

Amendment No.

CHAMBER ACTION

Senate

House

.

1 Representative Diaz offered the following:

2
3 **Amendment to Amendment (204623) (with title amendment)**

4 Between lines 118 and 119, insert:

5 Section 3. Section 165.0615, Florida Statutes, is created
6 to read:

7 165.0615 Municipal conversion of independent special
8 districts upon elector-initiated and approved referendum.-

9 (1) The qualified electors of an independent special
10 district may commence a municipal conversion proceeding by
11 filing a petition with the governing body of the independent
12 special district proposed to be converted if the district meets
13 all of the following criteria:

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

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15 (b) It is designated as an improvement district and
16 created pursuant to chapter 298 or is designated as a
17 stewardship district and created pursuant to s. 189.404.

18 (c) Its governing board is elected.

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

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

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

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

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

33
34 PETITION FOR MUNICIPAL CONVERSION OF
35 INDEPENDENT SPECIAL DISTRICT
36

37 We, the undersigned electors and legal voters of
38 (...name of independent special district...),
39 qualified to vote at the next general or special
40 election, respectfully petition that there be
41 submitted to the electors and legal voters of (...name
42 of independent special district proposed to be

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43 converted to a municipality...) for their approval or
44 rejection at a referendum held for that purpose, a
45 proposal to convert (...name of independent special
46 district...) and incorporate (...proposed name of
47 municipality...).

48
49 In witness thereof, we have signed our names on the
50 date indicated next to our signatures.

51
52 Date Name (print under signature) Home Address
53 _____
54 _____

55
56 (c) The petition must be validated by a signed statement
57 by a witness who is a duly qualified elector of the independent
58 special district, a notary public, or another person authorized
59 to take acknowledgements.

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

64
65 "I, (...name of witness...), state that I am a duly
66 qualified voter of (...name of independent special
67 district...). Each of the (...insert number...)
68 persons who have signed this petition sheet has signed
69 his or her name in my presence on the dates indicated
70 above and identified himself or herself to be the same

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71 person who signed the sheet. I understand that this
72 statement will be accepted for all purposes as the
73 equivalent of an affidavit and, if it contains a
74 materially false statement, shall subject me to the
75 penalties of perjury."

76
77 Date Signature of Witness

78
79 (e) A statement that is signed by a notary public or
80 another person authorized to take acknowledgements must be in
81 substantially the following form:

82
83 "On the date indicated above before me personally came
84 each of the (...insert number...) electors and legal
85 voters whose signatures appear on this petition sheet,
86 who signed the petition in my presence and who, being
87 by me duly sworn, each for himself or herself,
88 identified himself or herself as the same person who
89 signed the petition, and I declare that the foregoing
90 information they provided was true."

91
92 Date Signature of Witness

93
94 (f) An alteration or correction of information appearing
95 on a petition's signature line, other than a signature that was
96 not initialed, and date, does not invalidate the signature. In
97 matters of form, this paragraph must be liberally construed, not

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98 inconsistent with substantial compliance thereto and the
99 prevention of fraud.

100 (3) The appropriately signed petition must be filed with
101 the governing body of the independent special district. The
102 petition must be submitted to the supervisor of elections of the
103 county in which the district lands are located. The supervisor
104 of elections shall, within 30 business days after receipt of the
105 petition, certify to the governing body the number of signatures
106 of qualified electors contained on the petition.

107 (4) Upon verification by the supervisor of elections of
108 the county within which the independent special district lands
109 are located that 40 percent of the qualified electors have
110 petitioned for municipal conversion and that all such petitions
111 have been executed within 1 year after the date of the
112 initiation of the qualified-electors conversion process, the
113 governing body of the independent special district shall meet
114 within 30 business days to prepare and approve by resolution a
115 proposed elector-initiated combined conversion and incorporation
116 plan. The proposed plan must include:

117 (a) The name of the independent special district to be
118 converted to a municipality.

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

120 (c) The conversion schedule.

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

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125 (e) The rights, duties, and obligations of the
126 municipality, and a feasibility study that contains the
127 requirements under s. 165.041(1) (b), except that the provisions
128 of s. 165.061(1) (b)-(d) do not apply if the buildout of the land
129 use allowed under the current county-approved comprehensive plan
130 and zoning designations will meet the population and density
131 requirements of s. 165.061(1) (b) and (c).

132 (f) The territorial boundaries of the proposed
133 municipality.

134 (g) The governmental organization of the proposed
135 municipality and independent special district as the
136 organization concerns elected and appointed officials and public
137 employees, along with a transitional plan and schedule for
138 elections and appointments of officials.

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

142 (i) An accounting of the independent special district's
143 liabilities and indebtedness, bonded and otherwise, and the
144 current value of the liabilities and indebtedness.

145 (j) Terms for addressing the ownership and obligations
146 related to existing assets, liabilities, and indebtedness of the
147 independent special district, jointly, separately, or in defined
148 proportions.

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

151 (l) An estimated date for final payment of any bonded
152 indebtedness of the independent special district, and if

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153 maintained by the district after incorporation, the estimated
154 date of automatic dissolution of the independent special
155 district.

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

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

159 (5) The resolution endorsing the proposed elector-
160 initiated municipal incorporation plan must be approved by a
161 majority vote of the governing body of the independent special
162 district and must be adopted at least 60 business days before
163 any general or special election on the proposed elector-
164 initiated plan.

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

168 (a) Cause a copy of the proposed elector-initiated
169 municipal incorporation plan, along with a descriptive summary
170 of the plan, to be displayed and be readily accessible to the
171 public for inspection in at least three public places within the
172 territorial limits of the independent special district, unless
173 the independent special district has fewer than three public
174 places, in which case the plan must be accessible for inspection
175 in all public places within the independent special district.

