STORAGE NAME: h1777a.ca
DATE: April 24, 2000

HOUSE OF REPRESENTATIVES
COMMITTEE ON
COMMUNITY AFFAIRS
ANALYSIS - LOCAL LEGISLATION

BILL #: HB 1777

RELATING TO: Town of Southwest Ranches/Charter

SPONSOR(S): Representative Wasserman Schultz

TIED BILL(S): None

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:
(1) COMMUNITY AFFAIRS (PRC) YEAS 7 NAYS 0
(2) FINANCE & TAXATION (FRC)
(3)
(4)
(5)

I. SUMMARY:

This bill authorizes a referendum for the creation of a municipality named the Town of Southwest Ranches. This bill also provides for its charter.

According to the Department of Revenue, there is a projected loss of revenue to Broward County of $412,416 annually. The other cities in Broward County will also experience a combined loss of $217,024 in annual revenue because of the redistribution of state revenue-sharing funds.

This bill did not meet the statutory deadline providing that a feasibility study must be completed and submitted to the Legislature at least 90 days prior to the first day of the regular Legislative session during which the municipal charter would be enacted.

The Committee on Community Affairs adopted a technical strike-everything amendment that is traveling with the bill. As indicated in the "AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES" section, the amendment provides technical corrections to the bill.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

1.	Less Government	Yes []	No [X]	N/A []
2.	Lower Taxes	Yes []	No [X]	N/A []
3.	Individual Freedom	Yes [X]	No []	N/A []
4.	Personal Responsibility	Yes []	No []	N/A [X]
5.	Family Empowerment	Yes []	No []	N/A [X]

For any principle that received a "no" above, please explain:

Subject to a referendum, this bill creates a new municipality which will have all the rights and responsibilities granted to municipalities in chapter 125, Florida Statutes, and in the Florida Constitution.

Subject to a referendum, this bill grants the newly incorporated Town of Southwest Ranches the authority to levy any and all taxes and fees provided for in general law and the Florida Constitution for municipalities.

B. PRESENT SITUATION:

Florida Constitution

Section 2, Art. VIII of the State Constitution provides that municipalities may be established or abolished and their charters amended pursuant to general or special law. When any municipality is abolished, the Constitution requires that provision be made for the protection of its creditors.

Municipalities are constitutionally granted all governmental, corporate and proprietary powers to enable them to conduct municipal government, perform municipal functions and render municipal services. Municipalities may exercise any power for municipal purposes except as otherwise provided by law. The only specific constitutional requirement concerning municipal government is that its legislative body must be elected.

Chapter 165, Florida Statutes

Florida law governing the formation and dissolution of municipal governments is found in chapter 165, Florida Statutes, the "Formation of Municipalities Act." The stated purpose of the Act is to provide standards, direction, and procedures for the incorporation, merger and dissolution of municipalities, and to achieve the following goals:

- Orderly patterns of growth and land use;
- Adequate public services;
- Financial integrity in government;
- Equity in fiscal capacity; and
- Fair cost distribution for municipal services.

Requirements for Municipal Incorporation

Under chapter 165, Florida Statutes, there is only one way to establish a city government where no such government existed before: the Legislature must pass a special act creating the city's charter.

For incorporation purposes, the special act must include a proposed municipal charter that prescribes the form of government and clearly defines the legislative and executive functions of city government. It cannot prohibit tax levies authorized by law.

Special acts must meet requirements of section 10, Art. III of the State Constitution, which requires that notice of an intent to file a special act be either published in a local newspaper or conditioned to become effective only on approval by area electors. If notice by publication is the preferred method, section 11.02, Florida Statutes, specifies that the publication of notice occur one time, at least 30 days prior to bill introduction.

