

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

The bill does not appear to implicate any of the House Principles.

B. EFFECT OF PROPOSED CHANGES:

Effect of Proposed Changes

HB 1669 provides new requirements for a charter county that wishes to avail itself of the exemption from the voluntary annexation provisions of s. 171.044(4), F.S.

The bill renames s. 171.044, F.S., from “voluntary” to “expedited” annexation.

The bill requires a charter county to “set forth verbatim” their exclusive method an “expedited” annexation, and for a “metes and bounds” description to identify the area to be governed by such exclusive method.

The bill appears to require a charter county to amend its charter to provide an exclusive voluntary, now expedited, annexation methodology in a very detailed manner to include a specific identification of the area to be affected.

Background

Currently, s. 171.044(4), F.S., provides:

The method of annexation provided by this section shall be supplemental to any other procedure provided by general or special law, except that this section shall not apply to municipalities in counties with charters which provide for an exclusive method of municipal annexation.

According to a representative of the Florida Association of Counties¹, some six charter counties² currently have charter provisions which provide for an exclusive voluntary annexation method. The bill appears to invalidate such charter provisions.

C. SECTION DIRECTORY:

Section 1. Amends ss. 171.044(2), (4), and (5), F.S.

Section 2. Provides an effective date of July 1, 2005.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

¹ Sarah M. Bleakley, Nabors, Giblin & Nickerson, P.A., Special Counsel to Florida Association of Counties.

² Including Orange County in 1990; Pinellas County in the 2000-2002 time period; and the most recent, Palm Beach County.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not require counties or municipalities to take an action requiring the expenditure of funds, does not reduce the authority that counties or municipalities have to raise revenue in the aggregate, and does not reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Drafting Issues

None.

Comments

The bill appears to affect the outcome of pending litigation wherein The Village of Wellington (Village) is seeking a declaratory judgment and injunctive relief as against Palm Beach County.³ According to an Amended Complaint filed October 12, 2004, the Village seeks relief to invalidate a charter amendment which establishes an exclusive method for voluntary municipal annexation, pursuant to s. 171.044(4), F.S., including the designation of an unincorporated protection area and designation of an unincorporated rural neighborhood.

³ The *Village of Wellington, et. al, v. Palm Beach County, et. al*, Circuit Court, 15th Judicial Circuit, Palm Beach County, Case No. 50-2004-CA9387-XXXXMB-AB.

Proponents: According to a representative⁴ of The Village of Wellington, this municipality supports the bill.

Opponents: According to a representative⁵, the Florida Association of Counties opposes the bill.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

None.

⁴ Claudio Riedi, Esq., Lehtinen Vargas & Riedi, Counsel to The Village of Wellington.

⁵ Sarah M. Bleakley, Nabors, Giblin & Nickerson, P.A., Special Counsel to Florida Association of Counties.