

1 A bill to be entitled
 2 An act relating to incorporation of municipalities;
 3 amending s. 165.041, F.S.; revising the date the
 4 feasibility study for a proposed incorporation of a
 5 municipality must be submitted to the Legislature;
 6 revising required elements of the feasibility study to
 7 include documentation concerning the accuracy of
 8 specified information and proof of the passage of a
 9 nonbinding referendum by voters of the proposed
 10 municipality; providing an effective date.

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

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 14 Section 1. Paragraph (b) of subsection (1) of section
 15 165.041, Florida Statutes, is amended to read:

16 165.041 Incorporation; merger.—

17 (1)

18 (b) To inform the Legislature on the feasibility of a
 19 proposed incorporation of a municipality, a feasibility study
 20 shall be completed and submitted to the Legislature no later
 21 than August 31 ~~the first Monday after September 1~~ of the year
 22 before the regular session of the Legislature during which the
 23 municipal charter would be enacted. The feasibility study shall
 24 contain the following:

25 1. The location of territory subject to boundary change, l

26 ~~and~~ a map of the area which identifies the proposed change, and
 27 documentation attesting to the accuracy of the description and
 28 map. Acceptable forms of documentation include, but are not
 29 limited to:

30 a. A property information report as defined in s.
 31 627.7843(1).

32 b. A final drawing, plan, specification, plat, or report
 33 prepared by a professional surveyor or mapper licensed and in
 34 good standing under chapter 472 and sealed as required by s.
 35 472.025.

36 c. A title opinion prepared by a member in good standing
 37 of The Florida Bar.

38 2. The major reasons for proposing the boundary change.

39 3. The following characteristics of the area:

40 a. A list of the current land use designations applied to
 41 the subject area in the county comprehensive plan.

42 b. A list of the current county zoning designations
 43 applied to the subject area.

44 c. A general statement of present land use characteristics
 45 of the area.

46 d. A description of development being proposed for the
 47 territory, if any, and a statement of when actual development is
 48 expected to begin, if known.

49 4. A list of all public agencies, such as local
 50 governments, school districts, and special districts, whose

51 current boundary falls within the boundary of the territory
52 proposed for the change or reorganization.

53 5. A list of current services being provided within the
54 proposed incorporation area, including, but not limited to,
55 water, sewer, solid waste, transportation, public works, law
56 enforcement, fire and rescue, zoning, street lighting, parks and
57 recreation, and library and cultural facilities, and the
58 estimated costs for each current service.

59 6. A list of proposed services to be provided within the
60 proposed incorporation area, and the estimated cost of such
61 proposed services.

62 7. The names and addresses of three officers or persons
63 submitting the proposal.

64 8. Evidence of fiscal capacity and an organizational plan
65 as it relates to the area seeking incorporation that, at a
66 minimum, includes:

67 a. Existing tax bases, including ad valorem taxable value,
68 utility taxes, sales and use taxes, franchise taxes, license and
69 permit fees, charges for services, fines and forfeitures, and
70 other revenue sources, as appropriate.

71 b. A 5-year operational plan that, at a minimum, includes
72 proposed staffing, building acquisition and construction, debt
73 issuance, and budgets.

74 9. Data and analysis to support the conclusions that
75 incorporation is necessary and financially feasible, including

76 | population projections and population density calculations, and
77 | an explanation concerning methodologies used for such analysis.

78 | 10. Evaluation of the alternatives available to the area
79 | to address its policy concerns.

80 | 11. Evidence that the proposed municipality meets the
81 | requirements for incorporation pursuant to s. 165.061.

82 | 12. Evidence documenting the passage of a nonbinding
83 | referendum, conducted at a primary or general election,
84 | supporting the incorporation of a new municipality approved by
85 | 60 percent or more of the qualified electors within the area of
86 | the proposed municipality.

87 | Section 2. This act shall take effect July 1, 2022.