

STORAGE NAME: h1907a.ca
DATE: April 15, 1997

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
COMMUNITY AFFAIRS
BILL RESEARCH & ECONOMIC IMPACT STATEMENT - LOCAL LEGISLATION**

BILL #: HB 1907
RELATING TO: Broward County
SPONSOR(S): Representative Rayson
COMPANION BILL(S): SB 2472 (i)

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) COMMUNITY AFFAIRS YEAS 6 NAYS 0
 - (2) FINANCE & TAXATION
 - (3)
 - (4)
 - (5)
-

I. SUMMARY:

This bill provides a process to determine the future governance of two unincorporated areas in Broward County known as "Southwest Ranches" and Sunshine Ranches."

The Broward County Legislative Delegation is required to direct a study of a specified area that includes "Sunshine Ranches" and "Southwest Ranches." The study is to address the future governance of the area. The cost of the study is to be borne equally by Broward County and each municipality indicating a desire to annex "Southwest Ranches" or "Sunshine Ranches." The study must be completed by January 1, 1999.

On March 14, 2000, at separate elections of the residents of "Southwest Ranches" and "Sunshine Ranches," the registered voters of each area will choose one city for annexation among those cities that have chosen to appear on the ballot, or whether they wish to incorporate into a new municipality, not a part of an existing municipality.

The bill provides that upon annexation into any existing municipality, or becoming a new municipality, present land use designations and zoning shall remain the law governing the areas. Any change of zoning or land use designation may only be accomplished by enactment of the vote of the majority of the full governing body of a municipality plus one. Any use that is legally in existence at the time that the areas become a part of any municipality may not be made a prohibited use by a municipality of the such property so long as the use shall continue, and not be voluntarily abandoned.

Subsequent to the effective date of this act, no annexation by any municipality, nor change of land use designation nor change of zoning will be effective in "Southwest Ranches" and "Sunshine Ranches" unless and until "Southwest Ranches" and "Sunshine Ranches" has either been incorporated into a new municipality or annexed into an existing municipality.

The attached Economic Impact Statement (EIS) presents information from the City of Pembroke Pines regarding its proposed annexations of "Southwest Ranches" and "Sunshine Ranches." The EIS, however, presents no information regarding the costs of the required study or elections.

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II. SUBSTANTIVE RESEARCH:

A. PRESENT SITUATION:

Florida Annexation Law

Under Article VIII, Section 2(c), of the Florida Constitution, the Legislature is authorized to annex by special act, and to establish by general law a procedure for local annexations in all Florida counties.

The Legislature established local annexation procedures in 1974, with the creation of chapter 171, Florida Statutes, the "Municipal Annexation or Contraction Act." This Act establishes alternative procedures for adjusting municipal boundaries locally through annexation or contraction, and sets forth criteria for determining when local annexations or deannexations may take place. This law only addresses annexation of unincorporated property into a municipality and deannexation of municipal property into an unincorporated area.

Requirements for Annexation

Before local annexation procedures may begin, the governing body of the annexing municipality must prepare a report containing the city's plans for providing urban services to the proposed area to be annexed. A copy of the report must be filed with the board of county commissioners. This report must include appropriate maps, timetables, and financing methodologies. It must certify that the area proposed to be annexed is appropriate for annexation because it meets the following standards and requirements:

- The area to be annexed must be an unincorporated area that is contiguous to the boundary of the annexing municipality. This means that a substantial part of the boundary of the area to be annexed has a common boundary with the municipality. The specified exceptions are where the area is separated from the city's boundary by a publicly owned county park, right-of-way, or body of water.
- The area to be annexed must be reasonably compact.
- No part of the area to be annexed may fall within the boundary of another municipality.
- The majority of the land to be annexed must be developed for urban purposes. Urban purposes are defined as:
 - having a population of at least two persons per acre; or
 - if 60 percent of the subdivided lots are one acre or less, having a density of one person per acre; or
 - having at least 60 percent of the subdivided lots used for urban purposes; or
 - that at least 60 percent of the total urban residential acreage is divided into lots of 5 acres or less.

Alternatively, if the proposed area is not developed for urban purposes, it can either border at least 60 percent of a developed area, or provide a necessary bridge between two urban areas.