The 1999 Legislature revised section 165.041, Florida Statutes, by adding new, more detailed requirements for the preparation of the required feasibility study for any area requesting incorporation. The purpose of the study is to enable the Legislature to determine whether or not the area: 1) meets the statutory requirements for incorporation, and 2) is financially feasible. Specifically, the study must include:

- The general location of territory subject to boundary change and a map of the area which identifies the proposed change.
- The major reasons for proposing the boundary change.
- The following characteristics of the area:
    - A list of the current land use designations applied to the subject area in the county comprehensive plan.
    - A list of the current county zoning designations applied to the subject area.
    - A general statement of present land use characteristics of the area.
    - A description of development being proposed for the territory, if any, and a statement of when actual development is expected to begin, if known.
- A list of all public agencies, such as local governments, school districts, and special districts, whose current boundary falls within the boundary of the territory proposed for the change or reorganization.
- Evidence, through signed petitions, letters or some other method, that a minimum of 25 percent of the landowners or residents consent or otherwise support the proposed change or reorganization.
- A list of current service providers and estimate of the cost of services.
- A list of proposed service providers and estimate of the cost of the proposed services.
- The names and addresses of three officers or persons submitting the proposal.
- Evidence of fiscal capacity and an organizational plan that, at a minimum, includes:

  - Existing tax bases, including ad valorem taxable value, utility taxes, sales and use taxes, franchise taxes, license and permit fees, charges for services, fines and forfeitures, and other revenue sources, as appropriate.

  - A 5-year operational plan that, at a minimum, includes proposed staffing, building acquisition and construction, debt issuance, budgets.

- Data and analysis to support the conclusions that incorporation is necessary and financially feasible.

- Population projections and population density calculations and an explanation concerning methodologies used for such analysis.

- Evaluation of the alternatives available to the area to address its policy concerns.

- Evidence that the proposed municipality meets the standards for incorporation of section 165.061, Florida Statutes. These standards are:

  - The area to be incorporated must be compact, contiguous, and amenable to separate municipal government.

  - The area proposed to be incorporated must have a total population, as determined in the latest official state census, special census, or estimate of population, of at least 1,500 persons in counties with a population of less than 50,000, and of at least 5,000 population in counties with a population of more than 50,000.

  - The area must have an average population density of at least 1.5 persons per acre or have extraordinary conditions requiring the establishment of a municipal corporation with less existing density.

  - Any part of the area proposed for incorporation must have a minimum distance of at least 2 miles from the boundaries of an existing municipality within the county. Alternately, an extraordinary natural boundary that requires separate municipal government must be present.

In addition, a feasibility study must be completed and submitted to the Legislature **at least 90** days prior to the first day of the regular Legislative Session during which the municipal charter would be enacted. For those proposed incorporations for the 2000 Legislative Session, feasibility studies were required to be submitted to the Committee on Community Affairs prior to December 8, 1999.

A municipal charter should contain matters which are of such importance that they should not be subject to change by simple ordinance. For example, chapter 166, Florida Statutes, requires that each municipality provide procedures for filling a vacancy in an elected office caused by death, resignation, or removal from office. While this requirement may be satisfied through the passage of an ordinance, the issue is fundamental enough to the governance of a municipality to be included in its charter.

The National Municipal League has recommended that a charter include an article on each of the following topics:

Powers of the City

City Council
Chief Administrative Officers (City Manager and Attorney)
Administrative Departments
Financial Procedures
Planning
Nominations and Elections
Initiative and Referendums
General Provisions
Transitional Provisions

Formation Activity in Florida

Municipal Incorporation

From 1972 to the present, 15 municipalities were created by special act (Bonita Springs, DeBary, Deltona, Destin, Ft. Myers Beach, Islamorada, Jacob City, Lake Mary, Marathon, Marco Island, Midway, Palm Coast, Sanibel, Wellington, Weston). During this time, one was recreated by special act after previous incorporation under authority of general law in effect prior to 1974 (Seminole). The cities of Key Biscayne, Pinecrest, Aventura, and Sunny Isles Beach were created under the charter provisions of Dade County's Charter. The following table indicates recent municipal incorporations by year, county, and enabling law.

