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1 A bill to be entitled
2 An act relating to local government; amending s.
3 165.031, F.S.; deleting definitions; amending s.
4 165.041, F.S.; revising the deadline for submission of
5 a feasibility study of a proposed incorporation of a
6 municipality; revising a requirement for the content
7 of the study; amending s. 257.171, F.S.; conforming a
8 cross-reference; amending s. 163.3167, F.S.;
9 authorizing a local government to retain certain
10 initiatives or referendum processes that were in
11 effect as of a specified date; providing that
12 qualified electors of certain independent districts
13 may commence a municipal conversion proceeding by
14 filing a petition with the governing body of the
15 independent special district; providing an exception;
16 providing criteria for the petition; providing that
17 the petition must be filed with the governing body of
18 the independent special district and submitted to the
19 supervisor of elections of each county in which the
20 district lands are located; requiring that the
21 supervisor of elections certify within a certain time
22 to the governing body the number of signatures of
23 qualified electors contained in the petition;
24 requiring the governing body to meet, prepare, and
25 approve by resolution, a proposed elector-initiated
26 combined conversion and incorporation plan; providing
27 criteria for the plan; providing criteria for
28 approving the resolution; requiring the governing body
29 to provide notice and public access to the elector-

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30 initiated combined municipal incorporation plan;
31 providing criteria for a public hearing on the
32 proposed elector-initiated combined municipal
33 incorporation plan; providing notice of a final public
34 hearing, a descriptive summary of the elector-
35 initiated combined municipal incorporation plan, and a
36 reference to the public place where a copy of the plan
37 can be examined; authorizing the governing body to
38 amend the municipal incorporation plan after the final
39 hearing if notice and public hearing requirements are
40 met; requiring the governing body to approve the final
41 version of the plan within a certain time after the
42 final hearing; requiring the governing body to notify
43 the supervisor of elections of the county within which
44 the special district is located of the adoption of the
45 resolution; providing for notice of the referendum;
46 requiring that the referenda be held in accordance
47 with the election code; requiring the independent
48 special district to bear the costs associated with the
49 referenda; providing for the form of the ballot
50 question; providing for the counting of ballots,
51 making and canvassing of returns, and certifying the
52 results; requiring a majority of the votes cast in the
53 independent special district for the incorporation
54 plan to take effect; requiring that the independent
55 special district notify the special district
56 information program and certain local general-purpose
57 governments that the plan was approved; prohibiting a
58 conversion process from being initiated for 2 years if

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59 the referendum fails; providing for interim governance
60 of the district; providing for an effective date of
61 the incorporation; providing an effective date.
62

63 Be It Enacted by the Legislature of the State of Florida:
64

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

67 165.031 Definitions.—The following terms and phrases, when
68 used in this chapter, shall have the meanings ascribed to them
69 in this section, except where the context clearly indicates a
70 different meaning:

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

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

75 (1)~~(3)~~ "County" means a political subdivision of the state
76 established pursuant to s. 1, Art. VIII of the State
77 Constitution.

78 (3)~~(4)~~ "Municipality" means a municipality created pursuant
79 to general or special law authorized or recognized pursuant to
80 s. 2 or s. 6, Art. VIII of the State Constitution.

81 (7)~~(5)~~ "Special district" means a local unit of special
82 government, as defined in s. 189.403(1). This term includes
83 dependent special districts, as defined in s. 189.403(2), and
84 independent special districts, as defined in s. 189.403(3). All
85 provisions of s. 200.001(8) (d) and (e) shall be considered
86 provisions of this chapter.

87 (2)~~(6)~~ "Formation" means any one of the following

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88 activities:

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

90 (b) "Dissolution"—The dissolving of the corporate status of
91 a municipality.

92 (c) "Merger"—The merging of two or more municipalities with
93 each other and with any unincorporated areas authorized pursuant
94 to this act to form a new municipality; the merging of one or
95 more municipalities or special districts, in any combination
96 thereof, with each other; or the merging of one or more counties
97 with one or more special districts.

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

100 (4)~~(8)~~ "Newspaper of general circulation" means a newspaper
101 printed in the language most commonly spoken in the area within
102 which it circulates, which is readily available for purchase by
103 all inhabitants in its area of circulation, but does not include
104 a newspaper intended primarily for members of a particular
105 professional or occupational group, a newspaper the primary
106 function of which is to carry legal notices, or a newspaper that
107 is given away primarily to distribute advertising.

