

By the Committee on Community Affairs; and Senator Yarborough

578-02925-23

2023718c1

1 A bill to be entitled  
2 An act relating to municipal boundaries; reordering  
3 and amending s. 171.031, F.S.; defining the term  
4 "feasibility study"; amending s. 171.0413, F.S.;  
5 specifying the measurement of land during annexation  
6 procedures; amending s. 171.042, F.S.; replacing the  
7 term "report" with "feasibility study"; amending s.  
8 171.051, F.S.; revising contraction procedures when  
9 qualified voters desire to be excluded from municipal  
10 boundaries; prohibiting contraction under certain  
11 circumstances; amending s. 171.204, F.S.; conforming a  
12 cross-reference; providing an effective date.

13  
14 Be It Enacted by the Legislature of the State of Florida:

15  
16 Section 1. Section 171.031, Florida Statutes, is reordered  
17 and amended to read:

18 171.031 Definitions.—As used in this chapter, the following  
19 words and terms have the following meanings unless some other  
20 meaning is plainly indicated:

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

24 (4)~~(2)~~ "Contraction" means the reversion of real property  
25 within municipal boundaries to an unincorporated status.

26 (7)~~(3)~~ "Municipality" means a municipality created pursuant  
27 to general or special law authorized or recognized pursuant to  
28 s. 2 or s. 6, Art. VIII of the State Constitution.

29 (8)~~(4)~~ "Newspaper of general circulation" means a newspaper

578-02925-23

2023718c1

30 printed in the language most commonly spoken in the area within  
31 which it circulates, which is readily available for purchase by  
32 all inhabitants in its area of circulation, but does not include  
33 a newspaper intended primarily for members of a particular  
34 professional or occupational group, a newspaper whose primary  
35 function is to carry legal notices, or a newspaper that is given  
36 away primarily to distribute advertising.

37 (9)~~(5)~~ "Parties affected" means any persons or firms owning  
38 property in, or residing in, either a municipality proposing  
39 annexation or contraction or owning property that is proposed  
40 for annexation to a municipality or any governmental unit with  
41 jurisdiction over such area.

42 (6) "Feasibility study" means an analysis conducted by  
43 qualified staff or consultants of the economic, market,  
44 technical, financial, and management feasibility of the proposed  
45 annexation or contraction, as applicable.

46 (10) "Qualified voter" means any person registered to vote  
47 in accordance with law.

48 (11)~~(7)~~ "Sufficiency of petition" means the verification of  
49 the signatures and addresses of all signers of a petition with  
50 the voting list maintained by the county supervisor of elections  
51 and certification that the number of valid signatures represents  
52 the required percentage of the total number of qualified voters  
53 in the area affected by a proposed annexation.

54 (12)~~(8)~~ "Urban in character" means an area used intensively  
55 for residential, urban recreational or conservation parklands,  
56 commercial, industrial, institutional, or governmental purposes  
57 or an area undergoing development for any of these purposes.

58 (14)~~(9)~~ "Urban services" means any services offered by a

578-02925-23

2023718c1

59 municipality, either directly or by contract, to any of its  
60 present residents.

61 (13)~~(10)~~ "Urban purposes" means that land is used  
62 intensively for residential, commercial, industrial,  
63 institutional, and governmental purposes, including any parcels  
64 of land retained in their natural state or kept free of  
65 development as dedicated greenbelt areas.

66 (3)~~(11)~~ "Contiguous" means that a substantial part of a  
67 boundary of the territory sought to be annexed by a municipality  
68 is coterminous with a part of the boundary of the municipality.  
69 The separation of the territory sought to be annexed from the  
70 annexing municipality by a publicly owned county park; a right-  
71 of-way for a highway, road, railroad, canal, or utility; or a  
72 body of water, watercourse, or other minor geographical division  
73 of a similar nature, running parallel with and between the  
74 territory sought to be annexed and the annexing municipality,  
75 may shall not prevent annexation under this act, provided the  
76 presence of such a division does not, as a practical matter,  
77 prevent the territory sought to be annexed and the annexing  
78 municipality from becoming a unified whole with respect to  
79 municipal services or prevent their inhabitants from fully  
80 associating and trading with each other, socially and  
81 economically. However, nothing in this subsection may herein  
82 ~~shall~~ be construed to allow local rights-of-way, utility  
83 easements, railroad rights-of-way, or like entities to be  
84 annexed in a corridor fashion to gain contiguity; and when any  
85 provision ~~or provisions~~ of any special law prohibits ~~or laws~~  
86 ~~prohibit~~ the annexation of territory that is separated from the  
87 annexing municipality by a body of water or watercourse, then

578-02925-23

2023718c1

88 that law shall prevent annexation under this act.

