

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 1609

City of Lauderdale Lakes, Broward County

SPONSOR(S): Seiler

TIED BILLS:

IDEN./SIM. BILLS:

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Committee on Urban & Local Affairs</u>	<u>8 Y, 0 N</u>	<u>Nelson</u>	<u>Kruse</u>
2) <u>Government Efficiency & Accountability Council</u>	<u>11 Y, 0 N</u>	<u>Nelson</u>	<u>Cooper</u>
3) _____	_____	_____	_____
4) _____	_____	_____	_____
5) _____	_____	_____	_____

SUMMARY ANALYSIS

The charter of the City of Lauderdale Lakes in Broward County provides its city commission with the power to create boards, authorities and commissions by ordinance, and to specify the membership and duties for these entities. The city is in the process of enhancing its various boards, and advocates including not only city residents, but also non-resident business owners and other individuals who have a vested interest in the community. Currently, the city charter requires that persons serving on its boards, authorities and commissions be residents or employees of the city.

This bill amends the charter to permit persons who are not city residents or employees to serve on city boards, authorities and commissions. It also deletes language which requires persons serving on these entities to take an oath of office attesting to their residency.

The bill provides an effective date of upon becoming law.

According to the Economic Impact Statement, the bill is not expected to have a fiscal impact on any individuals, businesses or governments.

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

Constitutional/Statutory Provisions

Section 2(b), Art. VIII of the State Constitution provides that:

Municipalities shall have governmental, corporate and proprietary powers to enable them to conduct municipal government, perform municipal functions and render municipal services, and may exercise any power for municipal purposes except as otherwise provided by law....

Chapter 166, F.S., the "Municipal Home Rule Powers Act" grants extensive home rule power to all Florida municipalities. Once a municipal charter is enacted by the Legislature and approved by the affected voters in the area, it may be amended in accordance with the Act, notwithstanding any charter provisions to the contrary.¹

The Act provides that the governing body of a municipality may, by ordinance, submit a proposed charter amendment to the electors. Alternatively, the electors of a municipality may, by petition signed by 10 percent of the registered electors as of the last municipal general election, submit to the electors of a municipality a proposed amendment to its charter. Such an amendment may be to any part or to all of the charter except the part describing the boundaries of the municipality. The governing body of the municipality must place the proposed amendment contained in the ordinance or petition to a vote of the electors at the next general election or at a special election called for such purpose.²

Upon adoption of an amendment to the municipal charter by a majority of the electors voting in a referendum, the governing body of the municipality must incorporate the amendment into the charter and file the revised charter with the Department of State. All amendments are effective on the date specified in the amendment, or as otherwise provided in the charter.³

The City of Lauderdale Lakes

The City of Lauderdale Lakes in Broward County was incorporated in 1961 pursuant to ch. 61-2386, L.O.F. The city comprises an area of approximately four square miles in the "heart" of the county, with its center at the crossroads of State Road 7 and Oakland Park Boulevard. At the time of incorporation, there were approximately 300 residents in the area. Currently, the city has a population of nearly 32,000, served by 133 full-time and 43 part-time employees.⁴

¹ Section 166.031(3), F.S.

² Section 166.031(1), F.S.

³ Section 166.031(2), F.S.

⁴ See, <http://www.lauderdalelakes.org/>.

The charter of the City of Lauderdale Lakes provides its city commission with the power to create boards, authorities and commissions by ordinance, and to specify the membership and duties for these entities. The city is in the process of enhancing its various boards, authorities and commissions, and believes that it would be advantageous to include not only city residents, but also non-resident business owners and other individuals who have a vested interest in the community. Section 3.13 of the Lauderdale Lakes' charter requires that persons serving on its boards, authorities and commissions be residents or employees of the city. If this requirement is not eliminated through a local bill, it will necessitate a charter amendment referendum.⁵

Effect of Proposed Changes

This bill amends s. 3.13 of the charter of the City of Lauderdale Lakes, to permit persons who are not city residents or employees to serve on city boards, authorities and commissions which are created by the city commission pursuant to ordinance. The bill also removes language which requires persons serving on these entities to take an oath of office attesting to their residency.

The bill provides an effective date of upon becoming law.

C. SECTION DIRECTORY:

Section 1: Amends s. 3.13 of the charter of the City of Lauderdale Lakes to remove residency requirements relating to persons serving on city boards.

Section 2: Provides an effective date.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN?

February 9, 2007.

WHERE?

The *Sun-Sentinel*, a daily newspaper of general circulation published 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, the bill is not expected to have a fiscal impact on any individuals, businesses or governments. The city merely is attempting to broaden the scope of individuals who are able to participate on city boards by including not only residents and employees of the city but also business owners or other people who may have a vested interest in assisting the city with fulfilling its goals.

⁵ See, s. 9.01 of Article IX of the charter of the City of Lauderdale Lakes.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Drafting Issues

None.

Other Comments

The city commission of the City of Lauderdale Lakes adopted Resolution No. 06-149 on September 26, 2006, requesting this bill from the Florida Legislature, through the Broward County Legislative Delegation.

D. STATEMENT OF THE SPONSOR

No statement submitted.

IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES

None.