

1 A bill to be entitled
 2 An act relating to incorporation of municipalities;
 3 amending s. 165.041, F.S.; revising the date the
 4 feasibility study for a proposed incorporation of a
 5 municipality must be submitted to the Legislature;
 6 revising required elements of the feasibility study to
 7 include proof of the passage of a nonbinding
 8 referendum by voters of the proposed municipality;
 9 providing an effective date.

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

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 13 Section 1. Paragraph (b) of subsection (1) of section
 14 165.041, Florida Statutes, is amended to read:

15 165.041 Incorporation; merger.—

16 (1)

17 (b) To inform the Legislature on the feasibility of a
 18 proposed incorporation of a municipality, a feasibility study
 19 shall be completed and submitted to the Legislature no later
 20 than August 31 ~~the first Monday after September 1~~ of the year
 21 before the regular session of the Legislature during which the
 22 municipal charter would be enacted. The feasibility study shall
 23 contain the following:

24 1. The location of territory subject to boundary change
 25 and a map of the area which identifies the proposed change.

- 26 | 2. The major reasons for proposing the boundary change.
- 27 | 3. The following characteristics of the area:
- 28 | a. A list of the current land use designations applied to
- 29 | the subject area in the county comprehensive plan.
- 30 | b. A list of the current county zoning designations
- 31 | applied to the subject area.
- 32 | c. A general statement of present land use characteristics
- 33 | of the area.
- 34 | d. A description of development being proposed for the
- 35 | territory, if any, and a statement of when actual development is
- 36 | expected to begin, if known.
- 37 | 4. A list of all public agencies, such as local
- 38 | governments, school districts, and special districts, whose
- 39 | current boundary falls within the boundary of the territory
- 40 | proposed for the change or reorganization.
- 41 | 5. A list of current services being provided within the
- 42 | proposed incorporation area, including, but not limited to,
- 43 | water, sewer, solid waste, transportation, public works, law
- 44 | enforcement, fire and rescue, zoning, street lighting, parks and
- 45 | recreation, and library and cultural facilities, and the
- 46 | estimated costs for each current service.
- 47 | 6. A list of proposed services to be provided within the
- 48 | proposed incorporation area, and the estimated cost of such
- 49 | proposed services.
- 50 | 7. The names and addresses of three officers or persons

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51 submitting the proposal.

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

55 a. Existing tax bases, including ad valorem taxable value,
56 utility taxes, sales and use taxes, franchise taxes, license and
57 permit fees, charges for services, fines and forfeitures, and
58 other revenue sources, as appropriate.

59 b. A 5-year operational plan that, at a minimum, includes
60 proposed staffing, building acquisition and construction, debt
61 issuance, and budgets.

62 9. Data and analysis to support the conclusions that
63 incorporation is necessary and financially feasible, including
64 population projections and population density calculations, and
65 an explanation concerning methodologies used for such analysis.

66 10. Evaluation of the alternatives available to the area
67 to address its policy concerns.

68 11. Evidence that the proposed municipality meets the
69 requirements for incorporation pursuant to s. 165.061.

70 12. Evidence documenting the passage of a nonbinding
71 referendum, conducted at a primary or general election,
72 supporting the incorporation of a new municipality approved by
73 60 percent or more of the qualified electors within the area of
74 the proposed municipality.

75 Section 2. This act shall take effect July 1, 2022.