

House Bill No. 1561

An act relating to Broward County; extending the corporate limits of the Cities of Fort Lauderdale and Pompano Beach and the Town of Lauderdale-By-The-Sea; providing for annexation by election of the unincorporated areas known as the “Intracoastal/Beach Area” and surrounding areas; providing for incorporation of a new municipality by election; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. The Cities of Fort Lauderdale and Pompano Beach and the Town of Lauderdale-By-The-Sea have duly enacted resolutions submitted to the Broward County Legislative Delegation, setting forth their intent to prepare proposals for annexation of the “Intracoastal/Beach Area,” as described in section 4.

Section 2. (1) The Broward County Legislative Delegation has directed a study of the area east of the Intracoastal Waterway, west of the Atlantic Ocean, south of the corporate limits of the City of Pompano Beach, and north of the corporate limits of the Town of Lauderdale-By-The-Sea and the Village of Sea Ranch Lakes. The study shall determine the effects of annexation into any municipality proposing an annexation in the studied areas or the incorporation of the studied area into a new municipality. The study shall also include a determination of the viability of a new municipality composed only of the “Intracoastal/Beach Area,” as described in section 4. Further, the study shall determine the effects of annexation/incorporation on the employees of Broward County and how to ameliorate same. This study shall be performed by an independent agency or educational institute not affected or associated with the proposed annexation as determined by the Legislative Delegation of Broward County. The cost of the study shall be borne by Broward County.

(2) The residents of the “Intracoastal/Beach Area” and the participating municipalities shall have input as to who does the study and the parameters of said study. Broward County shall be responsible for the printing and distribution of the study to each household in the “Intracoastal/Beach Area.” Further, Broward County shall be responsible for all notices for meetings concerning presentation and discussions of the study to be held by homeowner associations in the “Intracoastal/Beach Area” areas.

(3) In no event shall this act be interpreted to affect in any way the powers or authority of the Village of Sea Ranch Lakes as an independent municipal corporation. The Legislature recognizes the right of the Village of Sea Ranch Lakes to continue to exist as an independent municipal corporation and no aspect of the study contemplated by this act nor the election to be held for potential annexation of portions of unincorporated Broward County into any of the existing municipalities included within the act, nor vote for incorporation of a new municipality, shall interfere with or be construed to adversely affect the autonomy of the Village of Sea Ranch

Lakes. No municipality or other governmental entity within Broward County shall enter into any interlocal or other agreement with any other municipality, governmental entity, or person which interferes with or adversely affects:

(a) Any existing agreement to which the Village of Sea Ranch Lakes is a party for the provision or delivery of municipal services to the Village of Sea Ranch Lakes by any municipality, governmental entity, or person; or

(b) The rights, privileges, or obligations of the Village of Sea Ranch Lakes in the future to provide or contract for the delivery of municipal services to the Village of Sea Ranch Lakes.

Section 3. No later than October 1, 1999, each municipality which enacted a resolution pursuant to section 1 may inform the Broward County Legislative Delegation that it desires to proceed with its annexation proposal made pursuant to section 1, and that if a resolution as described is received by the Broward County Legislative Delegation no later than October 1, 1999, each municipality shall appear on a ballot.

Section 4. The legal description of the "Intracoastal/Beach Area" is as follows:

A parcel of land in Sections 6 and 7 of Township 49 South, Range 43 East, being more particularly described as follows:

Begin at the intersection of the South line of Section 7, Township 49 South, Range 43 East and the centerline of the Intracoastal Waterway; THENCE Northerly along the centerline of the Intracoastal Waterway to the intersection with a line 25 feet south of and parallel with the North line of Section 7, Township 49 South, Range 43 East; THENCE Easterly along the said parallel line to the Easterly right-of-way line of the Intracoastal Waterway; THENCE Northerly along the said Easterly right-of-way line to the Southwest corner of Lot 1, Block 16 of TERRA MAR ISLAND ESTATES, SECOND ADDITION, as recorded in Plat Book 31, Page 20 of the Public Records of Broward County, Florida; THENCE Southeasterly along the South line of said Lot 1, Block 16 to the Southeast corner of said Lot 1, Block 16; THENCE Northeasterly along the East line of said Lot 1, Block 16 to the Westerly extension of the South line of Block 12 of said TERRA MAR ISLAND ESTATES, SECOND ADDITION; THENCE Easterly along the said South line of Block 12 and the extension thereof to the West line of Lot 1, Block 15 of said TERRA MAR ISLAND ESTATES, SECOND ADDITION; THENCE Southerly along the said west line of Lot 1, Block 15 and the West line of Lot 10, Block 11 of TERRA MAR ISLAND ESTATES, FIRST ADDITION as recorded in Plat Book 31, Page 10 of the Public Records of Broward County, Florida to the Southwest corner of said Lot 10, Block 11; THENCE Easterly along the South line of said Lot 10, Block 11 and its extension thereof to the centerline of Spanish River; THENCE Southerly along the said centerline of Spanish River to a point 1,350 feet South of the North line of the Southeast One-Quarter (SE ¼) of said Section 6, Township 49 South, Range 43 East; THENCE South 200 feet to a point on a line 1,550 feet South of and parallel with the said North line of the

