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1 A bill to be entitled

2 An act relating to Broward County; requiring Broward
3 County to establish a plan for the annexation of
4 unincorporated areas and the annexation of such areas by
5 one or more ordinances; requiring consultation; providing
6 definitions; providing for public hearings; requiring
7 certain notices and publication of notices; providing for
8 interlocal agreement establishing certain criteria for
9 annexations; authorizing referenda; exempting certain
10 property; requiring certain consent for certain
11 annexations; providing for statutory construction;
12 providing an effective date.

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14 Be It Enacted by the Legislature of the State of Florida:

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16 Section 1. (1) Notwithstanding any general or special law
17 to the contrary, the Board of County Commissioners of Broward
18 County shall present a comprehensive plan consistent with the
19 provisions of s. 2, Art. I of the State Constitution no later
20 than November 30, 2004, in consultation with the Broward County
21 Legislative Delegation and the municipalities within the county
22 for the annexation of all remaining developed and developable
23 unincorporated areas within Broward County into those
24 municipalities. No later than September 15, 2005,
25 notwithstanding any general or special law to the contrary, the
26 Board of County Commissioners of Broward County shall by one or
27 more ordinances cause the annexation of all remaining developed
28 and developable unincorporated areas within said county into
29 municipalities in a manner consistent with the established plan.

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30 Such ordinances shall describe each area to be annexed by its
 31 legal description and shall provide the effective date of such
 32 annexations. Notwithstanding any general or special law to the
 33 contrary, or any charter provision to the contrary, such
 34 ordinances shall apply with equal effect to both unincorporated
 35 and municipal areas within the boundary of such county.

36 (2) Each of the areas annexed into a municipality shall be
 37 a part of said municipality pursuant to section 171.062, Florida
 38 Statutes, on the effective date of the annexation. Such
 39 ordinance shall be filed with the Department of State by the
 40 county not later than 30 days subsequent to the date of the
 41 adoption of the ordinance.

42 (3) As used in this act, the following terms shall be
 43 defined as follows:

44 (a) "Municipality" means a municipality created pursuant
 45 to general or special law authorized or recognized pursuant to
 46 s. 2 or s. 6, Art. VIII of the State Constitution.

47 (b) "Contiguous" means that a substantial part of a
 48 boundary of the territory sought to be annexed by a municipality
 49 is coterminous with a part of the boundary of the municipality.
 50 The separation of the territory sought to be annexed from the
 51 annexing municipality by a publicly owned county park; a right-
 52 of-way for a highway, road, railroad, canal, or utility; or a
 53 body of water, watercourse, or other minor geographical division
 54 of a similar nature, running parallel with and between the
 55 territory sought to be annexed and the annexing municipality,
 56 shall not prevent annexation under this act, provided the
 57 presence of such a division does not, as a practical matter,
 58 prevent the territory sought to be annexed and the annexing

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59 municipality from becoming a unified whole with respect to
 60 municipal services or prevent their inhabitants from fully
 61 associating and trading with each other, socially and
 62 economically. However, nothing in this act shall be construed to
 63 allow local rights-of-way, utility easements, railroad rights-
 64 of-way, or like entities to be annexed in a corridor fashion to
 65 gain contiguity. If any provision or provisions of special law
 66 or laws prohibit the annexation of territory that is separated
 67 from the annexing municipality by a body of water or
 68 watercourse, that law shall prevent annexation under this act

69 (c) "Urban services" means any services offered by a
 70 municipality, either directly or by contract, to any of its
 71 present residents.

72 (d) "Compactness" means concentration of a piece of
 73 property in a single area and precludes any action that would
 74 create enclaves, pockets, or finger areas in serpentine
 75 patterns. Any annexation pursuant to this act shall be designed
 76 in such a manner as to ensure that the area will be reasonably
 77 compact.

78 (4) The plan required in subsection (1) shall be
 79 established in the following manner:

80 (a) Broward County shall provide for any staff or
 81 professional services it deems necessary for the preparation and
 82 implementation of the annexation plan.

83 (b) Broward County shall hold at least two public hearings
 84 prior to adoption of the annexation plan.

