

28 Section 2. Purpose.--The purposes of this act are to set
 29 forth procedures for establishing municipal reserve areas and
 30 for adjusting the boundaries of municipalities through
 31 annexations or contractions of corporate limits and to set forth
 32 criteria for determining when annexations or contractions may
 33 take place so as to:

34 (1) Ensure sound urban development and accommodation to
 35 growth.

36 (2) Ensure the efficient provision of urban services to
 37 areas that become urban in character.

38 (3) Ensure that areas are not annexed unless municipal
 39 services can be provided to those areas.

40 (4) Promote cooperation between municipalities and Alachua
 41 County regarding the provision of services and the regulation of
 42 urban areas at the boundaries of municipalities.

43 (5) Assure that the procedures relating to annexation
 44 protect all parties affected.

45 (6) Encourage development in designated reserve areas that
 46 efficiently utilize services and prevent urban sprawl.

47 Section 3. ~~Supplemental;~~ Effect of other laws.--This act
 48 shall be the sole method of annexation or contraction for a
 49 municipality in Alachua County. ~~The provisions of this act are~~
 50 ~~supplemental and in addition to any general or special law~~
 51 ~~relating to municipal annexation or contraction. However, when~~
 52 ~~the reserve area designations and statements of a municipality~~
 53 ~~become effective, this act shall be the sole method of~~
 54 ~~annexation or contraction for that municipality. Notwithstanding~~
 55 ~~any other provision of law, land may not be annexed by voluntary~~

56 ~~annexation under section 10 or section 171.044, Florida~~
 57 ~~Statutes, from April 30, 1991, through July 31, 1991, in order~~
 58 ~~to permit the orderly establishment of reserve areas under~~
 59 ~~section 5.~~

60 Section 4. Definitions.--As used in this act, the
 61 following words and terms have the following meanings unless
 62 some other meaning is plainly indicated:

63 (1) "Annexation" means the adding of real property to the
 64 boundaries of an incorporated municipality, such addition making
 65 such real property in every way a part of the municipality.

66 (2) "Compactness" means concentration of a piece of
 67 property in a single area and precludes any action which would
 68 create enclaves, pockets, or finger areas in serpentine
 69 patterns. Any annexation proceeding in the county shall be
 70 designed in such a manner as to ensure that the area will be
 71 reasonably compact.

72 (3) "Comprehensive plan" means the local comprehensive
 73 plan adopted by the county or a municipality pursuant to chapter
 74 163, Florida Statutes.

75 (4) "Contiguous" means that a substantial part of a
 76 boundary of the territory sought to be annexed by a municipality
 77 is coterminous with a part of the boundary of the municipality.
 78 The separation of the territory sought to be annexed from the
 79 annexing municipality by a publicly owned property ~~county park~~;
 80 a right-of-way for a highway, road, railroad, canal, or utility;
 81 or a body of water, watercourse, or other minor geographical
 82 division of a similar nature, running parallel with and between
 83 the territory sought to be annexed and the annexing

84 municipality, shall not prevent annexation under this act,
85 provided the presence of such a division does not, as a
86 practical matter, prevent the territory sought to be annexed and
87 the annexing municipality from becoming a unified whole with
88 respect to municipal services or prevent their inhabitants from
89 fully associating and trading with each other, socially and
90 economically. However, nothing herein shall be construed to
91 allow local rights-of-way, utility easements, railroad rights-
92 of-way, or like entities to be annexed in a corridor fashion to
93 gain contiguity.

94 (5) "Contraction" means the reversion of real property
95 within municipal boundaries to an unincorporated status.

96 (6) "County" means Alachua County.

97 (7) "Enclave" means:

98 (a) Any unincorporated area which is ~~totally~~ enclosed
99 within and bounded on all sides by a single municipality;

100 (b) Any unincorporated area which is ~~totally~~ enclosed
101 within and bounded by a single municipality and a natural or
102 manmade obstacle which prohibits the passage of vehicular
103 traffic to that unincorporated area unless the traffic passes
104 through the municipality; or

105 (c) An unincorporated area which is ~~totally~~ enclosed
106 within and bounded by more than one municipality, or more than
107 one municipality and a natural or manmade obstacle which
108 prohibits the passage of vehicular traffic unless the traffic
109 passes through one or more of the municipalities.

110 ~~(8) "Most populous municipality" means the municipality~~
111 ~~having the highest population, according to the latest~~

112 ~~population census determination of the Executive Office of the~~
 113 ~~Governor, made pursuant to s. 186.901, Florida Statutes, and~~
 114 ~~prior to the deadline imposed by this act for the submission of~~
 115 ~~the designation of proposed reserve areas.~~

116 (8)~~(9)~~ "Municipality" means a municipality created
 117 pursuant to general or special law authorized or recognized
 118 pursuant to s. 2, Art. VIII of the State Constitution and
 119 located in Alachua County.

120 (9)~~(10)~~ "Newspaper of general circulation" means a
 121 newspaper printed in the language most commonly spoken in the
 122 area within which it circulates, which is readily available for
 123 purchase by all inhabitants in its area of circulation, but does
 124 not include a newspaper intended primarily for members of a
 125 particular professional or occupational group, a newspaper whose
 126 primary function is to carry legal notices, or a newspaper that
 127 is given away primarily to distribute advertising.

128 (10)~~(11)~~ "Parties affected" means:

129 ~~(a) any persons or firms owning property in, or residing~~
 130 ~~within the in, a municipality which is proposing annexation or~~
 131 ~~contraction or within the area proposed for annexation or~~
 132 ~~contraction, or any governmental unit with jurisdiction over~~
 133 ~~such area which has annexed or contracted;~~

134 ~~(b) Any persons or firms owning property or residing in an~~
 135 ~~area which is proposed for annexation to a municipality, which~~
 136 ~~has been annexed, which is proposed to be removed from the~~
 137 ~~municipality by contraction, or which has been removed from the~~
 138 ~~municipality by contraction;~~

139 ~~(c) Any persons or firms owning property or residing in an~~
140 ~~area which will be in an enclave if a municipality annexes it as~~
141 ~~proposed, or which is in an enclave as a result of an~~
142 ~~annexation; or~~

143 ~~(d) Any governmental unit, including the regional planning~~
144 ~~agency, with jurisdiction over an area which is proposed to be~~
145 ~~annexed, which has been annexed, which is proposed to be removed~~
146 ~~from the municipality by contraction, or which has been removed~~
147 ~~from the municipality by contraction.~~

148 (11)~~(12)~~ "Public notice" means publication of the time and
149 place of the hearing, including a short description of the
150 proposed action, at least once a week for the 2 consecutive
151 weeks immediately preceding the date of the hearing in a
152 newspaper of general circulation in the county.

