

ENROLLED  
CS/HB 1129

2010 Legislature

1                                   A bill to be entitled  
2           An act relating to City of Tamarac, Broward County;  
3           extending and enlarging the corporate limits of the City  
4           of Tamarac to include specified unincorporated lands  
5           within such corporate limits; providing for an effective  
6           date of annexation; providing for an interlocal agreement;  
7           providing for land use and zoning governance; providing  
8           legislative findings; providing requirements for the  
9           levying of fire rescue special assessments; providing for  
10          an assessment methodology review and report on the fire  
11          rescue special assessment; prohibiting the charging of  
12          certain impact fees; providing applicability to existing  
13          contracts; providing for transfer of public roads and  
14          rights-of-way; providing an effective date.

15  
16   Be It Enacted by the Legislature of the State of Florida:

17  
18           Section 1. The following described lands shall be annexed  
19 into and a part of the City of Tamarac effective September 15,  
20 2010:

21  
22           Prospect Field Road/West Commercial Boulevard  
23 Annexation Boundary is described as follows:

24  
25           A portion of Section 17, Township 49 South, Range 42  
26 East, Broward County, Florida, more particularly  
27 described as follows: BEGIN at the point of  
28 intersection of the North line of the Southeast One-

ENROLLED  
CS/HB 1129

2010 Legislature

29 Quarter (SE 1/4) of the Northeast One-Quarter (NE 1/4)  
 30 of said Section 17 with the East line of the West One-  
 31 Half (W 1/2) of the Southeast One-Quarter (SE 1/4) of  
 32 the Northeast One-Quarter (NE 1/4) of said Section 17,  
 33 said point being on the municipal boundary of the City  
 34 of Tamarac, as established by Ordinance No. 0-81-17  
 35 of the City of Tamarac; Thence along said municipal  
 36 boundary the following 3 courses; Thence Westerly,  
 37 along said North line, to a point 50.00 feet East of  
 38 the West line of the Southeast One-Quarter (SE 1/4) of  
 39 the Northeast One-Quarter (NE 1/4) of said Section 17;  
 40 Thence Southerly, along a line 50.00 feet East of and  
 41 parallel with the West line of the Southeast One-  
 42 Quarter (SE 1/4) of the Northeast One-Quarter (NE 1/4)  
 43 of said section 17, said line being the East right of  
 44 way line of Prospect Field Road, to a point of  
 45 intersection with the South line of the North One-Half  
 46 (N 1/2) of the Northwest One-Quarter (NW 1/4) of the  
 47 Southeast One-Quarter (SE 1/4) of the Northeast One-  
 48 Quarter (NE 1/4) of said Section 17; Thence Easterly,  
 49 along said South line, to the Southeast corner of the  
 50 North One-Half (N 1/2) of the Northwest One-Quarter  
 51 (NW 1/4) of the Southeast One-Quarter (SE 1/4) of the  
 52 Northeast One-Quarter (NE 1/4) of said Section 17,  
 53 said point being on the municipal boundary of the City  
 54 of Fort Lauderdale, as established by Chapter 71-640,  
 55 Laws of Florida; Thence Northerly, along the East line  
 56 of the Northwest One-Quarter (NW 1/4) of the Southeast

ENROLLED  
CS/HB 1129

2010 Legislature

57 One-Quarter (SE 1/4) of the Northeast One-Quarter (NE  
58 1/4) of said Section 17, and along said municipal  
59 boundary to the POINT OF BEGINNING.

60  
61 Prospect Field Road/N.W. 31st Avenue Annexation  
62 Boundary is described as follows:

63  
64 A portion of Sections 8 and 17, Township 49 South,  
65 Range 42 East, Broward County, Florida, described as  
66 follows: BEGIN at the point of intersection of the  
67 North right of way line of Prospect Field Road with  
68 a line 264 feet East of and parallel with the West  
69 line of said Section 8, said point being on the  
70 municipal boundary of the City of Fort Lauderdale, as  
71 established by Chapter 71-640, Laws of Florida;  
72 Thence along said municipal boundary the following 3  
73 courses; Thence Easterly, along said North right of  
74 way line, to the North line of said Section 17; Thence  
75 Easterly, along said North line of Section 17, to the  
76 West line of Lot 11 of, LITTLE FARMS, according to the  
77 plat thereof, as recorded in Plat Book 27, Page 29 of  
78 the Public Records of Broward County, Florida; Thence  
79 Southerly, along said West line and the Southerly  
80 prolongation thereof, to the centerline of Orange  
81 Street as shown on said plat of, LITTLE FARMS, said  
82 point being on the municipal boundary of the City of  
83 Fort Lauderdale, as established by Ordinance No. C-  
84 87-10 of the City of Fort Lauderdale; Thence

