

Amendment No.

CHAMBER ACTION

Senate

House

.

1 Representative Diaz offered the following:

2
3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

5 Section 1. Section 165.031, Florida Statutes, is amended
6 to read:

7 165.031 Definitions.—The following terms and phrases, when
8 used in this chapter, shall have the meanings ascribed to them
9 in this section, except where the context clearly indicates a
10 different meaning:

11 ~~(1) "Unit of local government" means any local general-~~
12 ~~purpose government.~~

13 ~~(2) "Local general purpose government" means a county,~~
14 ~~municipality, or consolidated city-county government.~~

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15 ~~(1)(3)~~ "County" means a political subdivision of the state
16 established pursuant to s. 1, Art. VIII of the State
17 Constitution.

18 ~~(2)(6)~~ "Formation" means any one of the following
19 activities:

20 (a) "Incorporation"—The establishment of a municipality.

21 (b) "Dissolution"—The dissolving of the corporate status
22 of a municipality.

23 (c) "Merger"—The merging of two or more municipalities
24 with each other and with any unincorporated areas authorized
25 pursuant to this act to form a new municipality; the merging of
26 one or more municipalities or special districts, in any
27 combination thereof, with each other; or the merging of one or
28 more counties with one or more special districts.

29 ~~(3)(4)~~ "Municipality" means a municipality created
30 pursuant to general or special law authorized or recognized
31 pursuant to s. 2 or s. 6, Art. VIII of the State Constitution.

32 ~~(7) "Service delivery" means any mechanism used by a unit
33 of local government to provide governmental services.~~

34 ~~(4)(8)~~ "Newspaper of general circulation" means a
35 newspaper printed in the language most commonly spoken in the
36 area within which it circulates, which is readily available for
37 purchase by all inhabitants in its area of circulation, but does
38 not include a newspaper intended primarily for members of a
39 particular professional or occupational group, a newspaper the
40 primary function of which is to carry legal notices, or a
41 newspaper that is given away primarily to distribute
42 advertising.

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43 (5)~~(9)~~ "Parties affected" means any person owning property
44 or residing in a municipality proposing a formation or in the
45 territory that is proposed for a formation or any governmental
46 unit with jurisdiction over such area.

47 (6)~~(10)~~ "Qualified voter" means any person registered to
48 vote in accordance with law.

49 (7)~~(5)~~ "Special district" means a local unit of special
50 government, as defined in s. 189.403(1). This term includes
51 dependent special districts, as defined in s. 189.403(2), and
52 independent special districts, as defined in s. 189.403(3). All
53 provisions of s. 200.001(8)(d) and (e) shall be considered
54 provisions of this chapter.

55 ~~(11) "Sufficiency of petition" means the verification of~~
56 ~~the signatures and addresses of all signers of a petition with~~
57 ~~the voting list maintained by the county supervisor of elections~~
58 ~~and certification that the number of valid signatures represents~~
59 ~~the required percentage of the total number of qualified voters~~
60 ~~in the area affected by a proposal pursuant to this chapter.~~

61 Section 2. Paragraph (b) of subsection (1) of section
62 165.041, Florida Statutes, is amended to read:

63 165.041 Incorporation; merger.—

64 (1)

65 (b) To inform the Legislature on the feasibility of a
66 proposed incorporation of a municipality, a feasibility study
67 shall be completed and submitted to the Legislature no later
68 than the first Monday after September 1 of the year ~~90 days~~
69 ~~before the first day of the regular session of the Legislature~~

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70 during which the municipal charter would be enacted. The
71 feasibility study shall contain the following:

72 1. The ~~general~~ location of territory subject to boundary
73 change and a map of the area which identifies the proposed
74 change.

75 2. The major reasons for proposing the boundary change.

76 3. The following characteristics of the area:

77 a. A list of the current land use designations applied to
78 the subject area in the county comprehensive plan.

79 b. A list of the current county zoning designations
80 applied to the subject area.

81 c. A general statement of present land use characteristics
82 of the area.

83 d. A description of development being proposed for the
84 territory, if any, and a statement of when actual development is
85 expected to begin, if known.