Municipal Incorporations Since 1970

Year	Municipality	County	Enabling Law
1970	SEMINOLE	Pinellas County	general law
1972	SEMINOLE	Pinellas County	ch. 72-693
1973	LAKE MARY	Seminole County	ch. 73-522
1974	SANIBEL	Lee County	ch. 74-606
1983	JACOB CITY	Jackson County	ch. 83-434 ch. 84-456
1984	DESTIN	Okaloosa County	ch. 84-422 ch. 85-471
1986	MIDWAY	Gadsden County	ch. 86-471
1991	KEY BISCAYNE	Dade County	by authority of the Dade County Charter
1993	DEBARY	Volusia County	ch. 93-351 ch. 93-363
1995	AVENTURA	Dade County	by authority of

			the Dade County Charter
1995	PINECREST	Dade County	by authority of the Dade County Charter
1995	FT. MYERS BEACH	Lee County	ch. 95-494
1995	DELTONA	Volusia County	ch. 95-498
1995	WELLINGTON	Palm Beach County	ch. 95-496
1996	WESTON	Broward County	ch. 96-472
1997	ILSAMORADA	Monroe County	ch. 97-348
1997	MARCO ISLAND	Collier County	ch. 97-367
1997	SUNNY ISLES BEACH	Dade County	by authority of the Dade County charter
1999	MARATHON	Monroe County	ch. 99-427
1999	BONITA SPRINGS	Lee County	ch. 99-428
1999	PALM COAST	Flagler County	ch. 99-448

Failed Attempts at Municipal Incorporation

Over the years, a number of incorporation attempts have failed. Since 1980, some Floridians have rejected municipal government by voting down the incorporation efforts of:

The City of Marco Island (1980/1982/1986/1990/1993)
(chapters 80-541, 82-330, 86-434,
90-457, and 93-384, Laws of Florida)

The City of Fort Myers Beach (1982/1986)
(chapters 82-295, and 86-413, Laws of Florida)

A city in the Halifax area of Volusia County (1985)
(chapter 85-504, Laws of Florida)

The City of Spring Hill (1986)
(chapter 86-463, Laws of Florida)

The City of Deltona Lakes (1987)
(chapter 87-449, Laws of Florida)

The City of Deltona (1990)
(chapter 90-410, Laws of Florida)

The City of Port LaBelle (1994)

(chapter 94-480, Laws of Florida)

The City of Destin (1995)
(by authority of the Dade County Charter)

The City of Ponte Vedra (1998)
(chapter 98-534, Laws of Florida)

The Village of Key Largo (1999)
(chapter 99-430, Laws of Florida)

The City of Southport (1999)
(chapter 99-444, Laws of Florida)

Municipal Mergers

A few previously existing cities have been incorporated through merger with other cities. Examples include:

- In Brevard County, the merger of Eau Gallie with Melbourne (chapters 67-1156, 69-879, and 70-807, Laws of Florida) and the merger of the Town of Whispering Hills Golf Estates with the City of Titusville (chapters 59-1991 and 63-2001, Laws of Florida).
- In Pinellas County, the merger of Pass-A-Grille Beach with the City of St. Petersburg Beach (chapter 57-1814, Laws of Florida).
- In Bay County, the merger of Longbeach Resort and Edgewater Gulf Beach with the City of Panama City Beach (chapters 67-2174 and 70-874, Laws of Florida).

Municipal Dissolutions

During the last decade or so, several cities have been dissolved:

- Bithlo in Orange County by authority of the Secretary of State in January 1977;
- Bayview in Bay County by chapter 77-501, Laws of Florida;
- Munson Island in Monroe County by chapter 81-438, Laws of Florida;
- Painters Hill in Flagler County by chapter 81-453, Laws of Florida;
- Hacienda Village in Broward County by chapter 84-420, Laws of Florida;
- Pennsuco in Dade County under authority of the Dade County Charter; and
- Golfview in Palm Beach County by chapter 97-329, Laws of Florida.

