

Community & Military Affairs Subcommittee

**Wednesday, November 2, 2011
3:00 PM - 4:00 PM
Webster Hall (212 Knott)**

**Dean Cannon
Speaker**

**Ritch Workman
Chair**



The Florida House of Representatives

Community & Military Affairs Subcommittee

A G E N D A

November 2, 2011


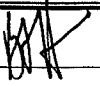
3:00 PM - 4:00 PM

Webster Hall (212 Knott)

- I. Opening Remarks by Chair Workman**
- II. Consideration of the following bills:**
 - HB 4003 Growth Policy by Rep. Diaz**
 - HB 4027 Community-Based Development Organizations by Rep. Rouson**
- III. Consideration of the following proposed committee bill:**
 - PCB CMAS 12-01 Formation of Local Governments**
- IV. Closing Remarks by Chair**
- V. Adjournment**

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 4003 Growth Policy
SPONSOR(S): Diaz
TIED BILLS: IDEN./SIM. BILLS: SB 188

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Community & Military Affairs Subcommittee		Gibson 	Hoagland 
2) Economic Affairs Committee			

SUMMARY ANALYSIS

This bill repeals section 163.2523, F.S., and thus eliminates the Urban Infill and Redevelopment Assistance Grant Program. The program was created as part of the 1999 "Growth Policy Act" to help local governments revitalize distressed urban areas. The Legislature appropriated \$2.5 million in fiscal year 2000-2001 to the program, but has not appropriated funds in subsequent years. This bill does not affect a local government's ability to designate an urban infill and redevelopment area and to offer local incentives within the area in order to target economic development and job creation. This bill also does not affect the economic incentives available to local governments with an adopted urban infill and redevelopment plan such as the power to finance redevelopment plans through revenue bonds and employ tax increment financing. This bill corrects several statutory references.

This bill has an effective date of July 1, 2012.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

Created as part of the "Growth Policy Act"¹ in 1999 to help local governments revitalize distressed urban core areas, the Urban Infill and Redevelopment Assistance Grant Program has not been funded since fiscal year 2000-2001. The program was administered by the Division of Housing and Community Development within the Department of Community Affairs, and as of October 1, 2011, is under the jurisdiction of the Division of Community Development within the new Department of Economic Opportunity.

Two main types of grants are offered under the program. Planning grants aid local governments in developing urban infill and redevelopment plans. The other type of grant money is used for implementing projects under existing urban infill and redevelopment plans. Section 163.2523, F.S., requires that thirty percent of all revenue appropriated to the program be used for planning grants. Sixty percent of appropriated funds must be used in fifty-fifty matching grants for implementing projects. The remaining ten percent is to be used in outright grants for implementing projects requiring expenditures of less than \$50,000. Local government grant recipients may allocate the money to special districts, including community redevelopment agencies and nonprofit community development organizations to implement projects consistent with an urban infill and redevelopment plan.

The Legislature appropriated \$2.5 million in fiscal year 2000-2001 to the program, but has not appropriated funds since then.² The Department of Community Affairs divided these funds among 22 local government grant applicants.

Section 163.2526, F.S., directed OPPAGA to report on the effectiveness of the designation of urban infill and redevelopment areas by 2004. OPPAGA's 2004 Status Report stated that evaluating the impact of the grants was difficult because little data and few evaluating criteria were available, yet the local government grant recipients described the funds as useful in addressing local issues. Because its directive was complete, the OPPAGA review and evaluation requirement embodied in section 163.2526, F.S., was repealed in 2010.³

Effect of Proposed Changes

By repealing section 163.2523, F.S., this bill eliminates the Urban Infill and Redevelopment Assistance Program that has not been funded since fiscal year 2000-2001. The bill also corrects several statutory cross-references.

