

**STORAGE NAME:** h1071.fpr.doc  
**DATE:** February 12, 2002

**HOUSE OF REPRESENTATIVES  
AS REVISED BY THE COMMITTEE ON  
FISCAL POLICY AND RESOURCES  
ANALYSIS – LOCAL LEGISLATION**

**BILL #:** HB 1071  
**RELATING TO:** Brevard Co./Port St. John Charter  
**SPONSOR(S):** Representative Ball  
**TIED BILL(S):**

**ORIGINATING COMMITTEE(S)/COUNCIL(S)/COMMITTEE(S) OF REFERENCE:**

- (1) LOCAL GOVERNMENT & VETERANS AFFAIRS (SGC) YEAS 9 NAYS 0
  - (2) FISCAL POLICY AND RESOURCES
  - (3) COUNCIL FOR SMARTER GOVERNMENT
  - (4)
  - (5)
- 

I. SUMMARY:

THIS DOCUMENT IS NOT INTENDED TO BE USED FOR THE PURPOSE OF CONSTRUING STATUTES, OR TO BE CONSTRUED AS AFFECTING, DEFINING, LIMITING, CONTROLLING, SPECIFYING, CLARIFYING, OR MODIFYING ANY LEGISLATION OR STATUTE.

This bill creates a charter and provides for the incorporation of the City of Port St. John in Brevard County.

According to the Economic Impact Statement, there is a projected surplus for the area proposed for incorporation of \$1,948,586 in the first fiscal year and \$972,153 in the second fiscal year.

The Committee on Local Government & Veterans Affairs adopted one amendment at its meeting on February 7, 2002. The amendment corrects an inaccurate statutory citation. **(See Section V. "AMENDMENTS OR COMMITTEE SUBSTITUTES.")**

**Pursuant to House Rule 5.6(b), a local bill providing an exemption from general law may not be placed on the Special Order Calendar for expedited consideration. The provisions of House Rule 5.6(b) appear to apply to this bill. (See section II.C. "EFFECT OF PROPOSED CHANGES")**

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- |                                   |                              |  |   |
|-----------------------------------|------------------------------|--|---|
| 1. <u>Less Government</u>         | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | N/A <input type="checkbox"/>            |
| 2. <u>Lower Taxes</u>             | Yes <input type="checkbox"/> | No <input type="checkbox"/>            | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u>      | Yes <input type="checkbox"/> | No <input type="checkbox"/>            | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/>            | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u>      | Yes <input type="checkbox"/> | No <input type="checkbox"/>            | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

1. This bill does not support less government. The bill establishes a new governmental structure for Miami-Dade County.

B. PRESENT SITUATION:

**MUNICIPAL INCORPORATION**

**Constitutional and Statutory Provisions**

***Section 2, Article VIII of the Florida Constitution***

Section 2(a) of Article VIII of the Florida Constitution provides that municipalities may be established or abolished and have their charters amended by general or special law. The powers of municipalities are described in section 2(b) of Article VIII of the Florida Constitution. A municipality has governmental, corporate and corporate proprietary powers in order for them to conduct municipal government, functions and services. Unless otherwise provided by law, a municipality may exercise any power for municipal purposes. Section 2(c) of Article VIII of the Florida Constitution states that municipal annexation of unincorporated territory, merger of municipalities, and exercise of extra-territorial powers by municipalities, shall be as provided by general or special law (an exception is Dade County, which has exclusive jurisdiction over its municipal annexations under Article VIII, Sections 11(1)(c), (5), and (6), of the Florida Constitution of 1885, as adopted by reference in Article VIII, Section 6(e), of the 1968 Revised Florida Constitution).

***Chapter 165, Florida Statutes***

Florida law governing the formation and dissolution of municipal governments is found in chapter 165, Florida Statutes, the "Formation of Municipalities Act (Act)." The stated purpose of the Act is to provide standards, direction, and procedures for the incorporation of municipalities, and to achieve the following goals:

- Orderly patterns of growth and land use;
- Adequate public services;
- Financial integrity in government;
- Equity in fiscal capacity; and
- Fair cost distribution for municipal services.