108 (5)~~(9)~~ "Parties affected" means any person owning property
109 or residing in a municipality proposing a formation or in the
110 territory that is proposed for a formation or any governmental
111 unit with jurisdiction over such area.

112 (6)~~(10)~~ "Qualified voter" means any person registered to
113 vote in accordance with law.

114 ~~(11) "Sufficiency of petition" means the verification of
115 the signatures and addresses of all signers of a petition with
116 the voting list maintained by the county supervisor of elections~~

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117 ~~and certification that the number of valid signatures represents~~
118 ~~the required percentage of the total number of qualified voters~~
119 ~~in the area affected by a proposal pursuant to this chapter.~~

120 Section 2. Paragraph (b) of subsection (1) of section
121 165.041, Florida Statutes, is amended to read:

122 165.041 Incorporation; merger.—

123 (1)

124 (b) To inform the Legislature on the feasibility of a
125 proposed incorporation of a municipality, a feasibility study
126 shall be completed and submitted to the Legislature no later
127 than the first Monday after September 1 of the year ~~90 days~~
128 ~~before the first day of~~ the regular session of the Legislature
129 during which the municipal charter would be enacted. The
130 feasibility study shall contain the following:

131 1. The ~~general~~ location of territory subject to boundary
132 change and a map of the area which identifies the proposed
133 change.

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

135 3. The following characteristics of the area:

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

138 b. A list of the current county zoning designations applied
139 to the subject area.

140 c. A general statement of present land use characteristics
141 of the area.

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

145 4. A list of all public agencies, such as local

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146 governments, school districts, and special districts, whose
147 current boundary falls within the boundary of the territory
148 proposed for the change or reorganization.

149 5. A list of current services being provided within the
150 proposed incorporation area, including, but not limited to,
151 water, sewer, solid waste, transportation, public works, law
152 enforcement, fire and rescue, zoning, street lighting, parks and
153 recreation, and library and cultural facilities, and the
154 estimated costs for each current service.

155 6. A list of proposed services to be provided within the
156 proposed incorporation area, and the estimated cost of such
157 proposed services.

158 7. The names and addresses of three officers or persons
159 submitting the proposal.

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

163 a. Existing tax bases, including ad valorem taxable value,
164 utility taxes, sales and use taxes, franchise taxes, license and
165 permit fees, charges for services, fines and forfeitures, and
166 other revenue sources, as appropriate.

167 b. A 5-year operational plan that, at a minimum, includes
168 proposed staffing, building acquisition and construction, debt
169 issuance, and budgets.

170 9. Data and analysis to support the conclusions that
171 incorporation is necessary and financially feasible, including
172 population projections and population density calculations, and
173 an explanation concerning methodologies used for such analysis.

174 10. Evaluation of the alternatives available to the area to

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175 address its policy concerns.

176 11. Evidence that the proposed municipality meets the
177 requirements for incorporation pursuant to s. 165.061.

178 Section 3. Section 257.171, Florida Statutes, is amended to
179 read:

180 257.171 Multicounty libraries.—Units of local government,
181 ~~as defined in s. 165.031(1),~~ may establish a multicounty
182 library. The Division of Library and Information Services may
183 establish operating standards and rules under which a
184 multicounty library is eligible to receive state moneys. For a
185 multicounty library, a local government may pay moneys in
186 advance in lump sum from its public funds for the provision of
187 library services only.

188 Section 4. Subsection (8) of section 163.3167, Florida
189 Statutes, is amended to read:

190 163.3167 Scope of act.—

191 (8) An initiative or referendum process in regard to any
192 development order or in regard to any local comprehensive plan
193 amendment or map amendment is prohibited. However, any local
194 government charter provision that was in effect as of June 1,
195 2011, for an initiative or referendum process in regard to
196 development orders or in regard to local comprehensive plan
197 amendments or map amendments may be retained and implemented.

