



Miami-Dade County Board of County Commissioners

Office of the Commission Auditor

Board of County Commissioners
Special Meeting

February 27, 2014
9:30 A.M.
Commission Chamber

Research Division

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Commission Auditor
111 NW First Street, Suite 1030
Miami, Florida 33128
305-375-4354

Board of County Commissioners
February 27, 2014 Special Meeting
Research Notes

Item No.	Research Notes
Special Item No. 1 132123	RESOLUTION DIRECTING THE MAYOR OR DESIGNEE TO PREPARE A REPORT AND RECOMMENDATIONS ON SEVERAL ISSUES RELATED TO ANNEXATION AND INCORPORATION
Notes	The proposed resolution directs the Mayor or designee to prepare a report and recommendations on several issues related to annexation and incorporation. The report and recommendations are to address the following issues: • Whether additional County areas or facilities of countywide significance should be considered regional assets that should remain under the regulatory control of the county; - o On September 16, 2005, the Board enacted Ordinance No. 05-141, which identified locations in unincorporated Miami-Dade County that were areas or facilities of countywide significance, establishing the County's regulatory control over such areas and facilities regardless of any annexation or incorporation. - o Ordinance No. 05-141: ▪ Includes a list of areas or facilities of countywide significance that included facilities associated with the Miami-Dade Police Department, Miami-Dade Water & Sewer Department, Miami-Dade Fire Rescue Department, Miami-Dade Aviation Department and Miami-Dade Seaport Department. ▪ Required that the County retain regulatory control over such areas and facilities as a condition of annexation by interlocal agreement and in the charters of newly-incorporated municipalities. ▪ Provided that the Board may designate additional facilities and areas as areas or facilities of countywide significance by resolution of the Board; as additional incorporations and annexations without providing for County jurisdiction over additional areas or facilities of countywide significance would place many of these facilities within the boundaries of municipalities and could subject them to a patchwork of regulations. - o It may be necessary to update the list of areas or facilities of countywide significance identified in Ordinance No. 05-141, as changes may have occurred in the eight years since the enactment of Ordinance No. 05-141 requiring additional facilities to be added to the list of areas or facilities of countywide significance. • Whether the area that lies outside of the Urban Development Boundary (UDB) should be defined as a regional asset that should remain under the regulatory control of the county; - o Section 6.05 of the Miami-Dade County Home Rule Charter establishes an alternative mechanism for municipal incorporation that provides that any proposed municipality whose boundaries include any area outside the UDB as may be described in the County's Comprehensive Development Master Plan (CDMP) will abide by the permitted uses as set forth in such plan. - o Section 20-7 of the Code of Miami-Dade County (Code) provides that in deciding whether to annex an area, one of the guidelines the Board of County Commissioners (BCC) considers is whether the proposed annexation area is totally contained within the UDB depicted on the future Land Use Plan map of the Miami-Dade County CDMP; and Section 20-23 includes a substantially similar provision related to incorporations. - o Section 2-116.1.2 provides that permitted land uses outside the UDB is to be governed by the Miami-Dade County CDMP notwithstanding the fact that the UDB may lie within a municipality, and that any amendments to the UDB line or land use permitted by the CDMP will be filed and processed in accordance with the procedures for applications located within the unincorporated area, and that all municipal land use decisions outside the UDB will be consistent with the CDMP. - o In approving annexation requests, the Board has in the past required approval of land uses and land development regulations outside Miami-Dade County's UDB to be consistent with the Miami-Dade County CDMP in that portion of the annexing area lying outside the UDB. - o The Board may desire to identify the area that lies outside of the UDB as an area of countywide significance that is subject to the exclusive regulatory control of the County. • Whether the Board should further strengthen existing policies that prefer annexation of areas into existing municipalities over creating new municipalities through incorporation; - o There are 34 municipalities within Miami-Dade County; and Section 20-23 provides that one of the guidelines the Board should consider in evaluating the appropriateness of a proposed petition to incorporate a new municipality is if there are no suitable alternatives to incorporation including annexation to an existing municipality. - o It may be preferential for municipalities located near unincorporated areas to annex such unincorporated areas, rather than such areas incorporating into additional new municipalities. - o Small and fiscally-constrained municipalities in particular may benefit from annexation of nearby unincorporated areas. - o The Board may desire to amend its policy to provide a greater preference and incentive for annexation of unincorporated areas into existing nearby municipalities than already appears in Section 20-23. • Whether Police and Fire services should be considered regional in nature and remain at the County level when new municipalities incorporate; and - o Section 20-25 of the Code provides that as a condition of incorporation, each new municipality will include a provision in its charter, agreeing to: ▪ Remain a part of the Miami-Dade County Fire Rescue District in perpetuity. ▪ Contract with the Miami-Dade County Police Department to pay for local patrol services for no less than three years. - o The Board may desire to adopt a policy that considers both police and fire as regional services and require newly-incorporating municipalities to continue to use police services provided by the County in perpetuity.

