

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 775

Town of Loxahatchee Groves, Palm Beach County

SPONSOR(S): Vana

TIED BILLS:

IDEN./SIM. BILLS:

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Committee on Urban & Local Affairs</u>	<u>8 Y, 0 N</u>	<u>Nelson</u>	<u>Kruse</u>
2) <u>Government Efficiency & Accountability Council</u>	<u></u>	<u></u>	<u></u>
3) <u></u>	<u></u>	<u></u>	<u></u>
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SUMMARY ANALYSIS

The Town of Loxahatchee Groves, a rural community in Palm Beach County, was incorporated in 2006. This bill amends the charter for the municipality by: (1) amending the legal description of the town boundaries to clarify the exclusion of a parcel of property from the city limits; and (2) revising transition language which addresses the applicability of Palm Beach County ordinances within the town.

The bill provides an effective date of upon becoming law.

According to the Economic Impact Statement, this bill will not have a fiscal effect.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

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

B. EFFECT OF PROPOSED CHANGES:

Present Situation

Town of Loxahatchee Groves

Chapter 2006-328, L.O.F., created a charter for the Town of Loxahatchee Groves in Palm Beach County. On October 10, 2006, this act was submitted to the qualified electors residing within the proposed corporate limits of the Town of Loxahatchee Groves, who approved the charter and the establishment of the town. Section 9(7) of the Town of Loxahatchee Groves' charter provides that the charter may be amended in accordance with the provisions for charter amendments as specified in general law.

The current charter includes a legal description for the corporate boundaries of the town, and a transition schedule. This transition schedule provides for a special election to choose five town council members on March 13, 2007. See, s. 10 (2) of ch. 2006-328, L.O.F. The transition schedule also provides for such matters as first year expenses of the town, transitional ordinances and resolutions, temporary emergency ordinances, and transitional comprehensive plan and land development regulations.

Municipal Charter Amendments

Section 2(a) of Art. VIII of the State Constitution provides that the charter of a municipality may be amended pursuant to general or special law.

Section 166.031, F.S., provides that the governing body of a municipality may, by ordinance, or the electors of a municipality may, by petition signed by 10 percent of the registered electors, submit to the electors of said municipality a proposed amendment to its charter, which amendment may be to any part or to all of said charter *except that part describing the boundaries of such municipality*. The governing body of the municipality must place the proposed amendment contained in the ordinance or petition to a vote of the electors at the next general election held within the municipality or at a special election called for such purpose. Upon adoption of an amendment to a charter by a majority of the electors voting in a referendum, the governing body of the municipality is required to have the amendment incorporated into the charter and must file the revised charter with the Department of State. All amendments are effective on the date specified therein or as otherwise provided in the charter. A municipality may amend its charter pursuant to this section notwithstanding any charter provisions to the contrary. This section is supplemental to the provisions of all other laws relating to the amendment of municipal charters and is not intended to diminish any substantive or procedural power vested in any municipality by present law. A municipality may, by ordinance and without referendum, redefine its boundaries to include only those lands previously annexed.

The Palm Beach County Charter

Palm Beach County became a charter county in 1985. As such, it is governed by s. 1(g) of Art. VIII of the State Constitution which provides that counties operating under county charters shall have all powers of local self-government not inconsistent with general law, or with special law approved by vote of the electors. The governing body of a county operating under a charter may enact county ordinances not inconsistent with general law. The charter of such a county is required to provide which shall prevail in the event of a conflict between county and municipal ordinances.

Section 1.3 of the Palm Beach County Charter provides that municipal ordinances prevail over county ordinances to the extent of any conflict, regardless of the time of passage of the municipal ordinances, except that the county ordinances shall prevail over conflicting municipal ordinances: (1) in matters relating to the protection of wells and well fields; (2) in matters relating to school, county-owned beaches, district parks and regional parks, solid waste disposal, county law enforcement, and impact fees collected for county road programs and public buildings; and in matters related to county fire-rescue impact fees and county library impact fees in those municipalities whose properties are taxed by the county for library and/or fire-rescue services, respectively; (3) for the adoption and amendment of the countywide land use element; and (4) in matters relating to the establishment of levels of service for collector and arterial roads which are not the responsibility of any municipality, and the restriction of the issuance of development orders which would add traffic to such roads which have traffic exceeding the adopted level of service, provided that such ordinance is adopted and amended by a majority of the board of county commissioners.

Effect of Proposed Changes

HB 775 amends ch. 2006-328, L.O.F., the special act which established the Town of Loxahatchee Groves and provided its charter. The bill revises the legal description for the Town of Loxahatchee Groves to clarify that a parcel of property is excluded from the city limits. This action is in response to concerns raised by the Palm Beach County Property Appraiser's office that the current legal description, which involves a rather lengthy account after the words "LESS AND EXCEPT" in paragraph (a) of subsection (3) of s.1 of ch. 2006-328, L.O.F., could be interpreted to not include a piece of land described in a separate paragraph and so adds the term "[a]lso less" to prevent that result.

Additionally, the bill revises transition language which addresses the applicability of Palm Beach County ordinances within the Town of Loxahatchee Groves. It removes superfluous language, and clarifies language with regard to the granting of variances to existing Palm Beach County ordinances, rules and regulations within the town, adding language which provides for such to be granted if authorized by the Palm Beach County Charter.

Finally, the bill provides an effective date of upon becoming law.

C. SECTION DIRECTORY:

Section 1: Amends paragraph (a) of subsection (3) of s.1 of ch. 2006-328, L.O.F., to revise the legal description for the corporate boundaries of the Town of Loxahatchee Groves.

Section 2: Amends subsection (5) of s.10 of chapter 2006-328, L.O.F., to clarify the applicability of Palm Beach County ordinances within the Town of Loxahatchee Groves.

Section 3: Provides an effective date of upon becoming law.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? January 12, 2007

STORAGE NAME: h0775a.ULA.doc
DATE: 3/7/2007

PAGE: 3

WHERE?

The Palm Beach Post, a daily newspaper of general circulation published in Palm Beach County.

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

The Economic Impact Statement indicates that this bill will have no fiscal effect.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

D. STATEMENT OF THE SPONSOR

No statement submitted.

IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES