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FLORIDA ASSOCIATION OF SPECIAL DISTRICTS
2011 Special Districts Overview

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“Helping Shape Florida’s Future”

I. OVERVIEW OF SPECIAL DISTRICTS

- A. All special districts are special purpose local governments.
- B. Special districts are defined as political subdivisions of the State of Florida by general law. Section 1.01(8), Florida Statutes.
- C. Special districts are creatures of statute created by special act of the Florida Legislature or authorized by a general law.
- D. Special districts have the limited purposes specified in the special act or general law that authorizes creation.
- E. The Office of Special District Information, identifies 70 different types of special district by function.

I. OVERVIEW OF SPECIAL DISTRICTS (cont'd)

- F. There are 1,618 active districts in the State of Florida.
- G. All 67 counties in the State have at least one special district.
- H. Currently, Hillsborough County leads the pack with 139 districts, followed closely by Miami-Dade County with 105 and Lee County with 96.

I. OVERVIEW OF SPECIAL DISTRICTS (cont'd)

- I. Districts are either independent or dependent.
- J. An independent special district has an independent governing board (either elected or appointed) which establishes its own budget and collects taxes, assessments or fees and spends them without oversight by a county or city.
- K. Dependent districts functionally operate as an arm of either a city, county or state agency.
- L. There are 1,006 independent districts and 627 dependent districts in the State of Florida. To compare, there are 67 counties and more than 400 cities in the State of Florida.

I. OVERVIEW OF SPECIAL DISTRICTS (cont'd)

- M. Districts do not have “local home rule” power that has been granted to general purpose governments.
- N. Districts have only the explicit authority granted by statute. Roach v. Loxahatchee Groves Water Control District, 417 So. 2d 814 (Fla. 4th DCA 1982).
- O. Cities and counties may perform any activity not specifically prohibited by the Florida Constitution or general law.
- P. A special district may only do those things explicitly authorized by the Constitution, general law or special act.

SPECIAL DISTRICTS

A Special District is not a...

- School District or Community College
- Municipal Service Taxing or Benefit Unit (MSTU/MSBU)
- Board providing electrical service that is a political subdivision of a municipality or part of a municipality

SPECIAL DISTRICTS

TOTALS BY FUNCTION AND STATUTORY AUTHORITY (09/19/2011)

Special districts are categorized by function. The following summarizes these functions, the number of special districts with that function, and the statutory authority, if any. Since many special districts have more than one function, adding the number of special districts will not provide accurate state totals.

Functions / (State Total)

Affordable Housing (3)

Airport/Aviation (27)

Aquatic Plant Control (1)

Beach Facilities (5)

Business Improvement (1)

Capital Improvements (4)

Children's Services (8)

Civic Center (8)

Collaborative Client Information Systems (1)

Common Facilities Maintenance (5)

Community Development (578)

Community Redevelopment (204)

Conservation (2)

Statutory Authority

Section 189.4041, F.S.

Chapter 332, F.S.

General

Section 161.31, F.S.

Chapter 170, F.S.

General

Section 125.901, F.S.

General

Chapter 163, Part VI, F.S.

Section 189.4041, F.S.

Chapter 190, F.S.

Chapter 163, Part III, F.S.

General



SPECIAL DISTRICTS TOTALS BY FUNCTION (cont'd)

Functions / (State Total)

County Beach and Shore Preservation (2)
County Development (10)
County Fine Arts (1)
County Health and Mental Health Care (1)
County Road and Bridge (4)
County Water and Sewer (12)
Downtown Development (14)
Drainage and Water Control (86)
Economic Development (10)
Educational Facilities Benefit (3)
Emergency Medical Services (7)
Enterprise Zone Development (1)
Environmental Protection (8)
Erosion Control (3)
Expressways and Bridges (9)
Fire Control and Rescue (67)
Health Care (3)

Statutory Authority

Chapter 161, Part II, F.S.
General
Section 265.32, F.S.
Section 154.331, F.S.
Chapter 336, F.S.
Chapter 153, Part II, F.S.
General
Chapter 298, F.S.
General
Section 1013.355, F.S.
General
Section 290.0056, F.S.
General
General
Chapter 348, F.S.
Chapter 191, F.S.
Section 189.404, F.S.