Annexed areas are declared to be subject to taxation (and existing indebtedness) for the current year on the effective date of the annexation, unless the annexation takes place following the tax levy for that year. In the case of municipal contractions, the city and county must agree on the transfer of indebtedness or property--the amount to be assumed, its fair value, and the manner of transfer and financing.

Immediately upon being annexed, an area is subject to all laws, ordinances, and regulations applicable to other city residents. An exception is that applicable county land use and zoning regulations continue in effect until the area is rezoned by the annexing municipality. Also, the county land use plan, and zoning or subdivision regulations of the unincorporated area will remain in effect (after the annexation has been approved) until the annexing municipality adopts a local comprehensive plan amendment to include the new area. In contractions, excluded territory is immediately subject to laws, ordinances, and regulations in effect in the county.

Voluntary Annexation

If the property owners of a particular unincorporated area desire annexation into a contiguous municipality, they can initiate voluntary annexation proceedings. The following procedures govern *voluntary annexations* in every county, except those counties with charters providing an exclusive method for municipal annexation:

- Submission to the municipal governing body of a petition seeking the annexation, signed by all property owners in the area proposed to be annexed.
- Adoption of an ordinance by the governing body of the annexing municipality to annex the property after publication of notice at least once a week for 2 consecutive weeks, setting forth the proposed ordinance in full.
- A restriction against the creation of enclaves.

Involuntary Annexation

A municipality may annex property where the property owners have not petitioned for annexation. This process is called *involuntary annexation*. In general, the requirements for an involuntary annexation are:

- Adoption of an annexing ordinance by the governing body of the annexation of one "reasonably compact" area.
- Submittal of the ordinance to a vote of the registered electors of the area proposed to be annexed once the ordinance has been adopted by the governing body.
- Submittal of the ordinance to a separate vote of the registered electors of the annexing municipality and of the area proposed to be annexed. This dual referendum is required if the proposed ordinance would cause the total area annexed by a municipality during any one calendar year period to cumulatively exceed more than 5 percent of the total land area of the municipality, or cumulatively to exceed more than 5 percent of the municipal population.

If there is a majority vote in favor of annexation in the area proposed to be annexed, and a majority in favor in cases where a referendum must be held in the annexing city, the area becomes a part of the city. If, however, there is a majority vote against annexation in either the annexing municipality or the area proposed to be annexed, the annexation does not happen. That area cannot be made the subject of another annexation proposal for 2 years from the date of the referendum.

Judicial Review of Annexations or Contractions

Affected persons who believe they will suffer material injury because of the failure of the city to comply with annexation or contraction laws as they apply to their property can appeal the ordinance. They may file a petition with the circuit court seeking the court's review. If the appeal is won, the person is entitled to reasonable costs and attorney's fees.

The Broward County Ad Hoc Committee on Annexation Policy

After the 1995 Regular Legislative Session, the Broward County Legislative Delegation created the Ad Hoc Committee on Annexation Policy (Committee) composed of legislators, local officials, and residents to study the orderly annexation of the remaining unincorporated areas of Broward County. The Committee met during the interim and produced a report that made numerous recommendations. Of these, the Committee recommended discouraging dual referenda for annexations within Broward County. The Committee also recommended requiring approval of the Broward Legislative Delegation before an annexation conducted in Broward County pursuant to chapter 171, Florida Statutes, becomes effective.

Annexations in Broward County

Chapter 96-542, Laws of Florida, states that the provision requiring a referendum of the electors of an annexing municipality contained in the second sentence of section 171.0413(2), Florida Statutes, shall not be effective with respect to any proposed annexation pursuant to chapter 171, Florida Statutes, in Broward County. The sentence states:

“If the proposed ordinance would cause the total area annexed by a municipality pursuant to this section during any one calendar year period cumulatively to exceed more than 5 percent of the total land area of the municipality or cumulatively to exceed more than 5 percent of the municipal population, the ordinance shall be submitted to a separate vote of the registered electors of the annexing municipality and of the area proposed to be annexed.”

