

1989

Session Law 89-052

Florida Senate & House of Representatives

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**H 540 GENERAL BILL by Hawkins (Compare CS/H 987, CS/CS/2ND
ENG/H 1362, S 183, CS/S 231)**
Mail Ballot Elections/Annexation; provides applicability of mail ballot election provisions to municipal annexation referenda. Amends 101.6102. Effective Date: 01/01/90.

03/07/89 HOUSE Prefiled
03/10/89 HOUSE Referred to Community Affairs
04/04/89 HOUSE Introduced, referred to Community Affairs -HJ 56; On Committee agenda—Community Affairs, 04/05/89, 3:30 pm, 214-C—For ratification to subcommittee
04/05/89 HOUSE Subreferred to Subcommittee on Intergovernmental Relations
04/11/89 HOUSE On subcommittee agenda—Community Affairs, 04/13/89, 3:30 pm, 217-HOB
04/13/89 HOUSE Subcommittee Recommendation: Favorable; On Committee agenda, pending subcommittee action—Community Affairs, 04/18/89, 3:45 pm, 214-C
04/18/89 HOUSE Preliminary Committee Action by Community Affairs: Favorable
04/20/89 HOUSE Comm. Report: Favorable by Community Affairs, placed on Calendar -HJ 257
04/28/89 HOUSE Placed on Special Order Calendar; Read second time -HJ 307
05/02/89 HOUSE Read third time; Passed; YEAS 115 NAYS 2 -HJ 319; Immediately certified -HJ 319
05/02/89 SENATE In Messages
05/16/89 SENATE Received, referred to Ethics and Elections -SJ 361
05/19/89 SENATE On Committee agenda—Ethics and Elections, 05/23/89, 10:00 am, Room-C-(LL-32)
05/23/89 SENATE Comm. Report: Favorable by Ethics and Elections, placed on Calendar -SJ 403
06/01/89 SENATE Placed on Consent Calendar -SJ 686; Passed; YEAS 36 NAYS 0 -SJ 762
06/01/89 Ordered enrolled
06/13/89 Signed by Officers and presented to Governor
06/16/89 Approved by Governor; Chapter No. 89-52; See also: CS/CS/HB 1362 (Ch. 89-338)

NOTES: Above bill history from Division of Legislative Information's *FINAL LEGISLATIVE BILL INFORMATION, 1989 SESSIONS*. Staff Analyses for bills amended beyond final committee action may not be in accordance with the enacted law. Journal page numbers (HJ & SJ) refer to daily Journals and may not be the same as final bound Journals.

STORAGE NAME: h0540.ca
DATE: April 18, 1989

HOUSE OF REPRESENTATIVES
COMMITTEE ON COMMUNITY AFFAIRS
STAFF ANALYSIS & ECONOMIC IMPACT STATEMENT

HB 540

BILL #: HB 0540
RELATING TO: Mail Ballot Elections/Annexation
SPONSOR(S): Rep. Hawkins
EFFECTIVE DATE: January 1, 1990
COMPANION BILL(S): HB 0987, SB 0183
OTHER COMMITTEES OF REFERENCE: (1) None
(2)

I. SUMMARY:

This bill would allow an alternative procedure for deciding municipal annexation issues. It is the same procedure as is currently authorized for counties, cities, school districts and special districts for deciding **special issues** under the "Mail Ballot Election Act."

A. PRESENT SITUATION:

Presently, s.171.0413, F.S., provides the only voting mechanism for municipalities to decide annexation issues. Municipalities must hold a special election or have the question decided at the next regularly scheduled election. This process does not always attract a large voter participation and the municipality still has to sustain the cost of conducting an election.

B. EFFECT OF PROPOSED CHANGES:

This bill allows municipalities to vote on an annexation issue by mail ballot. Under s.101.6102(1)(b), the governing body and the supervisor of elections responsible for calling and conducting the election would authorize the use of mail ballots for annexation issues. The "Mail Ballot Election Act" was passed by the 1987 Legislature to provide local governments a more cost-effective elective process to decide special issue elections. This statute does not permit candidate elections to be decided by mail ballot. This bill does not change the process in chapter 171 in any way except to the extent that there may be conflicts with the new proposal.

