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DATE: May 29, 2001

****AS PASSED BY THE LEGISLATURE****

CHAPTER #: 2001-339, Laws of Florida

**HOUSE OF REPRESENTATIVES
AS REVISED BY THE
LOCAL GOVERNMENT & VETERANS AFFAIRS
FINAL ANALYSIS – LOCAL LEGISLATION**

BILL #: HB 1785

RELATING TO: Brevard Co./City of Satellite Beach

SPONSOR(S): Representative Haridopolos

TIED BILL(S): None

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

- (1) LOCAL GOVERNMENT & VETERANS AFFAIRS (SGC) YEAS 9 NAYS 0
 - (2) COUNCIL FOR SMARTER GOVERNMENT YEAS 11 NAYS 0
 - (3)
 - (4)
 - (5)
-

I. SUMMARY:

The bill amends the boundaries of the City of Satellite Beach in Brevard County for the purposes of managing and controlling specified property acquired through the P-2000 grant program.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|------------------------------|-----------------------------|---|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. PRESENT SITUATION:

AMENDMENTS TO A MUNICIPAL CHARTER

After a municipal charter is enacted, a municipality may amend its charter in accordance with chapter 166, Florida Statutes, notwithstanding any charter provisions to the contrary. The Act, often referred to as the "Municipal Home Rule Powers Act," provides that the governing body of a municipality may, by ordinance, submit to the electors a proposed charter amendment.

Alternatively, the electors of a municipality may, by petition signed by 10 percent of the registered electors as of the last preceding municipal general election, submit to the electors of a municipality a proposed amendment to its charter. Such an amendment may be to any part or to all of the charter except the part describing the boundaries of the municipality (municipal boundaries changes must be accomplished through annexation or de-annexation as provided in chapter 171, Florida Statutes). The governing body of the municipality shall place the proposed amendment contained in the ordinance or petition to a vote of the electors at the next general election or at a special election called for such purpose.

Upon adoption of an amendment to the municipal charter by a majority of the electors voting in a referendum, the governing body of the municipality is required to incorporate the amendment into the charter and file the revised charter with the Department of State. All amendments are effective on the date specified, or as otherwise provided in the charter.

A municipality may, without referendum and by unanimous vote of the governing body, abolish municipal departments provided for in the municipal charter. It may amend provisions or language out of the charter if judicially construed, either by judgment or by binding legal precedent from a decision of a court of last resort, to be contrary to either the State Constitution or Federal Constitution.

In addition, a municipality may, by ordinance and without referendum, redefine its boundaries to include those lands previously annexed. Such redefinitions must be filed with the Department of State.

C. EFFECT OF PROPOSED CHANGES:

The bill amends the boundaries of the City of Satellite Beach in Brevard County for the purposes of managing and controlling specified property acquired through the P-2000 grant program. Please see "Other Comments" Section.

D. SECTION-BY-SECTION ANALYSIS:

Section 1. Amends the charter of the City of Satellite Beach as follows:

Section 1. Redefines the City's boundaries.

Section 2. Provides effective date of January 1, 2002.

III. NOTICE/REFERENDUM AND OTHER REQUIREMENTS:

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? February 1, 2001

WHERE? Florida Today Newspaper, Melbourne, Brevard County, Florida.

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

IV. COMMENTS:

A. CONSTITUTIONAL ISSUES:

N/A

B. RULE-MAKING AUTHORITY:

N/A

C. OTHER COMMENTS:

The Mayor, Mr. Bob Bolin, representing the City of Satellite Beach submitted a boundary letter stating the following:

This is a formal request by the City of Satellite Beach for special legislation to amend its charter to amend the municipal boundaries provided therein. During the fiscal year, the City of Satellite Beach purchased approximately 2,400 feet of oceanfront property pursuant to P-2000 grants from the State of Florida. Approximately, 1,150 feet of that property is located outside the City of Satellite Beach in unincorporated Brevard County. There is also an intervening 300 foot park outside the city presently operated by Brevard County (Hightower Beach Park), as well as a 100 foot piece of property north of the P-2000 purchase that is owned by the State. The approximate length of the proposed annexation of land is 1,550 feet.

