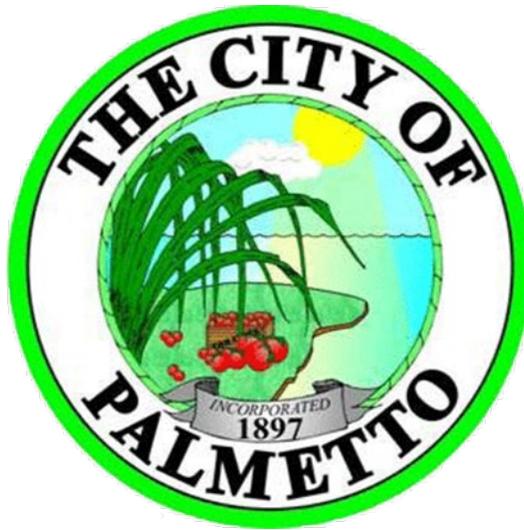


Florida Statute 189

Part I

COMMUNITY REDEVELOPMENT AGENCY

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PALMETTO COMMUNITY REDEVELOPMENT AGENCY | PALMETTO, FL
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Palmetto Community Redevelopment Agency

Presiding Officer:

Mayor Shirley Groover Bryant

Community Redevelopment Agency Board:

Tamara Cornwell

Sheldon Jones

Tambra Varnadore

Brian Williams

Harold Smith

CRA Advisory Board Members:

Barbara Gaulien

David Washington

Maria Sosa

Legal:

Mark Barnebey

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Jeff Burton

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PART I General Provisions

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189.01 Short title.

This chapter may be cited as the “Uniform Special District Accountability Act.”

History. —s. 1, Ch. 89-169; s. 6, Ch. 2014-22.

Note. —Former s. 189.401.

189.011 Statement of legislative purpose and intent.

- (1) It is the intent of the Legislature through the adoption of this chapter to provide general provisions for the definition, creation, and operation of special districts. It is the specific intent of the Legislature that dependent special districts shall be created at the prerogative of the counties and municipalities and that independent special districts shall only be created by legislative authorization as provided herein.
- (2) The Legislature finds that special districts serve a necessary and useful function by providing services to residents and property in the state. The Legislature finds further that special districts operate to serve a public purpose and that this is best secured by certain minimum standards of accountability designed to inform the public and appropriate local general-purpose governments of the status and activities of special districts. It is the intent of the Legislature that this public trust be secured by requiring each special district in the state to register and report its financial and other activities. The Legislature further finds that failure of a special district to comply with the minimum disclosure requirements set forth in this chapter may result in action against the special district.
- (3) Realizing that special districts are created to serve special purposes, the Legislature intends through the adoption of this chapter that special districts cooperate and coordinate their activities with the units of general-purpose local government in which they are located. The reporting requirements set forth in this chapter shall be the minimum level of cooperation necessary to provide services to the citizens of this state in an efficient and equitable fashion.

History. —s. 2, Ch. 89-169; s. 7, Ch. 2014-22; s. 2, Ch. 2016-22.

Note. —Subsection (1) former s. 189.402(1); subsection (2) former s. 189.402(6); subsection (3) former s. 189.402(7).

189.012 Definitions.

As used in this chapter, the term:

- (1) "Department" means the Department of Economic Opportunity.
- (2) "Dependent special district" means a special district that meets at least one of the following criteria:
 - a. The membership of its governing body is identical to that of the governing body of a single county or a single municipality.
 - b. All members of its governing body are appointed by the governing body of a single county or a single municipality.
 - c. During their unexpired terms, members of the special district's governing body are subject to removal at will by the governing body of a single county or a single municipality.
 - d. The district has a budget that requires approval through an affirmative vote or can be vetoed by the governing body of a single county or a single municipality.

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

- (3) "Independent special district" means a special district that is not a dependent special district as defined in subsection (2). A district that includes more than one county is an independent special district unless the district lies wholly within the boundaries of a single municipality.
- (4) "Local governing authority" means the governing body of a unit of local general-purpose government. However, if the special district is a political subdivision of a municipality, "local governing authority" means the municipality.
- (5) "Public facilities" means major capital improvements, including, but not limited to, transportation facilities, sanitary sewer facilities, solid waste facilities, water management and control facilities, potable water facilities, alternative water systems, educational facilities, parks and recreational facilities, health systems and facilities, and, except for spoil disposal by those ports listed in s. 311.09(1), spoil disposal sites for maintenance dredging in waters of the state.
- (6) "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. The term does not include a school district, a community college district, a special improvement district created pursuant to s. 285.17, a municipal service taxing or benefit unit as specified in s. 125.01, or a board which provides electrical service and which is a political subdivision of a municipality or is part of a municipality.