Chapter 96-542, Laws of Florida, provides that any annexation of unincorporated property within Broward County proposed to be accomplished pursuant to chapter 171, Florida Statutes, must first be considered at a public hearing conducted by the Broward Legislative Delegation pursuant to its adopted rules, and shall not be effective until the first day of October following adjournment sine die of the next regular Legislative Session following the accomplishment of all procedures necessary for annexation pursuant to chapter 171, Florida Statutes. However, any voluntary annexation ordinance adopted by a municipality in Broward County prior to January 1, 1996, the

subject matter of which has had a public hearing before the Broward County Legislative Delegation, shall be given effect according to its terms.

Chapter 165, Florida Statutes

Florida law governing the formation and dissolution of municipal governments is found in chapter 165, F.S., the "Formation of Municipalities Act." The stated purpose of the "Formation of Municipalities Act" is to provide standards, direction, and procedures for the incorporation of municipalities, and to achieve the following goals:

- Orderly patterns of growth and land use;
- Adequate public services;
- Financial integrity in government;
- Equity in fiscal capacity; and
- Fair cost distribution for municipal services.

Under Florida law, there is ONLY ONE WAY to establish a city government where no such government existed before: the Legislature must pass a SPECIAL ACT enacting the city's charter. The special act must include a proposed municipal charter that prescribes the form of government and clearly defines the legislative and executive functions of city government, and cannot prohibit tax levies authorized by law.

In addition, section 165.061, F.S., provides that the following standards must be met before incorporation of a municipality:

- (1) The area to be incorporated must be compact and contiguous and amenable to separate municipal government.
- (2) The area must have a total population of at least 1,500 persons in counties with a population of less than 50,000, as determined in the latest official state census, special census, or estimate of population in the area proposed to be incorporated, and of at least 5,000 population in counties with a population of more than 50,000.
- (3) It must have an average population density of at least 1.5 persons per acre or have extraordinary conditions requiring the establishment of a municipal corporation with less existing density.
- (4) It must have a minimum distance of any part of the area proposed for incorporation from the boundaries of an existing municipality within the county of at least 2 miles or have an extraordinary natural boundary which requires separate municipal government.

B. EFFECT OF PROPOSED CHANGES:

This bill provides a process to determine the future governance of two unincorporated areas in Broward County know and "Southwest Ranches" and Sunshine Ranches." The Cities of Pembroke Pines, Davie, and Weston may submit resolutions to the Broward County Legislative Delegation no later than November 3, 1997, setting forth their intent for proposals of annexation of "Southwest Ranches." The Cities of Pembroke Pines, Davie, and Cooper City may submit resolutions to the Broward County Legislative

Delegation no later than November 3, 1997, setting forth their intent for proposals of annexation of "Sunshine Ranches."

The Broward County Legislative Delegation is required to direct a study no later than January 1, 1998, of a specified area that includes "Sunshine Ranches" and "Southwest Ranches." The study must determine the effects of annexation into any municipality proposing an annexation into the studied areas, the incorporation of any of the studied areas into a new municipality, or the deannexation of any of the studied areas from an existing municipality. The study must include a determination of the viability of a new municipality composed only of the areas of "Southwest Ranches" and "Sunshine Ranches." The study also must determine the effects of annexation/deannexation/incorporation on the employees of Broward County and how to ameliorate such effects.

The study must be performed by an independent agency or educational institute not affected or associated with the proposed annexation as determined by the Broward County Legislative Delegation. The cost of the proposed study is to be borne equally by Broward County and each municipality which has indicated a desire to annex "Southwest Ranches" or "Sunshine Ranches." The study must be completed by January 1, 1999.

The bill provides for the residents of "Southwest Ranches" and "Sunshine Ranches" to have input as to who does the study and the parameters of the study. Broward County will be responsible for the printing and distribution of the study to each household in "Southwest Ranches" and "Sunshine Ranches" no later than March 1, 1999. Broward County also is responsible for all notices for five meetings concerning presentation and discussions of the study to be held by homeowner associations in the "Southwest Ranches" and "Sunshine Ranches."

No later than June 15, 1999, each municipality that initially adopted a resolution proposing an annexation may inform the Broward County Legislative Delegation that it desires to proceed with its annexation proposal. Each municipality making such notice will appear on the ballot of elections to be held on March 14, 2000. At separate elections of the residents of "Southwest Ranches" and "Sunshine Ranches," the registered voters of each area will choose one city for annexation among those cities that have chosen to appear on the ballot, or whether they wish to incorporate into a new municipality, not a part of an existing municipality.

