

By Senator Bennett

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A bill to be entitled
An act relating to municipalities; reordering and amending s. 165.031, F.S.; deleting unused terms; amending s. 165.041, F.S.; revising the date that a feasibility study on a proposed incorporation of a municipality must be submitted to the Legislature; amending ss. 163.340 and 257.171, F.S.; conforming cross-references; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

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

165.031 Definitions.—~~As The following terms and phrases, when used in this chapter, the term 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.~~

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

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

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

(5) "Special district" means a local unit of special government, as defined in s. 189.403~~(1)~~. This term includes

21-00688-12

2012692__

30 dependent special districts, ~~as defined in s. 189.403(2)~~, and
31 independent special districts, also ~~as~~ defined in s. 189.403(3).
32 All provisions of s. 200.001(8)(d) and (e) are ~~shall be~~
33 considered provisions of this chapter.

34 (2) ~~(6)~~ "Formation" means any one of the following
35 activities:

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

37 (b) "Dissolution"—The dissolving of the corporate status of
38 a municipality.

39 (c) "Merger"—The merging of two or more municipalities with
40 each other and with any unincorporated areas authorized pursuant
41 to this chapter ~~act~~ to form a new municipality; the merging of
42 one or more municipalities or special districts, in any
43 combination thereof, with each other; or the merging of one or
44 more counties with one or more special districts.

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

47 (4) ~~(8)~~ "Newspaper of general circulation" means a newspaper
48 printed in the language most commonly spoken in the area within
49 which it circulates, which is readily available for purchase by
50 all inhabitants in its area of circulation. The term, ~~but~~ does
51 not include a newspaper intended primarily for members of a
52 particular professional or occupational group, a newspaper the
53 primary function of which is to carry legal notices, or a
54 newspaper that is given away primarily to distribute
55 advertising.

56 ~~(9) "Parties affected" means any person owning property or
57 residing in a municipality proposing a formation or in the
58 territory that is proposed for a formation or any governmental~~

21-00688-12

2012692

59 ~~unit with jurisdiction over such area.~~

60 ~~(10) "Qualified voter" means any person registered to vote~~
61 ~~in accordance with law.~~

62 ~~(11) "Sufficiency of petition" means the verification of~~
63 ~~the signatures and addresses of all signers of a petition with~~
64 ~~the voting list maintained by the county supervisor of elections~~
65 ~~and certification that the number of valid signatures represents~~
66 ~~the required percentage of the total number of qualified voters~~
67 ~~in the area affected by a proposal pursuant to this chapter.~~

68 Section 2. Paragraph (b) of subsection (1) of section
69 165.041, Florida Statutes, is amended to read:

70 165.041 Incorporation; merger.—

71 (1)

72 (b) To inform the Legislature on the feasibility of a
73 proposed incorporation of a municipality, a feasibility study
74 must ~~shall~~ be completed and submitted to the Legislature by the
75 first Monday after the September 1 immediately preceding 90 days
76 ~~before the first day of the regular session of the Legislature~~
77 during which the municipal charter would be enacted. The
78 feasibility study must ~~shall~~ contain the following:

79 1. The general location of territory subject to boundary
80 change and a map of the area which identifies the proposed
81 change.

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

83 3. The following characteristics of the area:

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

86 b. A list of the current county zoning designations applied
87 to the subject area.

21-00688-12

2012692

88 c. A general statement of present land use characteristics
89 of the area.

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

93 4. A list of all public agencies, such as local
94 governments, school districts, and special districts, whose
95 current boundary falls within the boundary of the territory
96 proposed for the change or reorganization.

97 5. A list of current services being provided within the
98 proposed incorporation area, including, but not limited to,
99 water, sewer, solid waste, transportation, public works, law
100 enforcement, fire and rescue, zoning, street lighting, parks and
101 recreation, and library and cultural facilities, and the
102 estimated costs for each current service.

103 6. A list of proposed services to be provided within the
104 proposed incorporation area, and the estimated cost of such
105 proposed services.

106 7. The names and addresses of three officers or persons
107 submitting the proposal.

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

111 a. Existing tax bases, including ad valorem taxable value,
112 utility taxes, sales and use taxes, franchise taxes, license and
113 permit fees, charges for services, fines and forfeitures, and
114 other revenue sources, as appropriate.

115 b. A 5-year operational plan that, at a minimum, includes
116 proposed staffing, building acquisition and construction, debt

21-00688-12

2012692

117 issuance, and budgets.

118 9. Data and analysis to support the conclusions that
119 incorporation is necessary and financially feasible, including
120 population projections and population density calculations, and
121 an explanation concerning methodologies used for such analysis.

122 10. Evaluation of the alternatives available to the area to
123 address its policy concerns.

124 11. Evidence that the proposed municipality meets the
125 requirements for incorporation under ~~pursuant to~~ s. 165.061.

126 Section 3. Subsection (2) of section 163.340, Florida
127 Statutes, is amended to read:

128 163.340 Definitions.—The following terms, wherever used or
129 referred to in this part, have the following meanings:

130 (2) "Public body" means the state or any county,
131 municipality, authority, special district as defined in s.
132 165.031~~(5)~~, or other public body of the state, except a school
133 district.

134 Section 4. Section 257.171, Florida Statutes, is amended to
135 read:

136 257.171 Multicounty libraries.—Units of general-purpose
137 local government, ~~as defined in s. 165.031(1)~~, may establish a
138 multicounty library. The Division of Library and Information
139 Services may establish operating standards and rules under which
140 a multicounty library is eligible to receive state moneys. For a
141 multicounty library, a local government may pay moneys in
142 advance in lump sum from its public funds for the provision of
143 library services only.

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