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

History. —s. 3, Ch. 89-169; s. 1, Ch. 92-314; s. 4, Ch. 97-255; s. 64, Ch. 2011-142; s. 10, Ch. 2014-22.

Note. —Former s. 189.403.

189.013 Special districts; creation, dissolution, and reporting requirements.

All special districts, regardless of the existence of other, more specific provisions of applicable law, shall comply with the creation, dissolution, and reporting requirements set forth in this chapter.

History. —s. 4, Ch. 89-169; s. 5, Ch. 97-255; s. 11, Ch. 2014-22.

Note. —Former s. 189.4031(1).

189.014 Designation of registered office and agent.

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

(2) The district may change its registered office or change its registered agent, or both, upon filing such information with the local governing authority or authorities and with the department.

History. —s. 10, Ch. 79-183; s. 15, Ch. 81-167; s. 23, Ch. 89-169; s. 18, Ch. 97-255; s. 38, Ch. 2014-22.

Note. —Former s. 189.004; s. 189.416.

189.015 Meetings; notice; required reports.

- (1) The governing body of each special district shall file quarterly, semiannually, or annually a schedule of its regular meetings with the local governing authority or authorities. The schedule shall include the date, time, and location of each scheduled meeting. The schedule shall be published quarterly, semiannually, or annually in the manner required in this subsection. The governing body of an independent special district shall advertise the day, time, place, and purpose of any meeting other than a regular meeting or any recessed and reconvened meeting of the governing body, at least 7 days before such meeting as provided in chapter 50 in the county or counties in which the special district is located, unless a bona fide emergency situation exists, in which case a meeting to deal with the emergency may be held as necessary, with reasonable notice, so long as it is subsequently ratified by the governing body. No approval of the annual budget shall be granted at an emergency meeting. The notice shall be posted as provided in chapter 50. Any other provision of law to the contrary notwithstanding, and except in the case of emergency meetings, water management districts may provide reasonable notice of public meetings held to evaluate responses to solicitations issued by the water management district, as provided in chapter 50 by Internet publication or 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, no less than 7 days before such meeting.
- (2) All meetings of the governing body of the special district shall be open to the public and governed by the provisions of chapter 286.
- (3) Meetings of the governing body of the special district shall be held in a public building when available within the district, in a county courthouse of a county in which the district is located, or in a building in the county accessible to the public.

History. —s. 10, Ch. 79-183; s. 78, Ch. 81-259; s. 24, Ch. 89-169; s. 19, Ch. 97-255; s. 33, Ch. 99-378; s. 39, Ch. 2014-22; s. 16, Ch. 2021-17.

Note. —Former s. 189.005; s. 189.417.

189.016 Reports; budgets; audits.

- (1) When a new special district is created, the district must forward to the department, within 30 days after the adoption of the special act, rule, ordinance, resolution, or other document that provides for the creation of the district, a copy of the document and a written statement that includes a reference to the status of the special district as dependent or independent and the basis for such classification. In addition to the document or documents that create the district, the district must also submit a map of the district, showing any municipal boundaries that cross the district's boundaries, and any county lines if the district is located in more than one county. The department must notify the local

government or other entity and the district within 30 days after receipt of the document or documents that create the district as to whether the district has been determined to be dependent or independent.

- (2) Any amendment, modification, or update of the document by which the district was created, including changes in boundaries, must be filed with the department within 30 days after adoption. The department may initiate proceedings against special districts as provided in s. 189.067 for failure to file the information required by this subsection. However, for the purposes of this section and s. 175.101(1), the boundaries of a district shall be deemed to include an area that has been annexed until the completion of the 4-year period specified in s. 171.093(4) or other mutually agreed upon extension, or when a district is providing services pursuant to an interlocal agreement entered into pursuant to s. 171.093(3).
- (3) The governing body of each special district shall 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 which are at least at the level of detail required for the annual financial report under s. 218.32(1). The adopted budget must regulate expenditures of the special district, and an officer of a special district may not expend or contract for expenditures in any fiscal year except pursuant to the adopted budget.
- (4) The tentative budget must be posted on the special district's official website at least 2 days before the budget hearing, held pursuant to s. 200.065 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 2 years. This subsection and subsection (3) do not apply to water management districts as defined in s. 373.019.
- (5) The proposed budget of a dependent special district must be contained within the general budget of the local governing authority to which it is dependent and be clearly stated as the budget of the dependent district. However, with the concurrence of the local governing authority, a dependent district may be budgeted separately. The dependent district must provide any budget information requested by the local governing authority at the time and place designated by the local governing authority.
- (6) The governing body of each special district at any time within a fiscal year or within 60 days following the end of the fiscal year may amend a budget for that year as follows:
 - a. Appropriations for expenditures within a fund may be decreased or increased by motion recorded in the minutes if the total appropriations of the fund do not increase.

