

585-184AX-02

Bill No. CS/HB 1535

Amendment No. (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
1		.	
2		.	
3		.	
4		.	

5 ORIGINAL STAMP BELOW

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11 Representative(s) Ritter offered the following:

12

13 **Amendment to Amendment (413501) (with title**
amendment)

14 On page 51, between lines 21 and 22 of the
amendment

15

16 insert:

17 Section 14. (1) This section shall apply to
any

18 county of this state that has both a population of 1.5
million

19 or more as determined in the last decennial census and
has 10

20 percent or less of its developed or developable lands
within

21 unincorporated areas. This section shall not apply to
any

22 county chartered pursuant to s. 6(e), Art. VIII of the
State

23 Constitution.

24 (2) Notwithstanding any general or special law to
the

25 contrary, the board of county commissioners of any
such county

26 shall establish a plan, no later than November 30 of
the

27 second year following the decennial census, in
consultation

28 with such county's legislative delegation, for the
annexation

29 of all remaining developed and developable
unincorporated

30 areas within said county into municipalities. No later
than

31 September 15 of the fourth year following the
decennial

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1 census, notwithstanding any general or special law to
the
2 contrary, the board of county commissioners of any
such county
3 shall cause by ordinance the annexation of all
remaining
4 developed and developable unincorporated areas within
said
5 county into municipalities in a manner consistent with
the
6 established plan. Such ordinance shall describe each area
to
7 be annexed by its legal description and shall provide
the
8 effective date of such annexation. Notwithstanding any
general
9 or special law to the contrary, or any charter provision
to
10 the contrary, such ordinance shall apply with equal
effect to
11 both unincorporated and municipal areas within the
boundary of
12 such county.

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

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

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

24 (b) "Contiguous" means that a substantial part of
a
25 boundary of the territory sought to be annexed by
a

26 municipality is coterminous with a part of the boundary of the

27 municipality. The separation of the territory sought to be

28 annexed from the annexing municipality by a publicly owned

29 county park; a right-of-way for a highway, road, railroad,

30 canal, or utility; or a body of water, watercourse, or other

31 minor geographical division of a similar nature, running

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1 parallel with and between the territory sought to be
annexed

2 and the annexing municipality, shall not prevent
annexation

3 under this section, provided the presence of such a
division

4 does not, as a practical matter, prevent the territory
sought

5 to be annexed and the annexing municipality from
becoming a

6 unified whole with respect to municipal services or
prevent

7 their inhabitants from fully associating and trading with
each

8 other, socially and economically. However, nothing in
this

9 section shall be construed to allow local
rights-of-way,

10 utility easements, railroad rights-of-way, or like entities
to

11 be annexed in a corridor fashion to gain contiguity; and
when

12 any provision or provisions of special law or laws
prohibit

13 the annexation of territory that is separated from
the

14 annexing municipality by a body of water or
watercourse, then

15 that law shall prevent annexation under this
section.

16 (c) "Urban services" means any services offered
by a

17 municipality, either directly or by contract, to any of
its

18 present residents.

19 (d) "Compactness" means concentration of a
piece of

20 property in a single area and precludes any action that
would

21 create enclaves, pockets, or finger areas in
serpentine

22 patterns. Any annexation proceeding in any county in
the state

23 shall be designed in such a manner as to ensure that the
area

24 will be reasonably compact.

25 (5) The plan required in subsection (2) shall

be

26 established in the following manner. Such county may
provide

27 for any staff or professional services it deems necessary
for

28 the preparation and implementation of the annexation
plan.

29 Such county shall hold at least two public hearings
prior to

30 adoption of the annexation ordinance. Any such public
hearings

31 shall be noticed by publication at least 7 days in
advance of

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1 each such meeting in a newspaper of general circulation
2 in the
3 county. The annexation plan shall include
4 recommendations,
5 submitted to each area to be annexed, for the extension
6 of
7 urban services on substantially the same basis and in the
8 same
9 manner as such services are provided within the rest of
10 the
11 annexing municipality prior to annexation.

12 (6)(a) In determining the annexation of
13 unincorporated
14 lands within a county as provided for by this section,
15 such
16 county shall utilize the following criteria: the total area
17 to
18 be annexed must be contiguous to the municipality's
19 boundaries
20 at the time the annexation proceeding is begun and
21 must
22 maintain compactness, and no part of the area shall
23 be
24 included within the boundary of another
25 incorporated
26 municipality.

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

34 1. It has a total resident population equal to
35 at
36 least two persons for each acre of land included within
37 its
38 boundaries.

39 2. It has a total resident population equal to
40 at
41 least one person for each acre of land included within
42 its
43 boundaries and is subdivided into lots and tracts so that
44 at
45 least 60 percent of the total number of lots and tracts
46 are
47 I

26 acre or less in size.

27 3. It is so developed that at least 60 percent of
28 the

29 total number of lots and tracts in the area at the time
30 of

31 annexation are used for urban purposes, and it is
32 subdivided

33 into lots and tracts so that at least 60 percent of the
34 total

35 acreage, not counting the acreage used at the time
36 of

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1 annexation for nonresidential urban purposes, consists
of lots

2 and tracts 5 acres or less in size.

3 (c) In addition to the area developed for
urban

4 purposes, the board of county commissioners may
include in the

5 area to be annexed any area which does not meet
the

6 requirements of this subsection if such area meets either
of

7 the following criteria:

8 1. Lies between the municipal boundary and an
area

9 developed for urban purposes, so that the area
developed for

10 urban purposes is either not adjacent to the
municipal

11 boundary or cannot be served by the municipality
without

12 extending services or water or sewer lines through
such

13 sparsely developed area; or

14 external 2. Is adjacent, on at least 60 percent of its
external

15 boundary, to any combination of the municipal
boundary and the

16 boundary of an area or areas developed for urban
purposes as

17 defined above.

18 (7) No existing county regional facility shall
be

19 annexed by the procedure provided in this section
unless the

20 affected county and the annexing municipality consent
to same

21 by ordinance of each governing body.

22 (8) This section shall take precedence over all
prior

23 existing laws.

24

25

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

27 And the title is amended as follows:

28 On page 54, line 28 of the amendment

29

30 insert after the semicolon:

31 requiring certain counties to establish a plan

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1 for the annexation of unincorporated areas, and
2 to annex such areas by ordinance; requiring
3 consultation; providing definitions; requiring
4 certain notices and publication of notices;
5 establishing certain criteria for annexation;
6 requiring certain consent for certain
7 annexations; providing for statutory
8 construction;
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