Some municipalities have experience low voter participation in annexation referendums. **By allowing annexation issues to be voted on by mail ballot, the cities save the expense of opening the polls and increase voter awareness and participation in the election process.**

C. SECTION-BY-SECTION ANALYSIS:

Section 1 -- Amends s.101.6102, F.S., to allow mail ballot elections in municipal annexation referendums; provides for control of s.101.6101-6107, F.S., in event of a conflict with s. 171.0413, F.S.

Section 2 -- Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring or First Year Start-Up Effects:

None.

2. Recurring or Annualized Continuation Effects:

None.

3. Long Run Effects Other Than Normal Growth:

None.

4. Appropriations Consequences:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring or First Year Start-Up Effects:

Should a municipality decide to place an annexation issue on a mail ballot rather than conduct an election at the polls, the municipality would save the expense associated with conducting special elections or waiting for the issue to be held at the next regularly scheduled election. This procedure should produce a savings to municipalities.

2. Recurring or Annualized Continuation Effects:

Same as #1.

3. Long Run Effects Other Than Normal Growth:

Same as #1.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

None.

2. Direct Private Sector Benefits:

Indeterminate but there may be some indirect benefits as a result of the municipalities' savings.

3. Effects on Competition, Private Enterprise, and Employment Markets:

D. FISCAL COMMENTS:

The League of Cities supports this idea and sees it as a cost efficient process for municipalities.

III. LONG RANGE CONSEQUENCES:

This bill is consistent with the State Comprehensive Plan as follows:
(20) GOVERNMENTAL EFFICIENCY.--

(b)1. Encourage greater cooperation between, among, and within all levels of Florida government through the use of appropriate interlocal agreements and mutual participation for mutual benefit.

IV. COMMENTS:

This bill is consistent with the Mission Statements and Speaker's Policy Issues as follows:

Ethics & Elections Committee, Group II, Governmental Efficiency & Effectiveness -- "Provide for a more efficient, effective, fair, less expensive, more accurate and scientifically infallible elections process."

Page 10, II The Electoral Process says:

"B. Methods to encourage voter registration and full participation of the public in the workings of government should be considered."


V. AMENDMENTS:

None.

VI. SIGNATURES:

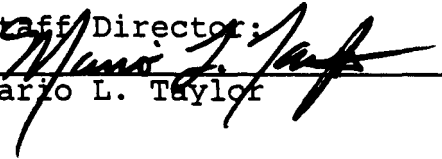
SUBSTANTIVE COMMITTEE:

Prepared by:



Joan H. Umberger
Legislative Analyst

Staff Director:



Mario L. Taylor

SECOND COMMITTEE OF REFERENCE:

Prepared by:

Staff Director:

APPROPRIATIONS:

Prepared by:

Staff Director:

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

<u>ANALYST</u>	<u>STAFF DIRECTOR</u>	<u>REFERENCE</u>	<u>ACTION</u>
1. Cochran <i>MC</i>	Stephens <i>[Signature]</i>	1. <u>EE</u>	<u>Favorable</u>
2. _____	_____	2. _____	_____
3. _____	_____	3. _____	_____
4. _____	_____	4. _____	_____

SUBJECT:

Mail Ballot Elections/
Annexation

BILL NO. AND SPONSOR:

HB 540 by
Representative Hawkins

I. SUMMARY:

A. Present Situation:

Sections 101.6101 - 101.6107, F.S., is known as the "Mail Ballot Election Act." Section 101.6102, F.S., provides that a mail ballot election may be conducted if the election is a referendum and the only persons eligible to vote are county, city, school district, or special district electors in a district covering only one county. Section 171.0413, F.S., provides general procedures for municipal annexation but contains no procedures pertaining to mail ballot elections.

B. Effect of Proposed Changes:

Subsection (5) is added to s. 101.6102, F.S., to provide that the provisions of that section shall not be construed to prohibit the use of a mail ballot election in a municipal annexation referendum requiring a separate vote of the electors of the annexing municipality and of the area proposed to be annexed. If a mail ballot election is authorized for a municipal annexation referendum, the provisions of ss. 101.6101 - 101.6107, F.S., would control over the provisions of s. 171.0413, F.S.

The effective date is January 1, 1990.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

The public would save time and expense voting by mail.

B. Government:

If an annexation referendum is the only issue being voted on, supervisors would save time and expense by not having to set up voting machines, hire poll workers, etc.

III. COMMENTS:

In CS/SB 231 identical provisions are provided.

IV. AMENDMENTS:

None.