

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 4145 Formation of Local Governments

SPONSOR(S): Porter

TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Community & Military Affairs Subcommittee	14 Y, 1 N	Nelson	Hoagland
2) Economic Affairs Committee	18 Y, 0 N	Nelson	Tinker

SUMMARY ANALYSIS

HB 4145 repeals obsolete language referencing the Department of Community Affairs from the "Formation of Municipalities Act." This law currently is limited to procedures for municipal incorporation that do not involve the Department.

The bill has an effective date of July 1, 2011.

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 Department of Community Affairs was charged with:

- conducting studies of county, municipal and special district formation and boundary reorganization problems throughout the state;
- conducting studies relating to the need for, and the feasibility of, formation and service delivery adjustments that would strengthen the capability of local governments to provide and maintain essential public services in a fiscally equitable manner;
- determining whether the conditions prescribed by law had been met prior to consideration of any special law to incorporate, merge or dissolve a municipality;
- submitting a written report to the governor and legislature each year summarizing the studies conducted, their findings and recommendations, and any findings in respect to federal-state-county-municipal-special district relationships or problems;
- developing a census of local government relating to each county, municipality and special district in the state;
- conducting a continuing study of various governmental activities being conducted and services being provided by local governments in the state.

The act additionally provided language that empowered the Department of Community Affairs to request assistance in administering the act from all state, county, special district or municipal agencies, departments, bureaus or boards, and required the cooperation of these entities. It also provided a definition for the department.

The provisions relating to the general powers and duties of the Department in the "Formation of Local Governments Act" were repealed by ch. 84-192, L.O.F., except for the section allowing the Department to request assistance in the administration of the chapter.

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 that do not involve the Department of Community Affairs.

At present, pursuant to ch. 189, F.S., the Department of Community Affairs performs extensive duties relating to special districts, such as compiling the official list of special districts, publishing a "Florida Special District Handbook," administering the Special District Information Program, promulgating rules to implement the provisions of the chapter, and promoting special district accountability by monitoring financial report filings.

Effect of Proposed Changes

HB 4145 removes obsolete language from ch. 165, F.S., "The Formation of Municipalities Act," which references the Department of Community Affairs.

The bill has an effective date of July 1, 2011.

B. SECTION DIRECTORY:

Section 1: Repeals subsection (6) of s. 165.031, F.S., providing a definition for the Department of Community Affairs.

Section 2: Repeals s. 165.093, F.S., relating to agency cooperation with the Department of Community Affairs.

Section 3: Provides an effective date.

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