

## **FINAL BILL ANALYSIS**

**BILL #:** HB 865

**FINAL HOUSE FLOOR ACTION:**

117 Y's 0 N's

**SPONSOR:** Rep. Jenne

**GOVERNOR'S ACTION:** Approved

**COMPANION BILLS:** N/A

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## **SUMMARY ANALYSIS**

HB 865 passed the House on April 27, 2011, and subsequently passed the Senate on May 2, 2011. The bill was approved by the Governor on June 24, 2011, chapter 2011-252, Laws of Florida, and took effect June 24, 2011. The bill amends the charter for the Town of Southwest Ranches to reflect changes already made through referenda. This bill also adds clarifying and additional language to the charter relevant to the town's rural residential character, procedures for filling vacancies, and to clarify town council voting requirements.

**This document does not reflect the intent or official position of the bill sponsor or House of Representatives.**

## I. SUBSTANTIVE INFORMATION

### A. EFFECT OF CHANGES:

#### Current Situation

##### Constitutional/Statutory Provisions Relating to Municipal Charters

Section 2(a) of Art. VIII of the State Constitution provides that “[m]unicipalities may be established or abolished and their charters amended pursuant to general or special law.” This provision authorizes the Legislature to amend a municipal charter through special act.

Chapter 166, F.S., contains provisions relevant to municipal powers. Section 166.031, F.S., outlines requirements relevant to municipal charter amendments, including the requirement that each municipality provide procedures for filling vacancies.<sup>1</sup>

##### Town of Southwest Ranches

The Town of Southwest Ranches is a municipal corporation located in Broward County. The Legislature authorized a referendum for the creation of the municipality and provided for its original charter through chapter 2000-475, L.O.F. The town’s motto is “Preserving our Rural Lifestyle,” and it describes itself as being predominantly residential, with some agricultural areas and minimal commercial or industrial areas.<sup>2</sup> While officially binding action is handled by the town council, several advisory boards staffed by town volunteers offer policy suggestions to the council and oversee the planning of town functions such as parades.<sup>3</sup>

#### Effect of the Bill:

The community places great emphasis on its rural character, as evidenced by its motto and self-description, and this bill adds reference to the town’s “rural” character to its charter to match this emphasis. Additionally, since its incorporation, the town has held referenda to amend its charter.<sup>4</sup> This bill will amend ch. 2000-475, L.O.F., to match the changes made through referendum.

The charter currently does not contain a procedure for filling vacancies, which could leave questions as to how to proceed if a vacancy occurs and would appear to not fulfill the requirement under section 166.031, F.S. Additionally, the town was concerned that arbitrary selection of

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<sup>1</sup> S. 166.031(6), F.S.

<sup>2</sup> Town of Southwest Ranches, Town Home Page, <http://www.southwestranches.org/> (last visited Mar. 17, 2011); Town of Southwest Ranches, Current Advisory Boards, <http://www.southwestranches.org/Boards/boards.html> (last visited Mar. 16, 2011).

<sup>3</sup> Phone conversation with Keith M. Poliakoff, Town Attorney, Town of Southwest Ranches (Mar. 16, 2011); Town of Southwest Ranches, Current Advisory Boards, <http://www.southwestranches.org/Boards/boards.html> (last visited Mar. 16, 2011).

<sup>4</sup> On November 4, 2003, the Town of Southwest Ranches held a referendum to amend its charter which repealed several sections, including section 9.03. The charter still contained cross references to this repealed section, which this bill corrects. The 2003 referendum also changed portions of section 5.01 of the charter, and this bill conforms the language of ch. 2000-475, L.O.F., to match. See The Charter of the Town of Southwest Ranches, Florida, *available at* [http://www.southwestranches.org/Official%20Docs/files/official\\_docs040325-TownCharter-Amend.pdf](http://www.southwestranches.org/Official%20Docs/files/official_docs040325-TownCharter-Amend.pdf); see also Town of Southwest Ranches Ordinance No. 2003-11.

replacements could occur if a formal process was not included.<sup>5</sup> This bill will insert a process that will fulfill the statutory requirement and allow opportunity for the town to assess the qualifications of candidates before selecting replacements.

Presently, the charter requires all voting to be conducted through roll call, a requirement that applied to not only council decisions, but also non-binding decisions made by advisory boards. Roll call votes have proven unwieldy for the advisory boards, so this bill clarifies that only the town council is required to use the roll call procedure (though the advisory boards may still use a roll call if they choose to do so).

The town would prefer to have these changes made through Special Act as they feel that spending tax dollars on ballot initiatives would not be “prudent in this economic climate.”<sup>6</sup> The Council supported this recommendation with a unanimous vote.<sup>7</sup>

## II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

**A. NOTICE PUBLISHED?** Yes  No

**IF YES, WHEN?**

January 20, 2011

**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

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<sup>5</sup> Phone conversation with Keith M. Poliakoff, Town Attorney, Town of Southwest Ranches (Mar. 16, 2011)

<sup>6</sup> Town of Southwest Ranches, Resolution No. 2011-005 (Oct. 20, 2010).

<sup>7</sup> *Id.*