

## **SECTION 4**

# **BACKUP MATERIAL**

# **Broward Delegation Annexation Policy**

August 2001

**ANNEXATION DEADLINE** The annexation of all unincorporated areas of Broward County should be encouraged to occur by October 1, 2005. Unincorporated areas remaining after October 1, 2005 will be subject to required annexation by the State Legislature. A variety of methods and inducements should be used by both the County and the cities to bring about the willing annexation of the unincorporated areas. It is recognized that misunderstandings and negative attitudes have arisen in the past between municipalities and unincorporated area residents and therefore, an intensive effort at dialogue, open communication, and understanding must take place in order to bring about this goal.

1. **COMPREHENSIVE ANNEXATION BILL** All annexation bills for Broward County shall be combined into one comprehensive annexation bill each year in order to streamline the process and to ensure that no communities are left behind as others are annexed. Government owned properties are exempted from this provision.
2. **PARTNERSHIP COMMITTEE** An official unincorporated partnership committee will be established consisting of one elected official or the city manager from each potential annexing municipality, presidents or designee of all homeowner associations in the impacted unincorporated communities and a County designee. The committee will identify community projects or issues of interest that can be collaboratively achieved, and those projects or issues of interest shall become part of any interlocal agreement entered into prior to the effective date of the annexation. The partnership committee shall be responsible for exchanging information between the unincorporated area and the annexing city in order to inform the residents of the unincorporated area and to minimize the possibility of inaccurate information. Any annexing municipalities which express interest and the County shall share in the expense of distributing information to the residents. (As amended – December 4, 2002)
3. **NEIGHBORHOOD CHARACTERISTICS** The geographic integrity, character, and unique lifestyle of various individual neighborhoods should be preserved through use of municipal charter amendments or Special Act. A comprehensive effort should be mounted to clearly identify each neighborhood and its unique characteristics within the unincorporated areas of the County, so that where possible, defined neighborhoods may be kept whole. Wherever reasonable and possible, the defined neighborhood to be annexed shall vote as one group.
5. **TAX AND FEE INFORMATION** When an annexation proposal is made, tax and fee information comparing all charges by the by the County and the city or cities involved should be provided to the residents of an area to be annexed. The residents shall also be provided with information comparing fire, rescue and police service, including staffing levels, as provided by the County and city or cities involved. The information should be produced and distributed in a clear and easy to understand format by an independent third party selected by the Legislative Delegation of Broward County.

6. **INCENTIVES AND INDUCEMENTS** Cities should be creative in providing incentives and inducements to unincorporated areas to encourage them to be annexed, for example: charter amendments to preserve lifestyle, or to guarantee city council representation (where population increase would warrant it); phased-in ad valorem tax adjustments (where significant differences exist), and; infrastructure or service improvements, (and the County should be encouraged to participate with or assist the City wherever possible).
7. **CHOICE** Unincorporated area residents should be given the right wherever possible and reasonable to choose which municipality to join and the right to vote on annexation by referendum.
8. **DUAL REFERENDA** The practice of dual referenda should be discontinued.
9. **COUNTY FACILITIES** Existing regional County facilities should remain unincorporated, unless the County and the municipality in question agree to annexation.
10. **EMPLOYEE TRANSITION PLAN** A transition plan for County employees displaced by reason of annexation should be established. Whenever possible and practicable, displaced County employees should be placed with the municipality that annexed the area where the displaced employee served, in the same or similar position, and without loss or interruption of rank, tenure, or pension benefits. If a County employee is hired by a municipality with a lower level of benefits (including pensions), the County should consider subsidizing benefits and pensions of the former County employee for a reasonable period of time.
11. **COUNTY INFRASTRUCTURE PROJECTS** Infrastructure projects should be completed by the County as scheduled in the County's Five-Year Capital Improvement Program. Appropriate financing arrangements via interlocal agreement between the County and the city that annexes an area receiving the project should recognize the tax contribution that the area to be annexed would have supplied towards completion of the project had that area not been annexed. The County and an annexing municipality must have an interlocal agreement encompassing all infrastructure improvements that are in the County's Infrastructure Improvement Plan but are incomplete at the time of the passage of the local bill. The preceding requirement may also be fulfilled by specific county resolution committing the infrastructure improvements to the area to be annexed. The resolution shall be referred to in the special act for annexation. The Legislative Delegation should utilize the infrastructure improvements that are budgeted and contained in the County's five-year Capital Improvement Plan as a standardized model.

