

Bill No. CS for SB 102

Amendment No. Barcode 143244

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Senator Geller moved the following amendment:

Senate Amendment (with title amendment)

On page 17, between lines 26 and 27,

insert:

Section 10. (1) This section shall apply to any chartered county of this state that has both a population of 1.5 million or more as determined in the last decennial census and has 10 percent or less of its developed or developable lands within unincorporated areas. This section shall not apply to any county chartered pursuant to s. 6(e), Art. VIII of the State Constitution.

(2) Notwithstanding any general or special law to the contrary, the board of county commissioners of any such county shall present a comprehensive plan consistent with the provisions of s. 2, Art. I of the State Constitution, no later than November 30 of the second year following the decennial census, in consultation with such county's legislative delegation and the municipalities, for the annexation of all remaining developed and developable unincorporated areas

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1 within said county into municipalities. No later than
2 September 15 of the fifth year following the decennial census,
3 notwithstanding any general or special law to the contrary,
4 the board of county commissioners of any such county shall by
5 one or more ordinances cause the annexation of all remaining
6 developed and developable unincorporated areas within said
7 county into municipalities in a manner consistent with the
8 established plan. Such ordinances shall describe each area to
9 be annexed by its legal description and shall provide the
10 effective date of such annexations. Notwithstanding any
11 general or special law to the contrary, or any charter
12 provision to the contrary, such ordinances shall apply with
13 equal effect to both unincorporated and municipal areas within
14 the boundary of such county.

15 (3) Each of the areas annexed into a municipality
16 shall be a part of said municipality pursuant to s. 171.062,
17 Florida Statutes, on the effective date of the annexation.
18 Such ordinance shall be filed with the Department of State by
19 the county not later than 30 days subsequent to the date of
20 the adoption of the ordinance.

21 (4) As used in this section, the following terms shall
22 be as defined as follows:

23 (a) "Municipality" means a municipality created
24 pursuant to general or special law authorized or recognized
25 pursuant to s. 2 or s. 6, Art. VIII of the State Constitution.

26 (b) "Contiguous" means that a substantial part of a
27 boundary of the territory sought to be annexed by a
28 municipality is coterminous with a part of the boundary of the
29 municipality. The separation of the territory sought to be
30 annexed from the annexing municipality by a publicly owned
31 county park; a right-of-way for a highway, road, railroad,

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1 canal, or utility; or a body of water, watercourse, or other
2 minor geographical division of a similar nature, running
3 parallel with and between the territory sought to be annexed
4 and the annexing municipality, shall not prevent annexation
5 under this section, provided the presence of such a division
6 does not, as a practical matter, prevent the territory sought
7 to be annexed and the annexing municipality from becoming a
8 unified whole with respect to municipal services or prevent
9 their inhabitants from fully associating and trading with each
10 other, socially and economically. However, nothing in this
11 section shall be construed to allow local rights-of-way,
12 utility easements, railroad rights-of-way, or like entities to
13 be annexed in a corridor fashion to gain contiguity. If any
14 provision or provisions of special law or laws prohibit the
15 annexation of territory that is separated from the annexing
16 municipality by a body of water or watercourse, that law shall
17 prevent annexation under this section.

18 (c) "Urban services" means any services offered by a
19 municipality, either directly or by contract, to any of its
20 present residents.

21 (d) "Compactness" means concentration of a piece of
22 property in a single area and precludes any action that would
23 create enclaves, pockets, or finger areas in serpentine
24 patterns. Any annexation proceeding in any county in the state
25 shall be designed in such a manner as to ensure that the area
26 will be reasonably compact.

27 (5) The plan required in subsection (2) shall be
28 established in the following manner:

29 (a) Such county may provide for any staff or
30 professional services it deems necessary for the preparation
31 and implementation of the annexation plan.

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1 (b) Such county shall hold at least two public
2 hearings prior to adoption of the annexation ordinance.

3 (c) Any such public hearings shall be noticed by
4 publication at least 7 days in advance of each such meeting in
5 a newspaper of general circulation in the county.

6 (d) The annexation plan shall include recommendations,
7 submitted to each area to be annexed, for the extension of
8 urban services on substantially the same basis and in the same
9 manner as such services are provided within the rest of the
10 annexing municipality prior to annexation.

