

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 1297 City of Dania Beach, Broward County

SPONSOR(S): Jenne

TIED BILLS: None **IDEN./SIM. BILLS:** None

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Community & Military Affairs Subcommittee	14 Y, 0 N	Read	Hoagland
2) Agriculture & Natural Resources Subcommittee	14 Y, 0 N	Deslatte	Blalock
3) Economic Affairs Committee	16 Y, 0 N	Read	Tinker

SUMMARY ANALYSIS

This bill provides for the municipal annexation of an area seaward of the City of Dania Beach. The area to be annexed extends three miles offshore to the territorial boundary of Florida. The main effect of this annexation will be the inclusion of the Dania Pier in the City of Dania Beach. Currently the pier is outside of the city's jurisdiction even though the city has proprietary interest via a sovereign submerged lands lease for the land beneath the pier.

The bill is expected to have no fiscal impact.

The bill's effective date is upon becoming a law.

Pursuant to House Rule 5.5(b), a local bill providing an exemption from general law may not be placed on the Special Order Calendar for expedited consideration. The provisions of House Rule 5.5(b) appear to apply to this bill because the area proposed to be annexed does not meet the minimum requirements of s. 171.043, F.S., which defines the types of areas that may be annexed.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background:

The City of Dania Beach is an incorporated municipality in southeast Broward County. One of the main attractions in the City of Dania Beach is the Dania Pier, which extends approximately 1,300 feet into the Atlantic Ocean.¹ However, most of the pier, i.e., those parts seaward of the mean low water mark, is not within the territorial boundaries of the city.² The city's territorial boundary ends at the mean low water mark. As such, the city is unable to enforce their municipal ordinances on the pier.³

The eastern territorial boundary of both the State of Florida⁴ and Broward County⁵ extends out into the Atlantic Ocean three miles off the coast of Florida.

Annexation:

Article VII, Section 2(c) of the Florida Constitution states 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.” Chapter 171, F.S., sets out statutory requirements for municipal annexation. However, due to limitations contained in Ch. 171, F.S.,⁶ the City of Dania Beach is unable to annex the proposed area under the procedures described in that chapter.

Annexation of sovereign submerged lands seaward to the territorial limits of Florida (three miles off the coast) is also consistent with the practice of other municipalities in Broward County. Pompano Beach,⁷ Lauderdale-by-the-Sea,⁸ and Fort Lauderdale⁹ have each annexed such sovereign submerged lands.

Effect of Proposed Changes:

The bill would result in the annexation of all sovereign submerged lands extending three miles out into the Atlantic Ocean.

B. SECTION DIRECTORY:

Section 1: Describes the area to be annexed.

Section 2: Provides an effective date of becoming law.

¹ See Joe Julavits, *Countdown to Opening Day: Pier pressure for new facility*, THE JACKSONVILLE TIMES-UNION (July 25, 2004) available at http://jacksonville.com/tu-online/stories/072504/spo_16184226.shtml.

² Per correspondence with Broward Legislative Delegation (January 18, 2012).

³ Per correspondence with Bob Daniels, City Manager, City of Dania Beach (January 20, 2012).

⁴ Article X, Sec. 16(c)(5) (defining “nearshore and inshore Florida waters” as “all Florida waters inside a line three miles seaward of the coastline along the Gulf of Mexico and inside a line one mile seaward of the coastline along the Atlantic Ocean.”).

⁵ Section 7.06, F.S.

⁶ See s. 171.043, F.S., describing lands that may be annexed. The reason the area proposed to be annexed does not satisfy the this requirement is that the sovereign submerged lands are neither developed for urban purposes, s. 171.043(2), F.S., nor lying between the municipal boundary and an area developed for urban purposes, s. 171.043(3)(a), F.S., nor “adjacent, on at least 60 percent of its external boundary, to any combination of the municipal boundary and the boundary of an area or areas developed for urban purposes,” s. 171.043(3)(a), F.S.

⁷ Article I, Sec 2 of the Pompano Beach Charter.

⁸ See Ch. 2002-357, L.O.F. (annexing sovereign submerged lands out to “the eastern boundary line of the State of Florida”); Art. II, Sec 2-2 of the Town of Lauderdale-by-the-Sea Charter.

⁹ Article II, Sec. 2-01 of the Fort Lauderdale Charter.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? December 7, 2011

WHERE? The Sun-Sentinel 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, there will be no economic impact as a result of this bill.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Pursuant to House Rule 5.5(b), a local bill providing an exemption from general law may not be placed on the Special Order Calendar for expedited consideration. The provisions of House Rule 5.5(b) appear to apply to this bill because the area proposed to be annexed does not meet the minimum requirements of s. 171.043, F.S., which defines the types of areas that may be annexed.

Section 171.043 sets the minimum requirements for areas that may be annexed. The area to be annexed must be: (1) contiguous to the municipality; and (2) either developed for urban purposes or be in between other areas developed for urban purposes. Because the annexing of sovereign submerged lands does not satisfy these minimum requirements for annexation, this bill may be an exemption from general law.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None.