198 Section 5. Municipal conversion of independent special
199 districts upon elector-initiated and approved referendum.—

200 (1) The qualified electors of an independent special
201 district created by judicial decree or a special act of the
202 Legislature, a majority of whose board is popularly elected, may
203 commence a municipal conversion proceeding by filing a petition

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204 with the governing body of the independent special district
205 proposing to be converted. The provisions of this section do not
206 apply to a special district created pursuant to chapter 298,
207 Florida Statutes, or a special act, a majority of whose
208 governing board is elected on a one-acre, one-vote basis, unless
209 the governing board consents to conversion, or to a special
210 district in which all or a portion of the district is located
211 within the jurisdictional limits of a municipality.

212 (2) (a) The petition must include signatures of at least 40
213 percent of the qualified electors of the independent special
214 district and must be submitted not later than 1 year after the
215 start of the qualified elector-initiated municipal conversion
216 proceeding.

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

219 PETITION FOR MUNICIPAL CONVERSION OF
220 INDEPENDENT SPECIAL DISTRICT

221 We, the undersigned electors and legal voters of
222 (...name of independent special district...),
223 qualified to vote at the next general or special
224 election, respectfully petition that there be
225 submitted to the electors and legal voters of (...name
226 of independent special district proposed to be
227 converted to a municipality...) for their approval or
228 rejection at a referendum held for that purpose, a
229 proposal to convert (...name of independent special
230 district...) and incorporate (...proposed name of
231 municipality...).

232 In witness thereof, we have signed our names on the

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233 date indicated next to our signatures.

234 Date Name (print under signature) Home Address

235 _____
 236 _____

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

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

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

256 Date Signature of Witness

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

260 "On the date indicated above before me personally came
 261 each of the (...insert number...) electors and legal

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262 voters whose signatures appear on this petition sheet,
263 who signed the petition in my presence and who, being
264 by me duly sworn, each for himself or herself,
265 identified himself or herself as the same person who
266 signed the petition, and I declare that the foregoing
267 information they provided was true."

268 Date Signature of Witness

269 (f) An alteration or correction of information appearing on
270 a petition's signature line, other than a signature that was not
271 initialed, and date, does not invalidate the signature. In
272 matters of form, this paragraph must be liberally construed, not
273 inconsistent with substantial compliance thereto and the
274 prevention of fraud.

275 (3) The appropriately signed petition must be filed with
276 the governing body of the independent special district. The
277 petition must be submitted to the supervisor of elections of the
278 county in which the district lands are located. The supervisor
279 of elections shall, within 30 business days after receipt of the
280 petition, certify to the governing body the number of signatures
281 of qualified electors contained on the petition.

282 (4) Upon verification by the supervisor of elections of the
283 county within which the independent special district lands are
284 located that 40 percent of the qualified electors have
285 petitioned for municipal conversion and that all such petitions
286 have been executed within 1 year after the date of the
287 initiation of the qualified-electors conversion process, the
288 governing body of the independent special district shall meet
289 within 30 business days to prepare and approve by resolution a
290 proposed elector-initiated combined conversion and incorporation

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291 plan. The proposed plan must include:

292 (a) The name of the independent special district to be
293 converted to a municipality.

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

295 (c) The conversion schedule.

296 (d) Notwithstanding s. 165.061(1)(d), Florida Statutes, the
297 municipal boundaries must be certified by a licensed surveyor
298 that the boundaries of the proposed municipality do not overlap
299 with any other municipal boundary and are contained within a
300 single county.

301 (e) The rights, duties, and obligations of the
302 municipality, and a feasibility study which contains the
303 requirements under s. 165.041(1)(b), Florida Statutes, except
304 the provisions of s. 165.061(1)(b)-(d), Florida Statutes, do not
305 apply if the plan and the buildout of the current land use and
306 zoning designations will meet the requirements of s. 163.3177,
307 Florida Statutes.

308 (f) The territorial boundaries of the proposed
309 municipality.

310 (g) The governmental organization of the proposed
311 municipality and independent special district as the
312 organization concerns elected and appointed officials and public
313 employees, along with a transitional plan and schedule for
314 elections and appointments of officials.

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

318 (i) An accounting of the independent special district's
319 liabilities and indebtedness, bonded and otherwise, and the

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320 current value of the liabilities and indebtedness.

321 (j) Terms for addressing the ownership and obligations
322 related to existing assets, liabilities, and indebtedness of the
323 independent special district, jointly, separately, or in defined
324 proportions.

