



FLORIDA
COMMERCE

**Frequently Asked
Questions About
Florida's Special Districts**

Special District Accountability Program

July 2023

WHAT IS A SPECIAL DISTRICT?

- A unit of local government created for a special purpose, as opposed to a general purpose, that has jurisdiction to operate within a limited geographic boundary and is created by one of the following:
 - General law
 - Special act
 - Local ordinance
 - Rule of the Governor and Cabinet
- The term “special district” does not include the following:
 - School districts
 - Community college districts
 - Seminole and Miccosukee Tribe special improvement districts
 - Municipal service taxing or benefit units
 - Boards that provide electrical service and are a political subdivision of a municipality or part of a municipality



WHAT IS THE DIFFERENCE BETWEEN DEPENDENT AND INDEPENDENT SPECIAL DISTRICTS?

- A special district is dependent if a single county or single municipality has authority to do one or more of the following:
 - Designate its governing body members to serve as the governing body members for the special district;
 - Appoint all members to the special district's governing body;
 - Remove any governing body member at will during unexpired terms; or
 - Approve or veto the special district's budget.
- A special district is independent if none of the above apply. Multicounty special districts are independent, unless situated wholly within the boundaries of a single municipality.
- Reporting requirements vary between dependent and independent special districts.



HOW ARE DEPENDENT SPECIAL DISTRICTS CREATED?

- By special act of the Florida Legislature.
- By local ordinance of a single county or a single municipality.
- By resolution enacted by a single county or a single municipality declaring the need for a special district authorized in general law, such as an:
 - Educational facilities authority.
 - Health facilities authority.
 - Industrial development authority.
 - Municipal housing authority.



HOW ARE INDEPENDENT SPECIAL DISTRICTS CREATED?

- By special act of the Florida Legislature.
- By a local ordinance of a single county or a single municipality establishing a community development district smaller than 2,500 acres.
- By a charter of a single county establishing a:
 - County health and mental health care district.
 - County hospital district.
 - County children's services district.
- By rule of the Governor and Cabinet establishing a:
 - Community development district larger than 2,500 acres.
 - Regional water supply authority.
- Pursuant to general law authority, more than one county and / or municipality may establish a regional special district.



HOW ARE SPECIAL DISTRICTS DISSOLVED OR MERGED?

- By local ordinance of a county or municipality if that special district was created by their ordinance.
- By a special act of the Florida Legislature if that special district was created by special act.
- By referendum if that special district was approved by a referendum.
- By voluntarily merging under specified circumstances with two or more contiguous independent special districts created by special act that have similar functions and governing bodies.
- By converting to a municipality (certain independent special districts).



WHAT ARE THE DUTIES OF THE SPECIAL DISTRICT ACCOUNTABILITY PROGRAM?

- Provide technical advisory assistance to special districts regarding the requirements of the Uniform Special District Accountability Act ([Chapter 189, Florida Statutes](#)).
- Help state agencies, counties, and municipalities collect delinquent reports and information from special districts.
- Help special districts comply with reporting requirements.
- Enforce compliance through the circuit court when requested.
- Declare special districts inactive.
- Serve as a special district liaison for state and local agencies.
- Maintain and publish online:
 - [Official List of Special Districts](#)
 - [Florida Special District Handbook](#)
 - [Special District Noncompliance Status Reports](#)
- Collect a required annual state fee (\$175) from each special district.



HOW MANY SPECIAL DISTRICTS ARE IN FLORIDA?

Dependent and Independent

Status	Totals as of July 2023
Dependent	616
Independent	1,341
Total	1,957

Single and Multicounty

Single / Multicounty	Totals as of July 2023
Single County	1,880
Multicounty	77
Total	1,957

For up-to-date and other totals, visit www.FloridaJobs.org/OfficialList.



WHAT ARE THE MOST COMMON SPECIAL PURPOSES?

Special Purposes

Top Ten Special Purposes	Totals as of July 2023
1. Community Development	935
2. Community Redevelopment	222
3. Housing Authority	91
4. Drainage and Water Control	82
5. Fire Control and Rescue	63
6. Soil and Water Conservation	53
7. Neighborhood Enhancement	46
8. Hospitals (all types)	27
9. Health Facilities	24
10. Housing Finance	24

For up-to-date and other totals, visit www.FloridaJobs.org/OfficialList.



WHAT ARE EXAMPLES OF SPECIAL DISTRICT GOVERNING BODIES?

- Elected
- Membership identical to a single county or a single municipality
- Appointed by a single county or a single municipality
- Appointed by more than a single county or a single municipality
- Appointed by the Governor
- Specified positions
- Combinations of the above



WHAT ARE EXAMPLES OF SPECIAL DISTRICT REVENUE SOURCES?

