

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: Community Affairs Committee

BILL: SB 572

INTRODUCER: Senator Justice and others

SUBJECT: Municipal Annexation

DATE: February 1, 2007 REVISED: 03/02/07 03/08/07 \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Herrin</u>	<u>Yeatman</u>	<u>CA</u>	<u>Fav/1 amendment</u>
2.	_____	_____	<u>GO</u>	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

## Please see last section for Summary of Amendments

- Technical amendments were recommended
- Amendments were recommended
- Significant amendments were recommended

### I. Summary:

This bill amends the statutory involuntary annexation procedure by excluding state-owned land, for purposes of consent, from the provision that requires the consent of the owners of more than 50 percent of the land where more than 70 percent of the property in an area proposed for annexation is owned by individuals, corporations, or legal entities which are not registered voters.

This bill amends section 171.0413 of the Florida Statutes.

### II. Present Situation:

#### Involuntary Annexation

The "Municipal Annexation or Contraction Act", ch. 171, F.S., codifies the state's annexation procedures. Annexation can occur using several methods: special act, charter provision, interlocal agreement, interlocal service boundary agreement, voluntary annexation, or involuntary annexation. A city may annex land, where the land owners have not petitioned the city to be annexed, using the procedures for involuntary annexation. Section 171.0413, F.S., requires a referendum for involuntary annexation in the area proposed to be annexed and allows, at the city's option, a referendum in the city proposing the annexation.

Subsections (5) and (6) of s. 171.0413, F.S., provide different procedures than the referendum requirement for involuntary annexations where the vast majority of the land owners are not registered voters or there are no registered voters in the area proposed for annexation. If more than 70 percent of the property in the area proposed to be annexed is owned by persons that are not registered voters, the owners of more than 50 percent of the land in that area must consent to the annexation before the referendum is held.<sup>1</sup>

If there are no registered voters in the area proposed to be annexed, there is no referendum requirement but the owners of more than 50 percent of the land in the area to be annexed, as well as the owners of more than 50 percent of the parcels of land in that area, must consent to the annexation.<sup>2</sup> Should the city choose not to hold a referendum in the annexing city and there are no registered voters in the area proposed to be annexed, then the consent of the owners of more than 50 percent of the land in the area proposed to be annexed is required before final adoption of the ordinance annexing the area.

### **State Lands**

Section 253.001, F.S., establishes that pursuant to the provisions of s. 7, Art. II, and s. 11, Art. X of the State Constitution, all lands held in the name of the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees) are held in trust for the use and benefit of the people of the State of Florida. The Governor and the Cabinet sit as the Board of Trustees. Pursuant to s. 253.03, F.S., the board is vested and charged with the acquisition, administration, management, control, supervision, conservation, protection and disposition of all lands owned by, or which may hereafter inure to, the state or any of its agencies, departments, boards or commissions, excluding certain properties. The Department of Environmental Protection performs staff duties and functions related to the acquisition, administration and disposition of those lands in which title is vested in the Board of Trustees.<sup>3</sup>

The board is currently limited in its ability to participate in annexation decisions regarding land that it owns as it is not a registered voter who can vote on a proposed ordinance. However, under s. 171.0413(5), F.S., the requirement that the owners of more than 50 percent of the land in the area proposed for annexation must consent prior to a referendum involves the board in the annexation process. Section 171.0413(6), F.S., also allows the board to take part in the decision-making process if the area proposed for annexation has no registered voters by requiring consent from the owners of more than 50 percent of the parcels of land in the area. In instances where state-owned lands constitute over 50 percent of the land in an area proposed for involuntary annexation under s. 171.0413, F.S., the board's consent assures annexation.

### **III. Effect of Proposed Changes:**

The bill amends s. 171.0413, F.S., to exclude state-owned land, for purposes of consent, from the involuntary annexation provision that requires the consent of the owners of more than 50 percent of the land where more than 70 percent of the property in an area proposed for annexation is owned by individuals, corporations, or legal entities which are not registered voters.

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<sup>1</sup> Section 171.0413(5), F.S.

<sup>2</sup> Section 171.0413(6), F.S.

<sup>3</sup> Section 253.002(1), F.S.

This bill shall take effect July 1, 2007.

**IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

**V. Economic Impact and Fiscal Note:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.



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## VIII. Summary of Amendments:

### **Barcode 275140 by Community Affairs:**

The amendment narrows the scope of the bill so that its provisions apply only in a county that has a population greater than 500,000, that contains more than 20 municipalities, and that contains at least one municipality having a population greater than 250,000.

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This Senate staff analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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