SPECIAL DISTRICTS TOTALS BY FUNCTION (cont'd)

Functions / (State Total)

Health Facilities (30)

Higher Educational Facilities Financing (13)

Historic Preservation (1)

Hospital (32)

Housing Authority (93)

Housing Finance (25)

Human Relations (1)

Industrial Development (24)

Infrastructure Development (10)

Inland Navigation and Waterways (14)

Juvenile Welfare (1)

Lake and Dam Maintenance (2)

Land Authority (1)

Library - Law (13)

Library – Local (15)

Statutory Authority

Chapter 154, Part III, F.S.

Chapter 243, Part II, F.S.

Chapter 266, F.S.

General

Chapter 421, Part I, F.S.

Chapter 159, Part IV, F.S.

General

Chapter 159, Part III, F.S.

General

Chapter 374, F.S.

Section 125.901, F.S.

General

Section 280.0663, F.S.

General

General



SPECIAL DISTRICTS TOTALS BY FUNCTION (cont'd)

Functions / (State Total)

Library – Regional (6)

Licensing and Regulation (1)

Mobile Home Park Recreation (2)

Mosquito Control (18)

Municipal Services/Improvements (2)

Natural Gas Transmission (3)

Neighborhood Enhancement (50)

Neighborhood Improvement (29)

Nursing Home (1)

Parking Facilities (1)

Personnel Management (1)

Planning and Zoning (2)

Port Facilities (15)

Recreation/Parks (23)

Regional Transportation (4)

Regional Water (6)

Statutory Authority

Section 257.171, F.S.

General

Section 418.30, F.S.

Section 388.021, F.S.

General

Section 403.9405, F.S.

General

Chapter 163, Part IV, F.S.

General

General

General

General

Chapter 315, F.S.

Chapter 418.20, F.S.

Chapter 343, F.S.

General

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SPECIAL DISTRICTS TOTALS BY FUNCTION (cont'd)

Functions / (State Total)

Research and Development (5)
Soil and Water Conservation (63)
Solid Waste (7)
Street Lighting (1)
Sports (4)
Transportation Systems/Services (10)
Utility Systems/Services (9)
Water/Wastewater Systems (17)
Water Management (5)
Watershed Improvement (1)

Statutory Authority

Chapter 159, Part V, F.S.
Chapter 582, F.S.
General
General
General
General
General
General
Chapter 373, F.S.
Section 582.331, F.S.

* Office of Special District Information, Official List of Special Districts

I. OVERVIEW OF SPECIAL DISTRICTS (cont'd)

Dependent Status

- At least one of the following applies: A single county or single municipality . . .
 - Has an identical governing board
 - Appoints the governing board
 - May remove governing board members at will during unexpired terms
 - Approves the budget
 - May veto the budget
- There are currently 627 dependent districts.

I. OVERVIEW OF SPECIAL DISTRICTS (cont'd)

Independent Status

- Do not have any dependent characteristics
- May be multi-county
- There are currently 1,006 independent districts, 578 of which are community development districts.
- Independent district governing boards can be either elected or appointed. Of the 1,006 active independent districts:
 - 812 have elected boards
 - 78 have appointed boards
 - 64 have boards appointed by the Governor

I. OVERVIEW OF SPECIAL DISTRICTS (cont'd)

Statewide Totals

- Total Independent: 1,006
- Total Dependent: 627
- Total Multicounty: 70
- Total Single County: 1,563

Total Special Districts in Florida: 1633 (15 inactive)

II. GENERAL LAWS THAT APPLY TO SPECIAL DISTRICTS

1. More than 30 laws of a general nature apply to practically all special districts.
2. A short list of constitutional and general law provisions that apply or may apply to any particular district government follows.

