

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 785
Broward County

Town of Lauderdale-By-The-Sea and the Village of Sea Ranch Lakes,

SPONSOR(S): Seiler

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) _____	_____	_____	_____
3) _____	_____	_____	_____
4) _____	_____	_____	_____
5) _____	_____	_____	_____

SUMMARY ANALYSIS

This bill provides for a boundary adjustment between two cities in Broward County. It corrects a legal description in an earlier special act which established the corporate limits of the Town of Lauderdale-By-The-Sea and the Village of Sea Ranch Lakes.

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

The bill provides an effective date of upon becoming law.

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:

Present Situation

Constitutional/Statutory Provisions Relating to Annexation¹

Section 2 (c), of Art. VIII of the State Constitution provides that “[m]unicipal annexation of unincorporated territory, merger of municipalities, and exercise of extra-territorial powers by municipalities shall be as provided by general or special law.” This provision authorizes the Legislature to annex unincorporated property into a municipality by special act. It also authorizes the Legislature to establish procedures in general law for the annexation of property.

The Legislature established local annexation procedures by general law in 1974, with the enactment of ch. 171, F. S., the “Municipal Annexation or Contraction Act.” Chapter 171, F. S., describes the ways that property can be annexed or deannexed by cities without passage of an act by the Legislature.

Broward County Annexations

Broward County is located on Florida’s South Atlantic coast and consists of nearly 1,200 square miles with a population of approximately 1.8 million residents.² Broward County currently contains 31 municipalities, the majority of which achieved their current corporate boundaries through a multitude of annexations.

The 1996 Florida Legislature adopted a special act³ which describes Broward County has having “numerous scattered unincorporated pockets which reflect the haphazard manner in which annexation into municipalities has taken place over the years by the application of general annexation laws of the state....” This law requires that any annexation of unincorporated property within Broward County proposed to be accomplished pursuant to general law first must be considered at a public hearing conducted by the Broward County Legislative Delegation, pursuant to its adopted rules. The annexation is not effective until the 15th day of September following adjournment sine die of the next regular legislative session following the completion of all necessary procedures for annexation.

That same year, in cooperation with the Broward County Board of County Commissioners, the Broward County Legislative Delegation created the “Ad Hoc Committee on Annexation Policy.” The delegation charged the committee with the responsibility of developing and recommending policy regarding future annexations. The committee recommended that annexation of all unincorporated areas of Broward County be encouraged to occur by the year 2010, and that any remaining unincorporated areas would be subject to annexation by the Florida Legislature. In 2001, this goal was changed to the year 2005.

The Broward County Legislative Delegation sponsors several local annexation bills each year.

¹ The term “annexation” is defined in the Florida Statutes to mean “the adding of real property to the boundaries of an incorporated municipality, such addition making such real property in every way a part of the municipality.” See, s. 171.031(1), F.S.

² Florida Estimates of Population 2006, Bureau of Economic and Business Research, University of Florida.

³ Chapter 96-542, L.O.F., as amended by ch. 99-447, L.O.F.

Effect of Proposed Changes

This bill provides for a boundary adjustment between the Town of Lauderdale-By-The-Sea and the Village of Sea Ranch Lakes in Broward County along State Road A1A. The bill will reduce the corporate limits of the Town of Lauderdale-By-The-Sea, and extend the corporate limits of the Village of Sea Ranch Lakes. It amends ch. 2004-446, L.O.F., an earlier special act which established the boundaries of these municipalities, to correct a legal description. The previous legal description "had numerous typographical errors that have been corrected in the proposed [b]ill."⁴

The bill provides an effective date of upon becoming law.

C. SECTION DIRECTORY:

Section 1: Amends ss. 1 and 2 of ch. 2004-446, L.O.F., to correct a boundary between the Town of Lauderdale-By-The-Sea and the Village of Sea Ranch Lakes.

Section 2: Provides an effective date.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? January 12, 2007.

WHERE? The *Sun-Sentinel*, a daily newspaper of general circulation published in Broward 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

According to the Economic Impact Statement, the bill will have no fiscal effect.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

⁴ Richard Pryce, Vice President, Surveying and G.I.S., Craven Thompson and Associates, Inc., in a March 5, 2007, letter to the city attorney for the Village of Sea Ranch Lakes.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Drafting Issues

None.

Other Comments

The bill is supported by both the Village of Sea Ranch Lakes and the Town of Lauderdale-By-The-Sea.⁵

D. STATEMENT OF THE SPONSOR

No statement submitted.

IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES

⁵ Telephone conversation on February 21, 2007, with Don Doody, attorney for the Village of Sea Ranch Lakes, and March 15, 2007, letter from Esther Colon, assistant town manager for the Town of Lauderdale-By-The-Sea.