- Non ad valorem taxes
- Ad valorem taxes
- Tax increment financing
- User fees
- Federal government
- State government
- County government
- Municipal government
- Grants
- Investments
- Bond issuer fees
- Tolls
- Donations
- Sales and leases
- Private enterprise
- Sales surtax



WHY ARE SPECIAL DISTRICTS CREATED?

Chapter 189, Florida Statutes:

- To serve a necessary and useful function by providing services to residents and property in the state.
- To serve public and special purposes.

Noted Charter Statement Examples:

- To empower citizens to govern their own neighborhood or community.
- To provide enhanced or specialized public services that a county or municipality may be unable or unwilling to offer.
- To serve as a financing mechanism for the public and private sectors to govern, finance, construct, operate, and maintain essential public services and facilities.
- To focus costs on only those who benefit from the services and facilities.



WHY ARE SPECIAL DISTRICTS CREATED? (CONTINUED)

- To save money for citizens by selling tax-exempt bonds, purchasing goods and services tax-free, and participating in state programs and initiatives, such as state-term contracting.
- To help protect property values by ensuring that services and facilities are continuously provided and maintained.
- To provide governmental services when needs transcend the boundaries, responsibilities and authority of individual counties and municipalities.
- To provide the ability to appoint or elect people who have the appropriate expertise, skills, and experience to govern and oversee the special district's specialized function.
- To ensure accountability of public resources, since special districts are held to the same high standards as municipalities and counties in addition to other standards.



WHAT ARE EXAMPLES OF LAWS THAT HOLD SPECIAL DISTRICTS ACCOUNTABLE AND TRANSPARENT?

- The Florida Constitution.
- Laws of a general nature (e.g., public records, public meetings, financial reporting, elections, and ethics).
- The special district's charter (creation document).
- The specific statutory authority for a special district's special purpose.
- The Uniform Special District Accountability Act (requires special districts to comply with many of the same requirements that apply to counties and municipalities – as well as additional requirements).



WHAT ARE EXAMPLES OF ACCOUNTABILITY AND TRANSPARENCY REQUIREMENTS?

- Each special district* must have an official website and post specific information, such as:
 - A description of services provided.
 - The full charter (creation document).
 - General contact information and contact information for each governing body member.
 - A listing of all taxes, fees, assessments or charges imposed and collected; rates or amounts for the current fiscal year.
 - Regular public meeting schedule.
 - Meeting and workshop agendas.
 - The final adopted budget and certain budget amendments.
 - Links to financial reports.

*Each newly created special district must have an official website by the end of the first full fiscal year after its creation.



WHAT ARE EXAMPLES OF ACCOUNTABILITY AND TRANSPARENCY REQUIREMENTS? (CONTINUED)

- Meetings must be open to the public and governed by the provisions of [Chapter 189, Florida Statutes](#) and [Chapter 286, Florida Statutes](#).
 - Must quarterly, semiannually or annually publish a regular public meeting schedule that provides the date, time and location of each meeting.
 - Must post the agenda on its official website at least seven days before a meeting or workshop and keep it there for at least one year.
 - Must hold meetings in one of the following types of buildings:
 - A public building when available within the district.
 - The local county courthouse.
 - A building in the county that is accessible to the public.
 - Must promptly record and make meeting minutes available for public inspection.



WHAT ARE EXAMPLES OF ACCOUNTABILITY AND TRANSPARENCY REQUIREMENTS? (CONTINUED)

- Must adopt by resolution an annual budget at a regular public meeting.
- Must post the adopted budget on its official website within 30 days after adoption and keep it there for at least two years.
- May not expend or contract for expenditures except pursuant to the adopted budget.
- If required to hold a budget hearing pursuant to [section 200.065, Florida Statutes](#), (fixing millage) or some other law, must post the tentative budget on its official website at least two days before the budget hearing and keep it there for at least 45 days.
- Must cooperate and coordinate activities and file certain information and reports with the county or municipality in which it is located.



WHAT ARE EXAMPLES OF ACCOUNTABILITY AND TRANSPARENCY REQUIREMENTS? (CONTINUED)

- Must file information and reports with the state, such as the following:
 - Registered agent and registered office information, creation documents, boundary maps, and an official website address.
 - The Annual Financial Report, which discloses annual revenues, expenditures, and debt.
 - The Financial Audit Report (when the financial threshold in [section 218.39\(1\), Florida Statutes](#), is met) providing the results of a financial audit conducted and prepared by a licensed independent certified public accountant selected by an auditor selection committee.
 - If applicable, certain bond financing information.
 - If applicable, retirement plan reports.



WHO OVERSEES SPECIAL DISTRICTS?

