

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Budget Subcommittee on Finance and Tax

BILL: CS/SB 800

INTRODUCER: Budget Subcommittee on Finance and Tax; and Senator Negron

SUBJECT: County Boundary Lines

DATE: December 8, 2011 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Toman	Yeatman	CA	Favorable
2.	Fournier	Diez-Arguelles	BFT	Fav/CS
3.			BC	
4.				
5.				
6.				

Please see Section VIII. for Additional Information:

- | | | |
|------------------------------|-------------------------------------|---|
| A. COMMITTEE SUBSTITUTE..... | <input checked="" type="checkbox"/> | Statement of Substantial Changes |
| B. AMENDMENTS..... | <input type="checkbox"/> | Technical amendments were recommended |
| | <input type="checkbox"/> | Amendments were recommended |
| | <input type="checkbox"/> | Significant amendments were recommended |

I. Summary:

CS/SB 800 (the bill) moves a 129-acre area from the jurisdiction of St. Lucie County to Martin County. The bill substantially amends sections 7.43 and 7.59 of the Florida Statutes. It provides for the transfer of all public roads and rights-of-way within the transferred area to be transferred to Martin County, requires the governing bodies of the affected counties to enter into an interlocal agreement for transferring services, buildings, infrastructure, waterways, and employees. It provides for revenue raised from the transferred land to be shifted to Martin County over a 5 year period, and it requires that the transfer be made subject to approval of the affected voters in a referendum.

II. Present Situation:

History of Counties in Florida

While the provisional government and territorial councils provided for county forms of government in Florida, counties did not receive constitutional status until 1861. The Constitution

of 1885 first recognized counties as legal subdivisions of the state. In addition, the Legislature was granted the power to create new counties and alter county boundaries.¹ Gilchrist County was created in 1925 as the last of Florida's current 67 counties.²

The revised State Constitution of 1968 amended the provision in the 1885 Constitution relating to county formation. Section 1(a), Art. VIII of the State Constitution of 1968, states:

The state shall be divided by law into political subdivisions called counties. Counties may be created, abolished or changed by law, with provision for payment and apportionment of the public debt.

Chapter 7, F.S., provides the boundary lines for Florida's 67 counties. Chapter 125, F.S., outlines the powers and duties of counties.

County boundary changes of the past 25 years include those involving:

- Franklin and Wakulla counties in 1986,³
- Escambia and Santa Rosa counties in 1991,⁴
- Citrus and Levy counties in 1994,⁵ and
- Broward and Palm Beach counties in 2007⁶

Beau Rivage

The 129 acres that are the subject of this bill are known as Beau Rivage which abuts the north fork of the St. Lucie River in St. Lucie County. The area currently features 223 single family homes and 27 vacant lots and is divided into six subdivisions.⁷ Although part of St. Lucie County physically, the area is not directly connected to the rest of the county by a county-owned or maintained right-of-way. Access is via Britt Road from U.S. 1 in Martin County. Beau Rivage's 550-plus residents all have Stuart, Florida, addresses.

By interlocal agreement between the St. Lucie County School Board and the Martin County School Board, students residing in Beau Rivage may attend schools located in Martin County. There is also a mutual aid agreement in place between the St. Lucie County Fire District and Martin County Fire Rescue. All properties within Beau Rivage are served by septic tanks and wells.

¹ Economic Affairs Committee, The Florida House of Representatives, *Local Government Formation Manual, 2010-2011*, <http://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=2605&Session=2011&DocumentType=General%20Publications&FileName=Local%20Government%20Formation%20Manual%202010-202011.pdf>.

² See *id.* citing Allen Morris, *The Florida Handbook 1993-1994*, (Tallahassee, Florida: The Peninsular Publishing Company, 1993), pp. 416-418.

³ Chapter 86-288, Laws of Fla.

⁴ Chapter 91-310, Laws of Fla.

⁵ Chapter 94-313, Laws of Fla.

⁶ Chapter 2007-222, Laws of Fla.

⁷ E-mail from Audrey Jackson, Governmental Affairs Manager, St. Lucie County Property Appraiser's Office, (Dec. 20, 2011) (on file with the Senate Committee on Community Affairs). The six subdivisions are Bay Colony, Beau Rivage, Blair, Eventide, Howard Creek Estates, and The Plantations.

III. Effect of Proposed Changes:

Section 1 amends s. 7.43, F.S., to expand the boundary lines of Martin County to include an additional 129 acres.

Section 2 amends s. 7.59, F.S., to contract the boundary lines of St. Lucie County to remove 129 acres.

Section 3 provides for the transfer of all public roads and rights-of-way within the transferred area to be transferred to Martin County.

Section 4 requires the governing bodies of the affected counties to enter into an interlocal agreement for transferring services, buildings, infrastructure, waterways, and employees. It provides for revenue raised from the transferred land to be shifted to Martin County over a 5 year period

Section 5 provides that this act shall take effect only upon its approval by the affected voters in a referendum.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

Residents in the Beau Rivage area may experience changes in emergency response times. These residents would be subject to Martin County taxing authorities rather than St. Lucie County taxing authorities.

C. Government Sector Impact:

Martin County and St. Lucie County will experience corresponding increases or decreases to their tax bases over a 5-year period. According to the St. Lucie County

Property Appraiser's Office, the 2011 taxable value of the Beau Rivage area is \$59,549,039.⁸

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Budget Subcommittee on Finance and Tax on January 24, 2012:

- Transfers public roads and rights-of-way within the transferred area from St. Lucie County to Martin County.
- Requires the governing bodies of the affected counties to enter into an interlocal agreement, and provides for a gradual transfer of revenue generated by the transferred property.
- Requires the transfer to be approved by the affected voters in a referendum.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

⁸ On file with the Senate Committee on Community Affairs.