Southeast One-Quarter (SE ¼) of Section 6, and being 1,127.43 feet East of the said Easterly right-of-way line of the Intracoastal Waterway; THENCE Easterly along said parallel line to the Easterly right-of-way line of Florida State Road A-1-A (South Ocean Boulevard); THENCE Northeasterly along the said Easterly right-of-way line of State Road A-1-A to a line 850 feet South of and parallel with the said North line of the Southeast One-Quarter of Section 6; THENCE Easterly along said parallel line and its Easterly extension thereof, through Government Lot 2, Section 5, Township 49 South, Range 43 East to the shore line of the Atlantic Ocean; THENCE Southerly along said shoreline to a line 380 feet North of and parallel with the South line of the Northeast One-Quarter of the Southeast One-Quarter of Section 7, Township 49 South, Range 43 East; THENCE Westerly along said parallel line and along a line 380 feet North of and parallel with the South line of the Northwest One-Quarter of the Southeast One-Quarter (SE ¼) of said Section 7 to the Westerly right-of-way line of Florida State Road A-1-A; THENCE Northerly along said Westerly right-of-way line of State Road A-1-A to the intersection of the North line of the Southeast One-Quarter of Section 7, Township 49 South, Range 43 East; THENCE Westerly along the said North line of the Southeast One-Quarter of Section 7, Township 49 South, Range 43 East and along the North line of the Southwest One-Quarter (SW ¼) of said Section 7 to the Easterly right-of-way line of the Intracoastal Waterway; THENCE Southerly along said Easterly right-of-way line to the South line of Section 7, Township 49 South, Range 43 East; THENCE Westerly along the said South line of Section 7, Township 49 South, Range 43 East to the POINT OF BEGINNING.

Section 5. (1) The Board of County Commissioners of Broward County shall schedule an election in accordance with the provisions of the law relating to elections currently in force in Broward County to be held on the same date as the first primary in connection with the general election of November 7, 2000. The subject of said election shall be the annexation of the area described in section 4 commonly known as the "Intracoastal/Beach Area," or the intent to incorporate same into a new municipality. Only registered voters residing in the "Intracoastal/Beach Area" as described in this act may vote in said election. The name of each municipality which chooses to be considered for annexation and which has enacted resolutions as provided for in sections 1 and 3 shall appear on a ballot. Also appearing on this ballot shall be the phrase, "Incorporation into a new municipality."

(2) The term "entity," hereinafter used in this act, shall refer to the name of each municipality included on the ballot and also the phrase "Incorporation into a new municipality." The term "voter," hereinafter used in this act, shall refer to registered voters voting in the elections provided by this act.

(3) The voters residing in the "Intracoastal/Beach Area" shall choose one city for annexation among those who shall have chosen to appear on a ballot pursuant to sections 1 and 3, or whether they wish to incorporate into a new municipality, not a part of any existing municipality.

Section 6. (1) If a majority of voters vote for annexation into an existing municipality, the "Intracoastal/Beach Area" shall become a part of said municipality on October 1, 2001.

(2) If a majority of voters in the “Intracoastal/Beach Area” votes to incorporate into a new municipality, the Broward County Legislative Delegation shall direct the drafting of a charter of a new municipality to include the “Intracoastal/Beach Area” to be submitted for enactment for the legislative session immediately subsequent to said election. The draft for the new municipality to include the “Intracoastal/Beach Area” shall be drafted with the aid of a “Charter Guiding Board” made up of area residents, to assist the Broward County Legislative Delegation in writing the charter of the new municipality.

Section 7. If no entity receives a majority vote of the voters as provided for in section 5, there shall be a runoff election to be held on November 7, 2000 between the two entities which have received the highest number of votes in the election provided for in section 5.

Section 8. If a runoff is necessitated as provided for in section 7, and:

(1) A municipality receives a majority vote of those voters voting in the runoff election provided for in section 7, the “Intracoastal/Beach Area” shall become annexed to said municipality as provided in section 6(1).

(2) A majority of the voters in the “Intracoastal/Beach Area” vote to incorporate into a new municipality, a charter for a new municipality shall be drafted as provided in section 6(2).

Section 9. The Board of County Commissioners of Broward County is hereby authorized to set the elections provided for in this act for the time periods provided in this act at the cost of Broward County. A mail ballot shall not be used for any election provided for in this act.

Section 10. Upon annexation into any existing municipality, or becoming a new municipality, the following shall govern the areas described in section 4.

(1) The present land use designation and zoning provided for under the Broward County Comprehensive Plan and Code of Ordinances of Broward County shall remain the law governing the areas provided for in this act. The land use designations and zoning of Broward County shall be deemed the conforming laws of the municipality, until further amended by ordinance.

(2) Notwithstanding subsection (1), any use that is legally in existence at the time that the areas provided for in this act become a part of any municipality, said use may not be made a prohibited use by a municipality upon the property, for as long as the use shall continue, and not be voluntarily abandoned.

Section 11. Subsequent to the effective date of this act, no annexation by any municipality, nor change of land use designation nor change of zoning shall be effective in the “Intracoastal/Beach Area” unless and until the “Intracoastal/Beach Area” has either been incorporated into a new municipality or annexed into an existing municipality.

Section 12. All public roads and the public rights-of-way associated therewith, on the Broward County Road System, lying within the limits of the lands subject to annexation herein, as described in section 4, are transferred from Broward County jurisdiction to the jurisdiction of the annexing municipality or new city. All rights, title, interests and responsibilities for any transferred roads, including, but not limited to, the ownership, operation, maintenance, planning, design and construction of said roads and to the rights-of-way associated therewith shall transfer from Broward County jurisdiction and ownership to the jurisdiction and ownership of the annexing municipality or new city upon the effective date of this act.

Section 13. This act shall take effect upon becoming a law.

Approved by the Governor May 26, 1999.

Filed in Office Secretary of State May 26, 1999.