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	- Whether there is any outstanding County debt that would be affected by additional annexation and incorporation. - Section 20-8.5 of the Code provides that any changes in the boundaries of a municipality involving the annexation of unincorporated areas will be effective only upon the condition that such municipality will be responsible for its pro-rata share of any County debt outstanding for the area to be annexed at the time of the annexation; and Section 20-26 includes a substantially similar provision related to incorporations. The Board wants to be advised of any outstanding County debt that was issued in reliance on unincorporated area revenues and if it may be affected by additional annexation and incorporation. <i>The report and recommendations are due to the full Board without committee review within 90 days of the effective date of the proposed resolution.</i>
Special Item No. 2 132091	RESOLUTION DIRECTING THE MAYOR OR DESIGNEE TO DEVELOP AND MAINTAIN A WEB PORTAL SITE PROVIDING INFORMATION REGARDING ANNEXATIONS AND INCORPORATIONS
Notes	The proposed resolution directs the Mayor or designee to develop and maintain a web portal site providing information regarding annexations and incorporations. The Mayor or designee is directed to develop and regularly update a web portal site to include frequently asked questions and answers, principles, and pamphlets relating to the incorporation and annexation process, as well as a listing of active incorporations, annexations, and unincorporated areas of Miami-Dade County. Furthermore, the web portal is to be launched no later than sixty (60) days of the effective date of the proposed resolution. Additional Information On November 20, 2012, under Resolution No. 983-12, the BCC created the Annexation and Incorporation Task Force (Task Force) to review pending annexation and incorporation proposals and to make recommendations by May 19, 2013 (extended to September 30, 2013 under Resolution No. 379-13), on how the County should proceed to address the remainder of the unincorporated communities. The Task Force Final Report dated September 11, 2013 included the following recommendation: Recommendation 19 <i>Miami-Dade County to maintain an updated electronic incorporation and annexation web portal site to include frequently asked questions and principles, pamphlets describing how to incorporate and annex provides what the process is, a list of active incorporations and annexations, and a list of enclave areas.</i> <i>Background: Currently, information on Annexation and Incorporation can be found on the Miami-Dade County web portal, under the Office of Management and Budget. The website address is: http://www.miamidade.gov/managementandbudget/incorporation-annexation.asp Motion Passed: 9 – 0.</i>
Special Item No. 3 140450	RESOLUTION ESTABLISHING BOARD POLICY FAVORING ANNEXATIONS BY SMALL ECONOMICALLY CHALLENGED MUNICIPALITIES AND DIRECTING THE MAYOR OR THE MAYOR'S DESIGNEE TO PROVIDE RECOMMENDED PROCEDURES TO HELP ENSURE SUCH MUNICIPALITIES ARE ABLE TO ANNEX UNINCORPORATED AREAS OF THE COUNTY
Notes	The proposed resolution establishes policy for the Board of County Commissioners (BCC) favoring annexations by small economically challenged municipalities over other annexations and incorporations. In addition, the proposed resolution directs the Mayor or his designee to prepare a report on proposed changes to the annexation and incorporation procedures that would help to ensure that small economically challenged municipalities are able to annex areas in the unincorporated area of the County. The report is to be submitted to the BCC for its consideration within 90 days of the date of the adoption of this resolution and is to include the following: - Propose objective criteria for determining which small cities are in need of annexing areas in order to remain viable; and - Any amendments to the Home Rule Charter or the Code of Miami-Dade County that are necessary to accomplish the proposals.
Special Item No. 4 Sub. 140174	ORDINANCE RELATING TO ANNEXATION PROCEDURES; REQUIRING CONSENT FROM PROPERTY OWNERS IN AN AREA PROPOSED TO BE ANNEXED, IF THERE IS NO REQUIRED VOTE OF RESIDENT ELECTORS BECAUSE THERE ARE 250 OR FEWER RESIDENT ELECTORS IN THE AREA AND THE AREA IS FIFTY PERCENT OR LESS DEVELOPED RESIDENTIAL; PROVIDING THAT SUCH REQUIREMENT IS APPLICABLE TO PENDING AND FUTURE ANNEXATION REQUESTS, UNLESS SUCH REQUESTS HAVE RECEIVED A RECOMMENDATION FROM THE PLANNING ADVISORY BOARD ON OR BEFORE THE EFFECTIVE DATE OF THIS ORDINANCE; AMENDING SECTION 20-9 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA ("CODE"); PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE [SEE ORIGINAL ITEM UNDER FILE NO. 132316]
Notes	The proposed ordinance relating to Annexation Procedures amends Section 20-9 of the Code of Miami-Dade County (Code), Election on Proposed Boundary Changes, to do the following: - Require consent from property owners in an area proposed to be annexed, if there is no required vote of resident electors because there are 250 or fewer resident electors in the area and the area is fifty percent or less developed residential; - Provides that such requirement is applicable to pending and future annexation requests, unless such requests have received a

