

2016 Florida Legislation Affecting Special Districts

Caldwell Pacetti Edwards Schoech & Viator LLP represents a variety of special districts throughout the State of Florida. As a service to our clients and friends, we are providing a summary of the 2016 Florida general laws that are of interest to special districts. If you would like more information, you may click on bill titles, which will redirect you to the House of Representatives' website.

Acronyms

CS	Committee Substitute
HB	House Bill
SB	Senate Bill
HJR	House Joint Resolution
SJR	Senate Joint Resolution

The 2016 Legislative Session started on January 12, 2016 and ended on March 11, 2016. The following are bills that have become laws and may be of interest to you. If you have any questions regarding this newsletter or any matters affecting special districts, please feel free to email or call us.

New Laws

CS/HB 479 Special Districts

CS/HB 479 WAS ENROLLED ON MARCH 1, 2016. APPROVED BY GOVERNOR ON MARCH 8, 2016. CHAPTER NO. 2016-22, LAWS OF FLORIDA.

Summary: Revises legislative intent with respect to Uniform Special District Accountability Act to include dependent special districts; specifies Legislature's authority to create dependent special districts by special act; provides for identification of dependent special district as dependent, and of independent special district as independent, in its charter; specifies that local general-purpose governments may review certain special districts.

Effective Date: October 1, 2016

CS/SB 124 Public-Private Partnerships

CS/SB 124 WAS ENROLLED ON MARCH 8, 2016. APPROVED BY GOVERNOR ON MARCH 30, 2016. CHAPTER NO. 2016-153, LAWS OF FLORIDA.

Summary: Deleting provisions creating the Public-Private Partnership Guidelines Task Force; requiring a private entity that submits an unsolicited proposal to pay an initial application fee and additional amounts if the fee does not cover certain costs; deleting provisions relating to notice to affected local jurisdictions; authorizing a negotiated portion of revenues from fee-generating uses to be returned to the responsible public entity.

Effective Date: July 1, 2016

Linked Bill: [CS/SB 126](#) - Chapter 2016-154, Laws of Florida.

CS/HB 273 Public Records

CS/HB 273 WAS ENROLLED ON FEBRUARY 10, 2016. APPROVED BY GOVERNOR ON MARCH 8, 2016. CHAPTER NO. 2016-20, LAWS OF FLORIDA.

Summary: Requires each agency head to designate custodian of public records and to display custodian contact information; requires public records request be made to certain persons in order for requestor to be eligible for reimbursement of attorney fees; revises required provisions in public agency contract for services regarding contractor's compliance with public records laws for contracts signed or amended on or after specified date; specifies penalties for contractor who fails to comply with certain provisions.

Effective Date: March 8, 2016

SB 7012 Death Benefits Under the Florida Retirement System

SB 7012 WAS ENROLLED ON MARCH 9, 2016. APPROVED BY GOVERNOR ON APRIL 8, 2016. CHAPTER NO. 2016-213, LAWS OF FLORIDA.

Summary: Authorizing payment of death benefits to the surviving spouse or children of a Special Risk Class member killed in the line of duty under specified circumstances; authorizing payment of death benefits to the surviving spouse or surviving children of a Special Risk Class member in the investment plan; requiring the State Board of Administration to transfer moneys to fund survivor benefit payments under specified circumstances.

Effective Date: July 1, 2016

CS/CS/HB 447 Local Government Environmental Financing

CS/CS/HB 447 WAS ENROLLED ON MARCH 10, 2016. APPROVED BY GOVERNOR ON APRIL 14, 2016. CHAPTER NO. 2016-225, LAWS OF FLORIDA.

Summary: Requiring the Department of Environmental Protection to annually consider certain recommendations to buy specific lands within and outside an area of critical state concern; authorizing certain local governments and special districts to recommend additional lands for purchase.

Effective Date: July 1, 2016

CS/CS/CS/HB 535 Building Codes

CS/CS/CS/HB 535 WAS ENROLLED ON MARCH 9, 2016. APPROVED BY GOVERNOR ON MARCH 25, 2016. CHAPTER NO. 2016-83, LAWS OF FLORIDA.

Summary: Revising provisions related to conflict between the Florida Building Code and the Florida Fire Prevention Code and the Life Safety Code; providing that local boards created to address issues arising under the Florida Building Code or the Florida Fire Prevention Code may combine the appeals boards to create a single, local board having jurisdiction over matters arising under either code or both codes.