86 4. A list of all public agencies, such as local
87 governments, school districts, and special districts, whose
88 current boundary falls within the boundary of the territory
89 proposed for the change or reorganization.

90 5. A list of current services being provided within the
91 proposed incorporation area, including, but not limited to,
92 water, sewer, solid waste, transportation, public works, law
93 enforcement, fire and rescue, zoning, street lighting, parks and
94 recreation, and library and cultural facilities, and the
95 estimated costs for each current service.

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96 6. A list of proposed services to be provided within the
97 proposed incorporation area, and the estimated cost of such
98 proposed services.

99 7. The names and addresses of three officers or persons
100 submitting the proposal.

101 8. Evidence of fiscal capacity and an organizational plan
102 as it relates to the area seeking incorporation that, at a
103 minimum, includes:

104 a. Existing tax bases, including ad valorem taxable value,
105 utility taxes, sales and use taxes, franchise taxes, license and
106 permit fees, charges for services, fines and forfeitures, and
107 other revenue sources, as appropriate.

108 b. A 5-year operational plan that, at a minimum, includes
109 proposed staffing, building acquisition and construction, debt
110 issuance, and budgets.

111 9. Data and analysis to support the conclusions that
112 incorporation is necessary and financially feasible, including
113 population projections and population density calculations, and
114 an explanation concerning methodologies used for such analysis.

115 10. Evaluation of the alternatives available to the area
116 to address its policy concerns.

117 11. Evidence that the proposed municipality meets the
118 requirements for incorporation pursuant to s. 165.061.

119 Section 3. Section 165.0615, Florida Statutes, is created
120 to read:

121 165.0615 Municipal conversion of independent special
122 districts upon elector-initiated and approved referendum.-

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123 (1) The qualified electors of an independent special
124 district may commence a municipal conversion proceeding by
125 filing a petition with the governing body of the independent
126 special district proposed to be converted if the district meets
127 all of the following criteria:

128 (a) It was created by special act of the Legislature.

129 (b) It is designated as an improvement district and
130 created pursuant to chapter 298 or is designated as a
131 stewardship district and created pursuant to s. 189.404.

132 (c) Its governing board is elected.

133 (d) Its governing board agrees to the conversion.

134 (e) It provides at least four of the following municipal
135 services: water, sewer, solid waste, drainage, roads,
136 transportation, public works, fire and rescue, street lighting,
137 parks and recreation, or library or cultural facilities.

138 (f) No portion of the district is located within the
139 jurisdictional limits of a municipality.

140 (2) (a) The petition must include signatures of at least 40
141 percent of the qualified electors of the independent special
142 district and must be submitted as provided in subsection (3) not
143 later than 1 year after the start of the qualified elector-
144 initiated municipal conversion proceeding.

145 (b) The petition must comply with, and be circulated in,
146 the following form:

147
148 PETITION FOR MUNICIPAL CONVERSION OF
149 INDEPENDENT SPECIAL DISTRICT
150

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151 We, the undersigned electors and legal voters of
 152 (...name of independent special district...),
 153 qualified to vote at the next general or special
 154 election, respectfully petition that there be
 155 submitted to the electors and legal voters of (...name
 156 of independent special district proposed to be
 157 converted to a municipality...) for their approval or
 158 rejection at a referendum held for that purpose, a
 159 proposal to convert (...name of independent special
 160 district...) and incorporate (...proposed name of
 161 municipality...).

162
 163 In witness thereof, we have signed our names on the
 164 date indicated next to our signatures.

165
 166 Date Name (print under signature) Home Address

167 _____
 168 _____

169
 170 (c) The petition must be validated by a signed statement
 171 by a witness who is a duly qualified elector of the independent
 172 special district, a notary public, or another person authorized
 173 to take acknowledgements.