Regardless if section 163.2523, F.S., is repealed, local governments may continue to designate urban infill and redevelopment areas and implement plans for these areas under section 163.2517, F.S. Within an urban infill and redevelopment area, local governments continue to have the ability to offer financial and local government incentives in order to target economic development and job creation. Examples of incentives include waiver of license and permit fees, exemption of sales made in the area from local option sales surtaxes, waiver of delinquent local taxes or fees, expedited permitting, lower transportation impact fees, prioritization of infrastructure spending, and local government absorption of developers' concurrency costs.⁴ Additionally, economic incentives, such as the power to finance redevelopment plans through revenue bonds and employ tax increment financing, remain available to local governments.⁵

¹ Currently ss. 163.2511-163.2523, F.S.

² Office of Program Policy Analysis, Report No. 04-14, Status Report: Urban Infill and Redevelopment Areas Have Uncertain Impact But Perceived as Useful, p.2 (2004), available at <http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/0414rpt.pdf>.

³ See ch. 2010-102, L.O.F.; SB 1412 (2010).

⁴ See s. 163.2517(3)(j), F.S.

⁵ See s. 163.2520, F.S. Other incentives available under s. 163.2520, F.S., include the authority to levy special assessments and prioritization in the allocation of private activity bonds from the state pool.

B. SECTION DIRECTORY:

- Section 1: Repeals s. 163.2523, F.S., relating to the Urban Infill and Redevelopment Assistance Grant Program.
- Section 2: Amends s. 163.065, F.S., to correct for references to repealed section.
- Section 3: Amends s. 163.2511, F.S., to correct for references to repealed section.
- Section 4: Amends s. 163.2514, F.S., to correct for references to repealed section.
- Section 5: Provides an effective date of July 1, 2012.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:
None.
2. Expenditures:
None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:
None.
2. Expenditures:
None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

No direct fiscal impact. This repeals a grant program that has not been funded since fiscal year 2000-2001.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to: require counties or municipalities to spend funds or to take an action requiring the expenditure of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

HB 4003

2012

1 A bill to be entitled
 2 An act relating to growth policy; repealing s.
 3 163.2523, F.S., relating to the Urban Infill and
 4 Redevelopment Assistance Grant Program, to terminate
 5 the program; amending ss. 163.065, 163.2511, and
 6 163.2514, F.S.; conforming cross-references to changes
 7 made by the act; providing an effective date.

8

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

10

11 Section 1. Section 163.2523, Florida Statutes, is
 12 repealed.

13

14 Section 2. Paragraph (a) of subsection (4) of section
 15 163.065, Florida Statutes, is amended to read:

16

17 163.065 Miami River Improvement Act.—

18

19 (4) PLAN.—The Miami River Commission, working with the
 20 City of Miami and Miami-Dade County, shall consider the merits
 21 of the following:

22

23 (a) Development and adoption of an urban infill and
 24 redevelopment plan, under ss. 163.2511-163.2520 ~~163.2511-~~
 25 ~~163.2523~~, which participating state and regional agencies shall
 26 review for the purposes of determining consistency with
 27 applicable law.

28

29 Section 3. Subsection (1) of section 163.2511, Florida
 30 Statutes, is amended to read:

31

32 163.2511 Urban infill and redevelopment.—

33

34 (1) Sections 163.2511-163.2520 ~~163.2511-163.2523~~ may be
 35 cited as the "Growth Policy Act."

HB 4003

2012

29 Section 4. Section 163.2514, Florida Statutes, is amended
 30 to read:

31 163.2514 Growth Policy Act; definitions.—As used in ss.
 32 163.2511-163.2520 ~~163.2511-163.2523~~, the term:

33 (1) "Local government" means any county or municipality.

