

By Senator Benacquisto

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1 A bill to be entitled
2 An act relating to small municipalities; amending s.
3 163.3164, F.S.; defining the term "municipality of
4 special financial concern"; amending s. 163.3177,
5 F.S.; requiring the state land planning agency to
6 grant a waiver from requirements relating to updating
7 the capital improvements element of the comprehensive
8 plan and amendments updating the regional water supply
9 plan to certain municipal applicants who meet
10 specified criteria; amending s. 163.3191, F.S.;
11 requiring the state land planning agency to grant a
12 waiver of requirements to certain municipal applicants
13 who meet specified criteria; amending s. 218.39, F.S.;
14 revising the amount of municipal revenues or
15 expenditures and expenses that require a municipality
16 to complete a financial audit of its accounts and
17 records; providing an effective date.

18
19 Be It Enacted by the Legislature of the State of Florida:

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21 Section 1. Subsection (35) is added to section 163.3164,
22 Florida Statutes, to read:

23 163.3164 Local Government Comprehensive Planning and Land
24 Development Regulation Act; definitions.—As used in this act:

25 (35) "Municipality of special financial concern" means:

26 (a) Any municipality of special financial concern, as
27 defined in s. 200.185(1)(b), with a per capita taxable value of
28 assessed property of \$58,000 or less; or

29 (b) Any municipality that has a population under 20,000

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30 with a per capita taxable value of assessed property of \$46,000
31 or less.

32 Section 2. Subsection (16) is added to section 163.3177,
33 Florida Statutes, to read:

34 163.3177 Required and optional elements of comprehensive
35 plan; studies and surveys.—

36 (16) (a) A municipality of special financial concern or with
37 annual revenues or expenditures of less than \$1 million may
38 apply to the state land planning agency for a waiver from the
39 updating requirements of subsection (3) applicable to the
40 existing capital improvements element and schedule, and the
41 agency must grant the waiver upon finding that the municipality
42 has acknowledged in the application that it recognizes that any
43 future amendments to the comprehensive plan require a
44 determination of any necessary capital improvements and that the
45 municipality meets one or more of the following criteria:

46 1. There is vacant property equaling 15 percent or less of
47 the total land area of the municipality or a total of 25 acres;

48 2. There are no scheduled capital improvements; or

49 3. The municipality has not experienced one or more of the
50 following:

51 a. Annexation activity within the last year.

52 b. New development since the last update of the capital
53 improvements element and schedule.

54 c. Change to its comprehensive plan since the last review
55 of the capital improvements element.

56 (b) A municipality of special financial concern or with
57 annual revenues or expenditures of less than \$1 million may
58 apply to the state land planning agency for a waiver from the

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59 requirements of this section applicable to amendments to update
60 the regional water supply plan, and the agency must grant the
61 waiver upon finding that the municipality has acknowledged in
62 the application that it recognizes that any future amendments to
63 the comprehensive plan require a determination of any necessary
64 capital improvements and that the municipality has demonstrated
65 no significant impact by meeting one or more of the following
66 criteria:

67 1. There is vacant property equaling 15 percent or less of
68 the total land area of the municipality or a total of 25 acres;

69 2. There are no scheduled capital improvements; or

70 3. The municipality did not experience one or more of the
71 following:

72 a. Annexation activity within the last year.

73 b. New development since the last update of the capital
74 improvements element and schedule.

75 c. Change to its comprehensive plan since the last review
76 of the capital improvements element.

77 Section 3. Subsection (15) is added to section 163.3191,
78 Florida Statutes, to read:

79 163.3191 Evaluation and appraisal of comprehensive plan.—

80 (15) A municipality of special financial concern or with
81 annual revenues or expenditures of less than \$1 million may
82 apply to the state land planning agency for a waiver of the
83 scoping meeting requirement of subsection (3) or other
84 requirements of this section, and the agency must grant the
85 waiver upon finding that the municipality has acknowledged in
86 the application that it recognizes that any future amendments to
87 the comprehensive plan require a determination of any necessary

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88 capital improvements and that the municipality meets one or more
89 of the following criteria:

90 (a) There is vacant property equaling 15 percent or less of
91 the total land area of the municipality or a total of 25 acres;

92 (b) There are no scheduled capital improvements; or

93 (c) Has not experienced one or more of the following:

94 1. Annexation activity within the last year.

95 2. New development since the last update of the capital
96 improvements element and schedule.

97 3. Change to its comprehensive plan since the last review
98 of the capital improvements element.

99 Section 4. Paragraphs (b) and (g) of subsection (1) of
100 section 218.39, Florida Statutes, are amended to read:

101 218.39 Annual financial audit reports.—

102 (1) If, by the first day in any fiscal year, a local
103 governmental entity, district school board, charter school, or
104 charter technical career center has not been notified that a
105 financial audit for that fiscal year will be performed by the
106 Auditor General, each of the following entities shall have an
107 annual financial audit of its accounts and records completed
108 within 12 months after the end of its fiscal year by an
109 independent certified public accountant retained by it and paid
110 from its public funds:

111 (b) Any municipality with revenues or the total of
112 expenditures and expenses of \$1 million or more ~~in excess of~~
113 ~~\$250,000~~.

114 (g) Each municipality with revenues or the total of
115 expenditures and expenses less than \$1 million ~~between \$100,000~~
116 ~~and \$250,000~~ that has not been subject to a financial audit

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117 pursuant to this subsection for the 2 preceding fiscal years.

118 Section 5. This act shall take effect July 1, 2011.