

HB 7001

2012

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 amended  
 14 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           (2)-(6) "Formation" means any one of the following  
 27 activities:

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

29           (b) "Dissolution"—The dissolving of the corporate status  
30 of a municipality.

31           (c) "Merger"—The merging of two or more municipalities  
32 with each other and with any unincorporated areas authorized  
33 pursuant to this act to form a new municipality; the merging of  
34 one or more municipalities or special districts, in any  
35 combination thereof, with each other; or the merging of one or  
36 more counties with one or more special districts.

37           (3)~~(4)~~ "Municipality" means a municipality created  
38 pursuant to general or special law authorized or recognized  
39 pursuant to s. 2 or s. 6, Art. VIII of the State Constitution.

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

42           (4)~~(8)~~ "Newspaper of general circulation" means a  
43 newspaper printed in the language most commonly spoken in the  
44 area within which it circulates, which is readily available for  
45 purchase by all inhabitants in its area of circulation, but does  
46 not include a newspaper intended primarily for members of a  
47 particular professional or occupational group, a newspaper the  
48 primary function of which is to carry legal notices, or a  
49 newspaper that is given away primarily to distribute  
50 advertising.

51           (5)~~(9)~~ "Parties affected" means any person owning property  
52 or residing in a municipality proposing a formation or in the  
53 territory that is proposed for a formation or any governmental  
54 unit with jurisdiction over such area.

55           (6)~~(10)~~ "Qualified voter" means any person registered to  
56 vote in accordance with law.

57           ~~(7)-(5)~~ "Special district" means a local unit of special  
 58 government, as defined in s. 189.403(1). This term includes  
 59 dependent special districts, as defined in s. 189.403(2), and  
 60 independent special districts, as defined in s. 189.403(3). All  
 61 provisions of s. 200.001(8)(d) and (e) shall be considered  
 62 provisions of this chapter.

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

69           Section 2. Paragraph (b) of subsection (1) of section  
 70 165.041, Florida Statutes, is amended to read:

71           165.041 Incorporation; merger.—

72           (1)

73           (b) To inform the Legislature on the feasibility of a  
 74 proposed incorporation of a municipality, a feasibility study  
 75 shall be completed and submitted to the Legislature no later  
 76 than the first Monday after September 1 of the year ~~90 days~~  
 77 ~~before the first day of~~ the regular session of the Legislature  
 78 during which the municipal charter would be enacted. The  
 79 feasibility study shall contain the following:

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

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

84           3. The following characteristics of the area:

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

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

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

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

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

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

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

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

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

112 a. Existing tax bases, including ad valorem taxable value,

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113 utility taxes, sales and use taxes, franchise taxes, license and  
114 permit fees, charges for services, fines and forfeitures, and  
115 other revenue sources, as appropriate.

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

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

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

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

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

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

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