A Short List of General Laws Applicable to Special Districts

The following constitutional provisions and Florida Statutes all have significant provisions that apply to some or all special taxing districts in the State of Florida:

A. Constitutional Provisions

1. Article III, Section 11 – Prohibited Special Acts
2. Article VII, Section 9 – Ad Valorem Taxes
3. Article VII, Section 10 - Pledging Credit
4. Article VII, Section 12 – Bonds
5. Article VIII, Section 4 – Transfer of Powers
6. Article VIII, Section 6 - Schedule to Article VIII
7. Article XII, Section 15 – Taxes

A Short List of General Laws Applicable to Special Districts

B. General Laws

1. Chapter 11, Florida Statutes – Annual Audits
2. Chapters 97 – 106, Florida Statutes – Election Law
3. Chapter 112, Florida Statutes – Public Employment, Retirement, Travel Expenses, Code of Ethics and Firefighters Bill of Rights
4. Chapter 119, Florida Statutes – Public Records
5. Chapter 121, Florida Statutes – Retirement
6. Chapter 125, Florida Statutes – County Powers Act
7. Chapter 131, Florida Statutes – Refunding Bonds
8. Chapters 153 – 157, Florida Statutes – Water and Sewer, Healthcare and Drainage
9. Chapter 159, Florida Statutes – Bond Finance
10. Chapter 163, Florida Statutes – Intergovernmental Cooperation, Growth Management, Community Redevelopment, Neighborhood Improvement Districts, and Transportation Authorities

A Short List of General Laws Applicable to Special Districts

11. Chapter 164, Florida Statutes – Dispute Resolution
12. Chapter 166, Florida Statutes - Municipal Home Rule Powers Act
13. Chapter 171, Florida Statutes – Annexation
14. Chapter 175, Florida Statutes – Firefighter Pensions
15. Chapter 189, Florida Statutes – Special Districts Accountability Act
16. Chapter 190, Florida Statutes – Community Development Districts
17. Chapter 191, Florida Statutes – Independent Fire Control Districts
18. Chapter 197, Florida Statutes – Non-Ad Valorem Assessments
19. Chapter 200, Florida Statutes – Truth in Reporting Millage
20. Chapters 215 and 218, Florida Statutes – Local Government Finance, Auditor Selection, Financial Emergencies
21. Chapter 255, Florida Statutes – Public Bids and Construction
22. Chapter 274, Florida Statutes – Tangible Personal Property
23. Chapter 279, Florida Statutes – Registered Public Obligations
24. Section 286.011, Florida Statutes – Government in the Sunshine



A Short List of General Laws Applicable to Special Districts

25. Section 287.055, Florida Statutes – Consultants Competitive Negotiations Act
26. Chapter 298, Florida Statutes – Water Control
27. Chapter 331, Florida Statutes – Florida Space Authority
28. Chapter 373, Florida Statutes – Water Resources
29. Chapter 374, Florida Statutes – Navigation Districts
30. Chapter 388, Florida Statutes – Mosquito Control Districts
31. Chapter 403, Florida Statutes – Environmental Regulation
32. Chapter 440, Florida Statutes – Workers’ Compensation
33. Chapter 582, Florida Statutes – Soil and Water Conservation
34. Chapter 760, Florida Statutes – Civil Rights
35. Chapter 768, Florida Statutes – Sovereign Immunity
36. Chapter 1013, Florida Statutes – Educational Facilities Benefits Districts



III. SPECIAL DISTRICT ADVANTAGES

- Create a governing board of appointed or elected members who have the expertise to focus on the specific community needs and issues the special district is addressing.
- Generate money to pay for projected growth without putting an excessive burden on other taxpayers and governments, since only those who benefit from the special district's services are required to pay.
- Ensure accountability of public resources, since special districts are held to the same high standards as cities and counties (e.g., Government-in-the-Sunshine, ethics, public records, competitive bidding and financial disclosure laws).
- Protect property values by assuring property owners that their roads, water and sewer lines, and other essential facilities and services will continue to be maintained.

III. SPECIAL DISTRICT ADVANTAGES (cont'd)

- Save money for affected citizens by selling tax exempt bonds, purchasing essential goods and services tax-free, and participating in state free programs and initiatives, such as state-term contracting.
- Maintain the financial integrity of the special district by limiting its liability to civil lawsuits; providing state assistance in the event of a financial emergency.
- Recruit qualified employees by offering governmental employment benefits and incentives, such as possible participation in the Florida Retirement System.