Under Florida law, there is only one-way to establish a city government where no such government existed before: the Legislature must pass a special act enacting the city's charter. The special act must include a proposed municipal charter that prescribes the form of government and clearly defines the legislative and executive functions of city government, and cannot prohibit tax levies authorized by law.

### ***Requirements and Standards for Municipal Incorporation***

Submittal of a feasibility study and a local bill that proposes the local government charter is required. In addition, the statutes provide standards for incorporation. These standards are:

- The area to be incorporated must be compact, contiguous, and amenable to separate municipal government.
- The area proposed to be incorporated 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 population in counties with a population of more than 75,000.
- The area 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.
- Any part of the area proposed for incorporation must have a minimum distance of at least 2 miles from the boundaries of an existing municipality within the county. Alternately, an extraordinary natural boundary that requires separate municipal government must be present.
- 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.

The standards for incorporation may be clouded by the adoption of chapter 00-304, Laws of Florida. It is not clear if section 165.061(2)(d), Florida Statutes, an incorporation standard for incorporations resulting from mergers also applies to incorporation standards for unincorporated areas provided in section 165.061(1), Florida Statutes. If the provision is applicable, then a municipal incorporation must honor existing solid waste contracts in the affected geographic subject area. However, the city may provide that the existing contracts be honored only for 5 years or the remainder of the contract term, whichever is shorter. In addition, if the city requests written evidence of the contract duration, excluding any automatic renewals or "evergreen provisions," such evidence must be provided within a reasonable time. This issue may be resolved by enactment of legislation currently pending by the Legislature this Session (HB 497, by Rep. Needelman, 2002 Session).

### ***Feasibility Study***

A feasibility study is a study of the proposed area to be incorporated. 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. In addition, a feasibility study must be completed and submitted to the Legislature at least 90 days prior to the first day of the regular Legislative Session during which the municipal charter would be enacted.

In 1999, the Legislature revised section 165.041, Florida Statutes, by adding new, more detailed requirements for the preparation of the required feasibility study for any area requesting incorporation. Specifically, the study must include:

- 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:
  - 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.
  - 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 boundary falls within the boundary of the territory proposed for the change or reorganization.
  - A list of current service providers and estimate of the cost of services.
  - A list of proposed service providers and estimate of the cost of the proposed 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.
  - A 5-year operational plan that, at a minimum, includes proposed staffing, building acquisition and construction, debt issuance, budgets.
- Data and analysis to support the conclusions that incorporation is necessary and financially feasible.
- 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 section 165.061, Florida Statutes.

- Any part of the area proposed for incorporation must have a minimum distance of at least 2 miles from the boundaries of an existing municipality within the county. Alternately, an extraordinary natural boundary that requires separate municipal government must be present.

***Recent Municipal Incorporations***

From 1972 to the present, 16 municipalities were created by special act (Bonita Springs, DeBary, Deltona, Destin, Ft. Myers Beach, Islamorada, Jacob City, Lake Mary, Marathon, Marco Island, Midway, Palm Coast, Sanibel, Southwest Ranches, Wellington, Weston). During this time, one was recreated by special act after previous incorporation under authority of general law in effect prior to 1974 (Seminole). The cities of Key Biscayne, Pinecrest, Aventura, and Sunny Isles Beach were created under the charter provisions of Miami-Dade County's Charter. The following table indicates recent municipal incorporations by year, county, and enabling law.

**Municipal Incorporations Since 1970**

Year	Municipality	County	Enabling Law
1970	SEMINOLE	Pinellas County	general law
1972	SEMINOLE	Pinellas County	ch. 72-693, Laws of Florida
1973	LAKE MARY	Seminole County	ch. 73-522, Laws of Florida
1974	SANIBEL	Lee County	ch. 74-606, Laws of Florida
1983	JACOB CITY	Jackson County	ch. 83-434, Laws of Florida & ch. 84-456, Laws of Florida
1984	DESTIN	Okaloosa County	ch. 84-422, Laws of Florida & ch. 85-471, Laws of Florida
1986	MIDWAY	Gadsden County	ch. 86-471, Laws of Florida
1991	KEY BISCAYNE	Dade County	by authority of the Miami-Dade County Charter
1993	DEBARY	Volusia County	ch. 93-351, Laws of Florida & ch. 93-363, Laws of Florida
1995	AVENTURA	Dade County	by authority of the Miami-Dade County Charter
1995	PINECREST	Dade County	by authority of the Miami-Dade County Charter
1995	FT. MYERS BEACH BEACH	Lee County	ch. 95-494, Laws of Florida
1995	DELTONA	Volusia County	ch. 95-498, Laws of Florida

