

1 A bill to be entitled
 2 An act relating to annexation of property; amending s.
 3 171.031, F.S.; revising the definition of the term
 4 "enclave"; amending s. 171.0413, F.S.; revising when a
 5 vote of the electors of an area proposed to be annexed
 6 is not required; specifying the method by which
 7 property owner consent shall be obtained if the
 8 governing body of an annexing municipality does not
 9 hold a referendum; amending s. 171.044, F.S.;
 10 providing a procedure for a municipality to annex
 11 certain property; amending s. 171.046, F.S.;
 12 specifying the municipalities that may annex certain
 13 enclaves when a specified number of municipalities
 14 provide services to the enclave; providing an
 15 effective date.

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 17 Be It Enacted by the Legislature of the State of Florida:
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19 Section 1. Subsection (13) of section 171.031, Florida
 20 Statutes, is amended to read:

21 171.031 Definitions.—As used in this chapter, the
 22 following words and terms have the following meanings unless
 23 some other meaning is plainly indicated:

24 (13) "Enclave" means:

25 (a) Any unincorporated improved or developed area that is

26 enclosed within and bounded on all sides by a single
 27 municipality; ~~or~~

28 (b) Any unincorporated improved or developed area that is
 29 enclosed within and bounded by a single municipality and a
 30 natural or manmade obstacle that allows the passage of vehicular
 31 traffic to that unincorporated area only through the
 32 municipality;

33 (c) Any unincorporated improved or developed area that is
 34 enclosed on all sides by at least two municipalities and at
 35 least one of those municipalities provides first responder
 36 services to the area by a formal mutual aid agreement or on an
 37 ad hoc basis that requires the nearest first responder to
 38 respond when requested; or

39 (d) Any unincorporated improved or developed area in which
 40 at least 75 percent of the area is bounded on three or more
 41 sides by one municipality and that municipality provides first
 42 responder services to the area by a formal mutual aid agreement
 43 or on an ad hoc basis.

44 Section 2. Subsections (5) and (6) of section 171.0413,
 45 Florida Statutes, are amended to read:

46 171.0413 Annexation procedures.—Any municipality may annex
 47 contiguous, compact, unincorporated territory in the following
 48 manner:

49 (5) If more than 70 percent of the land in an area
 50 proposed to be annexed is owned by individuals, corporations, or

51 | legal entities ~~which are not registered electors of such area,~~
52 | such area shall not be annexed unless the owners of more than 50
53 | percent of the land in such area consent to such annexation.

54 | Such consent shall be obtained by the parties proposing the
55 | annexation prior to the referendum to be held on the annexation.

56 | (6) Notwithstanding subsections (1) and (2), if the area
57 | proposed to be annexed has 25 or fewer ~~does not have any~~
58 | registered electors and such electors do not own property in the
59 | area to be annexed on the date the ordinance is ~~finally~~ adopted,
60 | a vote of the electors of the area proposed to be annexed is not
61 | required. In addition to the requirements of subsection (5), the
62 | area may not be annexed unless the owners of more than 50
63 | percent of the parcels of land in the area proposed to be
64 | annexed consent to the annexation. If the governing body of the
65 | annexing municipality does not ~~choose to~~ hold a referendum ~~of~~
66 | ~~the annexing municipality~~ pursuant to subsection (2), then the
67 | consent of the property owners ~~property owner consents~~ required
68 | pursuant to subsection (5) shall be obtained by the parties
69 | proposing the annexation prior to the final adoption of the
70 | ordinance, and the annexation ordinance shall be effective upon
71 | becoming a law or as otherwise provided in the ordinance.

72 | Section 3. Subsection (7) is added to section 171.044,
73 | Florida Statutes, to read:

74 | 171.044 Voluntary annexation.—

75 | (7) In addition to the annexation process set forth in

76 subsection (1), a municipality may annex unincorporated property
77 it owns that is contiguous to its border or is separated from
78 the municipality by a natural or man-made barrier such as a
79 canal, river, rail road right-of-way, or highway right-of-way.
80 The municipal governing body may initiate the annexation process
81 by adopting a resolution of the governing body in lieu of
82 requiring a petition of property owners.

83 Section 4. Subsection (3) of section 171.046, Florida
84 Statutes, is renumbered as subsection (4), and a new subsection
85 (3) is added to that section, to read:

86 171.046 Annexation of enclaves.—

87 (3) When two or more municipalities form an enclave, as
88 defined in s. 171.031, the most appropriate jurisdiction to
89 annex the property shall be the municipality providing services
90 to the enclave. If more than one municipality provides services
91 or proposes to provide services to the enclave, then any of the
92 municipalities providing services or proposing to provide
93 services may annex any portion of the enclave pursuant to the
94 provisions of subsection (2) as long as the entire enclave is
95 annexed by one or more of the eligible municipalities under this
96 section.

97 Section 5. This act shall take effect July 1, 2018.