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

327 (l) An estimated date for final payment of any bonded
328 indebtedness of the independent special district, and if
329 maintained by the district after incorporation, the estimated
330 date of automatic dissolution of the independent special
331 district.

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

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

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

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

343 (a) Cause a copy of the proposed elector-initiated
344 municipal incorporation plan, along with a descriptive summary
345 of the plan, to be displayed and be readily accessible to the
346 public for inspection in at least three public places within the
347 territorial limits of the independent special district, unless
348 the independent special district has fewer than three public

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349 places, in which case the plan must be accessible for inspection
350 in all public places within the independent special district.

351 (b) If applicable, cause the proposed elector-initiated
352 municipal incorporation plan, along with a descriptive summary
353 of the plan and a reference to the public places within the
354 independent special district where a copy of the plan may be
355 examined, to be displayed on a website maintained by the
356 district or otherwise on a website maintained by the county in
357 which the district is located.

358 (c) Arrange for a descriptive summary of the proposed
359 elector-initiated municipal incorporation plan, and a reference
360 to the public places within the district where a copy may be
361 examined, to be published in a newspaper of general circulation
362 within the independent special district at least once each week
363 for 4 successive weeks.

364 (7) The governing body of the independent special district
365 shall set a time and place for one or more public hearings on
366 the proposed elector-initiated combined municipal incorporation
367 plan. Each public hearing shall be held on a weekday at least 7
368 business days after the day the first advertisement is published
369 on the proposed elector-initiated merger plan. An interested
370 person residing in the respective district shall be given a
371 reasonable opportunity to be heard on any aspect of the proposed
372 merger at the public hearing.

373 (8) Notice of the final public hearing on the proposed
374 elector-initiated combined municipal incorporation plan must be
375 published pursuant to the notice requirements in s. 189.417,
376 Florida Statutes, and must provide a descriptive summary of the
377 elector-initiated municipal incorporation plan and a reference

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378 to the public places within the independent special district
379 where a copy of the plan may be examined.

380 (9) After the final public hearing, the governing body of
381 the independent special district may amend the proposed elector-
382 initiated municipal incorporation plan if the amended version
383 complies with the notice and public hearing requirements
384 provided in this section. The governing body shall approve a
385 final version of the plan within 60 business days after the
386 final hearing.

387 (10) After the final public hearing, the governing body
388 must notify the supervisor of elections of the county in which
389 district lands are located of the adoption of the resolution by
390 the governing body. The supervisor of elections shall schedule a
391 date for the referenda for the district.

392 (11) Notice of a referendum on the municipal incorporation
393 of the independent special district must be provided pursuant to
394 the notice requirements in s. 100.342, Florida Statutes. The
395 notice must include:

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

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

400 (c) The name of the independent special district to be
401 converted to a municipality and a description of the territory
402 included in the plan;

403 (d) The time and place at which the referendum will be
404 held; and

405 (e) Such other matters as may be necessary to call, provide
406 for, and give notice of the referendum and to provide for the

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407 conduct of the referendum and the canvass of the returns.

408 (12) The referenda must be held in accordance with the
409 Florida Election Code and may be held pursuant to ss. 101.6101-
410 101.6107, Florida Statutes. The costs associated with the
411 referenda must be borne by the independent special district.

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

415 "Shall (name of independent special district...) be
416 converted into (...name of newly created
417 municipality...), which will assume all authority,
418 powers, rights, and obligations of the district?

419 YES

420 NO"

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

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

428 (16) If the incorporation plan is approved by a majority of
429 the votes cast in the independent special district, the district
430 shall notify the special district information program pursuant
431 to s. 189.418(2), Florida Statutes, and the local general-
432 purpose governments in which any part of the independent special
433 district is situated pursuant to s. 189.418(7), Florida
434 Statutes.

435 (17) If the referendum fails, the conversion process under

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436 this paragraph may not be initiated for the same purpose within
437 2 years after the date of the referendum.

438 (18) Independent special districts proposed for conversion
439 under an elector-initiated municipal incorporation plan must
440 continue to be governed as before the approved referendum until
441 the effective date specified in the adopted elector-initiated
442 municipal incorporation plan.

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

447 Section 6. This act shall take effect upon becoming a law.