153 (12)~~(13)~~ "Qualified voter" means any person registered to
154 vote in accordance with law.

155 (13)~~(14)~~ "Regional planning agency" means the North
156 Central Florida Regional Planning Council established pursuant
157 to chapter 186, Florida Statutes.

158 (14)~~(15)~~ "Reserve area" means an area designated pursuant
159 to section 7 5 ~~of this act~~ or as otherwise designated by special
160 act as an area reserved for annexation by a municipality
161 pursuant to the procedures set forth in this act.

162 (15)~~(16)~~ "Sufficiency of petition" means the verification
163 of the signatures and addresses of all signers of a petition
164 with the voting list maintained by the county supervisor of
165 elections and certification that the number of valid signatures

166 represents the required percentage of the total number of
 167 qualified voters in the area affected by a proposed annexation.

168 ~~(16)-(17)~~ "Urban in character" means an area used for
 169 residential, urban recreational or conservation parklands,
 170 commercial, industrial, institutional, or governmental purposes
 171 or an area undergoing development for any of these purposes,
 172 including any parcels of land retained in their natural state or
 173 kept free of development as greenbelt areas.

174 ~~(17)-(18)~~ "Urban purposes" means that land is used
 175 intensively for residential, commercial, industrial,
 176 institutional, and governmental purposes, including any parcels
 177 of land retained in their natural state or kept free of
 178 development as greenbelt areas.

179 ~~(18)-(19)~~ "Urban services" means any services, other than
 180 electric utility services, provided by a municipality or the
 181 county on substantially the same basis and in the same manner,
 182 either directly or by contract, to its present residents.

183 Section 5. Establishment of reserve areas.--As of the
 184 effective date of this act, reserve areas established by the
 185 county commission that became effective on March 13, 2006, shall
 186 remain in effect until amended as provided in this act.

187 ~~(1) Not later than January 31, 1991, the county and each~~
 188 ~~municipality shall give public notice and shall hold a hearing~~
 189 ~~on the designation of reserve areas.~~

190 ~~(2) Not more than 90 days after each hearing, the~~
 191 ~~municipality shall designate, on a map or maps, a proposed~~
 192 ~~reserve area or reserve areas for itself, and the county shall~~
 193 ~~designate, on a map or maps, proposed reserve areas for each of~~

194 ~~the municipalities within its boundaries. Such proposed reserve~~
 195 ~~areas shall meet the criteria specified in section 6.~~

196 ~~(3) The county shall also adopt a statement identifying~~
 197 ~~any services, such as police, fire protection, solid waste~~
 198 ~~disposal, potable water, sanitary sewer, drainage or flood~~
 199 ~~control, parks and recreation, housing, street lighting,~~
 200 ~~transportation, and other services, which are provided by the~~
 201 ~~county to residents of its proposed reserve areas; any capital~~
 202 ~~facilities being used to provide such services in the proposed~~
 203 ~~reserve areas; and any plans it has to provide additional~~
 204 ~~services or to provide services other than electric utility~~
 205 ~~services to additional areas within its proposed reserve areas.~~
 206 ~~The county shall also include in the statement an identification~~
 207 ~~of the land uses and densities and intensities which are~~
 208 ~~permitted in the proposed reserve areas by the county's~~
 209 ~~comprehensive plan. The county shall also include in its~~
 210 ~~statement its position regarding the requirements of paragraphs~~
 211 ~~(7) (a), (b), (c), and (d).~~

212 ~~(4) Each municipality shall also adopt a statement~~
 213 ~~identifying any services, such as police, fire protection, solid~~
 214 ~~waste disposal, potable water, sanitary sewer, drainage or flood~~
 215 ~~control, parks and recreation, housing, street lighting,~~
 216 ~~transportation, and other services, which are provided by the~~
 217 ~~municipality to residents of the municipality's proposed reserve~~
 218 ~~area or areas; any capital facilities being used to provide such~~
 219 ~~services in the proposed reserve area or areas; and any plans~~
 220 ~~the municipality has to provide such additional services other~~
 221 ~~than electric utility services or to provide services to~~

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222 ~~additional areas within its proposed reserve area or areas. Each~~
223 ~~municipality shall also include in the statement an~~
224 ~~identification of the land uses and densities and intensities of~~
225 ~~development it deems most appropriate for its proposed reserve~~
226 ~~area or areas. The municipality shall also include in its~~
227 ~~statement its position regarding the requirements of paragraphs~~
228 ~~(7) (a), (b), (c), and (d).~~

229 ~~(5) (a) Not later than 7 days after the deadline for~~
230 ~~designation of proposed reserve areas, the county and each~~
231 ~~municipality shall submit a copy of the map or maps of its~~
232 ~~proposed reserve area or areas and the statements required by~~
233 ~~subsections (3) and (4) to the other municipalities within the~~
234 ~~county in which such municipality lies and each municipality~~
235 ~~shall make the same submission to the county.~~

236 ~~(b) If a municipality or the county fails to submit its~~
237 ~~proposed reserve area designation and the required accompanying~~
238 ~~statement within 7 days after the deadline for designation as~~
239 ~~required by this subsection, it waives all rights to participate~~
240 ~~in any proceedings conducted under this section for 5 years. No~~
241 ~~reserve area shall be designated for a municipality which fails~~
242 ~~to submit its proposed reserve area designation and the required~~
243 ~~accompanying statement as required by this subsection.~~
244 ~~Accordingly, the county, or the most populous municipality which~~
245 ~~is eligible to perform the duties required by this section, is~~
246 ~~prohibited from designating a reserve area for a municipality~~
247 ~~which fails to submit its proposed reserve area designation and~~
248 ~~the required accompanying statement as required by this~~
249 ~~subsection.~~

