



248456

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/12/2012	.	
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The Committee on Community Affairs (Bennett) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

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

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



248456

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

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 of
22 a municipality.

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

29 (3)~~(4)~~ "Municipality" means a municipality created pursuant
30 to general or special law authorized or recognized pursuant to
31 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 newspaper
35 printed in the language most commonly spoken in the area within
36 which it circulates, which is readily available for purchase by
37 all inhabitants in its area of circulation, but does not include
38 a newspaper intended primarily for members of a particular
39 professional or occupational group, a newspaper the primary
40 function of which is to carry legal notices, or a newspaper that
41 is given away primarily to distribute advertising.



248456

42 ~~(5)-(9)~~ "Parties affected" means any person owning property
43 or residing in a municipality proposing a formation or in the
44 territory that is proposed for a formation or any governmental
45 unit with jurisdiction over such area.

46 ~~(6)-(10)~~ "Qualified voter" means any person registered to
47 vote in accordance with law.

48 ~~(7)-(5)~~ "Special district" means a local unit of special
49 government, as defined in s. 189.403(1). This term includes
50 dependent special districts, as defined in s. 189.403(2), and
51 independent special districts, as defined in s. 189.403(3). All
52 provisions of s. 200.001(8)(d) and (e) shall be considered
53 provisions of this chapter.

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

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

62 165.041 Incorporation; merger.—

63 (1)

64 (b) To inform the Legislature on the feasibility of a
65 proposed incorporation of a municipality, a feasibility study
66 shall be completed and submitted to the Legislature no later
67 than the first Monday after September 1 of the year ~~90 days~~
68 ~~before the first day of the regular session of the Legislature~~
69 during which the municipal charter would be enacted. The
70 feasibility study shall contain the following:



248456

- 71 1. The ~~general~~ location of territory subject to boundary
72 change and a map of the area which identifies the proposed
73 change.
- 74 2. The major reasons for proposing the boundary change.
- 75 3. The following characteristics of the area:
- 76 a. A list of the current land use designations applied to
77 the subject area in the county comprehensive plan.
- 78 b. A list of the current county zoning designations applied
79 to the subject area.
- 80 c. A general statement of present land use characteristics
81 of the area.
- 82 d. A description of development being proposed for the
83 territory, if any, and a statement of when actual development is
84 expected to begin, if known.
- 85 4. A list of all public agencies, such as local
86 governments, school districts, and special districts, whose
87 current boundary falls within the boundary of the territory
88 proposed for the change or reorganization.
- 89 5. A list of current services being provided within the
90 proposed incorporation area, including, but not limited to,
91 water, sewer, solid waste, transportation, public works, law
92 enforcement, fire and rescue, zoning, street lighting, parks and
93 recreation, and library and cultural facilities, and the
94 estimated costs for each current service.
- 95 6. A list of proposed services to be provided within the
96 proposed incorporation area, and the estimated cost of such
97 proposed services.
- 98 7. The names and addresses of three officers or persons
99 submitting the proposal.



248456

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

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

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

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

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

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

118 Section 3. Section 257.171, Florida Statutes, is amended to
119 read:

120 257.171 Multicounty libraries.—Units of local government,
121 ~~as defined in s. 165.031(1),~~ may establish a multicounty
122 library. The Division of Library and Information Services may
123 establish operating standards and rules under which a
124 multicounty library is eligible to receive state moneys. For a
125 multicounty library, a local government may pay moneys in
126 advance in lump sum from its public funds for the provision of
127 library services only.

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



248456

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===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

 Delete everything before the enacting clause
and insert:

 A bill to be entitled

 An act relating to the formation of local governments;
amending s. 165.031, F.S.; deleting definitions; amending s.
165.041, F.S.; revising the deadline for submission of a
feasibility study of a proposed incorporation of a municipality;
revising a requirement for the content of the study; amending s.
257.171, F.S.; conforming a cross-reference; providing an
effective date.