As a part of the P-2000 grant, the City of Satellite Beach was required to provide the state with a proposed unified management plan for all of the property acquired. That plan provided for development and management of the P-2000 parcels purchased by the city, including that portion presently located outside the city. The city is also in the process of negotiating lease/joint use agreements for both the county and State parcels to integrate these parcels into the unified park management/development process.

From a management and control standpoint, it would be beneficial for all of these parcels to be located within the City of Satellite Beach. Development pursuant to the approved management plan could then occur under the sole auspices of the city. Further, from a law enforcement standpoint, it would allow the City of Satellite Beach Police Department to enforce city ordinances and state statutes on the entire parcel, rather than having to contact the Brevard County Sheriff's Department to assist in enforcement on the north stretch of this property.

As a final matter, the City of Satellite Beach is also requesting that the A1A right-of-way from the north end of the proposed annexed beachfront property south to a point where the A1A right-of-way is included within the city limits of Satellite Beach be included in this amendment of the city's municipal boundaries. Presently, none of the A1A right-of-way along any of the above-described beachfront property is included within the city, including the right-of-way adjacent to the property presently located within the city. Based upon existing law, the city is prohibited from annexing any portion of the A1A right-of-way into the city. From a traffic enforcement and emergency response standpoint, the city can provide more rapid response time without concern for conflicting jurisdictional issues if the entire A1A right-of-way in this area is included within the city.

There is no access point on the west side of the proposed A1A right-of-way annexation, except for one ingress/egress at Patrick Drive. The west edge of the proposed A1A right-of-way annexation in the eastern boundary of the Patrick Air Force Base South Housing area, and except for the ingress/egress point at Patrick Drive, is walled.

Neither Brevard County nor the Brevard County Sheriff's Department has any objection to the proposed annexation of either the land or the adjacent A1A right-of-way into the City of Satellite Beach.

Positions From Interested Parties

The Sheriff of Brevard County, Mr. Philip B. Williams, representing the Brevard County:

I have no objections to the City of Satellite Beach annexing portions of the A1A right-of-way and eight acres located in unincorporated Brevard County as described in the attached legal description.

Assistant Parks and Recreation Director, Mr. Jack Masson, representing the Brevard County Board of County Commissioners:

The Brevard County Parks and Recreation Department has no objections to this boundary amendment. This arrangement provides an opportunity for Satellite Beach to deliver parks and recreation services with the least expenditure of public funds.

Bureau of Public Land Administration, Planner II, Mr. Tom Butler, representing the Department of Environmental Protection:

I reviewed your material about the modification of the municipal boundaries of Satellite Beach in the vicinity of the state-owned parcel currently under lease to Brevard County. Based on our understanding of this request and of the associated supporting material, we have no objection to the proposal of the City of Satellite Beach. Our assessment is that the modification of the municipal boundaries in no way affects the state ownership of the parcel in question, its assignment by lease to Brevard County, or its management by Brevard County.

Pursuant to section 9, Article VII, of the State Constitution, the District cannot levy ad valorem taxes on the newly annexed area until the newly annexed area approves the ad valorem levy at referendum. This bill does not provide for such referendum. This does not prohibit the annexation of the area, just the levy of ad valorem taxes on the area.

V. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

None

VI. SIGNATURES:

COMMITTEE ON LOCAL GOVERNMENT & VETERANS AFFAIRS:

Prepared by:

Staff Director:

Terri S. Boggis

Joan Highsmith-Smith

AS REVISED BY THE COUNCIL FOR SMARTER GOVERNMENT:

Prepared by:

Staff Director:

Terri S. Boggis

Don Rubottom

FINAL ANALYSIS PREPARED BY THE COMMITTEE ON LOCAL GOVERNMENT & VETERANS AFFAIRS:

Prepared by:

Staff Director:

Terri S. Boggis

Joan Highsmith-Smith