

Amendment No.

CHAMBER ACTION

Senate

House

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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 257.171, Florida Statutes, is amended
120 to read:

121 257.171 Multicounty libraries.—Units of local government,
122 ~~as defined in s. 165.031(1),~~ may establish a multicounty
123 library. The Division of Library and Information Services may
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124 establish operating standards and rules under which a
125 multicounty library is eligible to receive state moneys. For a
126 multicounty library, a local government may pay moneys in
127 advance in lump sum from its public funds for the provision of
128 library services only.

129 Section 4. This act shall take effect July 1, 2012.

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

133 Remove the entire title and insert:

134 A bill to be entitled
135 An act relating to the formation of local governments;
136 amending s. 165.031, F.S.; deleting definitions;
137 amending s. 165.041, F.S.; revising the deadline for
138 submission of a feasibility study of a proposed
139 incorporation of a municipality; revising a
140 requirement for the content of the study; amending s.
141 257.171, F.S.; conforming a cross-reference; providing
142 an effective date.