34 (2) "Urban infill and redevelopment area" means an area or
 35 areas designated by a local government where:

36 (a) Public services such as water and wastewater,
 37 transportation, schools, and recreation are already available or
 38 are scheduled to be provided in an adopted 5-year schedule of
 39 capital improvements;

40 (b) The area, or one or more neighborhoods within the
 41 area, suffers from pervasive poverty, unemployment, and general
 42 distress as defined by s. 290.0058;

43 (c) The area exhibits a proportion of properties that are
 44 substandard, overcrowded, dilapidated, vacant or abandoned, or
 45 functionally obsolete which is higher than the average for the
 46 local government;

47 (d) More than 50 percent of the area is within 1/4 mile
 48 of a transit stop, or a sufficient number of transit stops will
 49 be made available concurrent with the designation; and

50 (e) The area includes or is adjacent to community
 51 redevelopment areas, brownfields, enterprise zones, or Main
 52 Street programs, or has been designated by the state or Federal
 53 Government as an urban redevelopment, revitalization, or infill
 54 area under empowerment zone, enterprise community, or brownfield
 55 showcase community programs or similar programs.

56 Section 5. This act shall take effect July 1, 2012.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 4027 Community-Based Development Organizations

SPONSOR(S): Rouson

TIED BILLS: IDEN./SIM. BILLS:

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Community & Military Affairs Subcommittee		Duncan <i>pdd</i>	Hoagland <i>HA</i>
2) Economic Affairs Committee			

SUMMARY ANALYSIS

In 2000, the Legislature established the Community-Based Development Organization Assistance Act for the purpose of providing community-based development organizations (CBDOs) with administrative and operating funds to retain project staff to plan, implement, and manage job-generating and community revitalization developments in distressed neighborhoods.

The law authorizes the Department of Community Affairs (DCA) to award core administrative and operating grants used for staff salaries and administrative expenses for eligible CBDOs selected using a competitive three-tiered process for housing and economic development projects. DCA is required to adopt by rule a set of criteria for three-tiered funding that ensures equitable statewide geographic distribution of the funding. The plan must include emerging, intermediate, and mature CBDOs recognizing the varying needs of the three tiers. Each eligible CBDO may apply for a grant of up to \$50,000 per year for a period of 5 years. When the act was created, the Legislature appropriated \$1 million to be distributed as grants to CBDOs. Subsequently, the appropriation was vetoed by the Governor and as a result no grants were awarded.

This bill repeals ss. 163.455, 163.456, 163.457, 163.458, 163.459, 163.460, 163.461, and 163.462, F.S., eliminating the Community-Based Development Organization Assistance Act, which has not been funded or implemented since it was created by the Legislature in 2000.

The bill has an effective date of July 1, 2012.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

In 2000,¹ the Legislature established the Community-Based Development Organization Assistance Act for the purpose of providing community-based development organizations (CBDOs) with administrative and operating funds to retain project staff to plan, implement, and manage job-generating and community revitalization developments in distressed neighborhoods.²

The law authorizes the Department of Community Affairs (DCA) to award core administrative and operating grants used for staff salaries and administrative expenses for eligible CBDOs selected using a competitive three-tiered process for housing and economic development projects. DCA is required to adopt by rule³ a set of criteria for three-tiered funding that ensures equitable statewide geographic distribution of the funding. The plan must include emerging, intermediate, and mature CBDOs recognizing the varying needs of the three tiers. Each eligible CBDO may apply for a grant of up to \$50,000 per year for a period of 5 years.⁴ When the act was created, the Legislature appropriated \$1 million to be distributed as grants to CBDOs. Subsequently, the appropriation⁵ was vetoed by the Governor and as a result no grants were awarded.

Eligible activities include, but are not limited to:⁶

- Preparing grant and loan applications, proposals, fundraising letters, and other documents essential to securing additional administrative or project funds.
- Developing local programs and home ownership housing projects to encourage the participation of financial institutions, insurance companies, attorneys, architects, planners, developers and other professional firms and individuals providing services beneficial to redevelopment efforts.
- Coordinating with state, federal, and local governments and nonprofit organizations to ensure that activities meet local plans and ordinances to avoid duplication of tasks.
- Assisting service area residents in identifying and determining eligibility for state, federal, and local housing programs, including rehabilitation, weatherization, home ownership, rental assistance, or public housing programs.