If a majority of voters in both "Southwest Ranches" and "Sunshine Ranches," considered together as one vote, votes to incorporate into a new municipality, the Broward County Legislative Delegation will direct the draft of a charter of a new municipality to include "Southwest Ranches" and "Sunshine Ranches." The proposed charter is to be submitted for enactment during the legislative session immediately subsequent to the election. The draft for the new municipality must be drafted with aid of a "Charter Guiding Board" made up of area residents, to assist the Broward County Legislative Delegation in writing the charter. If a majority of voters of both "Southwest Ranches" and "Sunshine Ranches," considered together, do not vote for incorporation of a new municipality, no charter for a new municipality shall be drafted.

Provided a majority of voters of both areas," considered together, do not vote for incorporation of a new municipality, if a majority of voters vote for annexation into an

existing municipality, then the area will be deemed a part of the municipality on October 1, 2000, pursuant to section 171.062, F.S., except as provided for in this act. If only the name of one municipality appears on the ballot along with the provision for incorporation of a new municipality, and the majority of voters in both "Southwest Ranches" and "Sunshine Ranches" taken together do not vote for incorporation into a new municipality, then the area will be deemed annexed to the municipality appearing on the ballot.

If no entity receives a majority vote of the voters, or "incorporation of a new municipality" receives a majority vote, and the majority of voters in both "Southwest Ranches" and "Sunshine Ranches" considered together do not vote for incorporation and the names of two or more municipalities appear on the ballot, then there will be a runoff election scheduled approximately 1 month subsequent to the election of March 14, 2000, between the two entities receiving the highest number of votes in the March 14, 2000, election.

If a runoff election is necessitated, If a majority of the voters of both "Southwest Ranches" and "Sunshine Ranches," considered together as one vote, vote to incorporate into a new municipality, a charter for a new municipality will be drafted. If a municipality receives a majority vote of voters voting in the runoff election, the area will be deemed annexed to the municipality. If a majority of voters of either "Southwest Ranches" or "Sunshine Ranches" votes for incorporation of a new municipality, but a majority of voters in both "Southwest Ranches" and "Sunshine Ranches," considered together as one vote, do not vote to incorporate into a new municipality, each area will be deemed annexed to the municipality which receives the largest plurality of votes in the runoff election.

The bill authorizes the Board of County Commissioners of Broward County to set the elections provided for in the bill by special election for the time periods provided in this act at the cost of Broward County. The section prohibits the use of mail ballots for these elections.

The bill provides that upon annexation into any existing municipality, or becoming a new municipality, the following will govern the areas:

- (1) The present land use designations and zoning provided for under the Broward County Comprehensive Plan and Code of Ordinances of Broward County shall remain the law governing the areas, notwithstanding the fact that the areas are a part of a municipality. The land use designations and zoning of Broward County will be deemed the conforming laws of the municipality.
- (2) Any change of zoning or land use designation may only be accomplished by enactment of the vote of the majority of the full governing body of a municipality plus one.
- (3) Notwithstanding subsections (1) and (2), any use that is legally in existence at the time that the areas become a part of any municipality shall not be made a prohibited use by a municipality of the such property so long as the use shall continue, and not be voluntarily abandoned.

The bill provides that subsequent to the effective date of this act, no annexation by any municipality, nor change of land use designation nor change of zoning shall be effective

in "Southwest Ranches" and "Sunshine Ranches" unless and until "Southwest Ranches" and "Sunshine Ranches" has either been incorporated into a new municipality or annexed into an existing municipality.

C. LAWS OF FLORIDA/FLORIDA STATUTES AFFECTED:

The bill creates a new special act.

D. APPLICATION OF PRINCIPLES:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

No.

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

Yes. The bill requires the Broward County Legislative Delegation to direct a study, and requires Broward County and each municipality submitting an annexation proposal to fund the study. In addition, Broward County may pay for meeting notices and publication and distribution of the studies. In addition, Broward County must pay the cost of elections provided for in this bill.

(3) any entitlement to a government service or benefit?

No.

b. If an agency or program is eliminated or reduced:

(1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

Not applicable.