250 ~~(6) The municipalities within the county and the county~~
 251 ~~itself shall attempt, through informal negotiation or mediation,~~
 252 ~~assisted, upon request, by the Regional Planning Council or~~
 253 ~~other mediator mutually acceptable to the county and the~~
 254 ~~municipality or municipalities negotiating with the county, to~~
 255 ~~eliminate any conflicts or overlaps in the proposed reserve area~~
 256 ~~designations, and the positions of the county and the~~
 257 ~~municipalities within the county with regard to the statements~~
 258 ~~required by paragraphs (7) (a), (b), (c), and (d). Such~~
 259 ~~negotiations shall be completed not later than 120 days~~
 260 ~~following the deadline for designation of proposed reserve~~
 261 ~~areas.~~

262 ~~(7) After the informal negotiation, but not more than 90~~
 263 ~~days after the end of the 120-day period permitted for~~
 264 ~~negotiation pursuant to subsection (6), the county shall adopt a~~
 265 ~~final reserve area designation for each of the municipalities~~
 266 ~~within its boundaries and shall submit copies of such~~
 267 ~~designation to each municipality within its boundaries. The~~
 268 ~~county shall also adopt a statement for each reserve area~~
 269 ~~stating:~~

270 ~~(a) Whether the comprehensive plan and land use~~
 271 ~~regulations of the county or the municipality for which the~~
 272 ~~reserve area is designated shall apply prior to its being~~
 273 ~~annexed.~~

274 ~~(b) Whether the municipality or the county shall enforce~~
 275 ~~and administer the comprehensive plan and how proceeds from~~
 276 ~~finances and fees charged pursuant to such enforcement will be~~
 277 ~~distributed.~~

278 ~~(c) Which services identified pursuant to this section the~~
 279 ~~county shall provide and which services the municipality shall~~
 280 ~~provide in the reserve area, both before and after annexation,~~
 281 ~~and how these services will be financed.~~

282 ~~(d) Any other matters related to the reserve area~~
 283 ~~designation on which there is agreement.~~

284
 285 ~~Such statements shall include only statements on which there is~~
 286 ~~agreement between the county and the municipality for which the~~
 287 ~~reserve area has been designated. Prior to adopting the~~
 288 ~~designation and statements pursuant to this subsection, the~~
 289 ~~county shall give public notice and shall hold a public hearing.~~
 290 ~~The designations of reserve areas made by the county pursuant to~~
 291 ~~this subsection shall be limited to resolving any remaining~~
 292 ~~areas of overlap and conflict in the initial designations made~~
 293 ~~pursuant to subsections (1), (2), (3), and (4) and shall~~
 294 ~~incorporate agreements made pursuant to the informal~~
 295 ~~negotiations. The reserve areas designated by the county under~~
 296 ~~this subsection shall be the reserve areas for the~~
 297 ~~municipalities unless a municipality or affected person~~
 298 ~~challenges the designation of a reserve area pursuant to~~
 299 ~~subsection (8). The county shall submit copies of the final~~
 300 ~~designations and statements to each municipality which has not~~
 301 ~~waived its rights to participate in proceedings under this~~
 302 ~~section. If the county has failed to submit a reserve area~~
 303 ~~designation and statements as required under subsection (5), the~~
 304 ~~most populous municipality therein which has submitted a reserve~~
 305 ~~area designation and statements as required under subsection (5)~~

306 ~~shall perform the duties of the county pursuant to this~~
307 ~~subsection. If the county did designate a reserve area and~~
308 ~~submitted statements as required under subsection (5) but fails~~
309 ~~to perform the duties required by this subsection, the most~~
310 ~~populous municipality therein which is eligible to perform the~~
311 ~~duties required by this subsection shall perform such duties and~~
312 ~~the county shall have waived its rights to participate in any~~
313 ~~proceedings conducted under this section for 5 years. Any~~
314 ~~municipality failing to perform its duties as required hereunder~~
315 ~~shall have waived its rights to participate in any proceedings~~
316 ~~conducted under this section, and its right to have a reserve~~
317 ~~area designated for it, for 5 years. Failure of the county to~~
318 ~~adopt the final reserve area designations for each of the~~
319 ~~municipalities as required by this subsection shall extend the~~
320 ~~90-day time limit for an additional 90 days for the next~~
321 ~~succeeding most populous municipality.~~

322 ~~(8) Within 60 days after the adoption of the county's~~
323 ~~designation and statements pursuant to subsection (7), any~~
324 ~~municipality which has not waived its rights to participate in~~
325 ~~proceedings conducted under this section, may agree to binding~~
326 ~~arbitration pursuant to chapter 682 F.S. or any such~~
327 ~~municipality or any affected person, may file a petition with~~
328 ~~the Division of Administrative Hearings challenging the final~~
329 ~~designation of the county developed pursuant to subsection (7)~~
330 ~~and proposing changes in the designation. The county shall, for~~
331 ~~purposes of such challenge, be considered a state agency. A~~
332 ~~challenge by a municipality shall be limited to those parts of~~
333 ~~the designation which affect the challenging municipality. All~~

334 ~~challenges shall be based on allegations that the designation~~
335 ~~does not meet the standards of section 6. Within 10 days after~~
336 ~~receiving such a petition, the division shall assign a hearing~~
337 ~~officer and open a docket. For purposes of this section, an~~
338 ~~"affected person" is limited to a person or firm residing in or~~
339 ~~owning property within a reserve area or within a municipality~~
340 ~~for which a reserve area has been designated; however, in~~
341 ~~proceedings conducted under this section, an affected person may~~
342 ~~only challenge the reserve area in which he resides or owns~~
343 ~~property or the reserve area of the municipality in which he~~
344 ~~resides. The final designation and statement adopted by the~~
345 ~~county shall be effective 61 days after its adoption, unless~~
346 ~~such designation is challenged by the filing of a petition~~
347 ~~pursuant to this subsection, in which case the designation shall~~
348 ~~be effective on the latter of the 61st day after the division's~~
349 ~~final order.~~