In order to be eligible for assistance, a CBDO must be a nonprofit corporation under state law and s. 501(c)(3) of the Internal Revenue Code; maintain a service area in which economic and housing development projects are located; and meet other specific criteria as provided by law. In addition, a majority of the CBDO's board members must be elected by those members of the nonprofit corporation who are stakeholders, comprising a mix of service area residents, area business property owners, area employees, and low-income residents.⁷

A CBDO applying for a core administrative and operating grant must also submit a proposal to DCA.⁸ Those CBDOs receiving funds must submit an annual report providing information specified by law and other information as may be required by DCA.⁹

¹ Chapter 2000-351, L.O.F. codified at s. 163.455, F.S.

² Section 163.456, F.S.

³ The Department of Community Affairs was granted rulemaking authority for the purposes of administering the Community-Based Development Organization Assistance Act pursuant to s. 163.462, F.S.

⁴ Section 163.458, F.S.

⁵ Section 9, ch. 2000-351, L.O.F.

⁶ Section 163.459, F.S.

⁷ Section 163.457, F.S.

⁸ Section 163.460, F.S.

⁹ Section 163.461, F.S.

DCA was abolished by the Legislature during the 2011 legislative session and several of its programs and functions including the Division of Housing and Community Development, which manages grant programs, were incorporated into the newly created Department of Economic Opportunity.¹⁰

Effect of the Proposed Changes

By repealing ss. 163.455, 163.456, 163.457, 163.458, 163.459, 163.460, 163.461, and 163.462, F.S., this bill eliminates the Community-Based Development Organization Assistance Act which has not been funded or implemented since it was created by the Legislature in 2000.

B. SECTION DIRECTORY:

Section 1: Repeals ss. 163.455, 163.456, 163.457, 163.458, 163.459, 163.460, 163.461, and 163.462, F.S., relating to the Community-Based Development Organization Assistance Act and other provisions related to the act.

Section 2: Provides an effective date of July 1, 2012.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to: require counties or municipalities to spend funds or to take an action requiring the expenditure of funds; reduce the authority that counties or municipalities

¹⁰ See s. 3, ch. 2011-142, L.O.F.

have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

N/A.

HB 4027

2012

1 A bill to be entitled
 2 An act relating to community-based development
 3 organizations; repealing ss. 163.455, 163.456,
 4 163.457, 163.458, 163.459, 163.460, 163.461, and
 5 163.462, F.S., relating to the Community-Based
 6 Development Organization Assistance Act, the
 7 eligibility of community-based development
 8 organizations and eligible activities for certain
 9 grant funding, the award of grants by the former
 10 Department of Community Affairs, the reporting of
 11 certain information by grant recipients to the former
 12 department, and rulemaking authority of the former
 13 department; providing an effective date.

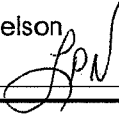

14
 15 Be It Enacted by the Legislature of the State of Florida:

16
 17 Section 1. Sections 163.455, 163.456, 163.457, 163.458,
 18 163.459, 163.460, 163.461, and 163.462, Florida Statutes, are
 19 repealed.

20 Section 2. This act shall take effect July 1, 2012.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCB CMAS 12-01 Formation of Local Governments
SPONSOR(S): Community & Military Affairs Subcommittee
TIED BILLS: IDEN./SIM. BILLS:

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Community & Military Affairs Subcommittee		Nelson 	Hoagland 

SUMMARY ANALYSIS

The purpose of ch. 165, F.S., the "Formation of Municipalities Act," is to provide standards, direction and procedures for the formation of municipalities in this state and the provision of municipal services so as to: allow orderly patterns of urban growth and land use; assure adequate quality and quantity of local public services; ensure financial integrity of municipalities; eliminate or reduce avoidable and undesirable differentials in fiscal capacity among neighboring local governmental jurisdictions; and promote equity in the financing of municipal services.

