

By the Committee on Community Affairs; and Senator Bennett

578-01860-12

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1 A bill to be entitled
 2 An act relating to the formation of local governments;
 3 amending s. 165.031, F.S.; deleting definitions;
 4 amending s. 165.041, F.S.; revising the deadline for
 5 submission of a feasibility study of a proposed
 6 incorporation of a municipality; revising a
 7 requirement for the content of the study; amending s.
 8 257.171, F.S.; conforming a cross-reference; providing
 9 an effective date.

10
 11 Be It Enacted by the Legislature of the State of Florida:

12
 13 Section 1. Section 165.031, Florida Statutes, is reordered
 14 and amended to read:

15 165.031 Definitions.—The following terms and phrases, when
 16 used in this chapter, shall have the meanings ascribed to them
 17 in this section, except where the context clearly indicates a
 18 different meaning:

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

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

23 (1)~~(3)~~ "County" means a political subdivision of the state
 24 established pursuant to s. 1, Art. VIII of the State
 25 Constitution.

26 (3)~~(4)~~ "Municipality" means a municipality created pursuant
 27 to general or special law authorized or recognized pursuant to
 28 s. 2 or s. 6, Art. VIII of the State Constitution.

29 (7)~~(5)~~ "Special district" means a local unit of special

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30 government, as defined in s. 189.403(1). This term includes
31 dependent special districts, as defined in s. 189.403(2), and
32 independent special districts, as defined in s. 189.403(3). All
33 provisions of s. 200.001(8)(d) and (e) shall be considered
34 provisions of this chapter.

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

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

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

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

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

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

56 (5)~~(9)~~ "Parties affected" means any person owning property
57 or residing in a municipality proposing a formation or in the
58 territory that is proposed for a formation or any governmental

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59 unit with jurisdiction over such area.

60 ~~(6)-(10)~~ "Qualified voter" means any person registered to
61 vote 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 shall be completed and submitted to the Legislature no later
75 than the first Monday after September 1 of the year ~~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 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.

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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

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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 pursuant to s. 165.061.

126 Section 3. Section 257.171, Florida Statutes, is amended to
127 read:

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

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