

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 871 City of Weston and Town of Davie, Broward County

SPONSOR(S): Clarke-Reed

TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local Government Affairs Subcommittee	13 Y, 0 N	Miller	Miller
2) Local & Federal Affairs Committee	16 Y, 0 N	Miller	Kiner

SUMMARY ANALYSIS

The bill adjusts the boundary between the City of Weston and the Town of Davie to properly locate a 32.5 acre parcel currently described as being within the separate boundaries of both municipalities. The entire parcel is owned by one entity that agrees to the boundary adjustment locating the entire parcel in the Town of Davie.

The requested boundary adjustment appears to require enactment by the Legislature because the City of Weston cannot recede, or "contract," from the subject parcel under the requirements of general law.

The proposed act is effective upon becoming law.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

The Town of Davie was incorporated in 1961.¹ The charter of the City of Weston was adopted by the Legislature in 1996² and the creation of the City subsequently approved by referendum.

Part of the boundary description for the City of Weston described a 32.5 acre portion of property north of Weston Road within Section 20, Township 50 South, Range 40 East,³ which area previously was described within the boundaries and jurisdiction of the Town of Davie. The parcel is owned by R & R Davie, LLC. The City of Weston, Town of Davie, R & R Davie, LLC, and the Indian Trace Development District negotiated an agreement to adjust the boundaries of the municipalities in order for the parcel owned by R & R Davie LLC to be located solely within the municipal boundaries of the Town of Davie.⁴

Municipal Contraction

General law provides for municipalities to contract their boundaries by ordinance.⁵ This authority pertains only to areas which would not meet the criteria for municipal annexation under s. 171.043, F.S., or if the exclusion would make part of the municipality noncontiguous with the remainder of the incorporated area.⁶ For example, a municipality has authority to contract its boundaries by receding from areas that are not contiguous to the municipality's boundaries, are not compact, are not developed for urban purposes, or do not meet certain minimum population levels.

In this matter, the City of Weston would be unable to meet the criteria for contraction because the subject parcel is contiguous to the City, appears to be developed for urban purposes, and otherwise would appear to be subject to annexation if not for being within the jurisdiction of the Town of Davie.

Effect of Proposed Changes

The bill would remove the parcel from the legal description of the City of Weston and locate it exclusively within the boundaries of the Town of Davie, resolving a conflict of municipal boundaries and jurisdiction.

B. SECTION DIRECTORY:

Section 1: Adjusts the respective corporate limits of the City of Weston and the Town of Davie to locate a single 32.5 acre parcel solely within the boundaries and jurisdiction of the Town of Davie.

Section 2: Revises the legal description of the corporate limits of the City of Weston.

Section 3: Revises the legal description of the corporate limits of the Town of Davie.

¹ Ch. 61-2056, Laws of Fla.

² Ch. 96-472, Laws of Fla.

³ Ch. 96-472, s. 1, Laws of Fla.

⁴ At its meeting of June 11, 2014, the Davie Town Council adopted Resolution R-2014-104, approving the "Agreement Between The City of Weston, Florida, The Town of Davie, Florida, The Indian Trace Development District, and R & R Davie, LLC, Regarding Municipal Boundaries," at http://www.davie-fl.gov/Pages/DavieFL_CouncilMin/2014/ (accessed 3/22/2015). A copy of the agreement and other materials is available at

<http://davie.novusagenda.com/agendapublic/CoverSheet.aspx?ItemID=540&MeetingID=40> (accessed 3/22/2015). The City of Weston adopted Resolution 2014-61, approving the Agreement, at its meeting of July 2, 2014, at <http://westonfl.org/Departments/CityClerk/AgendasMinutes.aspx> (accessed 3/22/2015).

⁵ S. 171.051, F.S.

⁶ S. 171.052, F.S.

Section 4: Except as amended by the act, confirms and continues the corporate limits of the City of Weston and the Town of Davie existing immediately before adoption of the act.

Section 5: Provides the act takes effect upon becoming law.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? December 28, 2014

WHERE? Sun-Sentinel, Broward County, Florida

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

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

The bill neither authorizes nor requires implementation by executive branch rulemaking.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Correction of municipal boundaries by act of the Legislature appears necessary because the affected municipalities are not authorized by general law to correct their boundaries by ordinance.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES