

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. DOES THE BILL:

- | | | | |
|--------------------------------------|---|-----------------------------|---|
| 1. Reduce government? | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 2. Lower taxes? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

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

B. EFFECT OF PROPOSED CHANGES:

This bill abolishes the Town of Monte Vista, Lake County, as an inactive municipality. The Town of Monte Vista was created in 1925 by ch. 10867, L.O.F.

The Auditor General recommended that “[t]he Legislature should consider enacting legislation to officially dissolve 19 inactive municipalities created by special acts of the Legislature identified by our audit if such action is determined to be more cost-effective than the provisions of Section 165.052(1), Florida Statutes.”¹ The Town of Monte Vista in Lake County is one of the inactive municipalities identified by the Auditor General.

The law provides three methods for the dissolution of an inactive municipality. Section 165.051, F.S., addresses the first two providing that:

The charter of any existing municipality may be revoked and the municipal corporation dissolved by either:

- (a) A special act of the Legislature; or
- (b) An ordinance of the governing body of the municipality, approved by a vote of the qualified voters.

Where, as is the case for the Town of Monte Vista, there is no longer a functioning governing body of the municipality, dissolution must be accomplished by a special act of the Legislature.

The third method to dissolve an inactive municipality is provided in s. 165.052, F.S., which authorizes the Secretary of State to declare a municipality inactive by proclamation preceded by a report filed by the Department of Community Affairs (DCA) based upon a finding:

- (a) That the municipality has not conducted an election for membership in its legislative body within the 4 years immediately preceding, or as otherwise provided by law;
- (b) That a notice of the proposed proclamation has been published at least once each week for 2 consecutive weeks in a newspaper of general circulation within the county wherein the territory of the municipality is located, stating the name of said municipality, the law under which it was organized and operating, a general description of the territory included in said municipality, and stating that any objections to the proposed proclamation or to any debts of

¹ “Local Government Financial Reporting System, Performance Audit, Issued December 21, 2000”, Auditor General Report No. 01-075.

said municipality shall be filed not later than 60 days following the date of last publication with the department; and

(c) That 60 days have elapsed from the last publication date of the notice of proposed proclamation and no sustained objections have been filed.

The Auditor General noted in an Audit Report that “the Secretary of the FDCA stated that inactive municipalities were not a programmatic responsibility of the FDCA and that the FDCA does not have staff capacity to research this issue nor is it required by the statutes to notify the Florida Secretary of State.”²

Therefore, since the provisions of s. 165.052, F.S. cannot operate, this bill appears to be the most efficient and effective method for achieving the dissolution of this inactive municipality.

C. SECTION DIRECTORY:

Section 1. Repeals the legislative enactment that created the City Town of Monte Vista; and transfers assets and liabilities of the defunct municipality to the Board of County Commissioners of Lake County.

Section 2. Provides an effective date of upon becoming law.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN?

January 4, 2003.

WHERE?

The Daily Commercial, a daily newspaper of general circulation in Lake County.

B. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes, attached No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached No

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

² “Local Government Financial Reporting System, Performance Audit, November 18, 1997,” Auditor General, Report No. 13083.

C. DRAFTING ISSUES OR OTHER COMMENTS:

There do not appear to be any technical drafting issues.

IV. AMENDMENT/COMMITTEE SUBSTITUTE CHANGES