12. **REFERENDUM CHOICE / INFRASTRUCTURE PROJECTS** In the event that an unincorporated area will be provided with a referendum choice between municipalities and Broward County's Infrastructure Improvements are not completed, the County and the prospective annexing municipalities shall execute Interlocal Agreements as to said incomplete improvements prior to final passage of the local bill. Such interlocal agreements shall be referenced in the local bill. However, such Interlocal Agreements shall not become effective until referendum approval by the electors of the area to be annexed.
13. **"CHERRY PICKING"** The practice of "Cherry Picking" by municipalities should be ended. To accomplish this, the statutory method of voluntary annexation should be modified by Special Act to require the approval of the Broward Legislative Delegation before a voluntary annexation could become effective. Although no definition of "cherry picking" exists, it may be generally described as the annexation (usually by voluntary annexation pursuant to general law) of property by a municipality where that property will produce taxes far in excess of the estimated cost to the city of providing municipal services. Cherry picking usually involves a single very valuable commercial property or small group of properties, or other non-residential property, such as undeveloped land that is expected to ultimately produce a positive tax cash flow to the city.
14. **COMMERCIAL PROPERTIES** Accordingly, the Committee recommends to the Delegation that commercial properties should not be stripped from neighborhoods to which they would logically or geographically belong. Furthermore, whenever a voluntary annexation is proposed, notice should be given to the residents of the neighboring areas.
15. **NO PRECLUSION** Nothing contained herein should be construed to preclude the use of deannexation, consolidation, or incorporation as a means to ameliorate past actions which have had the effect of isolating neighborhoods or of rendering neighborhoods unattractive as objects for annexation by the surrounding municipalities.
16. **PHASE IN DATES** All future legislative bill(s) may include phase in dates for both the infrastructure improvements, as well as the communities to be annexed.
17. **REVENUE NEUTRALITY** Annexation, whenever reasonable or possible, should achieve "revenue neutrality" for the annexing municipality. "Revenue neutrality" should be defined as the infrastructure improvements that are required to make the infrastructure of the unincorporated neighborhood match that of the annexing cities. The improvements should include water, sewer, streetlights and, if applicable, sidewalks. (However, cities should not force on the County "Infrastructure Improvements" which they themselves do not enjoy.)

**MUNICIPAL PROTOCOL** With respect to municipal protocol, all correspondence regarding annexation must be directed to the mayor, elected officials and city managers or administrators of each city of interest.

**CHAPTER 99-447**

**House Bill No. 1099**

An act relating to Broward County; amending chapter 96-542, Laws of Florida, which provides for procedures for annexation of unincorporated areas into municipalities throughout Broward County, certain provisions of s. 171.0413, F.S., to the contrary notwithstanding; amending that provision of the act which controls the effective date of annexations; providing an effective date.

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

Section 1. Chapter 96-542, Laws of Florida, is amended to read:

Section 1. Provisions requiring a referendum of the electors of an annexing municipality contained in the second sentence of s. 171.0413(2), Florida Statutes, shall not be effective with respect to any proposed annexation pursuant to chapter 171, Florida Statutes, in Broward County.

Section 2. Any annexation of unincorporated property within Broward County proposed to be accomplished pursuant to chapter 171, Florida Statutes, must first be considered at a public hearing conducted by the Broward Legislative Delegation pursuant to its adopted rules; and thereafter shall not be effective until the fifteenth day of September ~~first day of October~~ following adjournment sine die of the next regular legislative session following the accomplishment of all procedures necessary for annexation pursuant to chapter 171, Florida Statutes. However, any voluntary annexation ordinance adopted by a municipality prior to January 1, 1996, the subject matter of which has had a public hearing before the Broward County Legislative Delegation, shall be given effect according to its terms.

Section 2. This act shall take effect upon becoming law.

Approved by the Governor May 11, 1999.

Filed in Office Secretary of State May 11, 1999.

**CHAPTER 96-642**

**House Bill No. 2633**

An act relating to Broward County; providing for procedures for annexation of unincorporated areas into municipalities throughout Broward County, certain provisions of s. 171.0413, F.S., to the contrary notwithstanding; providing an effective date.

WHEREAS, Broward County is an urbanized county with a population in excess of 1 million residents, with 28 municipalities, and

WHEREAS, Broward County has numerous scattered unincorporated pockets which reflect the haphazard manner in which annexation into municipalities has taken place over the years by the application of general annexation laws of the state, and

WHEREAS, the legislative delegation, representing Broward County, has created an Ad Hoc Committee on Annexation Policy composed of legislators, local officials, and residents to study the orderly annexation of the remaining unincorporated areas of Broward County, and

WHEREAS, the report of the Ad Hoc Committee on Annexation Policy has made numerous recommendations to aid in the orderly annexation of the remaining unincorporated areas of Broward County, and

WHEREAS, one of the recommendations of the Ad Hoc Committee on Annexation Policy was to discourage dual referenda in annexation within Broward County, and

WHEREAS, one of the recommendations of the Ad Hoc Committee on Annexation Policy was to require approval of the Broward Legislative Delegation before annexation pursuant to general law becomes effective in Broward County, NOW, THEREFORE,

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

Section 1. The provision requiring a referendum of the electors of an annexing municipality contained in the second sentence of s. 171.0413(2), Florida Statutes, shall not be effective with respect to any proposed annexation pursuant to chapter 171, Florida Statutes, in Broward County.

Section 2. Any annexation of unincorporated property within Broward County proposed to be accomplished pursuant to chapter 171, Florida Statutes, must first be considered at a public hearing conducted by the Broward Legislative Delegation pursuant to its adopted rules; and thereafter shall not be effective until the first day of October following adjournment sine die of the next regular legislative session following the accomplishment of all procedures necessary for annexation pursuant to chapter 171, Florida Statutes. However, any voluntary annexation ordinance adopted by a municipality prior to January 1, 1996, the subject matter of which has had a public hearing before the Broward County Legislative Delegation, shall be given effect according to its terms.

Section 3. This act shall take effect upon becoming law.

Became a law without the Governor's approval June 5, 1996

Filed in Office Secretary of State June 4, 1996