ENROLLED  
CS/HB 1129

2010 Legislature

85        Southerly, along the West line of Lot 30 of said plat  
 86        and the Northerly prolongation thereof and said  
 87        municipal boundary, to a point on the South line of  
 88        the Northwest One-Quarter (NW 1/4) of the Northwest  
 89        One-Quarter (NW 1/4) of the Northeast One-Quarter (NE  
 90        1/4) of said Section 17, said point being on the  
 91        municipal boundary of the City of Tamarac, as  
 92        established by Ordinance No. 0-81-17 of the City of  
 93        Tamarac. Thence along said municipal boundary of the  
 94        City of Tamarac the following 3 courses; Thence  
 95        Westerly, along said South line, to the Southwest  
 96        corner of the Northeast One-Quarter (NE 1/4) of the  
 97        Northeast One-Quarter (NE 1/4) of the Northwest One-  
 98        Quarter (NW 1/4) of said Section 17; Thence Southerly  
 99        to the Southeast corner of the Southwest One-Quarter  
 100       (SW1/4) of the Northeast One-Quarter (NE 1/4) of the  
 101       Northwest One-Quarter (NW 1/4) of said Section 17;  
 102       Thence Westerly to the Southwest corner of the  
 103       Southwest One-Quarter (SW1/4) of the Northeast One-  
 104       Quarter (NE 1/4) of the Northwest One-Quarter (NW 1/4)  
 105       of said Section 17, said point being on the municipal  
 106       boundary of the City of Fort Lauderdale, as  
 107       established by Ordinance No. C-72-22 of the City of  
 108       Fort Lauderdale; Thence along said municipal boundary  
 109       the following 4 courses; Thence Westerly, along the  
 110       South line of the Northwest One-Quarter (NW 1/4) of  
 111       the Northwest One-Quarter (NW 1/4) of said Section 17,  
 112       to the West line of said Section 17; Thence Northerly,

ENROLLED  
CS/HB 1129

2010 Legislature

113 along said West line, to the South line of the West  
 114 264 feet of the North One-Half (N 1/2) of the North  
 115 One-Half (N 1/2) of the Northwest One-Quarter (NW 1/4)  
 116 of the Northwest One-Quarter (NW 1/4) of said Section  
 117 17; Thence Easterly, along said South line, to the  
 118 Southeast corner thereof;

119  
 120 Thence Northerly, along the East line thereof, to the  
 121 POINT OF BEGINNING.

122 Section 2. An interlocal agreement shall be developed  
 123 between the governing bodies of Broward County and the City of  
 124 Tamarac and executed prior to the effective date of the  
 125 annexation as specified in section 1. The agreement shall  
 126 address infrastructure improvement projects and include a  
 127 financially feasible plan for transitioning county services,  
 128 buildings, infrastructure, waterways, and employees.

129 Section 3. Upon annexation into the municipality, the  
 130 areas described in section 1 shall be governed by the zoning  
 131 regulations of Broward County as amended through March 1, 2010,  
 132 which shall apply to all areas described in section 1, which is  
 133 Zone M-3 Heavy Manufacturing. In applying the adopted provisions  
 134 of the Broward County Zoning Code, each reference to a  
 135 commission, board, or employee of Broward County shall be  
 136 construed to refer to its nearest counterpart in the City of  
 137 Tamarac. The Broward County Zoning Code shall be interpreted and  
 138 applied to the maximum extent possible. The city may codify the  
 139 applicable Broward County zoning regulations in effect as of  
 140 March 1, 2010, into the city's own zoning regulations, provided

ENROLLED  
CS/HB 1129

2010 Legislature

141 that such codification is done without any changes other than  
142 chapter and section numbers or references to any applicable city  
143 commission, board, or employee. Any change of zoning districts  
144 or land use designations may be accomplished only by enactment  
145 of the vote of the majority of the full governing body of the  
146 municipality plus one. Any use, building, or structure that is  
147 legally in existence at the time of annexation within the area  
148 described in section 1 shall not be made a prohibited use by the  
149 City of Tamarac.