350 ~~(9) The hearing officer assigned shall commence the~~
351 ~~hearing pursuant to s. 120.57, Florida Statutes, no later than~~
352 ~~120 days after the request for a hearing. The issues to be~~
353 ~~resolved in the hearing shall be those issues raised in the~~
354 ~~petition filed pursuant to subsection (8), except that the~~
355 ~~county and municipalities may not raise issues previously~~
356 ~~decided by arbitration proceedings pursuant to subsection (8).~~
357 ~~If the county has not waived its rights to participate, it shall~~
358 ~~be a party to the hearing, as well as any municipality within~~
359 ~~the county which has not waived its rights to participate.~~
360 ~~Municipalities may only raise such issues as are related to~~
361 ~~their own reserve areas. Any affected person shall be entitled~~

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362 ~~to participate in the hearing as a party and in any subsequent~~
363 ~~proceedings conducted under this section as a party. The hearing~~
364 ~~officer may, at his discretion, consolidate all petitions from~~
365 ~~municipalities and affected persons within the county and hold~~
366 ~~only one hearing on challenges of the designations from the~~
367 ~~county.~~

368 ~~(10) Within 60 days after the hearing required pursuant to~~
369 ~~subsection (9), the hearing officer shall issue a final order~~
370 ~~denying, approving, or approving with modifications, the~~
371 ~~petition filed pursuant to subsection (8). The hearing officer's~~
372 ~~final order shall not approve, or approve with modifications, a~~
373 ~~municipality's petition to alter a reserve area designation~~
374 ~~unless the hearing officer finds that there is substantial~~
375 ~~competent evidence showing that the final designation does not~~
376 ~~meet the criteria set forth in section 6 and that the~~
377 ~~designation proposed by the petition does meet the criteria.~~

378 ~~(11) If the final order approves or approves with~~
379 ~~modifications any petition made pursuant to subsection (8), the~~
380 ~~designations adopted pursuant to subsection (7), as modified by~~
381 ~~the final order of the Division of Administrative Hearings~~
382 ~~pursuant to this subsection, shall be the designations for the~~
383 ~~municipalities, and the county and municipalities shall be bound~~
384 ~~by such designations unless the designations are the subject of~~
385 ~~an appeal. The final order of the division may be appealed as~~
386 ~~provided by general law.~~

387 ~~(12) Such designations of reserve areas and statements~~
388 ~~shall, on the effective date of such designations, become~~
389 ~~effective. Subsequently, the county and municipalities shall~~

390 ~~amend the intergovernmental coordination elements of the local~~
 391 ~~comprehensive plans adopted pursuant to s. 163.3177(6) (h),~~
 392 ~~Florida Statutes, reflecting such designations. Each~~
 393 ~~municipality and county shall also adopt such plan amendments as~~
 394 ~~will make the other portions of their comprehensive plans~~
 395 ~~consistent with the reserve area designations.~~

396 ~~(13) Reserve areas or their designations or both, shall~~
 397 ~~not affect:~~

398 ~~(a) Electric utility service areas;~~

399 ~~(b) The exclusive jurisdiction of the Florida Public~~
 400 ~~Service Commission over electric utility service areas,~~
 401 ~~territorial agreements, territorial disputes, and the Florida~~
 402 ~~grid; or~~

403 ~~(c) The rights and duties of all electric utilities to~~
 404 ~~serve consumers in the state, including areas reserved or~~
 405 ~~annexed hereunder.~~

406 Section 6. Criteria for designating reserve
 407 areas.--Reserve areas designated for a municipality shall comply
 408 with the following criteria:

409 (1) Reserve areas designated for a municipality shall:

410 (a) Be adjacent to the municipality and not contain areas
 411 outside the county in which the municipality lies, contain areas
 412 within the corporate limits of another municipality, or contain
 413 areas within another municipality's reserve area.

414 (b) Be urban in character or likely to become urban in
 415 character within the next 10 years.

416 (c) Be areas in which population growth should be directed
 417 so as to promote efficient delivery of urban services, including

418 | police, fire protection, solid waste disposal, potable water,
 419 | sanitary sewer, drainage or flood control, parks and recreation,
 420 | housing, street lighting, transportation and other services, and
 421 | to encourage more concentrated urban development.

422 | (2) Reserve areas designated for a municipality shall not:

423 | ~~(a) Contain areas outside the county in which the~~
 424 | ~~municipality lies, contain areas within the corporate limits of~~
 425 | ~~another municipality, or contain areas within another~~
 426 | ~~municipality's reserve area.~~

427 | (a)~~(b)~~ Contain areas which could be provided with urban
 428 | services more efficiently by the county or other municipality.

429 | (b)~~(c)~~ Contain areas which cannot reasonably be foreseen
 430 | to be provided with the urban services provided by the
 431 | municipality within the next 10 years.

432 | (c)~~(d)~~ Contain areas which the municipality cannot
 433 | reasonably have the capacity or capital facilities within the
 434 | next 10 years to provide, at a minimum, the level of services
 435 | provided by the county to the reserve areas.

436 | Section 7. Procedure for amending reserve area
 437 | designations and statements.--

438 | (1) Beginning on October 1, 2010, and every 10 years
 439 | thereafter, each municipality in the county shall review its
 440 | reserve areas. Within 90 days after the aforesaid October 1,
 441 | municipalities shall hold public hearings to receive input on
 442 | potential changes to reserve areas and notify the county, the
 443 | municipalities, and the regional planning agency whether any
 444 | change in reserve area is desired and, if so, provide
 445 | notification containing information in paragraphs (2) (a) and (b)

446 to the county, the municipalities, and the regional planning
 447 agency. ~~Every 5 years after the final designation of all of the~~
 448 ~~reserve areas in the county, each municipality in the county~~
 449 ~~shall review its reserve areas and accompanying statements and~~
 450 ~~the county shall review all of the reserve areas and~~
 451 ~~accompanying statements for municipalities within the county.~~

452 (2) Based on the review and public hearing results:

453 (a) Any municipality desiring a change in its reserve area
 454 designation shall notify all municipalities in the county and
 455 the regional planning agency of the desired changes in its
 456 reserve area. The notification shall contain a map or maps of
 457 the changes proposed for the reserve area, an explanation as to
 458 the reason for the proposed changes, and a statement showing how
 459 the proposed area meets criteria specified in section 6.