- b. The governing body may establish procedures by which the designated budget officer may authorize certain amendments if the total appropriations of the fund do not increase.
 - c. If a budget amendment is required for a purpose not specifically authorized in paragraph (a) or paragraph (b), the budget amendment must be adopted by resolution.
- (7) If the governing body of a special district amends the budget pursuant to paragraph (6)(c), the adopted amendment must be posted on the official website of the special district within 5 days after adoption and must remain on the website for at least 2 years.
- (8) A local general-purpose government may review the budget or tax levy of any special district located solely within its boundaries.
- (9) All special districts must comply with the financial reporting requirements of ss. 218.32 and 218.39. A local general-purpose government or governing authority may request, from any special district located solely within its boundaries, financial information in order to comply with its reporting requirements under ss. 218.32 and 218.39. The special district must cooperate with such request and provide the financial information at the time and place designated by the local general-purpose government or governing authority.
- (10) All reports or information required to be filed with a local general-purpose government or governing authority under ss. 189.014, 189.015, and 189.08 and subsection (8) must:
- a. If the local general-purpose government or governing authority is a county, be filed with the clerk of the board of county commissioners.
 - b. If the district is a multicounty district, be filed with the clerk of the county commission in each county.
 - c. If the local general-purpose government or governing authority is a municipality, be filed at the place designated by the municipal governing body.

History. —s. 10, Ch. 79-183; s. 16, Ch. 81-167; s. 25, Ch. 89-169; s. 13, Ch. 96-324; s. 144, Ch. 2001-266; s. 26, Ch. 2002-1; s. 19, Ch. 2004-305; s. 2, Ch. 2009-217; s. 14, Ch. 2011-144; s. 40, Ch. 2014-22; s. 3, Ch. 2016-22.

Note. —Former s. 189.006; s. 189.418.

189.017 Rulemaking authority.

The department may adopt rules to implement the provisions of this chapter.

History. —s. 59, Ch. 89-169; s. 22, Ch. 97-255; s. 67, Ch. 2011-142; s. 46, Ch. 2014-22.

Note. —Former s. 189.425.

189.018 Fee schedule; Grants and Donations Trust Fund.

The department, by rule, shall establish a schedule of fees to pay one-half of the costs incurred by the department in administering this act, except that the fee may not exceed \$175 per district per year. The fees collected under this section shall be deposited in the Grants and Donations Trust Fund administered by the department. Any fee rule must consider factors such as the dependent and independent status of the district and district revenues for the most recent fiscal year as reported to the Department of Financial Services. The department may assess fines of not more than \$25, with an aggregate total not to exceed \$50, as penalties against special districts that fail to remit required fees to the department. It is the intent of the Legislature that general revenue funds will be made available to the department to pay one-half of the cost of administering this act.

History. —s. 64, Ch. 89-169; s. 41, Ch. 93-120; s. 15, Ch. 96-324; s. 3, Ch. 2000-118; s. 31, Ch. 2000-151; s. 169, Ch. 2003-261; s. 68, Ch. 2011-142; s. 47, Ch. 2014-22.

Note. —Former s. 189.427.

189.019 Codification.

- (1) Each district, by December 1, 2004, shall submit to the Legislature a draft codified charter, at its expense, so that its special acts may be codified into a single act for reenactment by the Legislature, if there is more than one special act for the district. The Legislature may adopt a schedule for individual district codification. Any codified act relating to a district, which act is submitted to the Legislature for reenactment, shall provide for the repeal of all prior special acts of the Legislature relating to the district. The codified act shall be filed with the department pursuant to s. 189.016(2).
- (2) The reenactment of existing law under this section shall not be construed as a grant of additional authority nor to supersede the authority of any entity pursuant to law. Exceptions to law contained in any special act that are reenacted pursuant to this section shall continue to apply.
- (3) The reenactment of existing law under this section shall not be construed to modify, amend, or alter any covenants, contracts, or other obligations of any district with respect to bonded indebtedness. Nothing pertaining to the reenactment of existing law under this section shall be construed to affect the ability of any district to levy and collect taxes, assessments, fees, or charges for the purpose of redeeming or servicing bonded indebtedness of the district.

History. —s. 24, Ch. 97-255; s. 3, Ch. 98-320; s. 146, Ch. 2001-266; s. 49, Ch. 2014-22.

Note. —Former s. 189.429.