Broward County

Broward County is located on Florida's South Atlantic coast and consists of nearly 1,200 square miles and a population of approximately 1.3 million residents. Broward County currently contains 29 municipalities, the majority of which achieved their current corporate boundaries through a multitude of annexations.

In 1996, in cooperation with the Broward County Commission, the Broward County Legislative Delegation created the Ad Hoc Committee on Annexation Policy. The delegation charged the committee with the responsibility of developing and recommending policy to the Broward Legislative Delegation regarding the terms under which it would consider future annexations. The committee recommended that annexation of all the remaining unincorporated areas of Broward County or otherwise incorporation should be encouraged to occur by the year 2010 and unincorporated areas remaining after 2010 will be subject to required annexation by the Florida Legislature.

C. EFFECT OF PROPOSED CHANGES:

This bill authorizes a referendum for the creation of a municipality named the Town of Southwest Ranches. This bill also provides for its charter.

According to the Department of Revenue, there is a projected loss of revenue to Broward County of $412,416 annually. The other cities in Broward County will also experience a combined loss of $217,024 in annual revenue because of the redistribution of state revenue-sharing funds.

This bill did not meet the statutory deadline that a feasibility study must be completed and submitted to the Legislature at least 90 days prior to the first day of the regular Legislative session during which the municipal charter would be enacted.

D. SECTION-BY-SECTION ANALYSIS:

Section 1. Creates the charter of the Town of Southwest Ranches (Town), Broward County to read:

Article I. **Corporate Existence, Form of Government, Boundary and Powers**

Section 1.01 Corporate Existence. -- Provides for the creation of the Town of Southwest Ranches; provides that the Town shall commence on the adoption of this Charter by the electorate.

Section 1.02 Form of Government. -- Provides for the "Council-Administrator" form of government.

Section 1.03 Corporate Boundary. -- Provides for the Town's boundaries.

Section 1.04 Powers. -- Provides for the Town's powers.

Section 1.05 Construction. -- Provides the charter and the powers of the Town be construed in favor of the Town.

Article II. **Town Council; Mayor**

Section 2.01 Town Council. -- Provides for Town council; provides that the Town is a mayor-council-member form of government; provides for the council structure; provides that references to the council members include the mayor, unless the context dictates otherwise; provides all charter powers are exercised by the council, unless otherwise stated.

Section 2.02 Mayor. -- Provides for the powers and duties of the mayor.

Section 2.03 Vice Mayor. -- Provides for the election and duties of the vice-mayor.

Section 2.04 Election and Term of Office. -- Provides for term limits; provides for council members to remain in office until his or her successor is elected and assumes the duties of the position; provides for the election and designation of the four seat Town council.

Section 2.05 Qualifications. -- Provides for the qualifications of the council; provides for a qualifying fee; provides a person may not be a candidate for more than one office in the same election; provides for a one year residency prior to election; provides if no elector files for candidacy.

Section 2.06 Vacancies; Forfeiture of Office; Filling of Vacancies. -- Provides for vacancies; provides for forfeiture of office by disqualification; provides for forfeiture of office by absence; provides for the procedures of forfeiture; provides for the filling of vacancies.

Section 2.07 Compensation; Reimbursement for Expenses. -- Provides for compensation of councilors; provides for reimbursement of travel and per diem expenses; provides for an ordinance establishing, increasing, or decreasing compensation.

Section 2.08 Rules of Procedure. -- Provides for the Council's own rules of procedure.

Article III. **Administrative**

Section 3.01 Town Administrator. -- Designates a Town Administrator; provides for the Administrator's responsibility for the administration of the Town affairs.

Section 3.02 Appointment; Removal; Compensation. -- Provides for an indefinite term for the Administrator by the council; provides for the removal of the Administrator; provides for the compensation and benefits of the Administrator; provides for public notice to remove the Administrator.

