

By Senator Diaz

36-01678-22

20221554__

1 A bill to be entitled
2 An act relating to municipal incorporation; amending
3 s. 165.041, F.S.; requiring that a charter for
4 incorporation of a municipality be approved in a
5 specified nonbinding referendum before the
6 contemplated special act or proposed bill is
7 introduced in the Legislature; requiring that the
8 certified results of the referendum be attached to the
9 bill when introduced; revising the date when a
10 required feasibility study of a proposed municipal
11 incorporation must be completed and submitted to the
12 Legislature; providing an effective date.

13
14 Be It Enacted by the Legislature of the State of Florida:
15

16 Section 1. Paragraphs (a) and (b) of subsection (1) of
17 section 165.041, Florida Statutes, are amended to read:

18 165.041 Incorporation; merger.—

19 (1) (a) A charter for incorporation of a municipality,
20 except in case of a merger which is adopted as otherwise
21 provided in subsections (2) and (3), shall be adopted only by a
22 special act of the Legislature upon determination that the
23 standards herein provided have been met. Before the contemplated
24 special act or proposed bill is introduced in the Legislature,
25 the charter for incorporation of the municipality must be
26 approved in a nonbinding referendum, held during a primary or
27 general election, by at least 60 percent of the qualified
28 electors within the boundary of the proposed municipality. The
29 certified results of the referendum must be attached to the bill

36-01678-22

20221554__

30 when introduced.

31 (b) To inform the Legislature on the feasibility of a
32 proposed incorporation of a municipality, a feasibility study
33 shall be completed and submitted to the Legislature no later
34 than August 31 ~~the first Monday after September 1~~ of the year
35 before the regular session of the Legislature during which the
36 municipal charter would be enacted. The feasibility study shall
37 contain the following:

38 1. The location of territory subject to boundary change and
39 a map of the area which identifies the proposed change.

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

41 3. The following characteristics of the area:

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

44 b. A list of the current county zoning designations applied
45 to the subject area.

46 c. A general statement of present land use characteristics
47 of the area.

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

51 4. A list of all public agencies, such as local
52 governments, school districts, and special districts, whose
53 current boundary falls within the boundary of the territory
54 proposed for the change or reorganization.

55 5. A list of current services being provided within the
56 proposed incorporation area, including, but not limited to,
57 water, sewer, solid waste, transportation, public works, law
58 enforcement, fire and rescue, zoning, street lighting, parks and

36-01678-22

20221554__

59 recreation, and library and cultural facilities, and the
60 estimated costs for each current service.

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

64 7. The names and addresses of three officers or persons
65 submitting the proposal.

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

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

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

76 9. Data and analysis to support the conclusions that
77 incorporation is necessary and financially feasible, including
78 population projections and population density calculations, and
79 an explanation concerning methodologies used for such analysis.

80 10. Evaluation of the alternatives available to the area to
81 address its policy concerns.

82 11. Evidence that the proposed municipality meets the
83 requirements for incorporation pursuant to s. 165.061.

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