

STORAGE NAME: h4289z.ca
DATE: June 26, 1998

****FINAL ACTION****
****SEE FINAL ACTION STATUS SECTION****

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

BILL #: HB 4289
RELATING TO: Town of Davie/ Broward County
SPONSOR(S): Representative Rayson
COMPANION BILL(S): SB 2612 (s)

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

- (1) COMMUNITY AFFAIRS YEAS 8 NAYS 0
- (2)
- (3)
- (4)
- (5)

I. FINAL ACTION STATUS:

House Bill 4289 was referred to the House Committee on Community Affairs on March 23, 1998. The bill was placed on the Community Affairs agenda on April 9, 1998. The bill was voted favorably by the committee with two amendments, on April 15, 1998. The bill passed the House on April 24, 1998 with a vote of 120 YEAS and 0 NAYS.

The bill was received in Senate messages and referred to the Committee on Rules and Calendar on April 29, 1998. The bill was withdrawn from Rules and Calendar on May 1, 1998. The bill was passed by the Senate on May 1, 1998 by a vote of 40 YEAS and 0 NAYS. The bill became law on May 23, 1998 without the Governor's signature as chapter 98-511, Laws of Florida.

II. SUMMARY:

The bill extends and enlarges the corporate limits of the Town of Davie to include specified lands located within unincorporated Broward County. The bill provides that contracts that are in effect prior to the effective date of the annexation shall continue to be in full force and effect. All public roads and public rights-of-way, within the annexed area, are transferred from the jurisdiction of Broward County to the jurisdiction of the Town of Davie.

III. SUBSTANTIVE RESEARCH:

A. PRESENT SITUATION:

Broward County is located on Florida's South Atlantic coast and consists of nearly 1,200 square miles and a population of approximately 1.3 million residents. Broward County currently contains 29 municipalities, the majority of which achieved their current corporate boundaries through a multitude of annexations.

In 1996, in cooperation with the Broward County Commission, the Broward County Legislative Delegation created the Ad Hoc Committee on Annexation Policy. The delegation charged the committee with the responsibility of developing and recommending policy to the Broward Legislative Delegation regarding the terms under which it would consider future annexations. The committee recommended that annexation of all the remaining unincorporated areas of Broward county should be encouraged to occur by the year 2010 and unincorporated areas remaining after 2010 will be subject to required annexation by the Florida Legislature.

The 1996 Florida Legislature adopted a special act (chapter 96-542, Laws of Florida) which exempts Broward County from the general law provisions in chapter 171, Florida Statutes. These provisions require a referendum of the electors of an annexing municipality where the total area annexed by a municipality during a calendar year cumulatively exceeds more than 5 percent of the total land area of the municipality or cumulatively exceeds more than 5 percent of the municipal population.

In addition, the special act requires that any annexation of unincorporated property within Broward County proposed to be accomplished pursuant to general law first must be considered at a public hearing conducted by the Broward County Legislative Delegation, pursuant to its adopted rules. The annexation is not effective until the first day of October following adjournment of sine die of the next regular legislative session following the accomplishment of all procedures necessary for annexation.

B. EFFECT OF PROPOSED CHANGES:

The bill extends and enlarges the corporate limits of the Town of Davie to include specified lands located within unincorporated Broward County. The bill provides that contracts that are in effect prior to the effective date of the annexation shall continue to be in full force and effect. All public roads and public rights-of-way, within the annexed area, are transferred from the jurisdiction of Broward County to the jurisdiction of the Town of Davie.

C. LAWS OF FLORIDA/FLORIDA STATUTES AFFECTED:

None

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?

N/A

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

The Town of Davie will assume the responsibility for providing urban services to residents residing within said areas to be annexed.

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

N/A

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?

N/A

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

N/A

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

N/A

2. Lower Taxes:

a. Does the bill increase anyone's taxes?

Indeterminate.

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

Indeterminate.

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

Indeterminate.

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

Indeterminate.

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

Indeterminate.

3. Personal Responsibility:

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

N/A

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

The Town of Davie will assume the costs associated with providing services. They will charge taxes and fees to recover the costs of providing such services.

4. Individual Freedom:

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

N/A

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

N/A

5. Family Empowerment:

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

(1) Who evaluates the family's needs?

N/A

(2) Who makes the decisions?

N/A

(3) Are private alternatives permitted?

N/A

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

N/A

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

N/A

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

N/A

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?

N/A

(2) service providers?

N/A

(3) government employees/agencies?

N/A

E. SECTION-BY-SECTION RESEARCH:

Section 1: Extends and enlarges the corporate limits of the Town of Davie to include within its boundaries, the area known as "King's Manor" described in this section.

Section 2: Provides that on the effective date of the act, the Town of Davie is responsible for all municipal powers granted in chapter 166, Florida Statutes, over the annexed territory, subject to an agreement between the Town of Davie and the property owner.

Section 3: Provides that nothing in this chapter impacts any existing contracts, which are in effect prior to the effective date of the annexation, between Broward County and a third party or between nongovernmental entities.

Section 4: Provides that all public roads and public rights of way within the annexed area are transferred from the jurisdiction of Broward County to the jurisdiction of the Town of Davie. The Town of Davie is responsible for any transferred roads upon the effective date of this act.

Section 5: Provides that this act shall take effect October 1 of the year in which enacted, subject to an approval resolution by the Town of Davie Council.

IV. NOTICE/REFERENDUM AND OTHER REQUIREMENTS:

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? February 9, 1998

WHERE? Sun Sentinel (Broward County)

B. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes, attached No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached No

V. COMMENTS:

None.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

On April 15, 1998, the House Committee on Community Affairs adopted two amendments to the bill as originally filed. The first amendment provides that the act is effective, subject to an agreement between the Town of Davie and the owner of the property described in section 1 of the act. The second amendment provides that the Town of Davie must pass a resolution prior to October, 1, 1998 in support of the terms and conditions of the agreement between the town and the aforementioned property owner or the annexation by special act is null and void.

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VII. SIGNATURES:

COMMITTEE ON COMMUNITY AFFAIRS:

Prepared by:

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