1995	WELLINGTON	Palm Beach County	ch. 95-496, Laws of Florida
1996	WESTON	Broward County	ch. 96-472, Laws of Florida
1997	ISLAMORADA	Monroe County	ch. 97-348, Laws of Florida
1997	MARCO ISLAND	Collier County	ch. 97-367, Laws of Florida
1997	SUNNY ISLES BEACH	Dade County	by authority of the Miami-Dade County Charter
1999	BONITA SPRINGS	Lee County	ch. 99-428, Laws of Florida
1999	MARATHON	Monroe County	ch. 99-427, Laws of Florida
1999	PALM COAST	Flagler County	ch. 99-448, Laws of Florida
2000	SOUTHWEST RANCHES	Broward County	ch. 00-475, Laws of Florida

***Failed Attempts at Municipal Incorporation***

Over the years, a number of incorporation attempts have failed. Since 1980, some Floridians have rejected municipal government by voting down the incorporation efforts of:

- The City of Deltona Lakes (1987); ch. 87-449, Laws of Florida
- The City of Deltona (1990); ch. 90-410, Laws of Florida
- The City of Fort Myers Beach (1982/1986); chs. 82-295, and 86-413, Laws of Florida
- A city in the Halifax area of Volusia County (1985); ch. 85-504, Laws of Florida
- The City of Marco Island (1980/1982/1986/1990/1993); chs. 80-541, 82-330, 86-434, 90-457, and 93-384, Laws of Florida
- The City of Spring Hill (1986); ch. 86-463, Laws of Florida
- The City of Port LaBelle (1994); ch. 94-480, Laws of Florida
- The City of Destin (1995); by authority of the Dade County Charter
- The City of Ponte Vedra (1998); ch. 98-534, Laws of Florida)
- The Village of Key Largo (1999); ch. 99-430, Laws of Florida
- The City of Southport (1999); ch. 99-444, Laws of Florida
- The Village of the Lower Keys (2000); ch. 00-383, Laws of Florida
- The Village of Paradise Islands (2000); ch. 00-382, Laws of Florida

**C. EFFECT OF PROPOSED CHANGES:**

This bill provides a municipal charter of an area to be known as Port St. John.

The City's northern boundary is 1.25 miles from the City of Titusville as a result of the City of Titusville's recent annexation of the TICO Airport. Therefore, this bill does not meet the first requirement of s. 165.061(1)(d), F.S., that the proposed municipality "have a minimum distance of any part of the area proposed for incorporation from the boundaries of an existing municipality within the county of at least 2 miles." As indicated in the City's Feasibility Study, 17 of the 62 municipal incorporations since 1975 requested an exemption to the minimum two-mile rule. All 17 were approved. "*Overview of Municipal Incorporations in Florida, February 2001*, Legislative Committee on Intergovernmental Relations." However, s. 165.061(d), F.S., also provides that as an alternative, there may be "an extraordinary natural boundary which requires separate municipal government." The City's Feasibility Study suggests that the high power transmission lines emanating from the Reliant electrical generating plant on the north side of Kings Highway, and transiting approximately due west from their point of origin (outside the proposed northern boundary of the City) constitutes a natural boundary between the City of Titusville and the proposed City. Therefore, it appears that the proposed municipality may meet the alternative requirement of s. 165.061(1)(d), F.S.