460 (b) Each municipality proposing a change to its reserve
 461 area shall submit information on any services, such as police,
 462 fire protection, solid waste disposal, potable water, sanitary
 463 sewer, drainage or flood control, parks and recreation, housing,
 464 street lighting, transportation, and other services, which are
 465 provided by the municipality or the county and identify who will
 466 provide such services to residents of the municipality's
 467 proposed addition to its reserve area or areas both before and
 468 after annexation and how those services and any related
 469 facilities will be financed; any capital facilities being used
 470 to provide such services in the proposed expanded reserve area
 471 or areas; and any plans the municipality has to provide such
 472 additional services other than electric utility services or to
 473 provide services to additional areas within the proposed

474 addition to reserve area or areas. Each municipality shall also
475 include an identification of the land uses and densities and
476 intensities of development it deems most appropriate for the
477 proposed addition to the reserve area or areas. The municipality
478 shall also include any other matters related to the reserve area
479 designation that the municipality proposes for agreement.

480 (c) Municipalities desiring a change in their own reserve
481 areas, the county, and any other municipality affected shall
482 participate in the proceedings. Reasonable extensions of time
483 for initiating and processing proposed amendments to reserve
484 areas may be agreed upon by the municipalities and the county,
485 ~~if the county desires a change in any of the reserve area~~
486 ~~designations or statements, or if a municipality desires a~~
487 ~~change in its own reserve area designations and statements, the~~
488 ~~county shall, within 90 days after the initiation of the review,~~
489 ~~notify all municipalities in the county and, in the case of a~~
490 ~~municipality desiring a change, the county. The notice shall~~
491 ~~include the proposed changes in reserve area designations and~~
492 ~~statements. The county or municipality shall also notify the~~
493 ~~regional planning agency of the desired changes in reserve areas~~
494 ~~and statements.~~

495 ~~(3) Municipalities desiring a change in their own reserve~~
496 ~~areas or statements, the county, and any other municipality~~
497 ~~affected shall participate in the proceedings required pursuant~~
498 ~~to section 5, adjusting such proceedings as may be required to~~
499 ~~accommodate amendments to designations and statements, rather~~
500 ~~than proposals for them.~~

501 ~~(3)-(4)~~ Municipalities not desiring to change their
 502 designations and statements, and not affected by proposals of
 503 other municipalities desiring ~~or by the county's proposals~~
 504 ~~regarding~~ changes, need not participate in proceedings under
 505 this section.

506 (4) The municipalities within the county and the county
 507 itself shall attempt, through informal negotiation or mediation,
 508 assisted, upon request, by the regional planning council or
 509 other mediator mutually acceptable to the county and the
 510 municipalities negotiating within the county, to eliminate any
 511 conflicts or overlaps in the proposed reserve area
 512 designations, and the positions of the county and the
 513 municipalities within the county with regard to the statements.
 514 Such negotiations shall be completed no later than 120 days
 515 after receipt by the county of notification from municipalities
 516 of proposed changes to reserve areas that contain any conflicts
 517 or overlaps.

518 (5) After the informal negotiation, but not more than 90
 519 days after the end of the 120-day period permitted for
 520 negotiation pursuant to subsection (4), the county shall adopt a
 521 final reserve area designation for each of the municipalities
 522 within its boundaries and shall submit copies of such
 523 designation to each municipality within its boundaries. The
 524 county may also approve and adopt for each reserve area:

525 (a) Whether the comprehensive plan and land use
 526 regulations of the county or the municipality for which the
 527 reserve area is designated shall apply prior to its being
 528 annexed.

529 (b) Whether the municipality or the county shall enforce
530 and administer the comprehensive plan and how proceeds from
531 finances and fees charged pursuant to such enforcement will be
532 distributed.

533 (c) Which services identified pursuant to this section the
534 county shall provide and which services the municipality shall
535 provide in the reserve area, both before and after annexation,
536 and how these services will be financed.

537 (d) Any other matter related to the reserve area
538 designation on which there is an agreement.

539 (6) Prior to adopting the designation and statements
540 pursuant to subsection (5), the county shall give public notice
541 and shall hold a public hearing. The reserve areas designated by
542 the county under subsection (5) shall be the reserve areas for
543 the municipalities unless challenged in accordance with this
544 section.

545 (7) The county shall submit copies of the final
546 designations and statements to each municipality that has not
547 waived its right to participate in proceedings under this
548 section.

549 (8) Within 60 days after the adoption of the county's
550 designation pursuant to subsection (5), any municipality that
551 has not waived its right to participate in proceedings conducted
552 under this section may agree to mediation or to binding
553 arbitration pursuant to chapter 682, Florida Statutes, or any
554 such municipality or any person with standing, as described in
555 this subsection, may file a petition with the Division of
556 Administrative Hearings challenging the final designation of the

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557 county developed pursuant to subsection (5) and proposing
558 changes in the designation. An agreement for binding arbitration
559 or a petition with the Division of Administrative Hearings does
560 not prohibit the parties' voluntary participation in settlement
561 discussions or mediation. The county shall, for purposes of such
562 challenge, be considered a state agency. A challenge by a
563 municipality shall be limited to those parts of the designation
564 that affect the challenging municipality. All challenges shall
565 be based on allegations that the designation does not meet the
566 criteria set forth in section 6. Within 10 days after receiving
567 such a petition, the division shall assign an administrative law
568 judge and open a docket. For purposes of this section, a person
569 with standing is limited to a person or firm residing in or
570 owning property within a reserve area or within a municipality
571 for which a reserve area has been designated; however, in
572 proceedings conducted under this section, such person may only
573 challenge the reserve area in which he or she resides or owns
574 property or the reserve area of the municipality in which he or
575 she resides or owns property. The final designation adopted by
576 the county shall be effective 61 days after its adoption, unless
577 such designation is challenged by the filing of a petition
578 pursuant to this subsection, in which case the designation shall
579 be effective on the 61st day after the division's final order.

580 (9) The administrative law judge assigned shall commence
581 the hearing pursuant to section 120.57, Florida Statutes, no
582 later than 120 days after the request for a hearing. The issues
583 to be resolved in the hearing shall be those issues raised in
584 the petition filed pursuant to subsection (8), except that the

585 county and municipalities may not raise issues previously
586 decided by arbitration proceedings pursuant to subsection (8).
587 The county shall be a party to the hearing, as well as any
588 municipality within the county that has not waived its right to
589 participate. Municipalities may only raise such issues as are
590 related to their own reserve areas or reserve areas affecting
591 them. Any affected person shall be entitled to participate in
592 the hearing as a party and in any subsequent proceedings
593 conducted under this section as a party. The administrative law
594 judge may, at his or her discretion, consolidate all petitions
595 from municipalities and affected persons within the county and
596 hold only one hearing on challenges of the designations from the
597 county.

