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MEMORANDUM

TO: Board of Supervisors
FROM: Caldwell Pacetti Edwards Schoech & Viator LLP
DATE: October 14, 2021
RE: Chapter 2021-250, Laws of Florida

Chapter 2021-250, Laws of Florida, relating to Indian Trail Improvement District, passed in the 2021 Legislative Session and became effective June 22, 2021. This act specifically authorized the following:

The district is authorized, upon approval by the board, to expend funds for the purposes of:

- (a) Determining the feasibility of municipal conversion of the district via referendum pursuant to section 165.0615, Florida Statutes.
- (b) Creating an incorporation committee with public membership that would hold public hearings to seek input from the community on the review of the feasibility study and in the development of a draft charter.
- (c) Developing a draft charter of the municipality.

FEASIBILITY STUDY AND REFERENDUM

Subsection (4)(e) of Section 165.0615, F.S., requires a proposed incorporation plan to include, among other things, “a feasibility study that contains the requirements under s. 165.041(1)(b)...” Subsection (1)(b) of Section 165.041, F.S., sets forth the specific requirements to be contained in a feasibility study. The District properly expended funds for the preparation of a Municipal Feasibility Study as authorized herein. Subsections (10)-(18) of Section 165.0615, F.S., also set forth the referendum process referenced above. The ultimate decision to incorporate will be made by the people through a referendum.

INCORPORATION COMMITTEE

Subsection (b) quoted above also authorizes the expenditure of funds to create “an incorporation committee with public membership.” The District initially created a Feasibility and Charter Review Committee (FCR) comprised of residents representative of all areas of the District. The Municipal

Incorporation Manual (Chapter 2) on the Florida House website was helpful in this effort. The Committee held numerous public meetings in which input from residents in the District on drafting the Charter provisions and reviewing the feasibility study was obtained. The FCR Committee and Board of Supervisors met as follows:

July 8, 2021	FCR Committee Meeting
July 15, 2021	FCR Committee Meeting
July 21, 2021	Regular Board of Supervisors Meeting (Appointment of FCR Committee)
July 22, 2021	FCR Committee Meeting
July 24, 2021	FCR Committee Meeting
July 29, 2021	FCR Committee Meeting
August 5, 2021	FCR Committee Meeting
August 7, 2021	FCR Committee Meeting
August 12, 2021	FCR Committee Meeting
August 19, 2021	FCR Committee Meeting
August 26, 2021	FCR Committee Meeting
September 1, 2021	FCR Committee Meeting
September 1, 2021	Special Board of Supervisors Meeting

DRAFT CHARTER

Finally, the District was authorized to expend funds to develop “a draft charter of the municipality.” The FCR did prepare a draft Charter as authorized and presented its recommendations to the District’s Board of Supervisors on September 1, 2021, which included findings which limited the continued funding of the municipal conversion process. Once the Board received and accepted the FCR’s recommendations, in order to alleviate any concerns, the District limited further official action. Members of the community/individual members of the public then voluntarily undertook submittal of the feasibility study and draft Charter to the Legislative Delegation on September 28, 2021.

CONCLUSION

The above summarizes the issues for which Chapter 2021-250, Laws of Florida, specifically authorized the District to expend funds: determining the feasibility of municipal conversion, creating an incorporation committee, and developing a draft Charter. The creation of an incorporation committee which developed a draft charter was necessary for the District to review the feasibility study and determine whether the municipal conversion process should be pursued. Once the Board accepted the recommendations of the committee which made such conversion not feasible, it limited taking official action, and members of the public continued to undertake the process.