Section 3.03 Powers and Duties of the Administrator. -- Provides for the duties of the Administrator.

Section 3.04 Absence or Disability of Administrator. -- Designates an administrative officer of the Town to perform the Administrator's duties during an absence or disability; provides for the failure or an unsatisfactory administrative officer.

Section 3.05 Bond of Administrator. -- Provides for a surety bond by the Administrator; provides the premium of the bond to be paid by the Town.

Section 3.06 Town Clerk. -- Designates a Town Clerk; provides for the duties of the Clerk; provides that the Clerk report to the Administrator.

Section 3.07 Town Attorney. -- Designates a Town Attorney; provides for the removal of the Town Attorney by the Council; provides for the compensation and benefits for the Town Attorney; provides the Town Attorney report to the Council; provides for when the Attorney takes office, and the terms and conditions will be a written contract; authorizes the Council to seek additional legal counsel.

Section 3.08 Powers and Duties of the Town Attorney. -- Provides for the Town Attorney or other attorney duties and powers.

Section 3.09 Expenditure of Town Funds. -- Provides for the expenditure of the Town's funds.

Section 3.10 Town Boards and Agencies. -- Provides for the establishment or termination of boards and agencies by the Council; provides the boards and agencies to report to the Council; provides that the members of the boards and agencies are appointed by the Council by resolution.

Article IV. <u>Legislative</u>

Section 4.01 Council Meeting Procedure. -- Provides for 11 monthly meetings in each fiscal year; provides no extension of a local meeting time; provides the Council may conclude debate and voting on any agency item under consideration at a certain time; provides for special meetings; provides for notice of a special meeting.

Section 4.02 Prohibitions. -- Provides for the appointments and removals of any Town administrative officer or employee; provides the Council members may express their views and fully and freely discuss with the Administrator anything pertaining to the appointment and removal of the officers and employees; provides that neither the Council nor its members give orders, to any officer or employee, publicly or privately, to the Town officers or employees, only through the Administrator; provides that recommendations for improvement in Town government operation by individual Council members be made solely to the Administrator; provides council members may discuss with the Administrator any matter of Town business; provides no Council member give orders to the Administrator; provides that no Town officer shall hold any other office; provides that no former Town official shall hold any compensated appointive Town office or Town employment until 1 year after the expiration of his or her term.

Section 4.03 Emergency Ordinances. -- Provides for the adoption of emergency ordinances; Provides for what the ordinances shall not do; provides for the introduction of an emergency ordinance; provides for the procedure of the adoption of an emergency ordinance with amendments or rejection of such at the meeting at which it is introduced; provides for the advertising and printing of the ordinance; provides for an effective date of the ordinance; provides for an automatic repeal as of the 61st day following the effective date, it will not prevent reenactment of the ordinance under regular procedures or, if the emergency still exists, in the manner specified in this section; provides an

emergency ordinance may be repealed by adoption of a repealing ordinance in the manner specified in this section for adoption of emergency ordinances; provides for the Council, by resolution, may make emergency appropriations; provides for the procedures for emergency appropriations.

Section 4.04 Annual Budget Adoption. -- Provides for a balanced budget; provides for the adoption of the budget; provides for specific appropriations.

Section 4.05 Fiscal Year. -- Provides that the Town fiscal year runs from October 1 through September 30; provides the annual budget and accounting year shall constitute the same fiscal year.

Section 4.06 Appropriation Amendments during the Fiscal Year. -- Provides for supplemental appropriations; provides for reduction of appropriations if there is a deficit; provides the Council take action to prevent any deficit spending not covered by adequate reserves.

Section 4.07 Authentication, Recording, and Disposition of Ordinances, Resolutions, and Charter Amendments. -- Provides for authentication, by signature, all ordinances and resolutions adopted by the Council; provides for the authentication for amendments; provides the Clerk keep recordings, in full, all ordinances and resolutions by the Council; requires the council to maintain a codification of all ordinances; requires the Clerk to maintain the Charter in current form as to all amendments; provides for the availability and purchase of the printed Charter.