174 (d) A statement that is signed by a witness who is a duly
 175 qualified elector of the district shall be accepted for all
 176 purposes as the equivalent of an affidavit. The statement must
 177 be in substantially the following form:

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179 "I, (...name of witness...), state that I am a duly
 180 qualified voter of (...name of independent special
 181 district...). Each of the (...insert number...)
 182 persons who have signed this petition sheet has signed
 183 his or her name in my presence on the dates indicated
 184 above and identified himself or herself to be the same
 185 person who signed the sheet. I understand that this
 186 statement will be accepted for all purposes as the
 187 equivalent of an affidavit and, if it contains a
 188 materially false statement, shall subject me to the
 189 penalties of perjury."

190
 191 Date Signature of Witness

192
 193 (e) A statement that is signed by a notary public or
 194 another person authorized to take acknowledgements must be in
 195 substantially the following form:

196
 197 "On the date indicated above before me personally came
 198 each of the (...insert number...) electors and legal
 199 voters whose signatures appear on this petition sheet,
 200 who signed the petition in my presence and who, being
 201 by me duly sworn, each for himself or herself,
 202 identified himself or herself as the same person who
 203 signed the petition, and I declare that the foregoing
 204 information they provided was true."

205
 206 Date Signature of Witness

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207
208 (f) An alteration or correction of information appearing
209 on a petition's signature line, other than a signature that was
210 not initialed, and date, does not invalidate the signature. In
211 matters of form, this paragraph must be liberally construed, not
212 inconsistent with substantial compliance thereto and the
213 prevention of fraud.

214 (3) The appropriately signed petition must be filed with
215 the governing body of the independent special district. The
216 petition must be submitted to the supervisor of elections of the
217 county in which the district lands are located. The supervisor
218 of elections shall, within 30 business days after receipt of the
219 petition, certify to the governing body the number of signatures
220 of qualified electors contained on the petition.

221 (4) Upon verification by the supervisor of elections of
222 the county within which the independent special district lands
223 are located that 40 percent of the qualified electors have
224 petitioned for municipal conversion and that all such petitions
225 have been executed within 1 year after the date of the
226 initiation of the qualified-electors conversion process, the
227 governing body of the independent special district shall meet
228 within 30 business days to prepare and approve by resolution a
229 proposed elector-initiated combined conversion and incorporation
230 plan. The proposed plan must include:

231 (a) The name of the independent special district to be
232 converted to a municipality.

233 (b) The name of the municipality to be created.

234 (c) The conversion schedule.

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235 (d) Notwithstanding s. 165.061(1)(d), certification by a
236 licensed surveyor that the boundaries of the proposed
237 municipality do not overlap with any other municipal boundary
238 and are contained within a single county.

239 (e) The rights, duties, and obligations of the
240 municipality, and a feasibility study that contains the
241 requirements under s. 165.041(1)(b), except that the provisions
242 of s. 165.061(1)(b)-(d) do not apply if the buildout of the land
243 use allowed under the current county-approved comprehensive plan
244 and zoning designations will meet the population and density
245 requirements of s. 165.061(1)(b) and (c).

246 (f) The territorial boundaries of the proposed
247 municipality.

248 (g) The governmental organization of the proposed
249 municipality and independent special district as the
250 organization concerns elected and appointed officials and public
251 employees, along with a transitional plan and schedule for
252 elections and appointments of officials.

253 (h) An accounting of the independent special district's
254 assets, including, but not limited to, real and personal
255 property, and the current value of the property.

256 (i) An accounting of the independent special district's
257 liabilities and indebtedness, bonded and otherwise, and the
258 current value of the liabilities and indebtedness.

259 (j) Terms for addressing the ownership and obligations
260 related to existing assets, liabilities, and indebtedness of the
261 independent special district, jointly, separately, or in defined
262 proportions.

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263 (k) Terms for the common administration and uniform
264 enforcement of existing laws within the proposed municipality.

265 (l) An estimated date for final payment of any bonded
266 indebtedness of the independent special district, and if
267 maintained by the district after incorporation, the estimated
268 date of automatic dissolution of the independent special
269 district.

270 (m) The time and place for a public hearing on the
271 proposed incorporation.

272 (n) The effective date of the proposed incorporation.

