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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; prohibiting the municipal  
62 conversion of home rule counties, hospital districts,  
63 or children's services districts; providing an  
64 effective date.

65  
66 Be It Enacted by the Legislature of the State of Florida:

67  
68 Section 1. Section 165.031, Florida Statutes, is reordered  
69 and amended to read:

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

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

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

78 (1)~~(3)~~ "County" means a political subdivision of the state  
79 established pursuant to s. 1, Art. VIII of the State  
80 Constitution.

81 (3)~~(4)~~ "Municipality" means a municipality created pursuant  
82 to general or special law authorized or recognized pursuant to  
83 s. 2 or s. 6, Art. VIII of the State Constitution.

84 (7)~~(5)~~ "Special district" means a local unit of special  
85 government, as defined in s. 189.403(1). This term includes  
86 dependent special districts, as defined in s. 189.403(2), and  
87 independent special districts, as defined in s. 189.403(3). All

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88 provisions of s. 200.001(8)(d) and (e) shall be considered  
89 provisions of this chapter.

90 (2)~~(6)~~ "Formation" means any one of the following  
91 activities:

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

93 (b) "Dissolution"—The dissolving of the corporate status of  
94 a municipality.

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

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

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

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

115 (6)~~(10)~~ "Qualified voter" means any person registered to  
116 vote in accordance with law.

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117       ~~(11) "Sufficiency of petition" means the verification of~~  
118 ~~the signatures and addresses of all signers of a petition with~~  
119 ~~the voting list maintained by the county supervisor of elections~~  
120 ~~and certification that the number of valid signatures represents~~  
121 ~~the required percentage of the total number of qualified voters~~  
122 ~~in the area affected by a proposal pursuant to this chapter.~~

123       Section 2. Paragraph (b) of subsection (1) of section  
124 165.041, Florida Statutes, is amended to read:

125       165.041 Incorporation; merger.—

126       (1)

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

134       1. The ~~general~~ location of territory subject to boundary  
135 change and a map of the area which identifies the proposed  
136 change.

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

138       3. The following characteristics of the area:

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

141       b. A list of the current county zoning designations applied  
142 to the subject area.

143       c. A general statement of present land use characteristics  
144 of the area.

145       d. A description of development being proposed for the

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146 territory, if any, and a statement of when actual development is  
147 expected to begin, if known.

148 4. A list of all public agencies, such as local  
149 governments, school districts, and special districts, whose  
150 current boundary falls within the boundary of the territory  
151 proposed for the change or reorganization.

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

158 6. A list of proposed services to be provided within the  
159 proposed incorporation area, and the estimated cost of such  
160 proposed services.

161 7. The names and addresses of three officers or persons  
162 submitting the proposal.

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

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

170 b. A 5-year operational plan that, at a minimum, includes  
171 proposed staffing, building acquisition and construction, debt  
172 issuance, and budgets.

173 9. Data and analysis to support the conclusions that  
174 incorporation is necessary and financially feasible, including

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175 population projections and population density calculations, and  
176 an explanation concerning methodologies used for such analysis.

177 10. Evaluation of the alternatives available to the area to  
178 address its policy concerns.

179 11. Evidence that the proposed municipality meets the  
180 requirements for incorporation pursuant to s. 165.061.

181 Section 3. Section 257.171, Florida Statutes, is amended to  
182 read:

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

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

193 163.3167 Scope of act.—

194 (8) An initiative or referendum process in regard to any  
195 development order or in regard to any local comprehensive plan  
196 amendment or map amendment is prohibited. However, any local  
197 government charter provision that was in effect as of June 1,  
198 2011, for an initiative or referendum process in regard to  
199 development orders or in regard to local comprehensive plan  
200 amendments or map amendments may be retained and implemented.

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

203 (1) The qualified electors of an independent special

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

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

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

222 PETITION FOR MUNICIPAL CONVERSION OF  
223 INDEPENDENT SPECIAL DISTRICT

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



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233 district...) and incorporate (...proposed name of  
 234 municipality...).

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

237 Date Name (print under signature) Home Address  
 238 \_\_\_\_\_  
 239 \_\_\_\_\_

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

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

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

259 Date Signature of Witness

260 (e) A statement that is signed by a notary public or  
 261 another person authorized to take acknowledgements must be in

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262 substantially the following form:

263 "On the date indicated above before me personally came  
264 each of the (...insert number...) electors and legal  
265 voters whose signatures appear on this petition sheet,  
266 who signed the petition in my presence and who, being  
267 by me duly sworn, each for himself or herself,  
268 identified himself or herself as the same person who  
269 signed the petition, and I declare that the foregoing  
270 information they provided was true."

271 Date Signature of Witness

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

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

285 (4) Upon verification by the supervisor of elections of the  
286 county within which the independent special district lands are  
287 located that 40 percent of the qualified electors have  
288 petitioned for municipal conversion and that all such petitions  
289 have been executed within 1 year after the date of the  
290 initiation of the qualified-electors conversion process, the

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291 governing body of the independent special district shall meet  
292 within 30 business days to prepare and approve by resolution a  
293 proposed elector-initiated combined conversion and incorporation  
294 plan. The proposed plan must include:

295 (a) The name of the independent special district to be  
296 converted to a municipality.

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

298 (c) The conversion schedule.

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

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

311 (f) The territorial boundaries of the proposed  
312 municipality.

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

318 (h) An accounting of the independent special district's  
319 assets, including, but not limited to, real and personal

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320 property, and the current value of the property.

321 (i) An accounting of the independent special district's  
322 liabilities and indebtedness, bonded and otherwise, and the  
323 current value of the liabilities and indebtedness.

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

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

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

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

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

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

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

346 (a) Cause a copy of the proposed elector-initiated  
347 municipal incorporation plan, along with a descriptive summary  
348 of the plan, to be displayed and be readily accessible to the

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349 public for inspection in at least three public places within the  
350 territorial limits of the independent special district, unless  
351 the independent special district has fewer than three public  
352 places, in which case the plan must be accessible for inspection  
353 in all public places within the independent special district.

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

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

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

376 (8) Notice of the final public hearing on the proposed  
377 elector-initiated combined municipal incorporation plan must be

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378 published pursuant to the notice requirements in s. 189.417,  
379 Florida Statutes, and must provide a descriptive summary of the  
380 elector-initiated municipal incorporation plan and a reference  
381 to the public places within the independent special district  
382 where a copy of the plan may be examined.

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

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

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

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

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

403 (c) The name of the independent special district to be  
404 converted to a municipality and a description of the territory  
405 included in the plan;

406 (d) The time and place at which the referendum will be

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407 held; and

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

411 (12) The referenda must be held in accordance with the  
412 Florida Election Code and may be held pursuant to ss. 101.6101-  
413 101.6107, Florida Statutes. The costs associated with the  
414 referenda must be borne by the independent special district.

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

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

422       YES

423       NO"

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

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

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

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436 district is situated pursuant to s. 189.418(7), Florida  
437 Statutes.

438 (17) If the referendum fails, the conversion process under  
439 this paragraph may not be initiated for the same purpose within  
440 2 years after the date of the referendum.

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

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

450 (20) Counties as defined in s. 125.011(1), Florida  
451 Statutes, hospital districts, and children's services districts  
452 established pursuant to s. 125.901, Florida Statutes, are not  
453 eligible for municipal conversion under this section.

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