Section 4.08 Borrowing. -- Provides the Town may borrow money and issue bonds or other obligations or evidence of indebtedness, subject to a referendum requirement; provides bonds may be issued to one or more resolutions adopted by a majority of the Council; provides the town may assume all indebtedness related to facilities it acquires from other units of local government and be liable for payment in accordance with its terms.

Section 4.09 Independent Audit. -- Provides for an independent annual audit; provides for more frequent audits as the Town deems necessary; provides the audits be made by a certified public accountant.

Article V. <u>Quasi-Judicial</u>

Section 5.01 Quasi-Judicial Meeting Procedures. -- Provides for quasi-judicial meeting procedures; Provides all quasi-judicial items relating to land use and zoning require four votes by Council; provides for a quorum; provides all voting shall be by roll call.

Article VI. <u>Elections</u>

Section 6.01 Elections. -- Provides qualifications for electors; provides for nonpartisan elections; provides for election dates; provides for determination of election to office; provides for special elections; provides for single candidacy; provides for the commencement of the term of office; provides for the oath taken by all elected officers; provides that election laws apply to all elections; provides for recall of any elected official of the Town.

Article VII. <u>Charter Amendments</u>

Section 7.01 Charter Amendments. -- Provides that charter amendments are in accordance with the provisions of this Article.

Section 7.02 Procedure to Amend. -- Provides that charter may be amended in two ways: by ordinance and by petition; provides for the submission to electors of the proposed amendments; provides for results of elections.

Section 7.03 Appointment of Charter Review Committee. -- Designates five registered electors who are residents to a Charter Review Committee; provides for the responsibilities of the Charter Review Committee; provides all recommendations by the Charter Review Committee will be considered by the Council at least once every 4 years; provides Council may propose amendments to this Charter; provides for a vote of the proposed amendments.

Article VIII. <u>General Provisions</u>

Section 8.01 Severability. -- Provides severability clause.

Section 8.02 Conflicts of Interest; Ethical Standards. -- Provides for all Council members, officials, and employees of the Town are subject to the standards of conduct for public officers and employees set by federal, state, county, or other applicable law.

Section 8.03 Town Personnel System. -- Provides all new employments, appointments, and promotions of Town officers and employees are pursuant to personnel procedures to be established by the Administrator.

Section 8.04 Charitable Contributions. -- Provides no charitable contributions to any person or entity unless authorized by the Council.

Section 8.05 Variation of Pronouns. -- Provides a definition of pronouns used in this Charter.

Section 8.06 Style and Capitalization. -- Provides a definition of a word in quotes and in parentheses.

Section 8.07 Calendar Day. -- Provides a definition for a day.

Article IX. <u>Transition Provisions</u>

Section 9.01 Referendum for Incorporation. -- Provides for a referendum election by this act for Incorporation of the Town of Southwest Ranches; provides for voting precincts; provides for the question on the ballot; provides for action on the referendum.

Section 9.02 Creation and Establishment of Town. -- Creates and establishes the Town for the purpose of assessment and collection of ad valorem taxes.

Section 9.03 Initial Election of Council Members; Dates; Qualifying Period; Certification of Election Results; Induction Into Office. -- Provides for the date of the initial

election of Mayor and the four Council members; provides for a qualifying period; provides for a Town canvassing board; provides for the induction into office of the elected candidates.

Section 9.04 Temporary Nature of Article. -- Provides the following sections are inserted solely for the purpose of effecting the incorporation of the Town and the transition to a new municipal government; provides each section will become ineffective and no longer a part of this Charter at such time as the implementation of such section has been accomplished.

Section 9.05 Interim Adoption of Codes and Ordinances. -- Provides for an interim adoption of codes, ordinances, and resolutions of the Town.

