure (Form 9)***
 - [Section 112.3148, Florida Statutes - Reporting and prohibited receipt of gifts by individuals filing full or limited public disclosure of financial interests and by procurement employees](#)
 - [Rule Chapter 34-13, Florida Administrative Code - Gifts and Honoraria](#)
 - [Form 9, Quarterly Gift Disclosure](#)
4. ***Annual Disclosure of Gifts from Governmental Entities and Direct Support Organizations and Honorarium Event Related Expenses (Form 10)***
 - [Section 112.3148, Florida Statutes - Reporting and prohibited receipt of gifts by individuals filing full or limited public disclosure of financial interests and by procurement employees](#)

- [Section 112.3149, Florida Statutes - Solicitation and disclosure of honoraria](#)
- [Form 10, Annual Disclosure of Gifts from Governmental Entities and Direct Support Organizations and Honorarium Event Related Expenses](#)

FloridaCommerce, Special District Accountability Program

1. **Creation Documents and Amendments**

- [Section 189.016, Florida Statutes - Reports; budgets; audits](#)
- [Newly Created Special District Responsibilities](#)

2. **Written Status Statement**

- [Section 189.016, Florida Statutes - Reports; budgets; audits](#)
- [Newly Created Special District Responsibilities](#)

3. **Merger Documents**

- [Chapter 189, Part VII, Florida Statutes - Merger and Dissolution](#)
- [Chapter 4: Merging Special Districts](#)

4. **Dissolution Documents**

- [Chapter 189, Part VII, Florida Statutes - Merger and Dissolution](#)
- [Chapter 5: Dissolving Special Districts](#)

5. **Boundary Map and Amendments**

- [Section 189.016, Florida Statutes - Reports; budgets; audits](#)
- [Amending Special Districts](#)

6. **State Fee (\$175) Invoice and Profile Update**

- [Section 189.018, Florida Statutes - Fee schedule; Grants and Donations Trust Fund](#)
- [Rule 73C-24.003, Florida Administrative Code - Fee Schedule, Annual Invoicing, Data Updating, and Updating of the Special District Database](#)
- [Collecting an Annual State Fee](#)

7. **Registered Agent and Office Initial Designation**

- [Section 189.014, Florida Statutes - Designation of registered office and agent](#)
- [Section 189.016, Florida Statutes - Reports; budgets; audits](#)
- [Designate a Registered Agent and a Registered Office](#)

8. **Registered Agent and Office Changes**

- [Section 189.014, Florida Statutes - Designation of registered office and agent](#)
- [Section 189.016, Florida Statutes - Reports; budgets; audits](#)
- [Designate a Registered Agent and a Registered Office](#)

9. **Official Website Address**

- [Section 189.069, Florida Statutes - Special district; required reporting of information; web-based public access](#)
- [Develop and Maintain an Official Website](#)

10. **Disclosure of Public Financing**

- [Section 190.009, Florida Statutes - Disclosure of public financing](#)

Florida Department of Financial Services

Bureau of Financial Reporting

1. **Annual Financial Report**

- [Section 189.016, Florida Statutes - Reports; budgets; audits](#)
- [Section 163.31801, Florida Statutes – Impact fees; short title; intent; minimum requirements; audits; challenges](#)
- [Section 218.31, Florida Statutes - Definitions](#)
- [Section 218.32, Florida Statutes - Annual financial reports; local governmental entities](#)
- [Chapter 12: The Annual Financial Report](#)

2. **Financial Audit Report**, if required.

- [Chapter 13: The Financial Audit Report](#)

3. **Budget Variance Report**, if required.