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	recommendation from the Planning Advisory Board (PAB) on or before the effective date of this ordinance.																											
	<i>This substitute differs from the original in that it clarifies that recent annexations presented to a committee of the BCC, regardless of the outcome of committee consideration will not be required to obtain the consent of property owners in the annexation area.</i>																											
	Currently, under Section 6.05 of the Home Rule Charter and Section 20-7 of the Code, the County Commission can accomplish an annexation by ordinance without a vote of resident electors when there are 250 or fewer resident electors in the area proposed to be annexed and the area is less than fifty percent developed residential.																											
	<table><tr><th colspan="4">Comparison of Current Code and the Proposed Amendments</th></tr><tr><th colspan="4">Section 20-9: Election on Proposed Boundary Changes.</th></tr><tr><th>Section of Code</th><th>Current Code</th><th>Proposed Amendments <i>Bold refers to proposed amendments.</i></th><th>Notes</th></tr><tr><td>Sec. 20-9(a) <i>Election on Proposed Boundary Changes; Required</i></td><td>If a boundary change involves the annexation or separation of an area having two hundred fifty (250) or fewer resident electors, and the area is <i>less than</i> fifty (50) percent developed residential, the Commission may by ordinance effect the boundary change in accordance with Section 5.04.B of the Home Rule Charter. The determination of <i>whether an area is more or less than fifty (50) percent</i> developed residential shall be made in the sole discretion of the Director of the Department of <i>Planning and Zoning.</i></td><td>If a boundary change involves the annexation or separation of an area having two hundred fifty (250) or fewer resident electors, and the area is fifty (50) percent <i>or less</i> developed residential, the Commission may by ordinance effect the boundary change in accordance with Section 5.04.B of the Home Rule Charter. The determination of <i>the percentage of an area that is</i> developed residential shall be made in the sole discretion of the Director of the Department <i>Regulatory and Economic Resources.</i></td><td><i>Amends percentage language and provides the current name of the department.</i></td></tr><tr><td>Sec. 20-9(b) <i>Election on Proposed Boundary Changes; Required</i></td><td>In the event that a boundary change involves the annexation or separation of an area of which more than two hundred fifty (250) residents are electors, the Board of County Commissioners, pursuant to <i>Section 5.04(B)</i> of the Home Rule Charter of Miami-Dade County, Florida, may call an election to be held for the purpose of submitting to these electors the question whether the proposed boundary change shall be approved or disapproved. All costs of such elections shall be paid in advance by the persons, group or municipality initiating the proposed boundary change.</td><td>In the event that a boundary change involves the annexation or separation of an area of which more than two hundred fifty (250) residents are electors, the Board of County Commissioners, pursuant to <i>Section 6.04(B)</i> of the Home Rule Charter of Miami-Dade County, Florida, may call an election to be held for the purpose of submitting to these electors the question whether the proposed boundary change shall be approved or disapproved. All costs of such elections shall be paid in advance by the persons, group or municipality initiating the proposed boundary change.</td><td><i>Amends to provide the current section of the Miami-Dade Home Rule Charter.</i></td></tr><tr><td>Sec. 20-9(c) <i>New Subsection of the Code.</i></td><td>N/A</td><td>Notwithstanding the provisions of subsection (a) above, if the area to be annexed has two hundred fifty (250) or fewer resident electors and is developed 50 percent or less residential, such area shall not be annexed unless more than 50 percent of the owners of parcels in the area consent to the proposed annexation. Such consent(s) shall be obtained by the parties proposing the annexation prior to the submittal of any annexation petition or application or where such annexation petition or application has been submitted prior to the effective date of this ordinance, such consent(s) shall be obtained prior to consideration by the Board of County Commissioners or any of its committees and shall be on a form approved by the Office of Management and Budget. It is provided, however, the requirements of this subsection shall not apply to an annexation petition or application that has received a recommendation from the Planning Advisory Board on or before the effective date of this ordinance. Additionally, this ordinance shall</td><td><i>Creates new subsection of the Code requiring consent from property owners in an area proposed to be annexed, if there is no required vote of resident electors because there are 250 or fewer resident electors in the area and the area is fifty percent or less developed residential.</i> <i>Provides clarification that recent annexations presented to a committee of the BCC, regardless of the outcome of</i></td></tr></table>				Comparison of Current Code and the Proposed Amendments				Section 20-9: Election on Proposed Boundary Changes.				Section of Code	Current Code	Proposed Amendments <i>Bold refers to proposed amendments.</i>	Notes	Sec. 20-9(a) <i>Election on Proposed Boundary Changes; Required</i>	If a boundary change involves the annexation or separation of an area having two hundred fifty (250) or fewer resident electors, and the area is <i>less than</i> fifty (50) percent developed residential, the Commission may by ordinance effect the boundary change in accordance with Section 5.04.B of the Home Rule Charter. 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The determination of <i>the percentage of an area that is</i> developed residential shall be made in the sole discretion of the Director of the Department <i>Regulatory and Economic Resources.</i>	<i>Amends percentage language and provides the current name of the department.</i>	Sec. 20-9(b) <i>Election on Proposed Boundary Changes; Required</i>	In the event that a boundary change involves the annexation or separation of an area of which more than two hundred fifty (250) residents are electors, the Board of County Commissioners, pursuant to <i>Section 5.04(B)</i> of the Home Rule Charter of Miami-Dade County, Florida, may call an election to be held for the purpose of submitting to these electors the question whether the proposed boundary change shall be approved or disapproved. All costs of such elections shall be paid in advance by the persons, group or municipality initiating the proposed boundary change.	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All costs of such elections shall be paid in advance by the persons, group or municipality initiating the proposed boundary change.	<i>Amends to provide the current section of the Miami-Dade Home Rule Charter.</i>	Sec. 20-9(c) <i>New Subsection of the Code.</i>	N/A	Notwithstanding the provisions of subsection (a) above, if the area to be annexed has two hundred fifty (250) or fewer resident electors and is developed 50 percent or less residential, such area shall not be annexed unless more than 50 percent of the owners of parcels in the area consent to the proposed annexation. Such consent(s) shall be obtained by the parties proposing the annexation prior to the submittal of any annexation petition or application or where such annexation petition or application has been submitted prior to the effective date of this ordinance, such consent(s) shall be obtained prior to consideration by the Board of County Commissioners or any of its committees and shall be on a form approved by the Office of Management and Budget. It is provided, however, the requirements of this subsection shall not apply to an annexation petition or application that has received a recommendation from the Planning Advisory Board on or before the effective date of this ordinance. Additionally, this ordinance shall	<i>Creates new subsection of the Code requiring consent from property owners in an area proposed to be annexed, if there is no required vote of resident electors because there are 250 or fewer resident electors in the area and the area is fifty percent or less developed residential.</i> <i>Provides clarification that recent annexations presented to a committee of the BCC, regardless of the outcome of</i>
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Sec. 20-9(c) <i>New Subsection of the Code.</i>	N/A	Notwithstanding the provisions of subsection (a) above, if the area to be annexed has two hundred fifty (250) or fewer resident electors and is developed 50 percent or less residential, such area shall not be annexed unless more than 50 percent of the owners of parcels in the area consent to the proposed annexation. Such consent(s) shall be obtained by the parties proposing the annexation prior to the submittal of any annexation petition or application or where such annexation petition or application has been submitted prior to the effective date of this ordinance, such consent(s) shall be obtained prior to consideration by the Board of County Commissioners or any of its committees and shall be on a form approved by the Office of Management and Budget. It is provided, however, the requirements of this subsection shall not apply to an annexation petition or application that has received a recommendation from the Planning Advisory Board on or before the effective date of this ordinance. Additionally, this ordinance shall	<i>Creates new subsection of the Code requiring consent from property owners in an area proposed to be annexed, if there is no required vote of resident electors because there are 250 or fewer resident electors in the area and the area is fifty percent or less developed residential.</i> <i>Provides clarification that recent annexations presented to a committee of the BCC, regardless of the outcome of</i>																									