In order to establish a new municipality, the Legislature must pass a special act creating the city's charter, upon determination that the statutory standards for incorporation have been met. A feasibility study of a municipal incorporation must be completed and submitted to the Legislature 90 days before the first day of the regular session during which a bill proposing an incorporation would be enacted.

This PCB amends ch. 165, F.S., to change the deadline for submission of a feasibility study to the first Monday after September 1. The bill also removes several obsolete definitions from the Act, adds specificity to a feasibility study requirement, and conforms a cross-reference.

There is no fiscal impact associated with this PCB.

The PCB has an effective date of July 1, 2012.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Chapter 165, F.S., the "Formation of Local Governments Act" was created pursuant to ch. 74-192, L.O.F. The purpose of this legislation was to provide general law standards, direction and procedures for the formation and dissolution of municipalities and special districts in the state.

The Legislature subsequently enacted the "Uniform Special District Accountability Act of 1989," ch. 189, F.S., to provide general provisions for the definition, creation and operation of special districts. This legislation, ch. 89-169, L.O.F., changed the title for ch. 165, F.S., to the "Formation of Municipalities Act," and simultaneously removed provisions for special districts from this law. The chapter currently is limited to procedures for municipal incorporation.

The stated purpose of the Act is to provide standards, direction and procedures for the formation of municipalities in this state and the provision of municipal services so as to:

- allow orderly patterns of urban growth and land use;
- assure adequate quality and quantity of local public services;
- ensure financial integrity of municipalities;
- eliminate or reduce avoidable and undesirable differentials in fiscal capacity among neighboring local governmental jurisdictions; and
- promote equity in the financing of municipal services.

Under ch.165, F.S., there is only one way to establish a city government where no such government exists: the Legislature must pass a special act creating the city's charter, upon determination that the standards provided in that chapter have been met.¹ Section 165.081, F.S., provides that any special law enacted pursuant to ch. 165, F.S., is reviewable by certiori if the appeal is brought before the effective date of the incorporation.

Pursuant to s. 165.041(1)(b), F.S., a feasibility study must be completed and submitted to the Legislature 90 days before the first day of the regular session during which the bill proposing the incorporation would be enacted. The feasibility study is a survey of the proposed area to be incorporated, and is commissioned and paid for by the parties interested in the incorporation effort. The purpose of the study is to enable the Legislature to determine whether or not the area: 1) meets the statutory requirements for incorporation, and 2) is financially feasible. The feasibility study is required to contain the following elements:

- The general location of territory subject to a boundary change and a map of the area that identifies the proposed change.
- The major reasons for proposing the boundary change.
- The following characteristics of the area:

¹ An exception to this rule exists in Miami-Dade County where the county has been granted the exclusive power to create cities through the State Constitution and its home rule powers. See, s. 165.022, F.S., and s. 6(e), Art. VIII of the State Constitution. Adopted in 1957, the Miami-Dade Home Rule Charter provides for the creation of new municipalities at section 5.05.