273 (5) The resolution endorsing the proposed elector-
274 initiated municipal incorporation plan must be approved by a
275 majority vote of the governing body of the independent special
276 district and must be adopted at least 60 business days before
277 any general or special election on the proposed elector-
278 initiated plan.

279 (6) Within 5 business days after the independent special
280 district approves the proposed elector-initiated municipal
281 incorporation plan, the governing body must:

282 (a) Cause a copy of the proposed elector-initiated
283 municipal incorporation plan, along with a descriptive summary
284 of the plan, to be displayed and be readily accessible to the
285 public for inspection in at least three public places within the
286 territorial limits of the independent special district, unless
287 the independent special district has fewer than three public
288 places, in which case the plan must be accessible for inspection
289 in all public places within the independent special district.

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290 (b) If applicable, cause the proposed elector-initiated
291 municipal incorporation plan, along with a descriptive summary
292 of the plan and a reference to the public places within the
293 independent special district where a copy of the plan may be
294 examined, to be displayed on a website maintained by the
295 district or otherwise on a website maintained by the county in
296 which the district is located.

297 (c) Arrange for a descriptive summary of the proposed
298 elector-initiated municipal incorporation plan, and a reference
299 to the public places within the district where a copy may be
300 examined, to be published in a newspaper of general circulation
301 within the independent special district at least once each week
302 for 4 successive weeks.

303 (7) The governing body of the independent special district
304 shall set a time and place for one or more public hearings on
305 the proposed elector-initiated combined municipal incorporation
306 plan. Each public hearing shall be held on a weekday at least 7
307 business days after the day the first advertisement is published
308 on the proposed elector-initiated merger plan. An interested
309 person residing in the respective district shall be given a
310 reasonable opportunity to be heard on any aspect of the proposed
311 merger at the public hearing.

312 (8) Notice of the final public hearing on the proposed
313 elector-initiated combined municipal incorporation plan must be
314 published pursuant to the notice requirements in s. 189.417 and
315 must provide a descriptive summary of the elector-initiated
316 municipal incorporation plan and a reference to the public

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317 places within the independent special district where a copy of
318 the plan may be examined.

319 (9) After the final public hearing, the governing body of
320 the independent special district may amend the proposed elector-
321 initiated municipal incorporation plan if the amended version
322 complies with the notice and public hearing requirements
323 provided in this section. The governing body shall approve a
324 final version of the plan within 60 business days after the
325 final hearing.

326 (10) After the final public hearing, the governing body
327 must notify the supervisor of elections of the county in which
328 district lands are located of the adoption of the resolution by
329 the governing body. The supervisor of elections shall schedule a
330 date for the referenda for the district.

331 (11) Notice of a referendum on the municipal incorporation
332 of the independent special district must be provided pursuant to
333 the notice requirements in s. 100.342. The notice must include:

334 (a) A brief summary of the resolution and elector-
335 initiated municipal incorporation plan;

336 (b) A statement as to where a copy of the resolution and
337 petition for municipal incorporation may be examined;

338 (c) The name of the independent special district to be
339 converted to a municipality and a description of the territory
340 included in the plan;

341 (d) The time and place at which the referendum will be
342 held; and

343 (e) Such other matters as may be necessary to call,
344 provide for, and give notice of the referendum and to provide

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345 for the conduct of the referendum and the canvass of the
346 returns.

347 (12) The referendum must be held in accordance with the
348 Florida Election Code and may be held pursuant to ss. 101.6101-
349 101.6107. The costs associated with the referendum must be borne
350 by the independent special district.

351 (13) The ballot question in the referendum placed before
352 the qualified electors of the independent special district to be
353 incorporated must be in substantially the following form:

354
355 "Shall (name of independent special district...) be
356 converted into (...name of newly created
357 municipality...), which will assume all authority,
358 powers, rights, and obligations of the district?

359 YES

360 NO"

361
362 (14) In any referendum held pursuant to this section, the
363 ballots must be counted, returns made and canvassed, and results
364 certified in the same manner as other elections or referenda for
365 the independent special district.

