

By the Committee on Comprehensive Planning

316-1084B-04

1                                   A bill to be entitled  
2           An act relating to local governments; amending  
3           s. 171.0413, F.S.; providing notice  
4           requirements for a municipality commencing  
5           certain annexation procedures; providing that  
6           failure to deliver notice under certain  
7           circumstances does not constitute grounds for  
8           invalidating an annexation; providing an  
9           effective date.

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11 Be It Enacted by the Legislature of the State of Florida:

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13           Section 1. Subsection (1) of section 171.0413, Florida  
14 Statutes, is amended to read:

15           171.0413 Annexation procedures.--Any municipality may  
16 annex contiguous, compact, unincorporated territory in the  
17 following manner:

18           (1) An ordinance proposing to annex an area of  
19 contiguous, compact, unincorporated territory shall be adopted  
20 by the governing body of the annexing municipality pursuant to  
21 the procedure for the adoption of a nonemergency ordinance  
22 established by s. 166.041. Prior to the adoption of the  
23 ordinance of annexation, the local governing body shall hold  
24 at least two advertised public hearings. The first public  
25 hearing shall be on a weekday at least 7 days after the day  
26 that the first advertisement is published. The second public  
27 hearing shall be held on a weekday at least 5 days after the  
28 day that the second advertisement is published. At least 10  
29 days prior to the first public hearing, the annexing  
30 municipality shall provide notice, by mail to the property  
31 owners and registered electors within the proposed area to be

1 annexed, of the date, time, and place for each of the two  
2 public hearings and a map of the proposed area to be annexed.  
3 If the annexing municipality makes a good faith effort to  
4 comply with this notice requirement but fails to deliver  
5 notice to all of the property owners or electors entitled to  
6 notice, such failure to comply with the notice requirement may  
7 not be the basis for a cause of action invalidating the  
8 annexation. Each such ordinance shall propose only one  
9 reasonably compact area to be annexed. However, prior to the  
10 ordinance of annexation becoming effective, a referendum on  
11 annexation shall be held as set out below, and, if approved by  
12 the referendum, the ordinance shall become effective 10 days  
13 after the referendum or as otherwise provided in the  
14 ordinance, but not more than 1 year following the date of the  
15 referendum.

16 Section 2. This act shall take effect July 1, 2004.

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19 SENATE SUMMARY

20 Requires a municipality to notify property owners and  
21 registered electors within an area proposed for  
22 annexation of the date, time, and place of the public  
23 hearings and provide a map of the affected area. Provides  
24 that failure to notify all of the property owners or  
25 electors is not grounds for an action to invalidate the  
26 annexation if the municipality made a good faith effort  
27 to comply with the notice requirement.  
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