



314328

LEGISLATIVE ACTION

Senate

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House

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Floor: 2/AD/2R

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Senator Bennett moved the following:

Senate Amendment (with title amendment)

Between lines 135 and 136

insert:

Section 4. Municipal conversion of independent special districts upon elector-initiated and approved referendum.-

(1) The qualified electors of an independent special district created by judicial decree or a special act of the Legislature, a majority of whose board is popularly elected, may commence a municipal conversion proceeding by filing a petition with the governing body of the independent special district proposing to be converted. The provisions of this section do not apply to a special district created pursuant to chapter 298,



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14 Florida Statutes, or a special act, a majority of whose
15 governing board is elected on a one-acre, one-vote basis, unless
16 the governing board consents to conversion, or to a special
17 district in which all or a portion of the district is located
18 within the jurisdictional limits of a municipality.

19 (2) (a) The petition must include signatures of at least 40
20 percent of the qualified electors of the independent special
21 district and must be submitted not later than 1 year after the
22 start of the qualified elector-initiated municipal conversion
23 proceeding.

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

26 PETITION FOR MUNICIPAL CONVERSION OF
27 INDEPENDENT SPECIAL DISTRICT

28 We, the undersigned electors and legal voters of
29 (...name of independent special district...),
30 qualified to vote at the next general or special
31 election, respectfully petition that there be
32 submitted to the electors and legal voters of (...name
33 of independent special district proposed to be
34 converted to a municipality...) for their approval or
35 rejection at a referendum held for that purpose, a
36 proposal to convert (...name of independent special
37 district...) and incorporate (...proposed name of
38 municipality...).

39 In witness thereof, we have signed our names on the
40 date indicated next to our signatures.

41 Date Name (print under signature) Home Address
42 _____



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

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

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

Date Signature of Witness

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

"On the date indicated above before me personally came each of the (...insert number...) electors and legal voters whose signatures appear on this petition sheet, who signed the petition in my presence and who, being by me duly sworn, each for himself or herself,



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72 identified himself or herself as the same person who
73 signed the petition, and I declare that the foregoing
74 information they provided was true."

75 Date Signature of Witness

76 (f) An alteration or correction of information appearing on
77 a petition's signature line, other than a signature that was not
78 initialed, and date, does not invalidate the signature. In
79 matters of form, this paragraph must be liberally construed, not
80 inconsistent with substantial compliance thereto and the
81 prevention of fraud.

82 (3) The appropriately signed petition must be filed with
83 the governing body of the independent special district. The
84 petition must be submitted to the supervisor of elections of the
85 county in which the district lands are located. The supervisor
86 of elections shall, within 30 business days after receipt of the
87 petition, certify to the governing body the number of signatures
88 of qualified electors contained on the petition.

89 (4) Upon verification by the supervisor of elections of the
90 county within which the independent special district lands are
91 located that 40 percent of the qualified electors have
92 petitioned for municipal conversion and that all such petitions
93 have been executed within 1 year after the date of the
94 initiation of the qualified-electror conversion process, the
95 governing body of the independent special district shall meet
96 within 30 business days to prepare and approve by resolution a
97 proposed elector-initiated combined conversion and incorporation
98 plan. The proposed plan must include:

99 (a) The name of the independent special district to be
100 converted to a municipality.



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

102 (c) The conversion schedule.

103 (d) Notwithstanding s. 165.061(1)(d), Florida Statutes, the
104 municipal boundaries must be certified by a licensed surveyor
105 that the boundaries of the proposed municipality do not overlap
106 with any other municipal boundary and are contained within a
107 single county.

108 (e) The rights, duties, and obligations of the
109 municipality, and a feasibility study which contains the
110 requirements under s. 165.041(1)(b), Florida Statutes, except
111 the provisions of s. 165.061(1)(b)-(d), Florida Statutes, do not
112 apply if the plan and the buildout of the current land use and
113 zoning designations will meet the requirements of s. 163.3177,
114 Florida Statutes.

115 (f) The territorial boundaries of the proposed
116 municipality.

117 (g) The governmental organization of the proposed
118 municipality and independent special district as the
119 organization concerns elected and appointed officials and public
120 employees, along with a transitional plan and schedule for
121 elections and appointments of officials.

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

125 (i) An accounting of the independent special district's
126 liabilities and indebtedness, bonded and otherwise, and the
127 current value of the liabilities and indebtedness.

128 (j) Terms for addressing the ownership and obligations
129 related to existing assets, liabilities, and indebtedness of the



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130 independent special district, jointly, separately, or in defined
131 proportions.

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

134 (l) An estimated date for final payment of any bonded
135 indebtedness of the independent special district, and if
136 maintained by the district after incorporation, the estimated
137 date of automatic dissolution of the independent special
138 district.

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

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

142 (5) The resolution endorsing the proposed elector-initiated
143 municipal incorporation plan must be approved by a majority vote
144 of the governing body of the independent special district and
145 must be adopted at least 60 business days before any general or
146 special election on the proposed elector-initiated plan.

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

150 (a) Cause a copy of the proposed elector-initiated
151 municipal incorporation plan, along with a descriptive summary
152 of the plan, to be displayed and be readily accessible to the
153 public for inspection in at least three public places within the
154 territorial limits of the independent special district, unless
155 the independent special district has fewer than three public
156 places, in which case the plan must be accessible for inspection
157 in all public places within the independent special district.

158 (b) If applicable, cause the proposed elector-initiated



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159 municipal incorporation plan, along with a descriptive summary
160 of the plan and a reference to the public places within the
161 independent special district where a copy of the plan may be
162 examined, to be displayed on a website maintained by the
163 district or otherwise on a website maintained by the county in
164 which the district is located.