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			not apply to any annexation requests that were presented to a committee of the Board of County Commissioners for hearing within one year prior to the effective date of this ordinance.	<i>committee consideration will not be required to obtain the consent of property owners in the annexation area.</i>
	Additional Information On November 20, 2012, under Resolution No. 983-12, the BCC created the Annexation and Incorporation Task Force (Task Force) to review pending annexation and incorporation proposals and to make recommendations by May 19, 2013 (extended to September 30, 2013 under Resolution No. 379-13), on how the County should proceed to address the remainder of the unincorporated communities. The County Mayor’s memo dated April 1, 2013, titled, <i>Municipal Incorporation and Annexation</i>, included general recommendations for the Task Force, including the following under Annexation Recommendations: <u>Elections</u> <i>The County Code requires that annexations be put to a vote of the electorate if there are more than 250 resident electors or the area is developed with more than 50 percent residential. The county Code makes no provision for the annexation of an area that is commercial. One of the issues that the PAB has struggled with is that commercial properties owners have no say if their property is being annexed. Florida statutes provides that the annexation of commercial areas without electors requires the annexing municipality to obtain consent from 50 percent of the property owners in the annexation area if more than 70 percent of the area is owned by individuals, corporations or legal entities that are not registered electors. There should be a requirement that municipalities annexing commercial areas obtain a petition from 50 percent of the property owners in these circumstances.</i> Subsequently, the Task Force Final Report dated September 11, 2013 included the following recommendation: Recommendation 6 <i>Retain the current process for annexation of fewer than 250 electors.</i> <i>Background: The current process Charter and Code for annexations requires that a vote of the electorate be conducted if the area has more than 250 resident electors. Additionally, the area is developed with more than 50 percent residential the Code requires and election. Currently, in the County Code there is no provision that applies to commercial areas for an annexation that allows for owners of commercial properties to vote, unless they reside within the area. However, according to the Code, the Board can amend boundaries to include a commercial area of a proposed annexation. Motion Passed: 9 – 3</i>			
Special Item No. 5 132112	ORDINANCE RELATING TO INCORPORATION PROCEDURES; AMENDING SECTION 20-29 OF THE CODE OF MIAMI-DADE COUNTY; AUTHORIZING AREAS TO PETITION THE BOARD OF COUNTY COMMISSIONERS TO OPT-IN TO A MUNICIPAL ADVISORY COMMITTEE’S STUDY AREA, UNDER CERTAIN CIRCUMSTANCES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE			
Notes	The proposed ordinance, relating to Incorporation Procedures, amends Section 20-29, of the Code of Miami-Dade County (Code), Municipal Advisory Committee – Creation and Limitation of Study Area, authorizing areas to petition the Board of County Commissioners (BCC) to opt-in to a Municipal Advisory Committee’s (MAC’S) study area, under certain circumstances.			
<u>Withdrawn</u>	The proposed ordinance amends Section 20-29(C) of the Code, allowing the BCC to include an area originally not included in a MAC’s proposed study area. The new procedures provide for the following: (1) Petition of twenty (20) percent of the resident electors in the area seeking to be included in a MAC study area; the petition will be on a form approved by the Office of Management and Budget and will be submitted to the Clerk of the Board; and (2) Adoption of a resolution by the BCC, in its sole discretion: a. Approving the inclusion of the area, in whole or in part, within the MAC study area, as long as the area sought to be included is contiguous, as may be determined on a case-by-case basis in the sole discretion of the BCC, with the original MAC study area boundaries; and b. Determining that such area cannot continue to be served effectively and efficiently, if it were to remain unincorporated. The BCC may not approve the inclusion of an area seeking to opt-into a MAC’s study area, if the Planning Advisory Board (PAB) has considered the MAC report and made a recommendation to the Board regarding the proposed incorporation. Additional Information Currently, under Section 20-29(B) and (C) of the Code, in the event a MAC is created where part of the study area is outside the sponsoring Commissioner’s district, such area will automatically be excluded from the MAC’s consideration. This restriction may be waived by the Commissioner(s) whose district the study area comes within by filing a memorandum with the Clerk of the Board indicating consent to all or part of the study area. <u>Annexation and Incorporation Task Force</u> On November 20, 2012, under Resolution No. 983-12, the BCC created the Annexation and Incorporation Task Force (Task Force) to review pending annexation and incorporation proposals and to make recommendations by May 19, 2013 (extended to September 30, 2013 under Resolution No. 379-13), on how the County should proceed to address the remainder of the unincorporated communities.			

