

**HOUSE OF REPRESENTATIVES
FINAL BILL ANALYSIS**

BILL #: HB 871

FINAL HOUSE FLOOR ACTION:

SPONSOR(S): Clarke-Reed

116 Y's

1 N's

**COMPANION
BILLS:** N/A

GOVERNOR'S ACTION: Approved

SUMMARY ANALYSIS

HB 871 passed the House on April 24, 2015, and subsequently passed the Senate on April 29, 2015. 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 bill is projected to have no financial impact.

The bill was approved by the Governor on June 10, 2015, ch. 2015-190, and became effective on that date.

I. SUBSTANTIVE INFORMATION

A. EFFECT OF 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 the Bill

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

II. FISCAL ANALYSIS, ECONOMIC IMPACT STATEMENT, & NOTICE/REFERENDUM

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:
None.
2. Expenditures:

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.

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. ECONOMIC IMPACT STATEMENT FILED? Yes No

D. NOTICE PUBLISHED? Yes No

IF YES, WHEN? December 28, 2014

WHERE? Sun-Sentinel, Broward County, Florida

E. REFERENDUM(S) REQUIRED? Yes No