

By Senator Constantine

22-1791-04

1                                   A bill to be entitled  
2           An act relating to appeal of a municipal  
3           annexation or contraction ordinance; amending  
4           s. 171.081, F.S.; requiring a county,  
5           municipality, or special district to complete  
6           conflict resolution procedures before seeking  
7           judicial review; providing for costs and  
8           attorney's fees to be paid to the prevailing  
9           party, not just to the prevailing complainant;  
10          providing an effective date.

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

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14           Section 1. Section 171.081, Florida Statutes, is  
15 amended to read:

16           171.081 Appeal on annexation or contraction.--No later  
17 than 30 days following the passage of an annexation or  
18 contraction ordinance, any party affected who believes that he  
19 or she will suffer material injury by reason of the failure of  
20 the municipal governing body to comply with the procedures set  
21 forth in this chapter for annexation or contraction or to meet  
22 the requirements established for annexation or contraction as  
23 they apply to his or her property may file a petition in the  
24 circuit court for the county in which the municipality or  
25 municipalities are located seeking review by certiorari.  
26 However, if the party affected is a government entity, it  
27 must, before filing such a petition, initiate and proceed  
28 through the conflict resolution procedures in chapter 164.  
29 The entity must initiate such procedures no later than 30 days  
30 following the passage of the annexation or contraction  
31 ordinance. If the conflict is not resolved, the government

1 entity that initiated the conflict resolution procedures may,  
2 no later than 30 days following conclusion of the procedures,  
3 file a petition in the circuit court for the county in which  
4 the municipality or municipalities are located seeking review  
5 by certiorari.In any legal action instituted pursuant to this  
6 section, the prevailing party ~~the complainant,~~ ~~should he or~~  
7 ~~she prevail,~~ shall be entitled to reasonable costs and  
8 attorney's fees. For purposes of this section, the term  
9 "government entity" means a county, municipality, or special  
10 district.

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

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14 SENATE SUMMARY

15 Requires a county, municipality, or special district to  
16 complete conflict resolution procedures before seeking  
17 judicial review of an annexation or contraction ordinance  
18 by a municipality. Awards costs and attorney's fees in  
19 the legal action to the prevailing party, not just the  
20 prevailing complainant.

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