11 (e) The county and the municipalities that would be
12 affected by the annexation plan shall attempt to negotiate in
13 good faith an interlocal agreement between the municipalities
14 and the county. The interlocal agreement should include, at a
15 minimum, the completion of planned infrastructure improvements
16 by the county and a transitional plan.

17 (6)(a) In determining the annexation of unincorporated
18 lands within a county as provided for by this section, such
19 county shall utilize the following criteria: the total area to
20 be annexed must be contiguous to the municipality's boundaries
21 at the time the annexation proceeding is begun and must
22 maintain compactness, and no part of the area shall be
23 included within the boundary of another incorporated
24 municipality. No area shall be annexed if the effect of an
25 annexation ordinance would increase the population of the
26 municipality by more than 30 percent, unless approved by
27 resolution of the subject municipality.

28 (b) Part or all of the area to be annexed must be
29 developed for urban purposes. An area developed for urban
30 purposes is defined as any area which meets any one of the
31 following standards:

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1 1. It has a total resident population equal to at
2 least two persons for each acre of land included within its
3 boundaries.

4 2. It has a total resident population equal to at
5 least one person for each acre of land included within its
6 boundaries and is subdivided into lots and tracts so that at
7 least 60 percent of the total number of lots and tracts are 1
8 acre or less in size.

9 3. It is so developed that at least 60 percent of the
10 total number of lots and tracts in the area at the time of
11 annexation are used for urban purposes, and it is subdivided
12 into lots and tracts so that at least 60 percent of the total
13 acreage, not counting the acreage used at the time of
14 annexation for nonresidential urban purposes, consists of lots
15 and tracts 5 acres or less in size.

16 (c) In addition to the area developed for urban
17 purposes, the board of county commissioners may include in the
18 area to be annexed any area which does not meet the
19 requirements of this subsection if such area meets either of
20 the following criteria:

21 1. Lies between the municipal boundary and an area
22 developed for urban purposes, so that the area developed for
23 urban purposes is either not adjacent to the municipal
24 boundary or cannot be served by the municipality without
25 extending services or water or sewer lines through such
26 sparsely developed area; or

27 2. Is adjacent, on at least 60 percent of its external
28 boundary, to any combination of the municipal boundary and the
29 boundary of an area or areas developed for urban purposes as
30 defined above.

31 (7) Where an unincorporated area meets the criteria in

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1 subsection 6 of this section, and is contiguous to more than
2 one municipality, a county is authorized to hold a binding
3 referendum to determine into which municipality the
4 unincorporated area shall be annexed. A special election may
5 be called by the Board of County Commissioners wherein only
6 qualified electors within the unincorporated area as provided
7 in this subsection shall vote. Notwithstanding F.S. 101.161,
8 the names of some or all contiguous municipalities shall
9 appear on the ballot. If two municipalities appear on the
10 ballot pursuant to this subsection, the unincorporated area
11 shall be annexed to the municipality receiving a majority of
12 votes of the voters voting in said election. If more than two
13 municipalities appear on the ballot pursuant to this
14 subsection, the unincorporated area shall be annexed to the
15 municipality receiving the plurality of the vote of the voters
16 voting in said election. Annexations accomplished pursuant to
17 this subsection shall be effective pursuant to subsection 3 of
18 this section on a date determined by the county's annexation
19 plan, but in no event later than September 15, of the fifth
20 year following the establishment of the annexation plan.

21 (8) Notwithstanding any other provision of law to the
22 contrary, any commercial and entertainment complex located on
23 property with a minimum of 50 acres shall not be annexed
24 pursuant to the procedures set forth in this section unless
25 the applicable owner or owners consent to such annexation.

26 (9) No existing county regional facility shall be
27 annexed by the procedure provided in this section unless the
28 affected county and the annexing municipality consent to same
29 by ordinance of each governing body.

30 (10) This section shall take precedence over all prior
31 existing laws.

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(Redesignate subsequent sections.)

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

On page 2, line 1, after the second semicolon

insert:

requiring certain counties to establish a plan
for the annexation of unincorporated areas and
to annex such areas by one or more ordinances;
requiring consultation; providing definitions;
providing for public hearings; requiring
certain notices and publication of notices;
establishing certain criteria for annexations;
authorizing referenda; requiring certain
consent for certain annexations; providing for
statutory construction;