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	The Task Force’s final recommendations, dated September 17, 2013, included the following recommendation: Recommendation 18 <i>That the BCC adopt an ordinance enabling areas that cannot be served by the County efficiently and effectively and were contiguous to an active proposed incorporation and annexation area, have an opportunity to opt in upon 20 percent petition by the resident of the area and approval of the majority of the BCC to a current MAC or annexation effort prior to the PAB meeting. Motion Passed: 9 – 0</i>																												
Special Item No. 6 132248	ORDINANCE PERTAINING TO THE INCORPORATION OF NEW MUNICIPALITIES; AMENDING SECTION 20-26 OF THE CODE OF MIAMI-DADE, FLORIDA; DELETING THE REQUIREMENT THAT MUNICIPALITIES PAY FOR MIAMI--DADE COUNTY SPECIALIZED POLICE SERVICES FROM ITS MUNICIPAL MILLAGE OR OTHER MUNICIPAL FUNDS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE																												
Notes	The proposed ordinance pertaining to the incorporation of new municipalities amends Section 20-26 of the Code of Miami-Dade County (Code), Future Municipalities' Obligations to the County, deleting the requirement that municipalities pay for Miami-Dade County specialized police services from its municipal millage or other municipal funds. Additional Information On November 20, 2012, under Resolution No. 983-12, the BCC created the Annexation and Incorporation Task Force (Task Force) to review pending annexation and incorporation proposals and to make recommendations by May 19, 2013 (extended to September 30, 2013 under Resolution No. 379-13), on how the County should proceed to address the remainder of the unincorporated communities. The County Mayor’s memo dated April 1, 2013, titled, <i>Municipal Incorporation and Annexation</i>, included general recommendations for the Task Force. Under Incorporation Recommendations the Mayor suggested the following: Specialized Police Services <i>The County Code requires that municipalities pay for specialized police services they receive. While this practice was phased out, it remains in the County Code. The Code should be amended to remove this, as all specialized police services are maintained through the Countywide budget.</i> Subsequently, the Task Force Final Report dated September 11, 2013 included the following recommendation: Recommendation 12 <i>That the County Code be amended to remove the requirement that municipalities pay for specialized police services.</i> <i>Background: The County Code requires that any municipality that receives specialized police services directly pays for their service. The current practice in place allows for these services to be maintained through the Countywide budget. Removing this requirement from County Code will make it consistent with current practices. Motion Passed: 7-1</i>																												
Special Item No. 7 140163	ORDINANCE RELATING TO INCORPORATION PROCEDURES FOR MUNICIPAL ADVISORY COMMITTEES; AMENDING SECTION 20-29 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; SPECIFYING CRITERIA FOR MEMBERSHIP, LOCATION AND STANDARDS FOR MEETING FACILITY, AND TIME FOR MEETINGS; PROVIDING APPLICABILITY; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE																												
Notes	The proposed ordinance, relating to incorporation procedures for Municipal Advisory Committees (MAC), amends Section 20-29 of the Code of Miami-Dade County (Code), Municipal Advisory Committee – Creation and Limitation of Study Area, specifying criteria for membership, location and standards for meeting facility, and time for meetings. <table><tr><th colspan="4">Comparison of Current Code and the Proposed Amendments</th></tr><tr><th colspan="4">Section 20-29 of the Code, Municipal Advisory Committees – Creation and Limitation of Study Area</th></tr><tr><th>Section of Code</th><th>Current Code</th><th>Proposed Amendments</th><th>Notes</th></tr><tr><td colspan="4">Bold refers to proposed amendments.</td></tr><tr><td>Sec. 20-29(E) <i>Municipal Advisory Committees – Creation and Limitation of Study Area</i></td><td>N/A</td><td>In the appointment of members to the Municipal Advisory Committee, the Board shall strive to ensure that the members: (1) possess a variety of views on whether the study area should become incorporated, and (2) represent all geographical areas within the Municipal Advisory Committee study area.</td><td><i>Specifies criteria for membership.</i></td></tr><tr><td>Sec. 20-29(F) <i>Municipal Advisory Committees – Creation and Limitation of Study Area</i></td><td>N/A</td><td>Meetings of the Municipal Advisory Committee shall be held within the Municipal Advisory Committee study area and shall meet in a facility that is compliant with the Americans with Disability Act and with an occupancy that exceeds 50 persons. It is provided, however, that in the event that a facility within the Municipal Advisory Committee area is not regularly available that complies with the aforementioned requirements, the meeting of the Municipal Advisory Committee may be held within 1 mile of the Municipal Advisory Boundaries in a facility that meets the aforementioned requirements.</td><td><i>Specifies location and standards for MAC meeting facility.</i></td></tr><tr><td>Sec. 20-29(G)</td><td>N/A</td><td>All meetings of the Municipal Advisory Committee shall</td><td><i>Specifies time</i></td></tr></table>	Comparison of Current Code and the Proposed Amendments				Section 20-29 of the Code, Municipal Advisory Committees – Creation and Limitation of Study Area				Section of Code	Current Code	Proposed Amendments	Notes	Bold refers to proposed amendments.				Sec. 20-29(E) <i>Municipal Advisory Committees – Creation and Limitation of Study Area</i>	N/A	In the appointment of members to the Municipal Advisory Committee, the Board shall strive to ensure that the members: (1) possess a variety of views on whether the study area should become incorporated, and (2) represent all geographical areas within the Municipal Advisory Committee study area.	<i>Specifies criteria for membership.</i>	Sec. 20-29(F) <i>Municipal Advisory Committees – Creation and Limitation of Study Area</i>	N/A	Meetings of the Municipal Advisory Committee shall be held within the Municipal Advisory Committee study area and shall meet in a facility that is compliant with the Americans with Disability Act and with an occupancy that exceeds 50 persons. It is provided, however, that in the event that a facility within the Municipal Advisory Committee area is not regularly available that complies with the aforementioned requirements, the meeting of the Municipal Advisory Committee may be held within 1 mile of the Municipal Advisory Boundaries in a facility that meets the aforementioned requirements.	<i>Specifies location and standards for MAC meeting facility.</i>	Sec. 20-29(G)	N/A	All meetings of the Municipal Advisory Committee shall	<i>Specifies time</i>
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Sec. 20-29(G)	N/A	All meetings of the Municipal Advisory Committee shall	<i>Specifies time</i>																										