Effective Date: July 1, 2016

Companion Bill: [CS/CS/HB 431](#)- Chapter 2016-83, Laws of Florida.

HB 7033 OGSR/Emergency Notification Information

HB 7033 WAS ENROLLED ON FEBRUARY 10, 2016. APPROVED BY GOVERNOR ON MARCH 8, 2016. CHAPTER NO. 2016-27, LAWS OF FLORIDA.

Summary: Removes scheduled repeal of public records exemption for emergency notification information held by agency.

Effective Date: October 1, 2016

CS/CS/CS/HB 589 Environmental Control

CS/CS/CS/HB 589 WAS ENROLLED ON MARCH 9, 2016. APPROVED BY GOVERNOR ON MARCH 25, 2016. CHAPTER NO. 2016-130, LAWS OF FLORIDA.

Summary: Prohibits water management districts from modifying or reducing consumptive use permit allocations under certain circumstances; directs districts to adopt rules providing water conservation incentives; revises eligibility requirements for specified license examination; exempts certain constructed clay settling areas from reclamation rate & financial responsibility requirements; directs Department of Environmental Protection (DEP) to adopt classification to protect surface waters used for treated potable water supply; authorizes use of land set-asides & land use modifications in water quality credit trading; provides applicability of certain prohibited variances; excludes certain landfill systems from resource recovery; directs DEP to establish rules concerning use of surface waters for public water supply; directs DEP to add treated potable water supply as a designated use of surface water segment under certain circumstances; provides appropriation.

Effective Date: March 25, 2016

CS/HB 971 Community Development Districts

CS/HB 971 WAS ENROLLED ON MARCH 7, 2016. APPROVED BY GOVERNOR ON MARCH 24, 2016. CHAPTER NO. 2016-94, LAWS OF FLORIDA.

Summary: Amends acreage threshold for establishment of community development district; revises notice requirements for holding local public hearing on petition to form district; authorizes district to contract with towing operator to remove vehicles or vessels from specified properties; authorizes up to certain number of districts to merge; provides for membership of surviving merged district; provides requirements of merger agreement; provides for public hearings; prohibits petition to merge from being filed within specified timeframe.

Effective Date: July 1, 2016

SB 194 Redevelopment Trust Fund

SB 194 WAS ENROLLED ON MARCH 8, 2016. APPROVED BY GOVERNOR ON MARCH 30, 2016. CHAPTER NO. 2016-155, LAWS OF FLORIDA.

Summary: Adding certain hospital districts to the list of public bodies or taxing authorities that are exempt from appropriating certain revenues to the redevelopment trust fund.

Effective Date: July 1, 2016

CS/HB 347 Utility Projects

CS/HB 347 WAS ENROLLED ON MARCH 10, 2016. APPROVED BY GOVERNOR ON MARCH 25, 2016. CHAPTER NO. 2016-124, LAWS OF FLORIDA.

Summary: Authorizes certain local agencies to apply to certain local government agencies to finance costs of certain utility projects by issuing utility cost containment bonds; provides criteria in applying for funds; provides criteria of drafting financing resolution; provides procedures to establish or adjust utility projects; provides requirements for collection of project charges; specifies legal status of project charges for securing payment of bonds; specifies payment obligations & legal status of utility cost containment bonds.

Effective Date: July 1, 2016

CS/CS/SB 86 Scrutinized Companies

CS/CS/SB 86 WAS ENROLLED ON MARCH 1, 2016. APPROVED BY GOVERNOR ON MARCH 10, 2016. CHAPTER NO. 2016-36, LAWS OF FLORIDA.

Summary: Requiring the State Board of Administration to identify all companies that are boycotting Israel or are engaged in a boycott of Israel in which the public fund owns direct or indirect holdings in; requiring the public fund to create and maintain a scrutinized companies list that names all such companies; prohibiting a state agency or local governmental entity from contracting for goods and services that exceed a specified amount if the company has been placed on the Scrutinized Companies that Boycott Israel List.

Effective Date: March 10, 2016

CS/SB 416 Location of Utilities

CS/SB 416 WAS ENROLLED ON MARCH 1, 2016. APPROVED BY GOVERNOR ON MARCH 10, 2016. CHAPTER NO. 2016-44, LAWS OF FLORIDA.