(2) what is the cost of such responsibility at the new level/agency?

Not applicable.

(3) how is the new agency accountable to the people governed?

Not applicable.

2. Lower Taxes:

- a. Does the bill increase anyone's taxes?

No.

- b. Does the bill require or authorize an increase in any fees?

No.

- c. Does the bill reduce total taxes, both rates and revenues?

No.

- d. Does the bill reduce total fees, both rates and revenues?

No.

- e. Does the bill authorize any fee or tax increase by any local government?

No.

3. Personal Responsibility:

- a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

No.

- b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

No.

4. Individual Freedom:

- a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

No.

- b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

No.

5. Family Empowerment:

a. If the bill purports to provide services to families or children:

(1) Who evaluates the family's needs?

Not applicable.

(2) Who makes the decisions?

Not applicable.

(3) Are private alternatives permitted?

Not applicable.

(4) Are families required to participate in a program?

Not applicable.

(5) Are families penalized for not participating in a program?

Not applicable.

b. Does the bill directly affect the legal rights and obligations between family members?

No.

c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

(1) parents and guardians?

Not applicable.

(2) service providers?

Not applicable.

(3) government employees/agencies?

Not applicable.

E. SECTION-BY-SECTION RESEARCH:

Section 1. This section authorizes the Cities of Pembroke Pines, Davie, and Weston to submit resolutions to the Broward County Legislative Delegation no later than November 3, 1997, setting forth their intent for proposals of annexation of "Southwest Ranches," as described in section 5 of the bill.

Section 2. This section authorizes the Cities of Pembroke Pines, Davie, and Cooper City to submit resolutions to the Broward County Legislative Delegation no later than November 3, 1997, setting forth their intent for proposals of annexation of "Sunshine Ranches," as described in section 10 of the bill.

Section 3. Subsection (1) requires the Broward County Legislative Delegation to direct a study no later than January 1, 1998, of a specified area that includes "Sunshine Ranches" and "Southwest Ranches." The study must determine the effects of annexation into any municipality proposing an annexation into the studied areas, the incorporation of any of the studied areas into a new municipality, or the deannexation of any of the studied areas from an existing municipality.

The study must include a determination of the viability of a new municipality composed only of the areas of "Southwest Ranches" and "Sunshine Ranches." The study also must determine the effects of annexation/deannexation/incorporation on the employees of Broward County and how to ameliorate such effects.

The study must be performed by an independent agency or educational institute not affected or associated with the proposed annexation as determined by the Broward County Legislative Delegation. The cost of the proposed study is to be borne equally by Broward County and each municipality which has indicated a desire to annex "Southwest Ranches" or "Sunshine Ranches." The study must be completed by January 1, 1999.

Subsection (2) provides for the residents of "Southwest Ranches" and "Sunshine Ranches" to have input as to who does the study and the parameters of the study. Broward County will be responsible for the printing and distribution of the study to each household in "Southwest Ranches" and "Sunshine Ranches" no later than March 1, 1999. Broward County also is responsible for all notices for five meetings concerning presentation and discussions of the study to be held by homeowner associations in the "Southwest Ranches" and "Sunshine Ranches."

Section 4. This section provides that no later than June 15, 1999, each municipality that enacted a resolution pursuant to sections 1 and 2 may inform the Broward County Legislative Delegation that it desires to proceed with its annexation proposal made pursuant to sections 1 and 2. If such a resolution is received by the Broward County Legislative Delegation by the specified date, each municipality shall appear on the ballots provided for in this act.

Section 5. This section provides a legal description of "Southwest Ranches."

Section 6. This section requires the Board of County Commissioners of Broward County to schedule an election in accordance with the provisions of law relating to

elections currently in force in Broward County on March 14, 2000. The subject of the election will be the annexation of the "Southwest Ranches," or the intent to incorporate this area into a new municipality. Only registered voter residing in "Southwest Ranches" may vote in the election.

On the ballot shall appear the names of each municipality which has enacted resolutions as provided for in sections 1 and 4. Also appearing on the ballot shall be the phrase, "Incorporation into a new municipality."

The section defines the term "entity" to refer to the name of each municipality included on the ballot and also the phrase "Incorporation into a new municipality." The term "voter" is defined as registered voters voting in the elections provided for by this act.

