

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,

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.