- [Budget Variance Report](#)

Bureau of Collateral Management

1. **Public Depositor Annual Report to the Chief Financial Officer**, and

2. **Public Deposit Identification and Acknowledgment Form**

- [Section 280.17, Florida Statutes - Requirements for public depositors; notice to public depositors and governmental units; loss of protection](#)
- [Chapter 20: Public Deposit Requirements](#)

Florida Department of Management Services, Division of Retirement

1. **Actuarial Valuation Report**

- [Section 112.63, Florida Statutes - Actuarial reports and statements of actuarial impact; review](#)
- [Section 175.261, Florida Statutes – Annual Report to the Division of Retirement; actuarial valuation](#)
- [Rule Chapter 60T-1, Florida Administrative Code - Local Retirement Systems](#)

2. **Additional Actuarial Disclosures**

- [Section 112.664, Florida Statutes - Reporting standards for defined benefit retirement plans or systems](#)
- [Rule Chapter 60T-1, Florida Administrative Code, Local Retirement Systems](#)
- [Additional Actuarial Disclosures](#)

3. **Actuarial Impact Statement for Proposed Plan Amendments**

- [Section 112.63, Florida Statutes - Actuarial reports and statements of actuarial impact: review](#)
- [Section 175.351, Florida Statutes – Municipalities and special fire control districts that have their own retirement plans for firefighters](#)
- [Rule Chapter 60T-1, Florida Administrative Code - Local Retirement Systems](#)
- [Actuarial Impact Statement for Proposed Plan Amendments](#)

4. **Defined Contribution Report**

- [Rule 60T-1.006, Florida Administrative Code - Defined Contribution Plans](#)
- [Defined Contribution Report](#)

5. **Annual Report to Division of Retirement - Actuarial Valuations - Local Law Plans for Independent Fire Control Districts or Annual Report to Division of Retirement - Actuarial Valuations - Chapter Plans for Independent Fire Control Districts for Plans that Participate under Chapter 175, Florida Statutes**

- [Chapter 175, Florida Statutes - Firefighter Pensions](#)
- [Section 175.261, Florida Statutes – Annual Report to the Division of Retirement: actuarial valuations](#)
- [Firefighter Pensions](#)

Florida Department of Revenue, Property Tax Oversight Program, TRIM Compliance Section

1. **Truth-in-Millage Form DR421**

- [Section 200.068, Florida Statutes - Certification of compliance with this chapter](#)
- [Truth-In-Millage Process](#)

2. **Truth-in-Millage Compliance Package Report**

- [Section 200.068, Florida Statutes - Certification of compliance with this chapter](#)
- [Day 130: Truth-in-Millage Compliance Package Report](#)

Florida Department of State, Division of Library and Information Services

1. **Annual Records Management Compliance Statement**

- [Annual Compliance Statement](#)

2. **Records Management Liaison Officer designation form**

- [Records Management](#)

Florida Legislature

Joint Administrative Procedures Committee

1. **Regulatory Plan**

- [Section 120.52, Florida Statutes - Definitions](#)
- [Section 120.74, Florida Statutes - Agency annual rulemaking and regulatory plans; reports](#)
- [Chapter 23: Reviewing and Revising Rules](#)

Joint Legislative Auditing Committee

1. **Notification of a Financial Emergency Condition**

- [Section 218.503, Florida Statutes - Determination of financial emergency](#)
- [Actions Required When a Financial Emergency Condition Occurs, or Will Occur](#)

President of the Senate

1. **Performance review of an independent special fire control district not located within a Rural Area of Opportunity**

- [Section 189.0695, Florida Statutes – Independent special districts; performance reviews](#)
- [Chapter 9: Performance Reviews of Certain Special Districts](#)

2. **Performance Review of an independent hospital special district / public health trust**

- [Section 189.0695, Florida Statutes – Independent special districts; performance reviews](#)
- [Chapter 9: Performance Reviews of Certain Special Districts](#)

Speaker of the House of Representatives

1. **Performance review of an independent special fire control district not located within a Rural Area of Opportunity**

- [Section 189.0695, Florida Statutes – Independent special districts; performance reviews](#)
- [Chapter 9: Performance Reviews of Certain Special Districts](#)

2. **Performance Review of an independent hospital special district / public health trust**

- [Section 189.0695, Florida Statutes – Independent special districts; performance reviews](#)
- [Chapter 9: Performance Reviews of Certain Special Districts](#)