- a list of the current land use designations applied to the subject area in the county comprehensive plan;
- a list of the current county zoning designations applied to the subject area;
- a general statement of present land use characteristics of the area; and
- a description of development being proposed for the territory, if any, and a statement of when actual development is expected to begin, if known.
- A list of all public agencies, such as local governments, school districts and special districts, whose current boundaries fall within the boundary of the territory proposed for the change or reorganization.
- A list of current services being provided within the proposed incorporation area, including, but not limited to, water, sewer, solid waste, transportation, public works, law enforcement, fire and rescue, zoning, street lighting, parks and recreation, and library and cultural facilities, and the estimated costs for each service.
- A list of proposed services to be provided within the proposed incorporation area, and the estimated cost of such services.
- The names and addresses of three officers or persons submitting the proposal.
- Evidence of fiscal capacity and an organizational plan that, at a minimum, includes:
 - existing tax bases, including ad valorem taxable value, utility taxes, sales and use taxes, franchise taxes, license and permit fees, charges for services, fines and forfeitures, and other revenue sources, as appropriate; and
 - a five-year operational plan that, at a minimum, includes proposed staffing, building acquisition and construction, debt issuance and budgets.
- Data and analysis to support the conclusion that incorporation is necessary and financially feasible, including population projections and population density calculations and an explanation concerning methodologies used for such analysis.
- Evaluation of the alternatives available to the area to address its policy concerns.
- Evidence that the proposed municipality meets the standards for incorporation of s.165.061, F.S. These standards require that the new municipality meet the following conditions in the area proposed for incorporation:
 - It must be compact, contiguous and amenable to separate municipal government.
 - It must have a total population, as determined in the latest official state census, special census or estimate of population, of at least 1,500 persons in counties with a population of less than 75,000, and of at least 5,000 persons in counties with a population of more than 75,000.
 - It must have an average population density of at least 1.5 persons per acre or have extraordinary conditions requiring the establishment of a municipal corporation with less existing density.
 - It must be a minimum distance of at least two miles from the boundaries of an existing municipality within the county or have an extraordinary natural boundary that requires separate municipal government.
 - It must have a proposed municipal charter that clearly prescribes and defines the form of government and its functions and does not prohibit or restrict the levy of authorized tax.

- In accordance with s. 10, Art. I of the State Constitution,² the plan for incorporation must honor existing solid-waste contracts in the affected geographic area subject to incorporation.

In counties that have adopted a municipal overlay for municipal incorporation pursuant to s. 163.3217, F.S., such information also is submitted to the Legislature in conjunction with any proposed municipal incorporation.

In the past, these feasibility studies have been provided to a number of state governmental entities—including the Office of the Governor, the Department of Revenue, the Office of Economic and Demographic Research, the Department of Community Affairs, and the Legislative Committee on Intergovernmental Relations—for a critical assessment to assist the Legislature in its findings. Two of the primary evaluators utilized by the Legislature—the Legislative Committee on Intergovernmental Relations and the Department of Community Affairs (DCA)—were recently abolished,³ although many of the DCA functions have been transferred to other state agencies.

Effect of Proposed Changes

This PCB amends ch. 165, F.S., the “Formation of Municipalities Act,” to change the deadline for submission of a feasibility study to the Legislature from 90 days before the first day of regular session to the first Monday after September 1. The earlier submission date required by the PCB will assure adequate time for review of these studies.

The PCB also deletes the following definitions from ch. 165, F.S., which are no longer applicable, as the terms previously were removed by various amendments to the Act, or were never used in the Act:

- “unit of local government,”
- “local general purpose government,”
- “service delivery,” and
- “sufficiency of petition.”

The PCB also deletes a cross reference to the deleted definition of “unit of local government,” which is currently found at s. 257.171, F.S.

Additionally, the PCB changes the requirement in a feasibility study for “the general location of territory” to “the location of territory,” indicating a greater need for specificity.

The PCB has an effective date of July 1, 2012.

B. SECTION DIRECTORY:

Section 1: Amends s. 165.031, F.S., relating to definitions.

Section 2: Amends s. 165.041, F.S., relating to feasibility studies for municipal incorporation.

Section 3: Amends s. 257.171, F.S., deleting a cross-reference.

Section 4: Provides an effective date.

² ARTICLE I, SECTION 10: Prohibited laws.—No bill of attainder, ex post facto law or law impairing the obligation of contracts shall be passed.

³ The Legislative Committee on Intergovernmental Relations, a joint committee, was not funded in the FY 2010 – 2011 General Appropriations Act, and ceased operations on June 30, 2010. The Department of Community Affairs was abolished pursuant to ch. 2011-142, L.O.F.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. The bill does not appear to: require the counties or cities to spend funds or take an action requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

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.