

**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.)

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Prepared By: The Professional Staff of the Committee on Governmental Oversight and Accountability

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BILL: SB 716

INTRODUCER: Senator Mayfield

SUBJECT: County Boundaries

DATE: January 31, 2020

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Toman</u>	<u>Ryon</u>	<u>CA</u>	<b>Favorable</b>
2.	<u>McVaney</u>	<u>McVaney</u>	<u>GO</u>	<b>Favorable</b>
3.	_____	_____	<u>RC</u>	_____

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**I. Summary:**

SB 716 alters the boundary lines of Indian River County and St. Lucie County. These alterations will move a 0.65 acre parcel from St. Lucie County to Indian River County and transfer 5.56 acres of land from Indian River County to St. Lucie County.

The bill shift revenues and expenditures between Indian River County and St. Lucie County and the respective school districts. The bill has no impact on state revenues and expenditures.

The bill takes effect upon becoming a law.

**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.<sup>1</sup> Gilchrist County was created in 1925 as the last of Florida's current 67 counties.<sup>2</sup>

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<sup>1</sup> State Affairs Committee and Local, Federal & Veterans Affairs Subcommittee, The Florida House of Representatives, *2018 - 2020 Local Government Formation Manual*, available at <https://myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=3025&Session=2019&DocumentType=General%20Publications&FileName=2018-2020%20Local%20Government%20Formation%20Manual%20Final.pdf> (last visited Jan. 21 2020).

<sup>2</sup> Chapter 11371, Laws of Fla. (1925).

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.

### **Changes in County Boundaries<sup>3</sup>**

Adjusting the legal descriptions of one or more counties requires an amendment to general law. The Legislature has passed several acts changing existing county boundaries by amending the appropriate section of ch. 7, F.S. A bill seeking to change county boundaries should include an accurate legal description of the affected real property. Proper description of the subject area enables effective notice to those whose interests are affected substantially by the proposed governmental change.

County boundary changes of the past 35 years include those involving:

- Franklin and Wakulla counties in 1986,<sup>4</sup>
- Escambia and Santa Rosa counties in 1991,<sup>5</sup>
- Citrus and Levy counties in 1994,<sup>6</sup>
- Broward and Palm Beach counties in 2007,<sup>7</sup> and
- St. Lucie County and Martin counties in 2012.<sup>8</sup>

### **Highway A1A Boundary Line for Indian River County and St. Lucie County<sup>9</sup>**

Property located at 2498 S. Highway A1A is partially located in both Indian River County and St. Lucie County. In 1991, the counties entered into an agreement regarding the construction of a home at the address. The agreement addressed issues pertaining to the development of the property, including permitting, impact fees and concurrency. The agreement, however, did not address issues relating to the provision of services to the property. In 2019, the property's owner contacted both counties regarding the enactment of a boundary change, which would allow the entire property to be located in Indian River County.

County staff from both Indian River and St. Lucie met and came to an equitable boundary change to accommodate the request. The boundary change would result in moving 0.65 acres

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<sup>3</sup> See *supra* note 1.

<sup>4</sup> Chapter 86-288, Laws of Fla.

<sup>5</sup> Chapter 91-310, Laws of Fla.

<sup>6</sup> Chapter 94-313, Laws of Fla.

<sup>7</sup> Chapter 2007-222, Laws of Fla.

<sup>8</sup> Chapter 2012-45, Laws of Fla.

<sup>9</sup> See Indian River County Administrator, *Resolution Requesting the Legislature Enact a General Bill Amending Boundary Line between Indian River County and St. Lucie County* (Oct. 9, 2019) and County Attorney, St. Lucie County, *County Commission Agenda Request on Resolution No. 19-196* (Sep. 11, 2019) (both on file with the Senate Committee on Community Affairs).

from St. Lucie County to Indian River County and transfer 5.56 acres of land from Indian River County to St. Lucie County. Owners of the affected parcels indicated their support for the boundary change and each county passed a resolution requesting the Florida Legislature to enact a bill altering the legal descriptions of both counties.<sup>10</sup>

### **III. Effect of Proposed Changes:**

The bill amends s. 7.31, F.S., to alter the boundary lines of Indian River County and s. 7.59, F.S., to alter the boundary lines of St. Lucie County. These alterations will move a 0.65 acre parcel from St. Lucie County to Indian River County and transfer 5.56 acres of land from Indian River County to St. Lucie County. Similarly, the Indian River County School District and the St. Lucie County School District will experience similar impacts.<sup>11</sup>

The bill shall take effect upon becoming a law.

### **IV. Constitutional Issues:**

#### **A. Municipality/County Mandates Restrictions:**

Not applicable. The bill does not require counties and municipalities to spend funds, reduce counties' or municipalities' ability to raise revenue, or reduce the percentage of a state tax shares with counties and municipalities.

#### **B. Public Records/Open Meetings Issues:**

None.

#### **C. Trust Funds Restrictions:**

None.

#### **D. State Tax or Fee Increases:**

None.

#### **E. Other Constitutional Issues:**

None identified.

### **V. Fiscal Impact Statement:**

#### **A. Tax/Fee Issues:**

None.

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<sup>10</sup> St. Lucie County Resolution No. 19-196 (Oct. 1, 2019) and Indian River County Resolution No. 2019-092 (Oct. 15, 2019) (both on file the Senate Committee on Community Affairs).

<sup>11</sup> FLA. CONST. Art. IX, s. 4, provides that each county constitutes a school district.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

According to the Indian River County Administrator's Office, the boundary change will have minimal fiscal impact on Indian River County.<sup>12</sup> Information from the County Attorney Office in St. Lucie County indicates that the boundary change will result in a small reduction in ad valorem taxes collected in St. Lucie County.<sup>13</sup> Similar impacts may be expected for the Indian River County School District and the St. Lucie County School District.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 7.31 and 7.59.

**IX. Additional Information:****A. Committee Substitute – Statement of Changes:**

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

None.

**B. Amendments:**

None.

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

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<sup>12</sup> Indian River County Administrator, *Resolution Requesting the Legislature Enact a General Bill Amending Boundary Line between Indian River County and St. Lucie County* (Oct. 9, 2019) (on file with the Senate Committee on Community Affairs).

<sup>13</sup> County Attorney, St. Lucie County, *County Commission Agenda Request on Resolution No. 19-196* (Sep. 11, 2019) (on file with the Senate Committee on Community Affairs).