85 (c) Any such public hearings shall be noticed by
 86 publication at least 7 days in advance of each such meeting in a
 87 newspaper of general circulation in the county.

88 (d) The annexation plan shall include recommendations,
 89 submitted to each area to be annexed, for the extension of urban
 90 services on substantially the same basis and in the same manner
 91 as such services are provided within the rest of the annexing
 92 municipality prior to annexation.

93 (e) Broward County and each municipality that would be
 94 affected by the annexation plan shall attempt to negotiate in
 95 good faith an interlocal agreement between each municipality and
 96 the county. The interlocal agreement should include, at a
 97 minimum, the completion of planned infrastructure improvements
 98 by Broward County and a transitional plan.

99 (5)(a) In determining the annexation of unincorporated
 100 lands within Broward County as provided for by this act, such
 101 county shall utilize the following criteria: the total area to
 102 be annexed must be contiguous to the municipality's boundaries
 103 at the time the annexation proceeding is begun and must maintain
 104 compactness, and no part of the area shall be included within
 105 the boundary of another incorporated municipality.

106 (b) Part or all of the area to be annexed must be
 107 developed for urban purposes. An area developed for urban
 108 purposes is defined as any area which meets any one of the
 109 following standards:

110 1. It has a total resident population equal to at least
 111 two persons for each acre of land included within its
 112 boundaries.

113 2. It has a total resident population equal to at least
 114 one person for each acre of land included within its boundaries
 115 and is subdivided into lots and tracts so that at least 60
 116 percent of the total number of lots and tracts are 1 acre or

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117 less in size.

118 3. It is so developed that at least 60 percent of the
 119 total number of lots and tracts in the area at the time of
 120 annexation are used for urban purposes, and it is subdivided
 121 into lots and tracts so that at least 60 percent of the total
 122 acreage, not counting the acreage used at the time of annexation
 123 for nonresidential urban purposes, consists of lots and tracts 5
 124 acres or less in size.

125 (c) In addition to the area developed for urban purposes,
 126 the Board of County Commissioners of Broward County may include
 127 in the area to be annexed any area which does not meet the
 128 requirements of this subsection if such area meets either of the
 129 following criteria:

130 1. Lies between the municipal boundary and an area
 131 developed for urban purposes, so that the area developed for
 132 urban purposes is either not adjacent to the municipal boundary
 133 or cannot be served by the municipality without extending
 134 services or water or sewer lines through such sparsely developed
 135 area; or

136 2. Is adjacent, on at least 60 percent of its external
 137 boundary, to any combination of the municipal boundary and the
 138 boundary of an area or areas developed for urban purposes as
 139 defined in this subsection.

140 (6) When an unincorporated area meets the criteria in
 141 subsection (5) and is contiguous to more than one municipality,
 142 Broward County is authorized to hold a binding referendum to
 143 determine into which municipality the unincorporated area shall
 144 be annexed. A special election may be called by the Board of
 145 County Commissioners of Broward County wherein only qualified

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146 electors within the unincorporated area as provided in this
 147 subsection shall vote. Notwithstanding section 101.161, Florida
 148 Statutes, the names of some or all contiguous municipalities
 149 shall appear on the ballot. If two municipalities appear on the
 150 ballot pursuant to this subsection, the unincorporated area
 151 shall be annexed into the municipality receiving a majority of
 152 votes of the electors voting in said election. If more than two
 153 municipalities appear on the ballot pursuant to this subsection,
 154 the unincorporated area shall be annexed into the municipality
 155 receiving the plurality of the vote of the electors voting in
 156 said election. Annexations accomplished pursuant to this
 157 subsection shall be effective pursuant to subsection (2) on a
 158 date determined by the county's annexation plan, but in no event
 159 later than September 15, 2005.

160 (7) No existing commercial and entertainment complex
 161 located on property with a land area of at least 50 acres shall
 162 be annexed by the procedure provided in this act unless the
 163 owner or owners consent to the annexation.

164 (8) No existing county regional facility shall be annexed
 165 by the procedure provided in this act unless the affected county
 166 and the annexing municipality consent to same by ordinance of
 167 each governing body with the consent of the regional facility.

168 Section 2. This act shall take effect upon becoming a law.