Governor of Florida, Chief Inspector General

1. **Notification of a Financial Emergency Condition**

- [Section 218.503, Florida Statutes - Determination of financial emergency](#)
- [Actions Required When a Financial Emergency Condition Occurs, or Will Occur](#)

Local General-Purpose Government(s) in Which the Special District is Located

1. **Budget or Tax Levy**
 - [Section 189.016, Florida Statutes - Reports; budgets; audits](#)
 - [Budget Requirements](#)
2. **Public Facilities Initial Report**
 - [Section 189.08, Florida Statutes - Special district public facilities report](#)
 - [Public Facilities Initial Report](#)
3. **Public Facilities Annual Notice of Any Changes**
 - [Section 189.08, Florida Statutes - Special district public facilities report](#)
 - [Public Facilities Annual Notice of Any Changes](#)
4. **Public Facilities Updated Report**
 - [Section 189.08, Florida Statutes - Special district public facilities report](#)
 - [Public Facilities Updated Report](#)
 - [Create a Customized List - Public Facilities Updated Report Due Dates for Certain Independent Special Districts Based on the *Evaluation and Appraisal Notification Schedule 2019 - 2025*](#)
 - [Quick List - Public Facilities Updated Report Due Dates for Certain Independent Special Districts Based on the *Evaluation and Appraisal Notification Schedule 2019 - 2025*](#)
5. **Registered Agent and Office Initial Designation**
 - [Section 189.014, Florida Statutes - Designation of registered office and agent](#)
 - [Section 189.016, Florida Statutes - Reports; budgets; audits](#)
 - [Designate a Registered Agent and a Registered Office](#)
6. **Registered Agent and Office Changes**
 - [Section 189.014, Florida Statutes - Designation of registered office and agent](#)
 - [Section 189.016, Florida Statutes - Reports; budgets; audits](#)
 - [Designate a Registered Agent and a Registered Office](#)
7. **Schedule of Regular Meetings**
 - [Section 189.015, Florida Statutes - Meetings; notice; required reports](#)
 - [Section 189.016, Florida Statutes - Reports; budgets; audits](#)
 - [Schedule of Regular Meetings](#)

Special District's Governing Body

Each Member

1. **Actuarial Valuation Report** - See [Florida Department of Management Services, Division of Retirement](#)
2. **Financial Audit Report** - See [Florida Auditor General](#)

Governing Body in General

1. **Disclosure of Business Transaction, Relationship, or Interest (Form 4A)**
 - [Section 112.313, Florida Statutes - Standards of conduct for public officers, employees of agencies, and local government Attorneys](#) (paragraphs (3), (7)(a), and (12))
 - [Form 4A, Disclosure of Business Transaction, Relationship, or Interest](#)
2. **Performance review of an independent special fire control district not located within a Rural Area of Opportunity**
 - [Section 189.0695, Florida Statutes – Independent special districts; performance reviews](#)
 - [Chapter 9: Performance Reviews of Certain Special Districts](#)
3. **Performance Review of an independent hospital special district / public health trust**
 - [Section 189.0695, Florida Statutes – Independent special districts; performance reviews](#)
 - [Chapter 9: Performance Reviews of Certain Special Districts](#)

Meeting Minute Recorder

1. **Memorandum of Voting Conflict for County, Municipal and Other Local Public Officers (Form 8B)**
 - [Section 112.3143\(3\) and \(4\), Florida Statutes - Voting conflicts](#)
 - [Form 8B, Memorandum of Voting Conflict for County, Municipal, and Other Local Public Officers - \(Special Purpose Form\)](#)

Special District's Residents and Prospective Residents and Residential Developers

1. **Disclosure of Public Financing** (Community Development Districts only).
 - [Section 190.009, Florida Statutes - Disclosure of public financing](#)

State Board of Administration of Florida

Division of Bond Finance

1. **Advance Notice of Bond Sale**
 - [Section 218.38, Florida Statutes - Notice of bond issues required; verification](#)
 - [Rules 19A-1.001 - 19A-1.008, Florida Administrative Code - Local Municipal Bond Reporting Procedures](#)
 - [Advance Notice of a Bond Sale](#)

