

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1315

County Boundaries

SPONSOR(S): Hasner

TIED BILLS:

IDEN./SIM. BILLS: SB 2752

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Government Efficiency & Accountability Council</u>	<u></u>	<u>Nelson</u>	<u>Cooper</u>
2) <u>Policy & Budget Council</u>	<u></u>	<u></u>	<u></u>
3) <u></u>	<u></u>	<u></u>	<u></u>
4) <u></u>	<u></u>	<u></u>	<u></u>
5) <u></u>	<u></u>	<u></u>	<u></u>

SUMMARY ANALYSIS

This bill revises the boundary between Broward and Palm Beach Counties. It amends general law to extend the boundaries of Broward County and to decrease the boundaries of Palm Beach County, thus transferring the property at issue. The bill provides that:

- All land use and zoning designations applicable to the subject property will continue in effect until changed by the entity or entities with jurisdiction over the land subsequent to the effective date of the act.
- Any change to the land use, zoning or land development regulations pertaining to the subject property subsequent to the effective date of the act must be undertaken by the applicable jurisdiction pursuant to that jurisdiction's procedures.
- All development orders, permits and licenses pertaining to the subject property in existence on the effective date of the act will remain in effect and permitted to continue in accordance with their terms.
- All public roads and associated public rights-of-way contained within the subject property will be transferred from Palm Beach County's jurisdiction to the appropriate jurisdiction.
- On the effective date of the act, Broward County will be embodied with all powers granted pursuant to specified statutory provisions and the Broward County Charter over the transferred territory.

The bill also provides for the continuation of contracts in effect prior to the effective date of the act, and for an effective date of upon becoming law.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

This bill does not appear to implicate any of the House Principles.

B. EFFECT OF PROPOSED CHANGES:

Present Situation

Florida Constitution/Statutes

Section 1 (a) of Art. VIII of the State Constitution, provides that:

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

Chapter 7, F.S., describes the boundary lines for Florida's 67 counties. Since 1925, approximately 31 general laws revising existing county boundaries have passed the Legislature.¹

Palm Beach and Broward Counties

Palm Beach and Broward Counties are both charter counties located in southeastern Florida. Approximately 1,949 acres of land in the southern section of Palm Beach County is separated geographically from the remainder of the county by a water boundary created by the Hillsboro Canal. The property at issue forms a triangle-shaped parcel west of U.S. 441 (known as State Road 7 in Broward County) and south of the canal, and is commonly referred to as "The Wedge" or "The Golden Triangle." This site consists of 67.63 percent vacant land and 27.14 percent agricultural use. The remaining land is used for industrial and commercial purposes, and includes a storage yard, distribution site and one mobile home.²

The land's multiple owners intend to build 2,822 homes and 350,000 square feet of commercial space. Broward and Palm Beach Counties have indicated that, at the present time, necessary governmental services may only be provided to the 1,940 acres by traveling on Broward County roadways.³ There has been public resistance to construction of additional access due to traffic impacts on existing residential areas.

Effect of Proposed Changes

This bill revises the boundaries of Broward and Palm Beach Counties. It amends s. 7.06, F.S., to extend the boundaries of Broward County and s. 7.50, F.S., to decrease the boundaries of Palm Beach County, thus transferring the property at issue.

¹ The Local Government Formation Manual, Committee on Urban & Local Affairs, Florida House of Representatives, 2007.

² March 16, 2007, e-mail from Andy Maurodis, Deerfield Beach City Attorney.

³ The property may be accessed from Palm Beach County by driving south through Broward County on State Road 7, then west on Lox Road.

The bill provides that:

- All land use and zoning designations applicable to the subject property, with the exception of any overlay district,⁴ will continue in effect until changed by the entity or entities with jurisdiction over the land subsequent to the effective date of the act. This language requires that the Palm Beach County land use and zoning designations will continue with regard to the property—after the property has been transferred to Broward County—until such designations are changed by Broward County.
- Any change to the land use, zoning or land development regulations pertaining to the subject property subsequent to the effective date of the act must be undertaken by the applicable jurisdiction pursuant to that jurisdiction's procedures. This language requires that any change undertaken by Broward County to the land use, zoning or land development regulations pertaining to the subject property—after the property has been transferred to Broward County—must be undertaken pursuant to Broward County procedures.
- All development orders, permits and licenses pertaining to the subject property in existence on the date the property is transferred to Broward County will remain in effect and permitted to continue in accordance with their terms. According to the drafters of the bill, this language was included to accommodate a property owner (WCI Communities, Inc.) that has a mining operation on its land, and an existing permit and license. Apparently, Broward County does not allow this type of activity. The existence or nature of other permits, licenses and development orders and licenses is unknown, and the future issuance of such is unpredictable.
- All public roads and associated public rights-of-way contained within the subject property will be transferred from Palm Beach County's jurisdiction to the appropriate jurisdiction as described in the act. It is assumed that this language means that all public roads and associated right-of-way will be transferred to Broward County as that is the only jurisdiction contemplated by the bill.
- On the effective date of the act, Broward County will be responsible for and embodied with all powers granted by ch. 125, F.S., and the Broward County Charter over the transferred territory. Chapter 125, F.S., "County Government," outlines various powers and duties of chartered and non-chartered counties, and the Broward County Charter also outlines general powers of the county.