366 (15) The incorporation plan will not take effect unless a
367 majority of the votes cast in the independent special district
368 are in favor of the plan.

369 (16) If the incorporation plan is approved by a majority
370 of the votes cast in the independent special district, the
371 district shall notify the special district information program
372 pursuant to s. 189.418(2) and the local general-purpose

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373 governments in which any part of the independent special
374 district is situated pursuant to s. 189.418(7).

375 (17) If the referendum fails, the conversion process under
376 this section may not be initiated for the same purpose within 2
377 years after the date of the referendum.

378 (18) An independent special district proposed for
379 conversion under an elector-initiated municipal incorporation
380 plan must continue to be governed as before the approved
381 referendum until the effective date specified in the adopted
382 elector-initiated municipal incorporation plan.

383 (19) The effective date of the incorporation shall be as
384 provided in the elector-initiated combined conversion and
385 incorporation plan, as appropriate, and is not contingent upon a
386 future act of the Legislature.

387 Section 4. Section 257.171, Florida Statutes, is amended
388 to read:

389 257.171 Multicounty libraries.—Units of local government,
390 ~~as defined in s. 165.031(1),~~ may establish a multicounty
391 library. The Division of Library and Information Services may
392 establish operating standards and rules under which a
393 multicounty library is eligible to receive state moneys. For a
394 multicounty library, a local government may pay moneys in
395 advance in lump sum from its public funds for the provision of
396 library services only.

397 Section 5. This act shall take effect July 1, 2012.

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399 -----

400 **T I T L E A M E N D M E N T**

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401 Remove the entire title and insert:
402 A bill to be entitled
403 An act relating to the formation of local governments;
404 amending s. 165.031, F.S.; deleting definitions;
405 amending s. 165.041, F.S.; revising the deadline for
406 submission of a feasibility study of a proposed
407 incorporation of a municipality; revising a
408 requirement for the content of the study; creating s.
409 165.0615, F.S.; providing that qualified electors of
410 an independent special district that meets certain
411 criteria may commence a municipal conversion
412 proceeding by filing a petition with the governing
413 body of the independent special district; providing
414 criteria for the petition; providing that the petition
415 must be filed with the governing body of the
416 independent special district and submitted to the
417 supervisor of elections of each county in which the
418 district lands are located; requiring that the
419 supervisor of elections certify within a certain time
420 to the governing body the number of signatures of
421 qualified electors contained in the petition;
422 requiring the governing body to meet, prepare, and
423 approve by resolution a proposed elector-initiated
424 combined conversion and incorporation plan; providing
425 criteria for the plan; providing criteria for
426 approving the resolution; requiring the governing body
427 to provide notice and public access to the elector-
428 initiated combined municipal incorporation plan;

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429 providing criteria for a public hearing on the
430 proposed elector-initiated combined municipal
431 incorporation plan; providing notice of a final public
432 hearing, a descriptive summary of the elector-
433 initiated combined municipal incorporation plan, and a
434 reference to the public place where a copy of the plan
435 can be examined; authorizing the governing body to
436 amend the municipal incorporation plan after the final
437 hearing if notice and public hearing requirements are
438 met; requiring the governing body to approve the final
439 version of the plan within a certain time after the
440 final hearing; requiring the governing body to notify
441 the supervisor of elections of the county within which
442 the special district is located of the adoption of the
443 resolution; providing for notice of the referendum;
444 requiring that the referendum be held in accordance
445 with the election code; requiring the independent
446 special district to bear the costs associated with the
447 referendum; providing for the form of the ballot
448 question; providing for the counting of ballots,
449 making and canvassing of returns, and certifying of
450 the results; requiring a majority of the votes cast in
451 the independent special district for the incorporation
452 plan to take effect; requiring that the independent
453 special district notify the special district
454 information program and certain local general-purpose
455 governments that the plan was approved; prohibiting a
456 conversion process from being initiated for 2 years if

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457 the referendum fails; providing for interim governance
458 of the district; providing for an effective date of
459 the incorporation; amending s. 257.171, F.S.;
460 conforming a cross-reference; providing an effective
461 date.