2. **Bond Information Form / Bond Disclosure Form (BF2003 / 2004A and B)**
 - [Section 218.38, Florida Statutes - Notice of bond issues required; verification](#)
 - [Rules 19A-1.001 - 19A-1.008, Florida Administrative Code - Local Municipal Bond Reporting Procedures](#)
 - [Bond Information Form / Bond Disclosure Form \(BF2003 / 2004A and B\)](#)
3. **Bond Verification Form (BF2005)**
 - [Rules 19A-1.001 - 19A-1.008, Florida Administrative Code - Local Municipal Bond Reporting Procedures](#)
 - [Bond Verification Form \(BF 2005\)](#)
4. **Final Official Statement (Bonds)**
 - [Section 218.38, Florida Statutes - Notice of bond issues required; verification](#)
 - [Rules 19A-1.001 - 19A-1.008, Florida Administrative Code - Local Municipal Bond Reporting Procedures](#)
 - [Final Official Statement](#)
5. **IRS Form 8038 (Bonds)**
 - [Section 159.345, Florida Statutes - Local agency reporting requirement](#)
 - [Section 159.475, Florida Statutes - Authority reporting requirement](#)
 - [Section 159.7055, Florida Statutes - Authority reporting requirement](#)
 - [Rules 19A-1.001 - 19A-1.008, Florida Administrative Code - Local Municipal Bond Reporting Procedures](#)
 - [IRS Form 8038](#)

Financial Operations

1. **Resolution for Investment of Surplus Funds**
 - [Section 218.407, Florida Statutes - Local government investment authority](#)
 - [Chapter 21: Investments – Filing Requirements](#)
2. **Financial Statement Disclosure (Disclosure Statement for Participation in the Local Government Surplus Funds Trust Fund Investment Pool)**
 - [Chapter 21: Investments – Filing Requirements](#)
3. **Participant Account Maintenance Form**
 - [Chapter 21: Investments – Filing Requirements](#)

Supervisor of Elections

County Office of the Reporting Person's Permanent Residence

1. **Statement of Financial Interests (Form 1)**

- [Section 112.3145, Florida Statutes - Disclosure of financial interests and clients represented before agencies](#)
- [Form 1, Statement of Financial Interests](#)
- 2. **Final Statement of Financial Interests (Form 1F)**
 - [Section 112.3145, Florida Statutes - Disclosure of financial interests and clients represented before agencies](#)
 - [Form 1F, Final Statement of Financial Interests](#)
- 3. **Quarterly Client Disclosure (Form 2)**
 - [Section 112.3145, Florida Statutes - Disclosure of financial interests and clients represented before agencies](#)
 - [Form 2, Quarterly Client Disclosure](#)
- 4. **Interest In Competitive Bid for Public Business (Form 3A)**
 - [Section 112.313, Florida Statutes - Standards of conduct for public officers, employees of agencies, and local government attorneys](#) (paragraphs (3), (7)(a), and (12))
 - [Form 3A, Interest in Competitive Bid for Public Business](#)

County Office in Which the Special District of the Reporting Person has its Principal Office

1. **Interest in Competitive Bid for Public Business (Form 3A)**
 - [Section 112.313, Florida Statutes - Standards of conduct for public officers, employees of agencies, and local government attorneys](#) (paragraphs (3), (7)(a), and (12))
 - [Form 3A, Interest in Competitive Bid for Public Business](#)

This page intentionally left blank.