598 (10) Within 60 days after the hearing required pursuant to
599 subsection (9), the administrative law judge shall issue a final
600 order denying, approving, or approving with modifications the
601 petition filed pursuant to subsection (8). The administrative
602 law judge's final order shall not approve, or approve with
603 modifications, a municipality's petition to alter a reserve area
604 designation unless the administrative law judge finds that there
605 is competent substantial evidence showing that the final
606 designation does not meet the criteria set forth in section 6
607 and that the designation proposed by the petition does meet the
608 criteria.

609 (11) If the final order approves or approves with
610 modifications any petition made pursuant to subsection (8), the
611 designations adopted pursuant to subsection (5), as modified by
612 the final order of the Division of Administrative Hearings

613 pursuant to this subsection, shall be the designations for the
 614 municipalities, and the county and municipalities shall be bound
 615 by such designations unless the designations are the subject of
 616 an appeal. The final order of the division may be appealed as
 617 provided by general law.

618 (12) Such designations of reserve areas shall, on the
 619 effective date of such designations, become effective.
 620 Subsequently, the county and municipalities shall amend the
 621 intergovernmental coordination elements of the local
 622 comprehensive plans adopted pursuant to section 163.3177(6)(h),
 623 Florida Statutes, reflecting such designations. Each
 624 municipality and county shall also adopt such plan amendments as
 625 will make the other portions of their comprehensive plans
 626 consistent with the reserve area designations.

627 ~~(5) Changes in designations and statements shall be made~~
 628 ~~pursuant to this section only when such changes are in~~
 629 ~~accordance with the standards provided in section 6.~~

630 Section 8. Annexation by referendum procedures.--Any
 631 municipality may annex contiguous, compact, unincorporated
 632 territory within its reserve area in the following manner:

633 (1) An ordinance proposing to annex a contiguous, compact,
 634 unincorporated portion of the reserve area shall be adopted by
 635 the governing body of the annexing municipality pursuant to the
 636 procedure for the adoption of a nonemergency ordinance
 637 established by s. 166.041, Florida Statutes. Each such ordinance
 638 shall propose only one reasonably compact area to be annexed.

639 (2) Before the annexation becomes effective, the ordinance
 640 shall be submitted to a vote of the registered electors of the

641 area proposed to be annexed. The referendum on annexation shall
642 be called and conducted and the expense thereof paid by the
643 governing body of the annexing municipality.

644 (a) The referendum on annexation shall be held at the next
645 regularly scheduled election following the final adoption of the
646 ordinance of annexation by the governing body of the annexing
647 municipality or at a special election called for the purpose of
648 holding the referendum. However, the referendum, whether held at
649 a regularly scheduled election or at a special election, shall
650 not be held sooner than 90 days or later than 180 days following
651 the final adoption of the ordinance by the governing body of the
652 annexing municipality.

653 (b) The governing body of the annexing municipality shall
654 publish notice of the referendum on annexation at least once a
655 week for the 2 consecutive weeks immediately preceding the date
656 of the referendum in a newspaper of general circulation in the
657 area in which the referendum is to be held. The notice shall
658 give the ordinance number, the time and places for the
659 referendum, and a brief, general description of the area
660 proposed to be annexed. The description shall include a map
661 clearly showing the area, including major street names as a
662 means of identifying the area, and a statement that the complete
663 legal description ~~by metes and bounds~~ and the ordinance can be
664 obtained from the office of the city clerk.

665 (c) On the day of the referendum on annexation there shall
666 be prominently displayed at each polling place a copy of the
667 ordinance of annexation and a description of the property
668 proposed to be annexed. The description shall include a map

669 clearly showing the area, including major street names as a
 670 means of identifying the area.

671 (d) Ballots or mechanical voting devices used in the
 672 referendum on annexation shall offer the choice "For annexation
 673 of property described in ordinance number of the City of
 674 " and "Against annexation of property described in
 675 ordinance number of the City of" in that order.

676 (e) If there is a majority vote for annexation in the area
 677 proposed to be annexed, the ordinance of annexation shall become
 678 effective on the effective date specified therein, but not more
 679 than 1 year after the date of the referendum. If there is a tie
 680 vote or a majority vote against annexation in the area proposed
 681 to be annexed, the ordinance shall not become effective, and the
 682 area proposed to be annexed shall not be the subject of an
 683 annexation ordinance by the annexing municipality for a period
 684 of 2 years from the date of the referendum on annexation. This
 685 provision shall not effect voluntary annexation.

686 (3) Any ~~improved~~ parcel of land which is owned by one
 687 individual, corporation, or legal entity, or owned collectively
 688 by one or more individuals, corporations, or legal entities,
 689 proposed to be annexed under the provisions of this act shall
 690 not be severed, separated, divided, or partitioned by the
 691 provisions of the ordinance, but shall, if intended to be
 692 annexed, or if annexed, under the provisions of this act, be
 693 annexed in its entirety and as a whole. However, this subsection
 694 does not apply to any parcel of property which lies only
 695 partially within the reserve area of a single municipality or
 696 does not meet the requirement of annexation. The owner of the

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697 | property may waive the requirements of this subsection if the
698 | owner does not desire all of his or her tract or parcel included
699 | in said annexation.

700 | Section 9. Character of the area to be annexed.--

701 | (1) A municipal governing body may propose to annex an
702 | area only if it meets the general standards of paragraph (a) and
703 | the requirements of either paragraph (b) or paragraph (c).

704 | (a) The total area to be annexed must be contiguous to the
705 | municipality's boundaries at the time the annexation proceeding
706 | is begun and reasonably compact, and no part of the area shall
707 | be included within the boundary of another county or another
708 | incorporated municipality. No portion of the area to be annexed
709 | may be outside the reserve area of the annexing municipality. An
710 | annexation shall not create an enclave.

