

The Florida Senate
PROFESSIONAL STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: Community Affairs Committee

BILL: SB 2752

INTRODUCER: Senator Ring

SUBJECT: County Boundaries

DATE: April 9, 2007

REVISED: 04/12/07

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Herrin	Yeatman	CA	Fav/1 amendment
2.			GO	
3.			JU	
4.				
5.				
6.				

Please see last section for Summary of Amendments

- Technical amendments were recommended
- Amendments were recommended
- Significant amendments were recommended

I. Summary:

The bill moves 1,949 acres from the jurisdiction of Palm Beach County to Broward County. Land use and zoning designations applicable to the 1,949 acres remain in effect until changes are made by the entity with jurisdiction after the effective date of the bill. Development orders, permits, and licenses in existence on the effective date of this bill remain in effect and shall continue according to their terms. Public roads and the associated rights-of-way within the 1,949 acres are transferred from Palm Beach County to the appropriate jurisdiction. Also, Broward County is embodied with all powers in ch. 125, F.S., and the Broward County Charter with respect to the 1,949 acres. There is a savings clause for contracts entered into prior to the bill's effective date.

This bill substantially amends sections 7.06 and 7.50 of the Florida Statutes. It also creates four unnumbered sections of law.

II. Present Situation:

History of Counties in Florida

While the provisional government and territorial councils provided for county forms of government in Florida, counties did not receive constitutional status until 1861. The Constitution

of 1885 first recognized counties as legal subdivisions of the state. In addition, the Legislature was granted the power to create new counties and alter county boundaries.¹ Gilchrist County was created in 1925 as the last of Florida's current 67 counties.² Since 1925, there have been minor changes to a few county boundaries.

The revised State Constitution of 1968 amended the provision in the 1885 Constitution relating to county formation. Section 1(a), Art. VIII of the State Constitution of 1968, states:

The state shall be divided by law into political subdivisions called counties. Counties may be created, abolished or changed by law, with provision for payment and apportionment of the public debt.

Chapter 7, F.S., provides the boundary lines for Florida's 67 counties. Chapter 125, F.S., outlines the powers and duties of counties.

Golden Wedge or Triangle

The 1,949 acres that are the subject of this bill refers to an area in Palm Beach County that is sometimes known as "the wedge" or the "the golden triangle." This area is located south of the Hillsboro Canal, bordered by Lox Road to the north, and can only be accessed by traveling south on State Road 7 through Broward County and then west on Lox Road.

III. Effect of Proposed Changes:

Section 7.06, F.S., is amended to expand the boundary lines of Broward County to include an additional 1,949 acres.

Section 7.50, F.S., is amended to contract the boundary lines of Palm Beach County to remove 1,949 acres.

Land use and zoning designations applicable to the 1,949 acres remain in effect until the entity with jurisdiction after the effective date of this bill makes changes. All development orders, permits, and licenses in existence on the effective date of this bill remain in effect and shall be permitted to continue under their terms of issuance, notwithstanding the transfer of the 1,949 acres to Broward County.

Public roads and the associated rights-of-way within the 1,949 acres are transferred from Palm Beach County to the appropriate jurisdiction as provided for in this bill.

On the effective date of this bill, Broward County is responsible for and embodied with all powers in ch. 125, F.S., and the Broward County Charter with respect to the 1,949 acres.

This bill contains a savings clause for contracts entered into prior to the effective date of the bill.

¹ *The Local Government Formation Manual*, Government Efficiency and Accountability Council, Committee on Urban and Local Affairs, Florida House of Representatives, 2007 at p. 5.

² *See id.* citing Allen Morris, *The Florida Handbook 1993-1994*, (Tallahassee, Florida: The Peninsular Publishing Company, 1993), pp. 416-418.

The bill takes effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Indeterminate.

C. Government Sector Impact:

Palm Beach County's tax base is reduced by the loss of 1,949 acres and Broward County's base is increased.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Summary of Amendments:

Barcode 514400 by Community Affairs:

The amendment annexes approximately 470 acres of the 1,949 acres that are the subject of the bill into the City of Parkland in Broward County. It also provides the City of Parkland with the municipal powers in ch. 166, F.S., over the annexed territory. The provision that transfers all public roads and the public rights-of-way from Palm Beach County to Broward County for those lands that are the subject of this bill is amended to transfer the roads and rights-of-way to the City of Parkland for the lands annexed into that city under this bill. For purposes of the bill, the procedures in ch. 96-542 and 99-447, Laws of Florida, relating to annexation procedures for unincorporated property within Broward County, are superseded.

In addition, the bill requires Palm Beach and Broward Counties to execute an interlocal agreement by September 30, 2007, that provides for payment or apportionment of any public debt relating to the 1,949 acres in order to comply with s. 1, Art. VII of the State Constitution. It adds a severability clause. Finally, the amendment conditions the effective date of the bill on latter of the:

- review by the Department of Community Affairs' of a specified plan amendment to Palm Beach County's local comprehensive plan and the department's issuance of a notice of intent to find the amendment in compliance with s. 163.3184, F.S.;
- issuance of a final order by the Administration Commission finding the plan amendment in compliance with s. 163.3184, F.S.; or
- abandonment by Palm Beach County of the road rights-of-way identified in the bill and expiration of any appeal of the abandonment.