Appendix C: Specialty Area Contacts

General Inquiries / Chapter 189, Florida Statutes, Requirements

- [FloridaCommerce, Special District Accountability Program](#)
 - 850.717.8430 or SpecialDistricts@Commerce.fl.gov

Annual Financial Report

- [Florida Department of Financial Services, Division of Accounting and Auditing – Bureau of Financial Reporting - Local Governments](#)
 - 850.413.5571 or localgov@myfloridacfo.com

Bond Finance

- [State Board of Administration of Florida, Division of Bond Finance](#)
 - 850.488.4782 or Bond@sbafla.com
 - Electronic Filing: [State Board of Administration of Florida - Division of Bond Finance - Local Bond Monitoring](#)

Deferred Compensation, State of Florida

- [Florida Department of Financial Services, Division of Treasury, Deferred Compensation](#)
 - Ben Hensarling, 850.413.3162 or Ben.Hensarling@myfloridacfo.com

Ethics

- [Florida Commission on Ethics](#)
 - Kerrie Stillman or Kim Holmes, 850.488.7864
or stillman.kerrie@leg.state.fl.us or holmes.kim@leg.state.fl.us

Financial Audit Report

- [Florida Auditor General - Contact Us](#)

Financial Emergencies

- [Joint Legislative Auditing Committee](#)
 - Debbie White, 850.487.4110 or jlac@leg.state.fl.us
- [Executive Office of the Governor of Florida, Chief Inspector General](#)
 - Chief Inspector General, 850.717.9264 or CIG218@eog.myflorida.com

Florida Retirement System

- [Florida Department of Management Services, Division of Retirement](#) and [MyFRS.com](#)
 - Joyce Morgan, 850.907.6295 or Joyce.Morgan@dms.fl.gov

- To join, call 850.907.6540 (Tallahassee area) or toll free 1.877.377.1266 (outside of Tallahassee area) or send an email to Enrollment@dms.fl.gov.

Investment of Surplus Funds

- [State Board of Administration of Florida](#)
 - Donna Owens, 850.488.7311 or LocalGovPool@sbafla.com
 - [Florida Prime - An Investment Service for Public Funds, State Board of Administration](#)

Local Retirement Plans

- [Florida Department of Management Services, Division of Retirement, Municipal Police and Fire Plans](#)
 - Keith Brinkman, 877.738.5622 or 850.488.2784 or local_ret@dms.fl.gov

Performance Reviews by the Office of Program Policy Analysis and Government Accountability

- [Office of Program Policy Analysis and Government Accountability](#)
 - David Summers, 850.717.0555 or Summers.David@OPPAGA.fl.gov

Property Taxes and TRIM Compliance

- [Florida Department of Revenue, Property Tax Oversight](#)
 - Wyatt Peters, 850.617.8921 or TRIM@FloridaRevenue.com

Public Deposit Requirements

- [Florida Department of Financial Services, Division of Treasury, Collateral Management](#)
 - 850.413.3167

Records Management

- [Florida Department of State, Division of Library and Information Services, Records Management](#)
 - Brenda Lippy, 850.245.6750 or RecMgt@dos.MyFlorida.com

Reviewing and Revising Rules

- [Joint Administrative Procedures Committee](#)
 - Jowanna Oates, Chief Attorney, 850.488.9110 or joint.admin.procedures@leg.state.fl.us

Sunshine Law and Public Records

- [Florida Office of the Attorney General – Open Government](#)
 - Patricia Gleason, 850.245.0140 or pat.gleason@MyFloridaLegal.com