89 (2)~~(12)~~ "Compactness" means concentration of a piece of  
90 property in a single area and precludes any action which would  
91 create enclaves, pockets, or finger areas in serpentine  
92 patterns. Any annexation proceeding in any county in this ~~the~~  
93 state must ~~shall~~ be designed in such a manner as to ensure that  
94 the area will be reasonably compact.

95 (5)~~(13)~~ "Enclave" means:

96 (a) Any unincorporated improved or developed area that is  
97 enclosed within and bounded on all sides by a single  
98 municipality; or

99 (b) Any unincorporated improved or developed area that is  
100 enclosed within and bounded by a single municipality and a  
101 natural or manmade obstacle that allows the passage of vehicular  
102 traffic to that unincorporated area only through the  
103 municipality.

104 Section 2. Subsection (5) of section 171.0413, Florida  
105 Statutes, is amended to read:

106 171.0413 Annexation procedures.—Any municipality may annex  
107 contiguous, compact, unincorporated territory in the following  
108 manner:

109 (5) If more than 70 percent of the acres of land in an area  
110 proposed to be annexed is owned by individuals, corporations, or  
111 legal entities which are not registered electors of such area,  
112 such area may ~~shall~~ not be annexed unless the owners of more  
113 than 50 percent of the acres of land in such area consent to  
114 such annexation. Such consent must ~~shall~~ be obtained by the  
115 parties proposing the annexation before ~~prior to~~ the referendum  
116 to be held on the annexation.

578-02925-23

2023718c1

117 Section 3. Subsections (1) and (2) of section 171.042,  
118 Florida Statutes, are amended to read:

119 171.042 Prerequisites to annexation.—

120 (1) Before ~~Prior to~~ commencing the annexation procedures  
121 under s. 171.0413, the governing body of the municipality shall  
122 prepare a feasibility study ~~report~~ setting forth the plans to  
123 provide urban services to any area to be annexed, and the  
124 feasibility study must ~~report shall~~ include the following:

125 (a) A map or maps of the municipality and adjacent  
126 territory showing the present and proposed municipal boundaries,  
127 the present major trunk water mains and sewer interceptors and  
128 outfalls, the proposed extensions of such mains and outfalls, as  
129 required in paragraph (c), and the general land use pattern in  
130 the area to be annexed.

131 (b) A statement certifying that the area to be annexed  
132 meets the criteria in s. 171.043.

133 (c) A statement setting forth the plans of the municipality  
134 for extending to the area to be annexed each major municipal  
135 service performed within the municipality at the time of  
136 annexation. Specifically, such plans must ~~shall~~:

137 1. Provide for extending urban services except as otherwise  
138 provided in this subsection ~~herein~~ to the area to be annexed on  
139 the date of annexation on substantially the same basis and in  
140 the same manner as such services are provided within the rest of  
141 the municipality before ~~prior to~~ annexation.

142 2. Provide for the extension of existing municipal water  
143 and sewer services into the area to be annexed so that, when  
144 such services are provided, property owners in the area to be  
145 annexed will be able to secure public water and sewer service

578-02925-23

2023718c1

146 according to the policies in effect in such municipality for  
147 extending water and sewer lines to individual lots or  
148 subdivisions.

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

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

155 (2) Not fewer than 15 days before ~~prior to~~ commencing the  
156 annexation procedures under s. 171.0413, the governing body of  
157 the municipality shall file a copy of the feasibility study  
158 ~~report~~ required by this section with the board of county  
159 commissioners of the county in which ~~wherein~~ the municipality is  
160 located. Failure to timely file the feasibility study ~~report~~ as  
161 required in this subsection may be the basis for a cause of  
162 action to invalidate ~~invalidating~~ the annexation.

