

STORAGE NAME: h4795a.ca

DATE: April 21, 1998

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

BILL #: HB 4795

RELATING TO: Broward County

SPONSOR(S): Representative Rayson

COMPANION BILL(S): SB 2690 (i)

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

- (1) COMMUNITY AFFAIRS YEAS 7 NAYS 0
 - (2)
 - (3)
 - (4)
 - (5)
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I. SUMMARY:

This bill provides that the Broward County Legislative Delegation shall authorize studies of the impacts of the annexation of certain properties into the Cities of Deerfield Beach and Pompano Beach. Furthermore, the bill provides that the Broward County Board of County Commissioners shall schedule an election to determine the annexation of certain properties into either the City of Deerfield Beach or the City of Pompano Beach.

The bill provides that all public roads and public rights of way within the annexed areas are transferred from the jurisdiction of Broward County to the jurisdiction of the City of Deerfield Beach or the City of Pompano Beach. The annexing municipality is responsible for any transferred roads upon the effective date of this act.

II. 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:

This bill provides that the Broward County Legislative Delegation shall authorize studies of the impacts of the annexation of certain properties into the Cities of Deerfield Beach and Pompano Beach. Furthermore, the bill provides that the Broward County Board of County Commissioners shall schedule an election to determine the annexation of certain properties into either the City of Deerfield Beach or the City of Pompano Beach.

The bill provides that all public roads and public rights of way within the annexed areas are transferred from the jurisdiction of Broward County to the jurisdiction of the City of Deerfield Beach or the City of Pompano Beach. The annexing municipality is responsible for any transferred roads upon the effective date of this act.

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?

The bill results in the annexation of certain properties into either the City of Deerfield Beach or the City of Pompano Beach. Either city will have all powers granted to local governments. This includes the ability to make rules.

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

The City of Deerfield Beach or the City of Pompano Beach assumes 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?

Residents and businesses within the annexation area are subject to increased property taxes.

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

Residents and businesses within the annexation area are subject to increased franchise fees.

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

Residents and businesses within the annexation area will no longer pay the Broward County municipal service district tax.

- 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?

see 2a. and 2b.

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?

N/A

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: Provides that upon the effective date of this act, the Broward County Legislative Delegation shall have directed a study of certain areas referred to as area 1. The study is designed to determine the effects of annexation of said areas into the Cities of Deerfield Beach and Pompano Beach. The study is required to be complete July 1, 1998. Provides for an election to permit the majority of the voters to determine the annexation of the said areas into either the City of Deerfield Beach or the City of Pompano Beach. Provides a legal description of certain properties to be annexed.

Section 2: Provides that upon the effective date of this act, the Broward County Legislative Delegation shall have directed a study of certain areas referred to as area 2. The study is designed to determine the effects of annexation of said areas into the Cities of Deerfield Beach and Pompano Beach. The study is required to be complete July 1, 1998. Provides for an election to permit the majority of the voters to determine the annexation of the said area into either the City of Deerfield Beach or the City of Pompano Beach. Provides a legal description of certain properties to be annexed.

Section 3: Provides that all public roads and public rights of way within the annexed areas are transferred from the jurisdiction of Broward County to the jurisdiction of the City of Deerfield Beach or the City of Pompano Beach. The annexing municipality is responsible for any transferred roads upon the effective date of this act.

Section 4: Provides that sections 1, 2, and 3 of this act take effect only upon the approval of the majority vote of qualified electors of Broward County residing in area 1 and 2, respectively, voting in a referendum called by the Broward County Board of County Commissioners.

III. NOTICE/REFERENDUM AND OTHER REQUIREMENTS:

A. NOTICE PUBLISHED? Yes [] No [x]

IF YES, WHEN?

WHERE?

B. REFERENDUM(S) REQUIRED? Yes [x] No []

IF YES, WHEN? To be scheduled by the Broward County Board of County Commissioners

C. LOCAL BILL CERTIFICATION FILED? Yes, attached [x] No []

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached [x] No []

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IV. COMMENTS:

None.

V. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

At the March 21, 1998 meeting, the House Committee on Community Affairs adopted two amendments. Amendment 1: deletes current section 4 of the bill; revises the legal description for the Broward County Work Release Facility; and provides that the land use of the facility shall remain as designated according to the Broward County Future Unincorporated Area Land Use Element. Amendment 2 provides that subsequent to the vote of the electors being annexed, the unincorporated lands become part of the elected municipality on "September 15, 1999" in lieu of "January 1, 1999."

VI. SIGNATURES:

COMMITTEE ON COMMUNITY AFFAIRS:

Prepared by:

Legislative Research Director:

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