Section 9.06 Taxes and Fees. -- Provides all taxes and fees imposed within the Town boundaries by the County are in effect on the date of adoption of this charter.

Section 9.07 First Year Expenses. -- Authorizes the Council to borrow money necessary for the operation of Town government until a budget is adopted and revenues are raised.

Section 9.08 Transitional Ordinances and Resolutions. -- Authorizes Council to adopt ordinances and resolutions required to effect the transition; provides for adoption of emergency ordinances; provides for transitional ordinances.

Section 9.09 State Shared Revenues. -- Provides for the Town to participate in all shared revenue programs of the State; provides the provisions of section 218.23, F.S., and section 218.26(3), F.S., are waived; provides the apportionment factors for the municipalities and counties be recalculated pursuant to section 218.245, F.S.; provides for the calculation of population estimates.

Section 9.10 Gas Tax Revenues. -- Provides the Town receive local option gas tax revenues beginning October 1, 2000; provides revenues are distributed in accordance with the interlocal agreement with the County.

Section 9.11 Shared Revenues. -- Provides for shared revenues the County shall distribute to the Town.

Section 9.12 Conflicting Provisions. -- Provides this act shall take precedence over any other prior enacted law.

Section 2. Provides for an effective date of upon becoming a law.

III. NOTICE/REFERENDUM AND OTHER REQUIREMENTS:

A. NOTICE PUBLISHED? Yes [X] No [ ]

IF YES, WHEN? January 26, 2000

WHERE? Sun-Sentinel; Broward County

B. REFERENDUM(S) REQUIRED? Yes [X] No [ ]

IF YES, WHEN? June 6, 2000

C. LOCAL BILL CERTIFICATION FILED? Yes, attached [X] No [ ]

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached [X] No [ ]

IV. COMMENTS:

A. CONSTITUTIONAL ISSUES:

N/A

B. RULE-MAKING AUTHORITY:

N/A

C. OTHER COMMENTS:

The House Committee on Community Affairs coordinates a review of the feasibility study required by section 165.041, Florida Statutes, and the proposed charter with various other legislative committees and appropriate state agencies. Reviews are performed by the Department of Revenue, the Legislative Committee on Intergovernmental Relations, the Office of Economic and Demographic Research, the Department of Community Affairs, and the Governor's Office. The submission of the town's feasibility study was not received prior to the 90 day statutory deadline.

The reviews of the feasibility study and charter similarly conclude that the community of Southwest Ranches does not meet *three* of the statutory requirements for becoming a municipality. The area meets the minimum population requirement of 5,000 persons and the incorporation standard requirements for the proposed charter. The area proposed does not meet the requirement that the area be compact and contiguous. The Town of Davie completely separates the eastern section of the proposed municipality from the western section; a recently annexed portion of Cooper City is surrounded on three sides and nearly becomes an enclave on the northeastern corner of the proposed municipality; and the City of Pembroke Pines almost separates the western section of the proposed municipality from the middle section.

In addition, the area does not meet the population density requirement of a minimum of 1.5 persons per acre as it appears that the population density is 1.18 persons per acre, nor does it meet the 2 mile limit within the proximity of an existing municipality. However, the Broward County Legislative Delegation Ad Hoc Committee on Annexation Policy adopted a

policy to have all residential areas of the County annexed or otherwise incorporated by the year 2010. **These unmet standards are automatically waived by virtue of the approval of this special act by the Legislature**.

The review comments also provide insight into some of the flaws of the feasibility study and suggestions for amendments to make necessary changes to the charter. The review comments and study are available in the committee office for persons desiring to inspect them.

V. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

The Committee on Community Affairs, at its April 24, 2000 meeting, adopted a strike-everything amendment offered by Representative Wasserman Schultz which addresses the issues raised by the review comments and makes additional technical corrections.

VI. SIGNATURES:

COMMITTEE ON COMMUNITY AFFAIRS:

Prepared by:	Staff Director:
Laura L. Jacobs	Joan Highsmith-Smith