**The City Charter as created herein appears to provide for total or partial waiver of the following provisions of general law: s. 165.06(1)(e)2., F.S. at s. 10(3); s. 218.23(1), F.S. at s. 12(8); s. 218.26(3), F.S. at s. 12(8); and s. 336.025, F.S. at s. 12(9). Therefore, it appears that the bill provides exemptions from general law.**

**Pursuant to House Rule 5.6(b), a local bill providing an exemption from general law may not be placed on the Special Order Calendar for expedited consideration. The provisions of House Rule 5.6(b) appear to apply to this bill.**

**Section 10(3) of the bill appears to contain an inaccurate citation to s. 165.061(1)(e)2., F.S. The procedure for adopting ordinances and resolutions is found at s. 166.041, F.S. See Section V. "AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES."**

**D. SECTION-BY-SECTION ANALYSIS:**

**Section 1.**            **Charter.** Creates the charter of the City of Port S. John (City), Brevard County (County) to read:

**Section 2.**            **Legislative Findings**

Section 2(1).        That the area comprising the City includes a compact and contiguous urban community amenable to separate municipal government.

Section 2(2).        That it is in the best interest of public health, safety and welfare of the citizens of the community to form a separate municipality with all the powers and authority necessary to provide efficient and adequate municipal services to its residents.

**Section 3.**            **Incorporation**

Section 3(1)        Provides the effective date of incorporation as December 31, 2002.

Section 3(2)        Provides corporate boundaries as described in s. 9(1).

- Section 3(3) Provides for a council-manager form of government.
- Section 4.** **Municipal Powers** Provides that the City shall be a body corporate and politic having all powers of a municipality as provided for by State Constitution and statutes, with all governmental, corporate, and proprietary powers necessary to conduct municipal government, perform municipal functions and render municipal services.
- Section 5.** **City Council**
- Section 5(1) **City Council; Composition; Qualifications**
- Section 5(1)(a) **Composition** Provides for a seven-member city council consisting of a mayor and six council members. Each member shall be elected and serve at large. Each member must be a resident at the time of qualifying and shall maintain residency within the City limits.
- Section 5(1)(b) **Qualifications for Office** Each candidate shall be a qualified elector of the City; shall submit a petition with signatures of at least one percent of the resident electorate, or shall pay the city clerk a qualifying fee of 10 percent of the salary of the office. Each candidate shall reside within the City boundary at the time of qualification; and maintain residency during his or her term. Additionally, mayoral candidates and an elected mayor shall reside within the city limits for at least 45 weeks of each year.
- Section 5(2) **Terms of Office** The term of office shall be four years; however, to achieve a staggering of terms, initially, the mayor and even numbered seats shall serve four years, odd numbered seats will serve two years. No mayor or council member shall serve more than two successive terms in the same seat. Each member shall remain in office until his or her successor is elected and assumes the duties of the office at the first meeting of the new council.
- Section 5(3) **Powers and Duties of Council** Provides for powers and duties of the council.
- Section 5(4) **Powers and Duties of the Mayor** Provides for powers and duties of the mayor.
- Section 5(5) **Vice Mayor; Election and Duties** Provides for the annual election by the council of vice mayor and provides for when the election shall take place; and for the duties of such office.
- Section 5(6) **Compensation and Expenses** Provides for compensation as established by ordinance and for the reimbursement of reasonable expenses while in the performance of official duties.
- Section 5(7) **Vacancies, Forfeiture of Office, Suspension, Recall, Filling of Vacancies** Provides for the manner in which an office may become vacant; for forfeiture of office; for suspension from office; for recall; and for the method of filling vacancies.
- Section 5(8) **City Council Meetings; Organizational Meeting, Quorum, and Special Meetings** Provides for the organizational meeting of the council; provides for a quorum by majority; provides for special meetings and notice thereof.