The act also provides for the continuation of contracts in effect prior to its effective date, and for an effective date of upon becoming law.

C. SECTION DIRECTORY:

Section 1: Amends s. 7.06, F.S., to revise the boundary lines of Broward County.

Section 2: Amends s. 7.50, F.S., to revise the boundary lines of Palm Beach County.

Section 3: Provides an unnumbered section of law relating to land use and zoning designations.

⁴ This term is not defined by the Florida Statutes. Overlay districts typically are developed in conjunction with the preparation of a comprehensive land-use plan. An overlay district is an additional zoning requirement that is placed on a geographic area but does not change the underlying zoning.

Section 4: Provides an unnumbered section of law relating to public roads and the public rights-of-way.

Section 5: Provides an unnumbered section of law relating to county powers.

Section 6: Provides an unnumbered section of law relating to continuation of contracts.

Section 7: Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:⁵

1. Revenues:

Revenue Sharing

A number of taxes are distributed to counties pursuant to an allocation formula including the Constitutional Fuel Tax, County Fuel Tax, County Revenue Sharing Program and Local Government Half-Cent Sales Tax Program. Typical allocation formulas include:

Constitutional Fuel Tax

$\frac{1}{4}$	x	$\frac{\text{County Area}}{\text{State Area}}$
$\frac{1}{4}$	x	$\frac{\text{County Population}}{\text{State Population}}$
$\frac{1}{2}$	x	$\frac{\text{Total Tax Collected Countywide during the previous fiscal year}}{\text{Total Tax Collected Statewide during the previous fiscal year}}$

County Fuel Tax:

$\frac{1}{4}$	x	$\frac{\text{County Area}}{\text{State Area}}$
$\frac{1}{4}$	x	$\frac{\text{County Population}}{\text{State Population}}$
$\frac{1}{2}$	x	$\frac{\text{Total Tax Collected on County Retail Sales and Use in the Prior FY}}{\text{Total Tax Collected Statewide on Retail Sales and Use in the Prior FY}}$

⁵ Fiscal impact data has been requested from both Broward and Palm Beach Counties, but is unavailable.

County Revenue Sharing Program:

Apportionment

$$\text{Factor} = \frac{\text{County Population} + \text{Unincorporated County Population} + \text{County Sales Tax Collection}}{3}$$

While no calculations have been undertaken, given the relative size and population of Palm Beach and Broward Counties, and the small acreage involved in this transfer, the transfer should have an insignificant effect on the portion of state shared revenues received by each county. A request has been made to the Department of Revenue to confirm this statement.

Taxes and Assessments

Palm Beach County will lose any revenues associated with taxes and assessments paid by the property transferred to Broward County, while Broward County will gain any such revenues.

2. Expenditures: Palm Beach County will no longer have expenditures associated with the property transferred to Broward County, while Broward County may now have such expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Unknown.

D. FISCAL COMMENTS:

The City Attorney for Deerfield Beach has indicated that no special taxing districts exist within the boundaries of the land to be transferred.⁶

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable because this bill does not appear to: require cities or counties to spend funds or take an action requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Drafting Issues

- Section 3 of the bill makes a reference to "overlay district," which should be deleted.

⁶ March 16, 2007, e-mail from Andy Maurodis.

- The second sentence of Section 3 is unnecessary and should be deleted as it is presumed that Broward County would act in accordance with its own rules.
- Section 4 should be reworded to note that the roads are being transferred to Broward County.
- Section 5 should be rewritten so that it no longer appears to limit Broward County powers to those granted in ch. 125, F.S., and its charter, but reads “embodied with all powers granted pursuant to the State Constitution and Florida Statutes, and the Broward County Charter....”⁷
- Provision should be made for payment or apportionment of the public debt.

Other Comments

Both Palm Beach and Broward Counties support this bill.⁸

D. STATEMENT OF THE SPONSOR

No statement submitted.

AMENDMENTS/COUNCIL SUBSTITUTE CHANGES

⁷ Pursuant to s. 1(g) of Art. VIII, of the State Constitution, counties operating under county charters have all powers of local self-government not inconsistent with general law, or with special law approved by vote of the electors. Thus, the Constitution provides a direct constitutional grant of power of self-government to a county upon charter approval.

⁸ Conversation with Edward Labrador, Broward County Office of Public & Governmental Relations, March 14, 2007, and conversation with Todd J. Bonlarron, Legislative Affairs Director, Palm Beach County Board of County Commissioners, on March 15, 2007.