

Bill No. CS for SB's 1906 & 550

Amendment No. Barcode 091130

<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 8, between lines 13 and 14,

insert:

Section 3. (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 (6)(a) In determining the annexation of unincorporated
12 lands within a county as provided for by this section, such
13 county shall utilize the following criteria: the total area to
14 be annexed must be contiguous to the municipality's boundaries
15 at the time the annexation proceeding is begun and must
16 maintain compactness, and no part of the area shall be
17 included within the boundary of another incorporated
18 municipality.

19 (b) Part of all of the area to be annexed must be
20 developed for urban purposes. An area developed for urban
21 purposes is defined as any area which meets any one of the
22 following standards:

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

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

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

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1 total number of lots and tracts in the area at the time of
2 annexation are used for urban purposes, and it is subdivided
3 into lots and tracts so that at least 60 percent of the total
4 acreage, not counting the acreage used at the time of
5 annexation for nonresidential urban purposes, consists of lots
6 and tracts 5 acres or less in size.

7 (c) In addition to the area developed for urban
8 purposes, the board of county commissioners may include in the
9 area to be annexed any area which does not meet the
10 requirements of this subsection if such area meets either of
11 the following criteria:

12 1. Lies between the municipal boundary and an area
13 developed for urban purposes, so that the area developed for
14 urban purposes is either not adjacent to the municipal
15 boundary or cannot be served by the municipality without
16 extending services or water or sewer lines through such
17 sparsely developed area; or

18 2. Is adjacent, on at least 60 percent of its external
19 boundary, to any combination of the municipal boundary and the
20 boundary of an area or areas developed for urban purposes as
21 defined above.

22 (7) Where an unincorporated area meets the criteria in
23 subsection 6 of this section, and is contiguous to more than
24 one municipality, a county is authorized to hold a binding
25 referendum to determine into which municipality the
26 unincorporated area shall be annexed. A special election may
27 be called by the Board of County Commissioners wherein only
28 qualified electors within the unincorporated area as provided
29 in this subsection shall vote. Notwithstanding F.S. 101.161,
30 the names of some or all contiguous municipalities shall
31 appear on the ballot. If two municipalities appear on the

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1 ballot pursuant to this subsection, the unincorporated area
 2 shall be annexed to the municipality receiving a majority of
 3 votes of the voters voting in said election. If more than two
 4 municipalities appear on the ballot pursuant to this
 5 subsection, the unincorporated area shall be annexed to the
 6 municipality receiving the plurality of the vote of the voters
 7 voting in said election. Annexations accomplished pursuant to
 8 this subsection shall be effective pursuant to subsection 3 of
 9 this section on a date determined by the county's annexation
 10 plan, but in no event later than September 15, of the fifth
 11 year following the establishment of the annexation plan.

12 (8) No existing county regional facility shall be
 13 annexed by the procedure provided in this section unless the
 14 affected county and the annexing municipality consent to same
 15 by ordinance of each governing body.

16 (9) This section shall take precedence over all prior
 17 existing laws.

18
 19 (Redesignate subsequent sections.)

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

23 And the title is amended as follows:

24 On page 1, line 9, after the semicolon

25
 26 insert:

27 requiring certain counties to establish a plan
 28 for the annexation of unincorporated areas and
 29 to annex such areas by one or more ordinances;
 30 requiring consultation; providing definitions;
 31 providing for public hearings; requiring

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1 certain notices and publication of notices;
2 establishing certain criteria for annexations;
3 authorizing referenda; requiring certain
4 consent for certain annexations; providing for
5 statutory construction;
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