176 (b) If applicable, cause the proposed elector-initiated
177 municipal incorporation plan, along with a descriptive summary
178 of the plan and a reference to the public places within the
179 independent special district where a copy of the plan may be
180 examined, to be displayed on a website maintained by the

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181 district or otherwise on a website maintained by the county in
182 which the district is located.

183 (c) Arrange for a descriptive summary of the proposed
184 elector-initiated municipal incorporation plan, and a reference
185 to the public places within the district where a copy may be
186 examined, to be published in a newspaper of general circulation
187 within the independent special district at least once each week
188 for 4 successive weeks.

189 (7) The governing body of the independent special district
190 shall set a time and place for one or more public hearings on
191 the proposed elector-initiated combined municipal incorporation
192 plan. Each public hearing shall be held on a weekday at least 7
193 business days after the day the first advertisement is published
194 on the proposed elector-initiated merger plan. An interested
195 person residing in the respective district shall be given a
196 reasonable opportunity to be heard on any aspect of the proposed
197 merger at the public hearing.

198 (8) Notice of the final public hearing on the proposed
199 elector-initiated combined municipal incorporation plan must be
200 published pursuant to the notice requirements in s. 189.417 and
201 must provide a descriptive summary of the elector-initiated
202 municipal incorporation plan and a reference to the public
203 places within the independent special district where a copy of
204 the plan may be examined.

205 (9) After the final public hearing, the governing body of
206 the independent special district may amend the proposed elector-
207 initiated municipal incorporation plan if the amended version
208 complies with the notice and public hearing requirements

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209 provided in this section. The governing body shall approve a
210 final version of the plan within 60 business days after the
211 final hearing.

212 (10) After the final public hearing, the governing body
213 must notify the supervisor of elections of the county in which
214 district lands are located of the adoption of the resolution by
215 the governing body. The supervisor of elections shall schedule a
216 date for the referenda for the district.

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

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

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

224 (c) The name of the independent special district to be
225 converted to a municipality and a description of the territory
226 included in the plan;

227 (d) The time and place at which the referendum will be
228 held; and

229 (e) Such other matters as may be necessary to call,
230 provide for, and give notice of the referendum and to provide
231 for the conduct of the referendum and the canvass of the
232 returns.

233 (12) The referendum must be held in accordance with the
234 Florida Election Code and may be held pursuant to ss. 101.6101-
235 101.6107. The costs associated with the referendum must be borne
236 by the independent special district.

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

240
241 "Shall (name of independent special district...) be
242 converted into (...name of newly created
243 municipality...), which will assume all authority,
244 powers, rights, and obligations of the district?

245 YES

246 NO"

247
248 (14) In any referendum held pursuant to this section, the
249 ballots must be counted, returns made and canvassed, and results
250 certified in the same manner as other elections or referenda for
251 the independent special district.

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

255 (16) If the incorporation plan is approved by a majority
256 of the votes cast in the independent special district, the
257 district shall notify the special district information program
258 pursuant to s. 189.418(2) and the local general-purpose
259 governments in which any part of the independent special
260 district is situated pursuant to s. 189.418(7).

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

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264 (18) An independent special district proposed for
265 conversion under an elector-initiated municipal incorporation
266 plan must continue to be governed as before the approved
267 referendum until the effective date specified in the adopted
268 elector-initiated municipal incorporation plan.

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

273 -----
274 -----

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

276 Remove line 140 and insert:
277 requirement for the content of the study; creating s.
278 165.0615, F.S.; providing that qualified electors of
279 an independent special district that meets certain
280 criteria may commence a municipal conversion
281 proceeding by filing a petition with the governing
282 body of the independent special district; providing
283 criteria for the petition; providing that the petition
284 must be filed with the governing body of the
285 independent special district and submitted to the
286 supervisor of elections of each county in which the
287 district lands are located; requiring that the
288 supervisor of elections certify within a certain time
289 to the governing body the number of signatures of
290 qualified electors contained in the petition;
291 requiring the governing body to meet, prepare, and

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292 approve by resolution a proposed elector-initiated
293 combined conversion and incorporation plan; providing
294 criteria for the plan; providing criteria for
295 approving the resolution; requiring the governing body
296 to provide notice and public access to the elector-
297 initiated combined municipal incorporation plan;
298 providing criteria for a public hearing on the
299 proposed elector-initiated combined municipal
300 incorporation plan; providing notice of a final public
301 hearing, a descriptive summary of the elector-
302 initiated combined municipal incorporation plan, and a
303 reference to the public place where a copy of the plan
304 can be examined; authorizing the governing body to
305 amend the municipal incorporation plan after the final
306 hearing if notice and public hearing requirements are
307 met; requiring the governing body to approve the final
308 version of the plan within a certain time after the
309 final hearing; requiring the governing body to notify
310 the supervisor of elections of the county within which
311 the special district is located of the adoption of the
312 resolution; providing for notice of the referendum;
313 requiring that the referendum be held in accordance
314 with the election code; requiring the independent
315 special district to bear the costs associated with the
316 referendum; providing for the form of the ballot
317 question; providing for the counting of ballots,
318 making and canvassing of returns, and certifying of
319 the results; requiring a majority of the votes cast in

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320 the independent special district for the incorporation
321 plan to take effect; requiring that the independent
322 special district notify the special district
323 information program and certain local general-purpose
324 governments that the plan was approved; prohibiting a
325 conversion process from being initiated for 2 years if
326 the referendum fails; providing for interim governance
327 of the district; providing for an effective date of
328 the incorporation; amending s.