- Section 5(9)      City Records Provides for the keeping of public records, authentication, a codification of current ordinances and resolutions, and for the signing and attesting of same.
- Section 5(10)    Limit of Employment of Council Members Prohibits the employment by the city of any sitting mayor or member of the council, and for the prohibition against their employment for one year after leaving office.
- Section 5(11)    Noninterference by City Council Prohibits the interference of the council and its members of the performance of duties of any city employee under the direct or indirect supervision of the city manager or city attorney.
- Section 6**      **Charter Officers** Provides for the city manager and city attorney as charter officers.
- Section 6(1)      Designated Charter Officer; Appointment, Removal, Compensation, Filling of Vacancies, Candidate for City Office Provides for the appointment, removal, compensation, filling of vacancies, and candidacy requirements of charter officers.
- Section 6(2)      City Manager; Qualifications, Residency, Powers and Duties Within 6 months of appointment the city manager must maintain residency within the corporate limits of the city; however, the council may extend the six months for an additional six months. Also provides for the powers and duties of the city manager.
- Section 6(3)      City Attorney; Qualifications, Residency, Powers and Duties Provides for the qualifications of the city attorney. Provides that there is no residency requirement. Provides for the powers and duties of the city attorney.
- Section 7**      **Budget and Appropriations**
- Section 7(1)      Fiscal Year Provides that the fiscal year will be October 1 through September 30 of the succeeding year.
- Section 7(2)      Budget Adoption Provides for the adoption of the annual budget.
- Section 7(3)      Appropriation Amendments During the Fiscal Year; Supplemental Appropriations; Reduction of Appropriations; Transfer of Appropriations; Limitations; Effective Date Provides that the council may by resolution make supplemental appropriations. Provides for actions in the event of a budget shortfall. Provides for the transfer of appropriations among units of the city government. Provides certain limitations on reductions and transfers.
- Section 8**      **Elections**
- Section 8(1)      Electors Provides for elector qualifications.
- Section 8(2)      Nonpartisan Elections Provides for nonpartisan elections.
- Section 8(3)      Qualifying for Office Provides manner of candidate qualification.

- Section 8(4) Schedule for Regular Elections and Primaries Provides for the schedule of regular elections and primaries and for elections to fill vacancies.
- Section 8(5) Schedule for Special Elections Provides for the scheduling of special elections.
- Section 8(6) Determination of Election to Office Provides for various contingencies and for the determination of elections.
- Section 8(7) City Canvassing Board Provides for a city canvassing board and the duties thereof.
- Section 9 Land Description Provides the city boundary and for the change thereof in accordance with general law regarding annexations without the necessity of a charter amendment.
- Section 9(1) City Boundaries Provides the initial legal description of the City.
- Section 10 General Provisions**
- Section 10(1) Charter Amendment Provides that the charter may be amended in accordance with ch. 166, F.S. Provides that the form, content and certification of any petition to amend the charter shall be established by ordinance.
- Section 10(2) Charter Review; Schedule, Charter Review Committee Provides for charter review, a schedule for charter review, the appointment of a charter review committee; and the procedure for charter review.
- Section 10(3) Initiative and Referendum Provides for citizen initiative and referendum procedures. Provides that a minimum of 10 percent of the qualified city electorate shall be required to petition the council to propose an ordinance or require reconsideration of an adopted ordinance or to propose an amendment to the charter. **However, the section appears to include an inaccurate citation to s. 165.061(1)(e)2., F.S. The procedures for the adoption of ordinances and resolutions are addressed in s. 166.041, F.S. See Section V. "AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES."**
- Section 10(4) Standards of Conduct Provides for the standard of conduct of all elected officials and employees of the City.
- Section 11 Severability** Provides for severability.
- Section 12 **Transition Schedule**
- Section 12(1) Referendum Provides for a referendum on November 5, 2002, for the voter approval of this bill.
- Section 12(2) Creation and Establishment of City Provides that the City is created and established effective December 31, 2002.
- Section 12(3) Initial Election or Council Members; Dates; Qualifying Period, Certification of Election Results, Induction into Office Provides for the initial election of the council and mayor on February 4, 2003, with a primary on January 15, 2003, if

necessary. Provides for the qualifying period; certification of election results; and induction into office.

- Section 12(4) Transition Services and Compensation Provides for transition services and the compensation therefore.
- Section 12(5) First-Year Expenses Provides for the first year's expenses.
- Section 12(6) Transitional Ordinances and Resolutions Provides for the adoption of and expiration of transitional ordinances and resolutions.
- Section 12(7) Transitional Comprehensive Plan and Land Development Regulation Provides that the applicable provisions of the Brevard County Comprehensive Plan shall remain in effect as the transitional comprehensive plan of the City until the City adopts its own comprehensive plan.
- Section 12(8) Shared Revenues Provides for the sharing of revenues of programs of the state as of the first day of the month after the first meeting of the council. Provides for certain waiver of ss. 218.23(1), and 218.26(3) F.S
- Section 12(9) Local Option Gas Tax Revenues Provides that s. 336.025, F.S., notwithstanding, the City shall be entitled to receive local option gas tax revenues beginning January 1, 2003, in accordance with an interlocal agreement, until the City becomes eligible for local option gas tax revenue distribution.
- Section 13 Provides that the bill will take effect upon a majority approval of qualified voters residing in the proposed corporate limits of the City; and that the section will take effect upon becoming law.

