

By Senator Garcia

40-1017-06

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A bill to be entitled

An act relating to local governments; amending s. 125.0101, F.S.; prohibiting a county from using its authority to require payment by certain municipalities as a condition of incorporation; providing for application of the prohibition to certain counties with a home rule charter; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsections (2) and (5) of section 125.0101, Florida Statutes, are amended to read:

125.0101 County may contract to provide services to municipalities and special districts.--

(2) In addition to the powers enumerated in this chapter, the legislative and governing body of a county may ~~shall have the power to~~ contract with a municipality or special district within the county for fire protection, law enforcement, library services and facilities, beach erosion control, recreation services and facilities, water, streets, sidewalks, street lighting, garbage and trash collection and disposal, waste and sewage collection and disposal, drainage, transportation, and other essential facilities and municipal services. Such services shall be funded as agreed upon between the county and the municipality or special district. This section does not ~~shall not be construed to~~ authorize the county to:

(a) Impose a ~~any~~ service charge or special assessment or ~~to~~ levy a ~~any~~ tax within the municipality or special

1 ~~district; nor shall this section be construed to authorize~~  
2 ~~the creation of~~

3 (b) Create a municipal service taxing unit within such  
4 area; ~~or-~~

5 (c) Require a municipality that was formed after  
6 January 1, 2000, to pay a charge, assessment, tax, fee, or  
7 other consideration as a condition of incorporation.

8 (5) Except as provided in paragraph (2)(c), this  
9 section ~~does shall~~ not apply to a ~~any~~ county operating under a  
10 home rule charter adopted pursuant to ss. 10, 11, and 24, Art.  
11 VIII of the Constitution of 1885, as preserved by s. 6(e),  
12 Art. VIII, of the Constitution of 1968.

13 Section 2. This act shall take effect July 1, 2006.

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16 SENATE SUMMARY

17 Prohibits a county from requiring payment by certain  
18 municipalities as condition of incorporation. Applies the  
19 prohibition to specified counties with a home rule  
20 charter.  
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