711 | (b) Part or all of the area to be annexed must be
712 | developed for urban purposes. An area developed for urban
713 | purposes is defined as any area which meets any one of the
714 | following standards:

715 | 1. It has a total resident population equal to at least
716 | two persons for each acre of land included within its
717 | boundaries;

718 | 2. It has a total resident population equal to at least
719 | one person for each acre of land included within its boundaries
720 | and is subdivided into lots and tracts so that at least 60
721 | percent of the total number of lots and tracts are 1 acre or
722 | less in size; or

723 | 3. It is so developed that at least 60 percent of the
724 | total number of lots and tracts in the area at the time of

725 annexation are used for urban purposes, and it is subdivided
726 into lots and tracts so that at least 60 percent of the total
727 acreage, not counting the acreage used at the time of annexation
728 for nonresidential urban purposes, consists of lots and tracts 5
729 acres or less in size.

730 (c) In addition to the area developed for urban purposes,
731 a municipal governing body may include in the area to be annexed
732 any area which does not meet the requirements of paragraph (b)
733 if such area either:

734 1. Lies between the municipal boundary and an area
735 developed for urban purposes, so that the area developed for
736 urban purposes is either not adjacent to the municipal boundary
737 or cannot be served by the municipality without extending
738 services or water or sewer lines through such sparsely developed
739 area; or

740 2. Is adjacent to, on at least 60 percent of its external
741 boundary, any combination of the municipal boundary and the
742 boundary of an area or areas developed for urban purposes as
743 defined in paragraph (b).

744 (2) The purpose of this section is to permit municipal
745 governing bodies to extend corporate limits to include all
746 reserve areas developed for urban purposes and, where necessary,
747 to include areas which at the time of annexation are not yet
748 developed for urban purposes, the future probable use of which
749 is urban and which constitute necessary land connections between
750 the municipality and areas developed for urban purposes or
751 between two or more areas developed for urban purposes.

752 (3) This section does not apply to voluntary annexations
 753 under section 10.

754 Section 10. Voluntary annexation.--

755 (1) The owner or owners of real property in an
 756 unincorporated area of the a county which is contiguous to a
 757 municipality, reasonably compact, and a part of the
 758 municipality's reserve area may petition the governing body of
 759 said municipality that said property be annexed to the
 760 municipality.

761 (2) At least 60 days before a municipality adopts an
 762 ordinance effecting a voluntary annexation pursuant to this
 763 section ~~or section 171.044, Florida Statutes,~~ the municipality
 764 shall give the owner or owners of the real property proposed to
 765 be annexed the report adopted ~~by ordinance~~ as provided in
 766 section 12 ~~13~~. Within 20 days after the owner or owners receive
 767 the report, the owner or owners may withdraw their petition. If
 768 the owner or owners do not withdraw their petition, the
 769 municipality may proceed with the annexation.

770 (3) Upon determination by the governing body of the
 771 municipality that the petition bears the signatures of all
 772 owners of property in the area proposed to be annexed, the
 773 governing body may, at any regular meeting, adopt a nonemergency
 774 ordinance to annex said property and redefine the boundary lines
 775 of the municipality to include said property. Said ordinance
 776 shall be passed after notice of the ~~voluntary annexation,~~
 777 ~~including a map clearly showing the area to be annexed,~~
 778 ~~including major street names as a means of identifying such~~
 779 ~~area,~~ has been published at least once each a week for 2

780 consecutive weeks in some newspaper in such city or town or, if
 781 no newspaper is published in said city or town, then in a
 782 newspaper published in the same county; and if no newspaper is
 783 published in said county, then at least three printed copies of
 784 said notice shall be posted for 4 ~~2~~ consecutive weeks at some
 785 conspicuous place in said city or town. The notice shall give
 786 the ordinance number and a brief, general description of the
 787 area proposed to be annexed. The description shall include a map
 788 clearly showing the area and a statement that the complete legal
 789 description ~~by metes and bounds~~ and the ordinance can be
 790 obtained from the office of the city clerk.

791 (4) An ordinance adopted under this section ~~hereunder~~
 792 shall be filed with the clerk of the circuit court, with the
 793 chief administrative officer of the county, and with the
 794 Department of State within 7 days after the adoption of such
 795 ordinance. The ordinance must include a map that clearly shows
 796 the annexed area and a complete legal description of that area.
 797 The complete legal description shall include a statement that
 798 the complete legal description and the ordinance can be obtained
 799 from the office of the city clerk.

800 (5) Land shall not be annexed through voluntary annexation
 801 when such annexation results in the creation of enclaves.

802 Section 11. Appeal of annexation or contraction.--Any
 803 party affected, as defined in this act, who believes that he or
 804 she will suffer material injury by reason of an annexation or
 805 contraction may file a petition for writ of certiorari in
 806 circuit court within 30 days after the passage of an annexation

807 ~~or contraction ordinance. Appeal of annexation or contraction~~
 808 ~~shall be as provided by general law.~~

809 Section ~~1213~~1213. Prerequisites to annexation.--

810 (1) Prior to commencing the annexation procedures ~~under~~
 811 ~~section 8~~, the governing body of the municipality shall prepare
 812 a report that includes a map or maps of the municipality and
 813 adjacent territory showing the present and proposed municipal
 814 boundaries and that sets ~~setting~~ forth the plans to provide
 815 urban services to any area to be annexed, which may ~~and the~~
 816 ~~report shall~~ include the following:

817 (a) ~~A map or maps of the municipality and adjacent~~
 818 ~~territory showing the present and proposed municipal boundaries,~~
 819 The present major trunk water mains and sewer interceptors and
 820 outfalls, the proposed extensions of such mains and outfalls, as
 821 required in paragraph (d) ~~(e)~~, and the future ~~general~~ land use
 822 plan pattern in the area to be annexed.

823 (b) For annexation under section 8, a statement certifying
 824 that the area to be annexed meets the criteria in section 9.

825 (c) A statement as ~~For a voluntary annexation under~~
 826 ~~section 10 or section 171.044, Florida Statutes, the report~~
 827 ~~shall state:~~ to what extent services to existing residents would
 828 need to be reduced within the next 5 years because of the
 829 annexation and; to what extent taxes would need to be adjusted
 830 within the next 5 years to provide services to the areas to be
 831 annexed, including services required by the comprehensive plan
 832 of the municipality; ~~and to what extent the area to be annexed~~
 833 ~~meets the criteria in section 9.~~

834 ~~(d)-(e)~~ A statement setting forth the plans of the
835 municipality for extending to the area to be annexed each major
836 municipal service performed within the municipality at the time
837 of annexation, such as those described in paragraph (2) (b)
838 ~~subsection (4)~~ of section 7 5. Specifically, such plans shall:

839 1. Provide for extending urban services except as
840 otherwise provided herein to the area to be annexed on the date
841 of annexation on substantially the same basis and in the same
842 manner as such services are provided within the rest of the
843 municipality prior to annexation.

