

1                                   A bill to be entitled  
2           An act relating to annexation; requiring  
3           certain counties to establish a plan for the  
4           annexation of unincorporated areas and to annex  
5           such areas by one or more ordinances; requiring  
6           consultation; providing definitions; providing  
7           for public hearings; requiring certain notices  
8           and publication of notices; providing for  
9           interlocal agreement establishing certain  
10          criteria for annexations; authorizing  
11          referenda; exempting certain property;  
12          requiring certain consent for certain  
13          annexations; providing for statutory  
14          construction; providing an effective date.

15  
16 Be It Enacted by the Legislature of the State of Florida:

17  
18           Section 1. (1) This act shall apply to any chartered  
19 county of this state that has both a population of 1.5 million  
20 or more as determined in the last decennial census and has 10  
21 percent or less of its developed or developable lands within  
22 unincorporated areas. This act shall not apply to any county  
23 chartered pursuant to s. 6(e), Art. VIII of the State  
24 Constitution.

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

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

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

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

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

27 (b) "Contiguous" means that a substantial part of a  
28 boundary of the territory sought to be annexed by a  
29 municipality is coterminous with a part of the boundary of the  
30 municipality. The separation of the territory sought to be  
31 annexed from the annexing municipality by a publicly owned

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

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

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

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

30  
31

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

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

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

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

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

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

1           (b) Part or all of the area to be annexed must be  
2 developed for urban purposes. An area developed for urban  
3 purposes is defined as any area which meets any one of the  
4 following standards:

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

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

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

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

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

31

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

5           (7) Where an unincorporated area meets the criteria in  
6 subsection (6) and is contiguous to more than one  
7 municipality, a county is authorized to hold a binding  
8 referendum to determine into which municipality the  
9 unincorporated area shall be annexed. A special election may  
10 be called by the board of county commissioners wherein only  
11 qualified electors within the unincorporated area as provided  
12 in this subsection shall vote. Notwithstanding s. 101.161,  
13 Florida Statutes, the names of some or all contiguous  
14 municipalities shall appear on the ballot. If two  
15 municipalities appear on the ballot pursuant to this  
16 subsection, the unincorporated area shall be annexed to the  
17 municipality receiving a majority of votes of the electors  
18 voting in said election. If more than two municipalities  
19 appear on the ballot pursuant to this subsection, the  
20 unincorporated area shall be annexed to the municipality  
21 receiving the plurality of the vote of the electors voting in  
22 said election. Annexations accomplished pursuant to this  
23 subsection shall be effective pursuant to subsection (3) on a  
24 date determined by the county's annexation plan, but in no  
25 event later than September 15 of the fourth year following the  
26 establishment of the annexation plan.

27           (8) No existing commercial and entertainment complex  
28 located on property with a land area of at least 50 acres  
29 shall be annexed by the procedure provided in this act unless  
30 the owner or owners consent to the annexation.

31

1           (9) No existing county regional facility shall be  
2 annexed by the procedure provided in this act unless the  
3 affected county and the annexing municipality consent to same  
4 by ordinance of each governing body with the consent of the  
5 regional facility.

6           (10) This act shall take precedence over all prior  
7 existing laws.

8           Section 2. This act shall take effect upon becoming a  
9 law.

10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31