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	<i>Municipal Advisory Committees – Creation and Limitation of Study Area</i>		commence no earlier than 6:30 pm.	<i>of MAC meetings.</i> <i>Renumbers remaining subsections.</i>																
Special Item No. 8 132244	ORDINANCE PERTAINING TO ANNEXATIONS; CREATING SECTION 20-4.3 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROHIBITING THE FILING, CONSIDERATION, APPROVAL OF OR REFERENDUM ON ANNEXATION REQUESTS IF THE BOUNDARIES OF THE AREA PROPOSED TO BE ANNEXED CONFLICT WITH THE BOUNDARIES OF ANY MUNICIPAL ADVISORY COMMITTEE REGARDLESS OF WHEN SUCH COMMITTEE WAS CREATED; PROVIDING THAT THIS ORDINANCE APPLIES TO PENDING AND FUTURE ANNEXATION REQUESTS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE																			
Notes	The proposed ordinance, pertaining to annexations, creates a new subsection under Section 20-4 of the Code of Miami-Dade County (Code), Boundary Change Procedure – Initiated by Individual or Group. The new subsection, Section 20-4.3 of the Code, provides for the following: - Prohibits the filing, consideration, approval of or referendum on annexation requests if the boundaries of the area proposed to be annexed conflict with the boundaries of any Municipal Advisory Committee (MAC) regardless of when such committee was created, unless and until (1) the Board of County Commissioners (BCC) has denied the incorporation of the area studied by the MAC; or (2) the voters, at an election duly called by the BCC have disapproved the incorporation; and - Provides that the proposed ordinance applies to pending and future annexation requests.																			
Special Item No. 9 132250	ORDINANCE PERTAINING TO BOUNDARY CHANGE PROCEDURES; AMENDING SECTIONS 20-3 AND 20-4 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA TO PROVIDE THAT PETITIONS FOR BOUNDARY CHANGES SHALL REQUIRE CONSENT OF TWENTY PERCENT OF REGISTERED ELECTORS IN THE AREA PROPOSED TO BE ANNEXED; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE																			
Notes	The proposed ordinance, pertaining to boundary change procedures, amends Sections 20-3 and 20-4 of the Code of Miami-Dade County (Code), to provide that petitions for boundary changes require consent of twenty percent (20%) of registered electors in the area proposed to be annexed. <table><tr><th colspan="4">Comparison of Current Boundary Change Regulations and Proposed Amendments</th></tr><tr><td colspan="4"><i>Miami-Dade County Code Sections 20-3, Initiated by Governing Body of Municipality, and 20-4*, Initiated by Individual or Group.</i></td></tr><tr><th>Section of Code</th><th>Current Code</th><th>Proposed Amendments</th><th>Notes</th></tr><tr><td>Sec. 20-3(H) <i>Initiated by Governing Body of Municipality.</i></td><td>A petition filed with the Clerk of the County Commission indicating the consent of twenty-five (25) percent plus one (1) of the electors in the area proposed for annexation provided however, no petition shall be required where the property proposed for annexation is vacant or where there are two hundred fifty (250) or less resident electors.</td><td>A petition filed with the Clerk of the County Commission indicating the consent of twenty (20) percent of the electors in the area proposed for annexation provided however, no petition shall be required where the property proposed for annexation is vacant or where there are two hundred fifty (250) or less resident electors.</td><td><i>Provides that petitions for boundary changes will require consent of twenty percent of registered electors in the area proposed to be annexed.</i></td></tr></table> <i>*Section 20-4 includes language referring to the documents and information prescribed in Section 20-3 of the Code.</i> Additional Information On November 6, 2012, the Miami-Dade electorate approved the ballot question for a Charter amendment pertaining to changes in municipal boundaries and creation of new municipalities by 53.03 percent (344,621 votes). The question appeared on the ballot as follows: SHALL THE CHARTER BE AMENDED TO: - REQUIRE THE COUNTY COMMISSION TO CONSIDER THE BENEFITS OF ANY PROPOSED ANNEXATION OF COMMERCIAL AREAS, WHEN APPROVING OR AUTHORIZING AN ANNEXATION - ESTABLISH ALTERNATIVE PROCEDURE FOR CREATION OF NEW MUNICIPALITIES IN UNINCORPORATED AREAS OF THE COUNTY BY PETITION WHICH PROVIDES CONDITIONS FOR CREATION OF NEW MUNICIPALITIES AND A SINGLE ELECTION TO APPROVE THE CREATION OF A NEW MUNICIPALITY AND APPROVE ITS CHARTER, INSTEAD OF TWO ELECTIONS FOR THESE PURPOSES? On November 20, 2012, under Resolution No. 983-12, the BCC created the Annexation and Incorporation Task Force (Task Force) to review pending annexation and incorporation proposals and to make recommendations by May 19, 2013 (extended to September 30, 2013 under Resolution No. 379-13), on how the County should proceed to address the remainder of the unincorporated communities. The County Mayor’s memo dated April 1, 2013, titled, <i>Municipal Incorporation and Annexation</i>, included general recommendations for the Task Force. Under Annexation Recommendations the Mavor suggested the following:				Comparison of Current Boundary Change Regulations and Proposed Amendments				<i>Miami-Dade County Code Sections 20-3, Initiated by Governing Body of Municipality, and 20-4*, Initiated by Individual or Group.</i>				Section of Code	Current Code	Proposed Amendments	Notes	Sec. 20-3(H) <i>Initiated by Governing Body of Municipality.</i>	A petition filed with the Clerk of the County Commission indicating the consent of twenty-five (25) percent plus one (1) of the electors in the area proposed for annexation provided however, no petition shall be required where the property proposed for annexation is vacant or where there are two hundred fifty (250) or less resident electors.	A petition filed with the Clerk of the County Commission indicating the consent of twenty (20) percent of the electors in the area proposed for annexation provided however, no petition shall be required where the property proposed for annexation is vacant or where there are two hundred fifty (250) or less resident electors.	<i>Provides that petitions for boundary changes will require consent of twenty percent of registered electors in the area proposed to be annexed.</i>
Comparison of Current Boundary Change Regulations and Proposed Amendments																				
<i>Miami-Dade County Code Sections 20-3, Initiated by Governing Body of Municipality, and 20-4*, Initiated by Individual or Group.</i>																				
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Sec. 20-3(H) <i>Initiated by Governing Body of Municipality.</i>	A petition filed with the Clerk of the County Commission indicating the consent of twenty-five (25) percent plus one (1) of the electors in the area proposed for annexation provided however, no petition shall be required where the property proposed for annexation is vacant or where there are two hundred fifty (250) or less resident electors.	A petition filed with the Clerk of the County Commission indicating the consent of twenty (20) percent of the electors in the area proposed for annexation provided however, no petition shall be required where the property proposed for annexation is vacant or where there are two hundred fifty (250) or less resident electors.	<i>Provides that petitions for boundary changes will require consent of twenty percent of registered electors in the area proposed to be annexed.</i>																	