844 2. Provide for the extension of existing municipal water
845 and sewer services into the area to be annexed so that, when
846 such services are provided, property owners in the area to be
847 annexed will be able to secure public water and sewer service
848 according to the policies in effect in such municipality for
849 extending water and sewer lines to individual lots or
850 subdivisions.

851 3. If extension of major trunk water mains and sewer mains
852 into the area to be annexed is necessary, set forth a proposed
853 timetable for construction of such mains as soon as possible
854 following the effective date of annexation.

855 4. Set forth the method under which the municipality plans
856 to finance extension of services into the area to be annexed.

857 (2) ~~Prior to commencing the annexation procedures under~~
858 ~~section 8 or section 10(3),~~ The governing body of the
859 municipality shall approve ~~adopt~~ the report ~~by a nonemergency~~
860 ~~ordinance~~ and file a copy of the report required by this section
861 with ~~the board of county commissioners of the county for~~ for

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862 informational purposes at least 60 days before a municipality
863 adopts an ordinance effecting a voluntary annexation. For
864 annexation by referendum, not less than 30 days prior to
865 commencing the annexation under section 8, the governing body of
866 the municipality shall file a copy of the report required by
867 this section with the county.

868 Section ~~1314~~. Contraction procedures.--Any municipality
869 may initiate the contraction of municipal boundaries in the
870 following manner:

871 (1) The governing body shall by ordinance propose the
872 contraction of municipal boundaries, as described in the
873 ordinance, and provide an effective date for the contraction.

874 (2) A petition of 15 percent of the qualified voters in an
875 area desiring to be excluded from the municipal boundaries,
876 filed with the clerk of the municipal governing body, may
877 propose such an ordinance. The municipality to which such
878 petition is directed shall immediately undertake a study of the
879 feasibility of such proposal and shall, within 6 months, either
880 initiate proceedings under subsection (1) or reject the
881 petition, specifically stating the facts upon which the
882 rejection is based.

883 (3) After introduction, the contraction ordinance shall be
884 noticed at least once per week for 4 successive weeks in a
885 newspaper of general circulation in the municipality, such
886 notice to describe the area to be excluded. Such description
887 shall include a statement of findings to show that the area to
888 be excluded fails to meet the criteria of section 9, set the

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889 time and place of the meeting at which the ordinance will be
890 considered, and advise that all parties affected may be heard.

891 (4) If, at the meeting held for such purpose, a petition
892 is filed and signed by at least 15 percent of the qualified
893 voters residing ~~resident~~ in the area proposed for contraction
894 requesting a referendum on the question, the governing body
895 shall, upon verification, paid for by the municipality, of the
896 sufficiency of the petition, and before passing such ordinance,
897 submit the question of contraction to a vote of the qualified
898 voters of the area proposed for contraction, or the governing
899 body may vote not to contract the municipal boundaries.

900 (5) The governing body may also call for a referendum on
901 the question of contraction on its own volition and in the
902 absence of a petition requesting a referendum.

903 (6) The referendum, if required, shall be held at the next
904 regularly scheduled election, or, if approved by a majority of
905 the municipal governing body, at a special election held prior
906 to such election, but no sooner than 30 days after verification
907 of the petition or passage of the resolution or ordinance
908 calling for the referendum.

909 (7) The municipal governing body shall establish the date
910 of election and publish notice of the referendum election at
911 least once a week for the 4 successive weeks immediately prior
912 to the election in a newspaper of general circulation in the
913 area proposed to be excluded or in the municipality. Such notice
914 shall give the time and places for the election, and a legal
915 description of the area to be excluded, ~~which shall be both in~~

916 ~~metes and bounds and in the form of~~ a map clearly showing the
 917 area proposed to be excluded.

918 (8) Ballots or mechanical voting devices shall offer the
 919 choices "For deannexation" and "Against deannexation,l"~~7~~ in that
 920 order.

921 (9) A majority vote "For deannexation" shall cause the
 922 area proposed for exclusion to be so excluded upon the effective
 923 date set in the contraction ordinance.

924 (10) A tie vote or a majority vote "Against deannexation"
 925 shall prevent any part of the area proposed for exclusion from
 926 being the subject of a contraction ordinance for a period of 2
 927 years from the date of the referendum election.

928 Section 1415. Criteria for contraction of municipal
 929 boundaries.--

930 (1) Only those areas which do not meet the criteria for
 931 annexation in section 9 may be proposed for exclusion by
 932 municipal governing bodies. If the area proposed to be excluded
 933 does not meet the criteria of section 9, but such exclusion
 934 would result in a portion of the municipality becoming
 935 noncontiguous with the rest of the municipality, then such
 936 exclusion shall not be allowed.

937 (2) The ordinance shall make provision for apportionment
 938 of any prior existing debt and property.

939 Section 1516. The provisions of sections 171.061, 171.062,
 940 and 171.091, Florida Statutes, shall apply to any annexations or
 941 contractions in the county.

942 Section 16. Annexation of enclaves.--

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943 (1) The Legislature recognizes that enclaves can create
944 significant problems in planning, growth management, and service
945 delivery and therefore declares that it is the policy of the
946 state to eliminate enclaves.

947 (2) In order to expedite the annexation of enclaves into
948 the most appropriate incorporated jurisdiction, based upon
949 existing or proposed service provision arrangements, a
950 municipality may:

951 (a) Annex an enclave by interlocal agreement with the
952 county having jurisdiction of the enclaves; or

953 (b) Annex an enclave by municipal ordinance when the
954 annexation is approved in a referendum submitted to the
955 registered voters of the area proposed for annexation that is
956 conducted in accordance with section 8.

957 (3) The municipality requesting that the county sign an
958 interlocal agreement pursuant to this section shall provide all
959 property owners in the area to be annexed written notice of the
960 date, time, and location of the municipality and county action
961 to approve or reject the proposed interlocal agreement.

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