III. NOTICE/REFERENDUM AND OTHER REQUIREMENTS:

A. NOTICE PUBLISHED? Yes  No

IF YES, WHEN?

WHERE?

B. REFERENDUM(S) REQUIRED? Yes  No

IF YES, WHEN?

November 5, 2002

C. LOCAL BILL CERTIFICATION FILED? Yes, attached  No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached  No

IV. COMMENTS:

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

C. OTHER COMMENTS:

The House Committee on Community Affairs coordinates a review of the feasibility study required by section 165.041, Florida Statutes, and the proposed charter with various other legislative committees and appropriate state agencies. Reviews are performed by the Department of Revenue, the Legislative Committee on Intergovernmental Relations, the Office of Economic and Demographic Research, the Department of Community Affairs, and the Governor's Office. The submission of the proposed town's feasibility study was received prior to the 90-day statutory deadline.

Reviews of the feasibility study and charter similarly conclude that the community of Port St. John does not meet *one* of the statutory requirements for becoming a municipality. The area meets the population requirement of 5,000 persons and the incorporation standard requirements for the proposed charter. The area proposed for incorporation does meet the requirement that the area be compact and contiguous. A review of the geographic area proposing incorporation reveals that the City of Titusville, lies only 1.25 miles to the north of the area proposed for incorporation. As such, the area does not meet the requirement that it must have a minimum distance of two miles from the boundaries of existing municipalities within the county. However, the law does provide that as an alternative, an extraordinary natural boundary separates the municipal governments. The Feasibility Study represents that:

The City's northern boundary is 1.25 miles from the City of Titusville as a result of the City of Titusville's recent annexation of the TICO Airport. However, 17 of the 62 municipal incorporations since 1975 requested an exemption to the minimum two-mile rule. All 17 were approved. "*Overview of Municipal Incorporations in Florida, February 2001*, Legislative Committee on Intergovernmental Relations." Further, there exists a series of high power transmission lines emanating from the Reliant electrical generating plant on the north side of Kings Highway, and transiting approximately due west from their point of origin (outside the proposed northern boundary of the City) that constitutes a natural boundary between the City of Titusville and the proposed City.

Therefore, it appears that the proposed municipality may meet the alternative requirement of s. 165.061(1)(d), F.S.

The City Charter as created herein appears to provide for total or partial waiver of the following provisions of general law: s. 165.06(1)(e)2., F.S. at s. 10(3); s. 218.23(1), F.S. at s. 12(8); s. 218.26(3), F.S. at s. 12(8); and s. 336.025, F.S. at s. 12(9). Therefore, it appears that the bill provides exemptions from general law. **Pursuant to House Rule 5.6(b), a local bill providing an exemption from general law may not be placed on the Special Order Calendar for expedited consideration. The provisions of House Rule 5.6(b) appear to apply to this bill.**

The Port St. John Incorporation Feasibility Study, the comments of reviewers, and the response of Port St. John for Tomorrow, the proponent political action committee, are all available for review in the offices of the House Committee for Local Government and Veterans Affairs.

V. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

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The Committee on Local Government & Veterans Affairs adopted one amendment at its meeting on February 7, 2002. The amendment corrects an inaccurate statutory citation. The amendment deletes the citation to s. 165.061(1)(e)2., F.S., contained in Section 10(3) of the bill.

VI. SIGNATURES:

COMMITTEE ON LOCAL GOVERNMENT & VETERANS AFFAIRS:

Prepared by:

Staff Director:

Andrew S. Grayson, Esquire

Joan Highsmith-Smith

AS REVISED BY THE COMMITTEE ON FISCAL POLICY AND RESOURCES:

Prepared by:

Staff Director:

Kama Monroe

Lynne Overton