Subject Index

A

Accessibility Requirements (Website) 36

Accountability 73

Acknowledgements (handbook) 15

Actuarial Disclosures (additional) 105

Actuarial Impact Statement for Proposed Plan Amendments 105

Actuarial Valuation Report 104

Ad Valorem Taxes (definition) 133

Advance Notice of a Bond Sale 100

Amending Special Districts 40

Annual Compliance Statement (public records) 132

Annual Financial Report 89

B

Bankruptcy 86

Bond Financing 97

Bond Referendum 97

Bond Verification Form (BF 2005) 101

Budget Requirements 83

 Amendment Procedures 83

 Budget Reviews 83

 Dependent Extras 83

Budget Variance Report 84

C

Community Development District, Incorporation or Annexation 40

Complaint for Validation of Bonds 97

Component Units 89

Comprehensive Planning 61

Constitution, Applicability 20

Contacts 159

Conversion to a Municipality 40

Creation of Special Districts 32

D

Debts and Assets, Dissolved Special District 54

Deferred Compensation 141

Defined Contribution Report 106

Dependent Special District (definition) 18

Deposits (Public) 137

Disclosures (handbook) 15

E

Elections 55

Errors (handbook) 16

Ethics..... 111

F

Federal Laws, Applicability..... 23
 Fee, Annual 29
 Final Official Statement 101
 Financial Audit Report 93
 Financial Emergencies..... 84
 Firefighter Pensions 107
 Florida Retirement System 108
 Florida’s Public Deposit Program 137
 Form 1, Statement of Financial Interests (ethics) 112
 Form 10, Annual Disclosure of Gifts from Governmental Entities and Direct Support Organizations and Honorarium Event
 Related Expenses (ethics) 119
 Form 1F, Final Statement of Financial Interests (ethics)..... 113
 Form 2, Quarterly Client Disclosure (ethics) 113
 Form 3A, Interest in Competitive Bid for Public Business (ethics) 113
 Form 4A, Disclosure of Business Transaction, Relationship, or Interest (ethics) 114
 Form 6, Full and Public Disclosure 114
 Form 6F, Final Full and Public Disclosure 115
 Form 8B, Memorandum of Voting Conflict for County, Municipal and Other Local Public Officers (ethics) 116
 Form 9, Quarterly Gift Disclosure (ethics) 117

G

General Laws, Applicability 20

I

Independent Special District (definition) 18
 Internal Revenue Service Form 8038 101
 Investments 139

L

Laws that Apply to Special Districts 19
 Lobbyist (definition)..... 118
 Local Government Financial Reporting System 73
 Local Government Surplus Funds Trust Fund 139
 Locally Established Defined Benefit Retirement Plans 103
 Locally Established Defined Contribution Retirement Plans..... 106

M

Meetings
 Annual Landowners' (one-acre / one-vote)..... 58
 Canceled 125
 Initial Landowners' (one-acre / one vote) 57
 Locations 125
 Minute Requirements 124
 Notice Requirements (Sunshine Law)..... 123
 Public Meeting Requirements 123
 Publication Requirements 124

Schedule 125
 Uniform Special District Accountability Act Requirements 124

N

Newly Created Special Districts, Responsibilities 34
 Non-ad Valorem Assessments (definition) 133
 Noncompliance Status Reports 75

O

Official List of Special Districts 25
 One-Acre / One-Vote Electoral Systems 56
 Oversight Reviews 65
 Based on a Filing Requirement Failure 65
 General 67

P

Performance Reviews 69
 By the Office of Program Policy Analysis and Government Accountability 69
 Contracted 69
 Procurement 86
 Public Facilities
 Definition 61
 Due Dates 64
 Reporting 62
 Public Facilities Reports 61
 Public Records 126
 Disposal 131
 Fees 128
 Penalties for Violations 128
 Providing 127
 Records Management 129
 Retention and Disposition 129
 Retention Schedules 129

R

Referendum on Elections for a Popular Election 58
 Registered Agent
 Defined 36
 How to Change 36
 Regulatory Plan 143
 Reporting Requirements by Agency 149
 Reporting Requirements by Due Date 145
 Retirement Plans 103
 Rules, Reviewing and Revising 143

S

Schedule of Regular Meetings 125
 Service Charges (definition) 133
 Special District Accountability Program 25

Special Districts

- Definition..... 17
- Dissolving..... 53
- Examples 18
- History 19
- Inactive 26
- Merging 43
- Reasons Created..... 31
- Suggestions (handbook) 16
- Sunshine Law 123
 - Penalties for Violations..... 124

T

- Travel Expenses and Reimbursements 81
- Truth in Millage (process) 134

U

- Uniform Chart of Accounts 81
- Uniform Fiscal Year 81
- Uniform Special District Accountability Act 20
- Updates (handbook) 15

W

- Website Requirements 36



Notes