

Committee Substitute for House Bill No. 775

An act relating to the City of Tamarac, Broward County; extending and enlarging the corporate limits of the City of Tamarac to include specified unincorporated lands within such corporate limits; providing for an election; providing for an effective date of annexation; providing for an interlocal agreement; providing for governance of an annexed area; prohibiting land use designation or zoning changes and other annexations prior to subject annexation or defeat of annexation; providing applicability to candidacies for municipal office; providing for preservation of existing contracts; providing for transfer of public roads and rights-of-way; providing an effective date.

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

Section 1. The legal description of the area referred to in this act is as follows:

Prospect Field Road/N.W. 31st Avenue Annexation Boundary:

A portion of Sections 8 and 17, Township 49 South, Range 42 East, Broward County, Florida, described as follows: BEGIN at the point of intersection of the North right of way line of Prospect Field Road with a line 264 feet East of and parallel with the West line of said Section 8, said point being on the municipal boundary of the City of Fort Lauderdale, as established by Chapter 71-640, Laws of Florida; Thence along said municipal boundary the following 3 courses; Thence Easterly, along said North right of way line, to the North line of said Section 17; Thence Easterly, along said North line of Section 17, to the West line of Lot 11 of, LITTLE FARMS, according to the plat thereof, as recorded in Plat Book 27, Page 29 of the Public Records of Broward County, Florida; Thence Southerly, along said West line and the Southerly prolongation thereof, to the centerline of Orange Street as shown on said plat of, LITTLE FARMS, said point being on the municipal boundary of the City of Fort Lauderdale, as established by Ordinance No. C-87-10 of the City of Fort Lauderdale; Thence Southerly, along the West line of Lot 30 of said plat and the Northerly prolongation thereof and said municipal boundary, to a point on the South line of the Northwest One-Quarter (NW ¼) of the Northwest One-Quarter (NW ¼) of the Northeast One-Quarter (NE ¼) of said Section 17, said point being on the municipal boundary of the City of Tamarac, as established by Ordinance No. 0-81-17 of the City of Tamarac. Thence along said municipal boundary of the City of Tamarac the following 3 courses; Thence Westerly, along said South line, to the Southwest corner of the Northeast One-Quarter (NE ¼) of the Northeast One-Quarter (NE ¼) of the Northwest One-Quarter (NW ¼) of said Section 17; Thence Southerly to the Southeast corner of the Southwest One-Quarter (SW ¼) of the Northeast One-Quarter (NE ¼) of the Northwest One-Quarter (NW ¼) of said Section 17; Thence Westerly to the Southwest corner of the Southwest One-Quarter (SW ¼) of the Northeast One-Quarter (NE ¼) of the Northwest One-Quarter

(NW ¼) of said Section 17, said point being on the municipal boundary of the City of Fort Lauderdale, as established by Ordinance No. C-72-22 of the City of Fort Lauderdale; Thence along said municipal boundary the following 4 courses; Thence Westerly, along the South line of the Northwest One-Quarter (NW ¼) of the Northwest One-Quarter (NW ¼) of said Section 17, to the West line of said Section 17; Thence Northerly, along said West line, to the South line of the West 264 feet of the North One-Half (N ½) of the North One-Half (N ½) of the Northwest One-Quarter (NW ¼) of the Northwest One-Quarter (NW ¼) of said Section 17; Thence Easterly, along said South line, to the Southeast corner thereof;

Thence Northerly, along the East line thereof, to the POINT OF BEGINNING.

Section 2. The Broward County Board of County Commissioners shall schedule an election, in accordance with the provisions of law relating to elections currently in force, in Broward County on November 3, 2009. The subject of the election shall be the annexation into the City of Tamarac of the area described in section 1. Only registered voters residing in the area described in section 1 may vote in the election. Mail ballots shall be used in this election.

Section 3. Upon a majority of the registered voters residing in the subject area voting for annexation into the City of Tamarac, the area described in section 1 shall be deemed a part of such municipality on September 15, 2010, pursuant to section 171.062, Florida Statutes, except as provided for in this act.

Section 4. An interlocal agreement shall be developed between the governing bodies of Broward County and the City of Tamarac and executed prior to the effective date of the annexation as provided in section 3. The agreement shall address infrastructure improvement projects and include a financially feasible plan for transitioning county services, buildings, infrastructure, waterways, and employees.

Section 5. Upon annexation into the City of Tamarac, the area described in section 1 shall be governed as follows:

(1) The annexed property shall be governed by the relevant land use and zoning provisions of the City of Tamarac's Code of Ordinances.

(2) Any change of zoning districts or land use designations may only be accomplished by enactment of the vote of the majority of the full governing body of the municipality plus one.

(3) Any use, building, or structure that is legally in existence at the time of annexation may not be made a prohibited use by the City of Tamarac, on the property of such use, for as long as the use shall continue and not be voluntarily abandoned.

Section 6. After the effective date of this act, no change in land use designation or zoning shall be effective within the limits of the lands subjected to annexation in this act until the subject area has been annexed into

the municipality or the date of the election held pursuant to section 2 if the annexation is defeated, and no annexation within the subject area by any municipality shall occur during the time period between the effective date of this act and the effective date of the annexation or the date of the election held pursuant to section 2 if the annexation is defeated.

Section 7. After the effective day of the annexation, any resident of the area to be annexed by this act into the City of Tamarac shall be deemed to have met any residency requirements for candidacy for municipal office.

Section 8. Nothing in this act shall be construed to affect or abrogate the rights of parties to any contract, whether the contract be between Broward County and a third party or between nongovernmental entities, which contract is in effect prior to the effective date of the annexation.

Section 9. All public roads and the public rights-of-way associated therewith, in the Broward County Road System, lying within the limits of the lands subject to annexation in this act, as described in section 1, are transferred from Broward County jurisdiction to the jurisdiction of the annexing municipality. All rights, title, interests, and responsibilities for any transferred roads, including, but not limited to, the ownership, operation, maintenance, planning, design, and construction of such 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 upon the effective date of the annexation.

Section 10. This act shall take effect upon becoming a law.

Approved by the Governor June 16, 2009.

Filed in Office Secretary of State June 16, 2009.