- Special district oversight is similar to county and municipality oversight.
 - The special district's governing body is responsible for governing the special district according to its charter and enabling laws and ensuring the special district complies with all other applicable laws.
 - Florida's open meeting and public records laws enable citizens and the media to oversee and monitor special districts by reviewing public records and attending governing body meetings to observe the discussions, deliberations, and formal actions.
 - Various state agencies monitor financial reports and information filed by special districts and can take action when authorized.
 - Licensed independent certified public accountants conducting required financial audits of special districts must report suspected illegal activity to the special district's governing body or the Florida Department of Law Enforcement.



WHO OVERSEES SPECIAL DISTRICTS? (CONTINUED)

- Depending on how a special district was created, an appropriate oversight entity may convene a general oversight review process of a special district to contribute to informed decision-making about the special district, including whether it should continue to exist. Examples of criteria to be considered during the review include:
 - The degree to which the special district's services are essential.
 - The extent of continuing need for the services.
 - Whether a less costly alternative method of delivering the services exists.
 - Whether the special district is meeting and discharging its responsibilities as required by its charter.
 - Whether the special district has complied with open public records and meeting requirements.



WHO OVERSEES SPECIAL DISTRICTS? (CONTINUED)

- The Florida Auditor General's Office:
 - Performs desk audits on Financial Audit Reports to make sure the audits comply with auditing standards and rules; and
 - Tracks findings repeated for more than two years and reports them to the Joint Legislative Auditing Committee for possible further state action.
- The Governor's office monitors special districts and provides technical assistance when a special district meets one or more financial emergency conditions.



WHAT CAN HAPPEN WHEN PROBLEMS OCCUR?

- The Joint Legislative Auditing Committee:
 - May investigate audit matters, use its powers of subpoena, and order a state audit by the Florida Auditor General.
 - May request FloridaCommerce to file a petition for enforcement with the circuit court or declare a special district inactive when it fails to comply with state financial reporting requirements.
- Depending on how a special district was created, an appropriate oversight entity may convene a public hearing when a special district fails to comply with state financial reporting requirements.



WHAT CAN HAPPEN WHEN PROBLEMS OCCUR? (CONTINUED)

- The Governor may suspend or remove special district governing body members under certain circumstances.
- Counties and municipalities may initiate at least one of the following actions if one of its dependent special districts does not comply with certain requirements:
 - Remove and replace governing body members at will
 - Deny approval of its budget
 - Veto its budget
 - Amend its charter
 - Merge it
 - Dissolve it



WHAT CAN PRIVATE INDIVIDUALS DO WHEN PROBLEMS OCCUR?

FloridaCommerce does not have authority to enforce provisions of law related to the day-to-day operations of special districts, nor the authority to provide legal opinions or advice to private individuals. The following information has been useful to those who have had questions or concerns about special districts. It is not intended as legal advice.

- For legal assistance, consult with a private attorney. For more information, visit the [Florida Bar's Lawyer Referral Service](#) and the [Florida Bar's Pro Bono and Legal Aid](#) websites.
- Reach out to the special district's registered agent or governing body members listed on the special district's official website*.
- Attend public meetings (see the special district's official website*). When appropriate, bring concerns to the attention of the governing body.
- Review the special district's charter (creation document) to learn more about the special district's authority, purpose, and mission. Charters are located on the special district's official website*.

* To find the link to the special district's official website, see [Special District Profiles](#).



WHAT CAN PRIVATE INDIVIDUALS DO WHEN PROBLEMS OCCUR? (CONTINUED)

- Review the special district's latest financial audit (if required) available on the [Florida Auditor General's website](#) to learn more about the special district, including findings and concerns.
- Reach out to the appropriate oversight entity that has authority to review the special district for general oversight purposes. For more information, see [section 189.068, Florida Statutes](#).
- Contact local law enforcement regarding a concern about possible criminal activity.
- Contact the local elected state attorney in the area where the special district is located regarding a concern about possible violations of law, including open meeting and public record laws.
- Contact the [Florida Commission on Ethics](#) regarding a concern about a possible violation of Florida's ethics laws.
- Contact your elected state representative and senator to discuss concerns (see [Find Your Elected Officials in Florida](#)).



WHERE CAN I GET ADDITIONAL INFORMATION?

- **Special District Accountability Program:**
 - www.FloridaJobs.org/SpecialDistricts
 - 850.717.8430
 - SpecialDistricts@Commerce.fl.gov
- **Official List of Special Districts:**
 - www.FloridaJobs.org/OfficialList
- **Florida Special District Handbook:**
 - www.FloridaJobs.org/SpecialDistrictHandbook
- **Specialty Area Resources and Contacts:**
 - www.FloridaJobs.org/SpecialDistrictHelp
- **Special District Accountability and Oversight:**
 - www.FloridaJobs.org/SpecialDistrictAccountabilityandOversight
- **Common Issues Regarding Special Districts:**
 - www.FloridaJobs.org/SpecialDistrictCommonIssues