150       Section 4. The Legislature finds that it is fair and  
151 reasonable to provide for a partial exemption from any fire  
152 rescue special assessment levied by the City of Tamarac to all  
153 parcels within the area described in section 1 in order that the  
154 amounts collected from these parcels are equal to the amounts  
155 that were collected from these parcels by Broward County for the  
156 provision of fire rescue services before annexation. The area  
157 described in section 1 includes a zoning category and uses that  
158 are materially different from those currently existing within  
159 the city and that may not be addressed in the city's current  
160 fire rescue special assessment methodology. These new uses will  
161 provide economic diversity and opportunities to the city that  
162 presently do not exist. Moreover, the annexation of these  
163 parcels into the city will provide economic benefits not  
164 otherwise available to the city, including, without limitation,  
165 increased ad valorem tax revenue paid directly by the annexed  
166 parcels, which will fund and enhance other city services  
167 provided citywide which, if not for the enhanced revenues  
168 received from the annexed parcels, would have to be funded

ENROLLED  
CS/HB 1129

2010 Legislature

169 through existing revenues. The exemption shall be equal to the  
 170 amount of the special assessment levied by the City of Tamarac  
 171 on the parcels within the area described in section 1 in excess  
 172 of the amount that would have been charged the same parcels by  
 173 Broward County through its fire assessment had the area  
 174 described in section 1 remained an unincorporated area of  
 175 Broward County. This partial exemption shall remain in place,  
 176 notwithstanding any other statute or ordinance regarding non-ad  
 177 valorem assessments. If Broward County discontinues its fire  
 178 rescue special assessment, the exemption shall remain in place  
 179 using the amount collected by the City of Fort Lauderdale had  
 180 the area been part of Fort Lauderdale, and if both Broward  
 181 County and Fort Lauderdale cease to levy fire rescue special  
 182 assessments, the assessment levied by the City of Tamarac shall  
 183 then be collected from the parcels within the area described in  
 184 section 1. Any shortfall in revenues by the city as a result of  
 185 this exemption shall be funded by any available funding sources  
 186 other than the fire rescue special assessment. The city shall  
 187 complete an assessment methodology review and report for its  
 188 fire rescue special assessment, to include an analysis of the  
 189 parcels within the area described in section 1, within 1 year  
 190 after the effective date of the annexation.

191 Section 5. The City of Tamarac may not charge any impact  
 192 fees to any parcel within the area described in section 1 for  
 193 any uses or development existing as of the effective date of the  
 194 annexation that under the city's ordinances would have been due  
 195 to the city for the existing uses had they been developed under  
 196 the city's code. Development and uses that commence on or after

ENROLLED  
CS/HB 1129

2010 Legislature

197 the effective date of the annexation shall be subject to the  
198 city's impact fees.

199 Section 6. Nothing in this act may be construed to affect  
200 or abrogate the rights of parties to any contracts, whether they  
201 be between Broward County and a third party or between  
202 nongovernmental entities, which contracts are in effect prior to  
203 the effective date of the annexation.

204 Section 7. All public roads, and the public rights-of-way  
205 associated therewith, in the Broward County Road System, lying  
206 within the limits of the lands subject to annexation in this act  
207 as described in Section 1, are transferred from the jurisdiction  
208 of Broward County to the jurisdiction of the City of Tamarac on  
209 the effective date of the annexation. All rights, title,  
210 interests, and responsibilities for any transferred roads,  
211 including, but not limited to, the ownership, operation,  
212 maintenance, planning, design, and construction of such roads  
213 and the rights-of-way associated therewith, shall transfer from  
214 the jurisdiction and ownership of Broward County to the  
215 jurisdiction and ownership of the City of Tamarac on the  
216 effective date of the annexation.

217 Section 8. This act shall take effect upon becoming a law.