Summary: Revising the circumstances under which a board of county commissioners is authorized to grant to a person or private corporation a license for specified projects related to lines for the transmission of certain public utilities and communication services; authorizing the Department of Transportation and certain local governmental entities to prescribe and enforce rules or regulations regarding the placement and maintenance of specified structures and lines within the right-of-way limits of roads or publicly owned rail corridors under their respective jurisdictions.

Effective Date: March 10, 2016

HB 525 Small Community Sewer Construction Assistance Act

HB 525 WAS ENROLLED ON MARCH 2, 2016. APPROVED BY GOVERNOR ON MARCH 10, 2016. CHAPTER NO. 2016-55, LAWS OF FLORIDA.

Summary: Redefining the term “financially disadvantaged small community” to include counties and special districts; defining the term “special district.”

Effective Date: July 1, 2016

CS/CS/SB 552 Environmental Resources

CS/CS/SB 552 WAS ENROLLED ON JANUARY 14, 2016. APPROVED BY GOVERNOR ON JANUARY 21, 2016. CHAPTER NO. 2016-1, LAWS OF FLORIDA.

Summary: Requiring the Department of Environmental Protection to publish, update, and maintain a database of conservation lands; authorizing certain water management districts to designate and implement pilot projects; prohibiting water management districts from modifying permitted allocation amounts under certain circumstances; creating the “Florida Springs and Aquifer Protection Act.”

Effective Date: July 1, 2016

HB 7071 Public Corruption

HB 7071 WAS ENROLLED ON MARCH 9, 2016. APPROVED BY GOVERNOR ON MARCH 25, 2016. CHAPTER NO. 2016-151, LAWS OF FLORIDA.

Summary: Deleting the definition of the term “corruptly” or “with corrupt intent”; redefining the term “bribery” to include knowing and intentional, rather than corrupt, acts; revising the prohibition against unlawful compensation or reward for official behavior to conform to changes made by the act; revising the prohibition against official misconduct to conform to changes made by the act; revising the prohibition against bid tampering to conform to changes made by the act.

Effective Date: October 1, 2016

CS/CS/CS/HB 651 Department of Financial Services

CS/CS/CS/HB 651 WAS ENROLLED ON MARCH 9, 2016. APPROVED BY GOVERNOR ON MARCH 25, 2016. CHAPTER NO. 2016-132, LAWS OF FLORIDA.

Summary: Authorizing the Chief Financial Officer, with the approval of the State Board of Administration, to include special district or water management district employees in a deferred compensation plan.

Effective Date: July 1, 2016

SB 7002 OGSR/Audit Report & Certain Records/Local Government

SB 7002 WAS ENROLLED ON MARCH 1, 2016. APPROVED BY GOVERNOR ON MARCH 10, 2016. CHAPTER NO. 2016-47, LAWS OF FLORIDA.

Summary: Amending a provision which provides a public records exemption for the audit report of an internal auditor and certain records relating to investigations in the custody of an inspector general of a local government; removing the scheduled repeal of the exemption.

Effective Date: October 1, 2016

SB 7030 OGSR/Competitive Solicitation or Negotiation Strategies

SB 7030 WAS ENROLLED ON MARCH 1, 2016. APPROVED BY GOVERNOR ON MARCH 10, 2016. CHAPTER NO. 2016-49, LAWS OF FLORIDA.

Summary: Amending provisions which provide an exemption from public records requirements for bids, proposals, or replies submitted to an agency in response to a competitive solicitation; amending provisions which provide an exemption from public meetings requirements for portions of meetings in which a vendor participates in a negotiation, makes an oral presentation, or answers questions as part of a competitive solicitation or in which negotiation strategies are discussed, and which provides an exemption from public records requirements for the recording of, and any records presented at, exempt portions of such meetings; removing the scheduled repeal of the exemptions.

Effective Date: October 1, 2016

The law firm of Caldwell Pacetti Edwards Schoech & Viator LLP was created in 1939. Throughout the years, the firm's distinguished and accomplished partners and attorneys have met the ever-changing needs of their clients by guiding them through simple, as well as complex business and legal issues.

The firm of Caldwell Pacetti Edwards Schoech & Viator LLP has an AV® Peer Review Rating and provides legal services in the following areas of law: Special Districts, Water Management, Governmental and Constitutional Law, Administrative Law, Real Property, Environmental, Land Use and Zoning, Eminent Domain, Estate Planning, Probate and Trust Administration and Corporate Law.

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