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	Petition Requirements <i>The County Code requires that annexations initiated by a municipality obtain a petition of 25 percent of residents in the annexing area. However, last November, voters approved a change to the County Charter that lowered the requirement to 20 percent petition. The annexation petition requirement should be lowered to 20 percent to mirror the County Charter change approved by the voters.</i> Subsequently, the Task Force Final Report dated September 11, 2013 included the following recommendation: Recommendation 5 <i>That the County Charter and Code be amended to allow areas with over 15,000 people to obtain a lower number of petitions for incorporations based on a sliding scale to be determined.</i> <i>Background: On November 6, 2012, voters amended the County Charter which created the percentage of 20 percent for incorporation efforts. The Code requires a 25 percent petition in order to create a MAC. Currently, the Charter and County Code do not match. Motion Passed: 9-2</i> Additional Information - Annexation of Commercial Areas Although the proposed ordinance <u>does not</u> pertain directly to annexations of commercial areas, the following is provided as additional information: The County Mayor’s memo dated April 1, 2013, titled, <i>Municipal Incorporation and Annexation</i>, under Annexation Recommendations addressed commercial property owners that have no say if their property is being annexed. the Mayor suggested the following: Elections <i>The County Code requires that annexations be put to a vote of the electorate if there are more than 250 resident electors or the area is developed with more than 50 percent residential. The County Code makes no provision for the annexation of an area that is commercial. One of the issues that the PAB has struggled with is that commercial property owners have no say if their property is being annexed. Florida statutes provides that the annexation of commercial areas <u>without</u> electors requires the annexing municipality to obtain consent from 50 percent of the property owners in the annexation area if more than 70 percent of the area is owned by individuals, corporations or legal entities that are not registered electors. There should be a requirement that municipalities annexing commercial areas obtain a petition from 50 percent of the property owners in these circumstances.</i> Subsequently, the Task Force Final Report dated September 11, 2013 included the following recommendation: Recommendation 6 <i>Retain the current process for annexations of fewer than 250 electors.</i> <i>Background: The current process Charter and Code for annexations requires that a vote of the electorate be conducted if the area has more than 250 resident electors. Additionally, the area is developed with more than 50 percent residential the Code requires an election. Currently, in the County Code there is no provision that applies to commercial areas for an annexation that allows for owners of commercial properties to vote, unless they reside within the area. However, according to the Code, the Board can amend boundaries to include a commercial area of a proposed annexation. Motion Passed: 9-3</i>												
Special Item No. 10 132249	ORDINANCE PERTAINING TO BOUNDARY CHANGE AND INCORPORATION PROCEDURES; AMENDING SECTIONS 20-6 AND 20-22 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA TO DELETE REQUIREMENT FOR REVIEW AND RECOMMENDATION BY A COMMITTEE OF THE PLANNING ADVISORY BOARD FOR PURPOSES OF MAKING A COMMITTEE RECOMMENDATION TO THE FULL PLANNING ADVISORY BOARD ON PROPOSED ANNEXATIONS AND INCORPORATIONS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE												
Notes	The proposed ordinance, pertaining to boundary change and incorporation procedures, amends Sections 20-6 and 20-22 of the Code of Miami-Dade County (Code), to delete requirement for review and recommendation by a committee of the Planning Advisory Board (PAB) for purposes of making a committee recommendation to the full PAB on proposed annexations and incorporations. <table><tr><th colspan="4">Comparison of Current Boundary Change and Incorporation Procedures and Proposed Amendments <i>Miami-Dade County Code Sections 20-6 and 20-22.</i></th></tr><tr><th>Section of Code</th><th>Current Code</th><th>Proposed Amendments <i>Bold refers to proposed amendments.</i></th><th>Notes</th></tr><tr><td>Sec. 20-6(a) Boundary Change Procedure – Consideration by PAB.</td><td>The Planning Advisory Board, upon receipt of a petition or resolution referred by the County Commission shall study, review and consider the request for boundary changes embodied therein. The chair of the Planning Advisory Board shall appoint a committee of the Board as well as a chair for such committee for the purpose of studying and making a report and recommendation to the full Board on the boundary change request. In making its</td><td>The Planning Advisory Board, upon receipt of a petition or resolution referred by the County Commission shall study, review and consider the request for boundary changes embodied therein.</td><td><i>Removes the requirement for review and recommendation by a committee of the PAB for purposes of making a committee recommendation to the full PAB on proposed</i></td></tr></table>	Comparison of Current Boundary Change and Incorporation Procedures and Proposed Amendments <i>Miami-Dade County Code Sections 20-6 and 20-22.</i>				Section of Code	Current Code	Proposed Amendments <i>Bold refers to proposed amendments.</i>	Notes	Sec. 20-6(a) Boundary Change Procedure – Consideration by PAB.	The Planning Advisory Board, upon receipt of a petition or resolution referred by the County Commission shall study, review and consider the request for boundary changes embodied therein. The chair of the Planning Advisory Board shall appoint a committee of the Board as well as a chair for such committee for the purpose of studying and making a report and recommendation to the full Board on the boundary change request. In making its	The Planning Advisory Board, upon receipt of a petition or resolution referred by the County Commission shall study, review and consider the request for boundary changes embodied therein.	<i>Removes the requirement for review and recommendation by a committee of the PAB for purposes of making a committee recommendation to the full PAB on proposed</i>
Comparison of Current Boundary Change and Incorporation Procedures and Proposed Amendments <i>Miami-Dade County Code Sections 20-6 and 20-22.</i>													
Section of Code	Current Code	Proposed Amendments <i>Bold refers to proposed amendments.</i>	Notes										
Sec. 20-6(a) Boundary Change Procedure – Consideration by PAB.	The Planning Advisory Board, upon receipt of a petition or resolution referred by the County Commission shall study, review and consider the request for boundary changes embodied therein. The chair of the Planning Advisory Board shall appoint a committee of the Board as well as a chair for such committee for the purpose of studying and making a report and recommendation to the full Board on the boundary change request. In making its	The Planning Advisory Board, upon receipt of a petition or resolution referred by the County Commission shall study, review and consider the request for boundary changes embodied therein.	<i>Removes the requirement for review and recommendation by a committee of the PAB for purposes of making a committee recommendation to the full PAB on proposed</i>										