165 (c) Arrange for a descriptive summary of the proposed
166 elector-initiated municipal incorporation plan, and a reference
167 to the public places within the district where a copy may be
168 examined, to be published in a newspaper of general circulation
169 within the independent special district at least once each week
170 for 4 successive weeks.

171 (7) The governing body of the independent special district
172 shall set a time and place for one or more public hearings on
173 the proposed elector-initiated combined municipal incorporation
174 plan. Each public hearing shall be held on a weekday at least 7
175 business days after the day the first advertisement is published
176 on the proposed elector-initiated merger plan. An interested
177 person residing in the respective district shall be given a
178 reasonable opportunity to be heard on any aspect of the proposed
179 merger at the public hearing.

180 (8) Notice of the final public hearing on the proposed
181 elector-initiated combined municipal incorporation plan must be
182 published pursuant to the notice requirements in s. 189.417,
183 Florida Statutes, and must provide a descriptive summary of the
184 elector-initiated municipal incorporation plan and a reference
185 to the public places within the independent special district
186 where a copy of the plan may be examined.

187 (9) After the final public hearing, the governing body of



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188 the independent special district may amend the proposed elector-
189 initiated municipal incorporation plan if the amended version
190 complies with the notice and public hearing requirements
191 provided in this section. The governing body shall approve a
192 final version of the plan within 60 business days after the
193 final hearing.

194 (10) After the final public hearing, the governing body
195 must notify the supervisor of elections of the county in which
196 district lands are located of the adoption of the resolution by
197 the governing body. The supervisor of elections shall schedule a
198 date for the referenda for the district.

199 (11) Notice of a referendum on the municipal incorporation
200 of the independent special district must be provided pursuant to
201 the notice requirements in s. 100.342, Florida Statutes. The
202 notice must include:

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

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

207 (c) The name of the independent special district to be
208 converted to a municipality and a description of the territory
209 included in the plan;

210 (d) The time and place at which the referendum will be
211 held; and

212 (e) Such other matters as may be necessary to call, provide
213 for, and give notice of the referendum and to provide for the
214 conduct of the referendum and the canvass of the returns.

215 (12) The referenda must be held in accordance with the
216 Florida Election Code and may be held pursuant to ss. 101.6101-



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217 101.6107, Florida Statutes. The costs associated with the
218 referenda must be borne by the independent special district.

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

222 "Shall (name of independent special district...) be
223 converted into (...name of newly created
224 municipality...), which will assume all authority,
225 powers, rights, and obligations of the district?

226 YES

227 NO"

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

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

235 (16) If the incorporation plan is approved by a majority of
236 the votes cast in the independent special district, the district
237 shall notify the special district information program pursuant
238 to s. 189.418(2), Florida Statutes, and the local general-
239 purpose governments in which any part of the independent special
240 district is situated pursuant to s. 189.418(7), Florida
241 Statutes.

242 (17) If the referendum fails, the conversion process under
243 this paragraph may not be initiated for the same purpose within
244 2 years after the date of the referendum.

245 (18) Independent special districts proposed for conversion



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246 under an elector-initiated municipal incorporation plan must
247 continue to be governed as before the approved referendum until
248 the effective date specified in the adopted elector-initiated
249 municipal incorporation plan.

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

254
255 ===== T I T L E A M E N D M E N T =====

256 And the title is amended as follows:

257 Delete line 8

258 and insert:

259 257.171, F.S.; conforming a cross-reference; providing
260 that qualified electors of certain independent
261 districts may commence a municipal conversion
262 proceeding by filing a petition with the governing
263 body of the independent special district; providing an
264 exception; providing criteria for the petition;
265 providing that the petition must be filed with the
266 governing body of the independent special district and
267 submitted to the supervisor of elections of each
268 county in which the district lands are located;
269 requiring that the supervisor of elections certify
270 within a certain time to the governing body the number
271 of signatures of qualified electors contained in the
272 petition; requiring the governing body to meet,
273 prepare, and approve by resolution, a proposed
274 elector-initiated combined conversion and



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275 incorporation plan; providing criteria for the plan;
276 providing criteria for approving the resolution;
277 requiring the governing body to provide notice and
278 public access to the elector-initiated combined
279 municipal incorporation plan; providing criteria for a
280 public hearing on the proposed elector-initiated
281 combined municipal incorporation plan; providing
282 notice of a final public hearing, a descriptive
283 summary of the elector-initiated combined municipal
284 incorporation plan, and a reference to the public
285 place where a copy of the plan can be examined;
286 authorizing the governing body to amend the municipal
287 incorporation plan after the final hearing if notice
288 and public hearing requirements are met; requiring the
289 governing body to approve the final version of the
290 plan within a certain time after the final hearing;
291 requiring the governing body to notify the supervisor
292 of elections of the county within which the special
293 district is located of the adoption of the resolution;
294 providing for notice of the referendum; requiring that
295 the referenda be held in accordance with the election
296 code; requiring the independent special district to
297 bear the costs associated with the referenda;
298 providing for the form of the ballot question;
299 providing for the counting of ballots, making and
300 canvassing of returns, and certifying the results;
301 requiring a majority of the votes cast in the
302 independent special district for the incorporation
303 plan to take effect; requiring that the independent



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304 special district notify the special district
305 information program and certain local general-purpose
306 governments that the plan was approved; prohibiting a
307 conversion process from being initiated for 2 years if
308 the referendum fails; providing for interim governance
309 of the district; providing for an effective date of
310 the incorporation; providing