

HB 0985

2004

1 A bill to be entitled
 2 An act relating to conflict resolution; amending s.
 3 171.081, F.S.; requiring a governmental entity affected by
 4 annexation or contraction to initiate conflict resolution
 5 procedures under certain circumstances; providing a
 6 definition; providing for the award of attorney's fees to
 7 the prevailing party; providing an effective date.

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

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 11 Section 1. Section 171.081, Florida Statutes, is amended
 12 to read:

13 171.081 Appeal on annexation or contraction.--No later
 14 than 30 days following the passage of an annexation or
 15 contraction ordinance, any party affected, except a governmental
 16 entity, who believes that he or she will suffer material injury
 17 by reason of the failure of the municipal governing body to
 18 comply with the procedures set forth in this chapter for
 19 annexation or contraction or to meet the requirements
 20 established for annexation or contraction as they apply to his
 21 or her property may file a petition in the circuit court for the
 22 county in which the municipality or municipalities are located
 23 seeking review by certiorari. If the affected party is a
 24 governmental entity, no later than 30 days following the passage
 25 of an annexation or contraction ordinance, the governmental
 26 entity must initiate and proceed through the conflict resolution
 27 procedures established in chapter 164. If there is a failure to
 28 resolve the conflict, no later than 30 days following the
 29 conclusion of the procedures established in chapter 164, the

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30 governmental entity that initiated the conflict resolution
31 procedures may file a petition in the circuit court for the
32 county in which the municipality or municipalities are located
33 seeking review by certiorari. In any action instituted pursuant
34 to this section, the prevailing party ~~complainant, should he or~~
35 ~~she prevail,~~ shall be entitled to reasonable costs and
36 attorney's fees. For purposes of this section, "governmental
37 entity" means a county, municipality, or special district.

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