The section requires voters residing in "Southwest Ranches" to choose one city for annexation among those cities that have chosen to appear on the ballot, or whether they wish to incorporate into a new municipality, not a part of an existing municipality.

Section 7. Subsection (1) states that except as provided in subsection (2), if a majority of voters vote for annexation into an existing municipality, "Southwest Ranches" shall be deemed a part of the municipality on October 1, 2000, pursuant to section 171.062, F.S., except as provided for in this act.

Subsection (2) provides that if a majority of voters in both "Southwest Ranches" and Sunshine Ranches," considered together as one vote, votes to incorporate into a new municipality, the Broward County Legislative Delegation shall direct the draft of a charter of a new municipality to include "Southwest Ranches" and Sunshine Ranches." The proposed charter is to be submitted for enactment during the legislative session immediately subsequent to the election. The draft for the new municipality must be drafted with aid of a "Charter Guiding Board" made up of area residents, to assist the Broward County Legislative Delegation in writing the charter.

Subsection (3) provides that if a majority of voters of both "Southwest Ranches," pursuant to section 6, and "Sunshine Ranches," pursuant to section 11, considered together, not vote for incorporation of a new municipality, no charter for a new municipality shall be drafted.

Subsection (4) provides that if only the name of one municipality appears on the ballot along with the provision for incorporation of a new municipality, and the majority of voters in both "Southwest Ranches" and "Sunshine Ranches" taken together do not vote for incorporation into a new municipality, then "Southwest Ranches" shall be deemed annexed to the municipality appearing on the ballot.

Section 8. This section provides that if no entity receives a majority vote of the voters as provided for in section 6, or "incorporation of a new municipality" receives a majority vote, and the majority of voters in both "Southwest Ranches" and "Sunshine Ranches" considered together do not vote for incorporation and the names of two or more municipalities appear on the ballot, then there will be a runoff election scheduled approximately 1 month subsequent to the election of March 14, 2000, between the two entities receiving the highest number of votes in the March 14, 2000, election.

Section 9. This section provides that if a runoff election is necessitated as provided for in section 8, then:

- (1) Except as provided for in subsection (2), if a municipality receives a majority vote of voters voting in the runoff election, "Southwest Ranches" shall be deemed annexed to the municipality as provided in section 7(1).
- (2) If a majority of the voters of both "Southwest Ranches" and "Sunshine Ranches," considered together as one vote, vote to incorporate into a new municipality, a charter for a new municipality will be drafted as provided for in section 7(2).
- (3) If a majority of voters of "Southwest Ranches" votes for incorporation of a new municipality, but a majority of voters in both "Southwest Ranches" and "Sunshine Ranches," considered together as one vote, do not vote to incorporate into a new municipality, "Southwest Ranches" shall be deemed annexed to the municipality which receives the largest plurality of votes in the runoff election.

Section 10. This section provides a legal description of "Sunshine Ranches."

Section 11. This section requires the Board of County Commissioners of Broward County to schedule an election in accordance with the provisions of law relating to elections currently in force in Broward County on March 14, 2000. The subject of the election will be the annexation of the "Sunshine Ranches," or the intent to incorporate this area into a new municipality. Only registered voter residing in "Sunshine Ranches" may vote in the election.

On the ballot shall appear the names of each municipality which has enacted resolutions as provided for in sections 2 and 4. Also appearing on the ballot shall be the phrase, "Incorporation into a new municipality."

The section defines the term "entity" to refer to the name of each municipality included on the ballot and also the phrase "Incorporation into a new municipality." The term "voter" is defined as registered voters voting in the elections provided for by this act.

The section requires voters residing in "Sunshine Ranches" to choose one city for annexation among those cities that have chosen to appear on the ballot, or whether they wish to incorporate into a new municipality, not a part of an existing municipality.

Section 12. Subsection (1) states that except as provided in subsection (2), if a majority of voters vote for annexation into an existing municipality, "Sunshine Ranches" shall be deemed a part of the municipality on October 1, 2000, pursuant to section 171.062, F.S., except as provided for in this act.