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		<i>recommendation to the full Board, the committee shall utilize the guidelines set forth in subsection (b).</i>		<i>annexations.</i>
	Sec. 20-22(C) PAB's Consideration of Petition for Incorporation.	The Planning Advisory Board, upon receipt of a petition and appropriate County department staff review and comment shall: 1) Create a five-member committee of the Planning Advisory Board appointed by its chair for the purpose of studying and making a recommendation to the full Board on the petition. The chair of the Planning Advisory board shall designate a chair for such committee. In making its report and recommendation to the full Board the committee shall utilize the guidelines set forth in subsection (4).	Removes subsection 20-22(C)(1) from the Code.	<i>Removes the requirement for review and recommendation by a committee of the PAB for purposes of making a committee recommendation to the full PAB on proposed incorporation and rennumbers section accordingly.</i>
	Additional Information On November 20, 2012, under Resolution No. 983-12, the BCC created the Annexation and Incorporation Task Force (Task Force) to review pending annexation and incorporation proposals and to make recommendations by May 19, 2013 (extended to September 30, 2013 under Resolution No. 379-13), on how the County should proceed to address the remainder of the unincorporated communities. The County Mayor's memo dated April 1, 2013, titled, <i>Municipal Incorporation and Annexation</i>, included general recommendations for the Task Force. Under Annexations and Incorporation Recommendations the Mayor suggested the following: Planning Advisory Board <i>The County Code requires that the PAB review the annexation request or incorporation proposals and make a recommendation to the Board. The County Code also requires that prior to the PAB, a committee of the PAB review the application and make a recommendation to the PAB. To streamline the process, this step should be excluded from the County Code and just require that the PAB consider the annexation or incorporation and make a recommendation to the Board.</i> Subsequently, the Task Force Final Report dated September 11, 2013 included the following recommendation: Recommendation 2 <i>That the Code be amended to remove the PAB Incorporation and Annexation Committee review requirement.</i> <i>Background: The Code requires that prior to the PAB reviewing any annexation or incorporation request, the PAB Incorporation and Annexation Committee must review the application and make a recommendation to the PAB. In order to simplify the process, this step can be eliminated and only require the PAB to review the request and make a recommendation directly to the Board.</i> <i>Motion Passed: 13-0</i>			
Special Item No. 11 131729	ORDINANCE RELATING TO INCORPORATION PROCEDURES; PROVIDING THAT A REQUEST OR PETITION FOR INCORPORATION SHALL NOT BE FILED NOR ANY FILED PETITION FOR INCORPORATION BE HEARD, CONSIDERED, OR APPROVED WHERE THE INCORPORATION REQUEST OR PETITION CREATES A NEW ENCLAVE; CREATING SECTION 20-21.2 OF THE CODE OF MIAMI-DADE COUNTY; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE			
Notes	The proposed ordinance, relating to incorporation procedures, provides that a request or petition for incorporation will not be filed, nor any filed petition for incorporation be heard, considered, or approved where the incorporation request or petition creates a new enclave. The proposed ordinance creates Section 20-21.2 of the Code of Miami-Dade County (Code). Sec. 20-21.2 Exception to filing and consideration of petition or request for incorporations. <i>Notwithstanding anything in this article to the contrary, no request or petition for incorporation shall be filed, nor shall any filed request or petition for incorporation be heard, considered, or approved pursuant to Section 20-23, by the Board of County Commissioners when the proposed incorporation would create a new enclave.</i> The proposed ordinance would prevent consideration of a proposed incorporation that creates a new enclave, so that annexations and incorporations related to the creation of a new enclave are treated the same. Currently, Section 20-3.1 of the Code prohibits the Board of County Commissioners (BCC) from considering an annexation application that creates a new enclave. Additional Information Pursuant to Section 20-7(A)(1)(c) of the Code, an unincorporated enclave area is an area that would be 1) surrounded on more than eighty (80) percent of its boundary by one (1) or more municipalities and 2) of a size that could not be serviced efficiently or effectively.			