

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. DOES THE BILL:

- | | | | |
|--------------------------------------|---|-----------------------------|---|
| 1. Reduce government? | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 2. Lower taxes? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a “no” above, please explain:

B. EFFECT OF PROPOSED CHANGES:

This bill abolishes the City of North Key Largo Beach as an inactive municipality. The City of North Key Largo Beach was created in 1955 by ch. 31037, L.O.F.

The Auditor General recommended that “[t]he Legislature should consider enacting legislation to officially dissolve 19 inactive municipalities created by special acts of the of the Legislature identified by our audit if such action is determined to be more cost-effective than the provisions of Section 165.052(1), Florida Statutes.”¹ The City of North Key Largo Beach in Monroe County is one of the inactive municipalities identified by the Auditor General.

The law provides three methods for the dissolution of an inactive municipality. Section 165.051, F.S., addresses the first two providing that:

The charter of any existing municipality may be revoked and the municipal corporation dissolved by either:

(a) A special act of the Legislature; or

(b) An ordinance of the governing body of the municipality, approved by a vote of the qualified voters.

Where, as is the case for the City of North Key Largo Beach, there is no longer a functioning governing body of the municipality, dissolution must be accomplished by a special act of the Legislature.

The third method to dissolve an inactive municipality is provided in s. 165.052, F.S., which authorizes the Secretary of State to declare a municipality inactive by proclamation preceded by a report filed by the Department of Community Affairs (DCA) based upon a finding that:

(a) That the municipality has not conducted an election for membership in its legislative body within the 4 years immediately preceding, or as otherwise provided by law;

(b) That a notice of the proposed proclamation has been published at least once each week for 2 consecutive weeks in a newspaper of general circulation within the county wherein the territory of the municipality is located, stating the name of said municipality, the law under which it was organized and operating, a general description of the territory included in said municipality, and stating that any objections to the proposed proclamation or to any debts of

¹ “Local Government Financial Reporting System, Performance Audit, Issued December 21, 2000”, Auditor General Report No. 01-075.

said municipality shall be filed not later than 60 days following the date of last publication with the department; and

(c) That 60 days have elapsed from the last publication date of the notice of proposed proclamation and no sustained objections have been filed.

The Auditor General noted in an Audit Report that "the Secretary of the FDCA stated that inactive municipalities were not a programmatic responsibility of the FDCA and that the FDCA does not have staff capacity to research this issue nor is it required by the statutes to notify the Florida Secretary of State."²

Therefore, since the provisions of s. 165.052, F.S. cannot operate, this bill appears to be the most efficient and effective method for achieving the dissolution of this inactive municipality.

C. SECTION DIRECTORY:

Section 1. Repeals the legislative enactment that created the City of North Key Largo Beach.

Section 2. Transfers assets and liabilities of the defunct municipality to the Board of County Commissioners of Monroe County.

Section 3. Provides an effective date of upon becoming law.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN?

January 10, 2003

WHERE?

The Reporter, a weekly newspaper of general circulation in Monroe County.

B. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes, attached No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached No

The Economic Impact Statement notes that "[a]lthough doubtful that any environmental liability exists, a complete search for any pollution claims is not complete as of 2/27/03."

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

There do not appear to be any constitutional issues.

² "Local Government Financial Reporting System, Performance Audit, November 18, 1997," Auditor General, Report No. 13083.

B. RULE-MAKING AUTHORITY:

Not applicable.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Drafting Issues

There do not appear to be any technical drafting issues.

Other Comments

None.

IV. AMENDMENT/COMMITTEE SUBSTITUTE CHANGES

None.