Subsection (2) provides that if a majority of voters in both "Sunshine Ranches" and Southwest Ranches," considered together as one vote, votes to incorporate into a new municipality, the Broward County Legislative Delegation shall direct the draft of a charter of a new municipality to include "Southwest Ranches" and Sunshine Ranches." The proposed charter is to be submitted for enactment during the legislative session immediately subsequent to the election. The draft for the new municipality must be

drafted with aid of a "Charter Guiding Board" made up of area residents, to assist the Broward County Legislative Delegation in writing the charter.

Subsection (3) provides that if a majority of voters of both "Southwest Ranches," pursuant to section 6, and "Sunshine Ranches," pursuant to section 11, considered together, not vote for incorporation of a new municipality, no charter for a new municipality shall be drafted.

Subsection (4) provides that if only the name of one municipality appears on the ballot along with the provision for incorporation of a new municipality, and the majority of voters in both "Southwest Ranches" and "Sunshine Ranches" taken together do not vote for incorporation into a new municipality, then "Sunshine Ranches" shall be deemed annexed to the municipality appearing on the ballot.

Section 13. This section provides that if no entity receives a majority vote of the voters as provided for in section 11, or "incorporation of a new municipality" receives a majority vote, and the majority of voters in both "Southwest Ranches" and "Sunshine Ranches" considered together do not vote for incorporation and the names of two or more municipalities appear on the ballot, then there will be a runoff election scheduled approximately 1 month subsequent to the election of March 14, 2000, between the two entities receiving the highest number of votes in the March 14, 2000, election.

Section 14. This section provides that if a runoff election is necessitated as provided for in section 13, then:

- (1) Except as provided for in subsection (2), if a municipality receives a majority vote of voters voting in the runoff election, "Sunshine Ranches" shall be deemed annexed to the municipality as provided in section 12(1).
- (2) If a majority of the voters of both "Southwest Ranches" and "Sunshine Ranches," considered together as one vote, vote to incorporate into a new municipality, a charter for a new municipality will be drafted as provided for in section 7(2).
- (3) If a majority of voters of "Sunshine Ranches" votes for incorporation of a new municipality, but a majority of voters in both "Southwest Ranches" and "Sunshine Ranches," considered together as one vote, do not vote to incorporate into a new municipality, "Sunshine Ranches" shall be deemed annexed to the municipality which receives the largest plurality of votes in the runoff election.

Section 15. This section authorizes the Board of County Commissioners of Broward County to set the elections provided for in sections 8 and 13 by special election for the time periods provided in this act at the cost of Broward County. The section prohibits the use of mail ballots for these elections.

Section 16. This section provides that upon annexation into any existing municipality, or becoming a new municipality, the following will govern the areas described in sections 5 and 10:

- (1) The present land use designations and zoning provided for under the Broward County Comprehensive Plan and Code of Ordinances of Broward County shall

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remain the law governing the areas, notwithstanding the fact that the areas are a part of a municipality. The land use designations and zoning of Broward County will be deemed the conforming laws of the municipality.

- (2) Any change of zoning or land use designation may only be accomplished by enactment of the vote of the majority of the full governing body of a municipality plus one.
- (3) Notwithstanding subsections (1) and (2), any use that is legally in existence at the time that the areas become a part of any municipality shall not be made a prohibited use by a municipality of the such property so long as the use shall continue, and not be voluntarily abandoned.

Section 17. This section provides that subsequent to the effective date of this act, no annexation by any municipality, nor change of land use designation nor change of zoning shall be effective in "Southwest Ranches" and "Sunshine Ranches" unless and until "Southwest Ranches" and "Sunshine Ranches" has either been incorporated into a new municipality or annexed into an existing municipality.

Section 18. An effective date of upon becoming a law is provided.

III. NOTICE/REFERENDUM AND OTHER REQUIREMENTS:

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? January 29, 1997

WHERE? Sun-Sentinel, Broward County

B. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN? March 14, 2000.

C. LOCAL BILL CERTIFICATION FILED? Yes, attached No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached No

IV. COMMENTS:

None.

V. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

None.

STORAGE NAME: h1907a.ca

DATE: April 15, 1997

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VI. SIGNATURES:

COMMITTEE ON COMMUNITY AFFAIRS:

Prepared by:

Legislative Research Director:

Thomas L. Hamby, Jr.

Jenny Underwood Dietzel