163 Section 4. Subsections (2) and (4) of section 171.051,  
164 Florida Statutes, are amended, and subsection (11) is added to  
165 that section, to read:

166 171.051 Contraction procedures.—Any municipality may  
167 initiate the contraction of municipal boundaries in the  
168 following manner:

169 (2) A petition of 15 percent of the qualified voters in an  
170 area desiring to be excluded from the municipal boundaries,  
171 filed with the clerk of the municipal governing body, may  
172 propose such an ordinance. The municipality to which such  
173 petition is directed shall immediately undertake a feasibility  
174 study ~~of the feasibility~~ of such proposal and the governing body

578-02925-23

2023718c1

175 shall, within 6 months, evaluate the feasibility study of such  
176 proposal and either initiate proceedings under subsection (1) by  
177 introducing a contraction ordinance or reject the petition as a  
178 legislative decision, ~~specifically stating the facts upon which~~  
179 ~~the rejection is based.~~

180 (4) If, at the meeting held for the ~~such~~ purpose of  
181 considering the contraction ordinance introduced by the  
182 governing body, a petition is filed and signed by at least 15  
183 percent of the qualified voters resident in the area proposed  
184 for contraction requesting a referendum on the question, the  
185 governing body shall, upon verification, paid for by the  
186 municipality, of the sufficiency of the petition, and before  
187 passing such ordinance, submit the question of contraction to a  
188 vote of the qualified voters of the area proposed for  
189 contraction, or the governing body may vote not to contract the  
190 municipal boundaries.

191 (11) If more than 70 percent of the acres of land in an  
192 area proposed to be contracted is owned by individuals,  
193 corporations, or legal entities that are not registered electors  
194 of such area, such area may not be contracted unless the owners  
195 of more than 50 percent of the acres of land in such area  
196 consent to such contraction.

197 Section 5. Section 171.204, Florida Statutes, is amended to  
198 read:

199 171.204 Prerequisites to annexation under this part.—The  
200 interlocal service boundary agreement may describe the character  
201 of land that may be annexed under this part and may provide that  
202 the restrictions on the character of land that may be annexed  
203 pursuant to part I are not restrictions on land that may be

578-02925-23

2023718c1

204 annexed pursuant to this part. As determined in the interlocal  
205 service boundary agreement, any character of land may be  
206 annexed, including, but not limited to, an annexation of land  
207 not contiguous to the boundaries of the annexing municipality,  
208 an annexation that creates an enclave, or an annexation where  
209 the annexed area is not reasonably compact; however, such area  
210 must be "urban in character" as defined in s. 171.031 ~~s.~~  
211 ~~171.031(8)~~. The interlocal service boundary agreement may not  
212 allow for annexation of land within a municipality that is not a  
213 party to the agreement or of land that is within another county.  
214 Before annexation of land that is not contiguous to the  
215 boundaries of the annexing municipality, an annexation that  
216 creates an enclave, or an annexation of land that is not  
217 currently served by water or sewer utilities, one of the  
218 following options must be followed:

219 (1) The municipality shall transmit a comprehensive plan  
220 amendment that proposes specific amendments relating to the  
221 property anticipated for annexation to the Department of  
222 Economic Opportunity for review under chapter 163. After  
223 considering the department's review, the municipality may  
224 approve the annexation and comprehensive plan amendment  
225 concurrently. The local government must adopt the annexation and  
226 the comprehensive plan amendment as separate and distinct  
227 actions but may take such actions at a single public hearing; or

228 (2) A municipality and county shall enter into a joint  
229 planning agreement under s. 163.3171, which is adopted into the  
230 municipal comprehensive plan. The joint planning agreement must  
231 identify the geographic areas anticipated for annexation, the  
232 future land uses that the municipality would seek to establish,



578-02925-23

2023718c1

233 necessary public facilities and services, including  
234 transportation and school facilities and how they will be  
235 provided, and natural resources, including surface water and  
236 groundwater resources, and how they will be protected. An  
237 amendment to the future land use map of a comprehensive plan  
238 which is consistent with the joint planning agreement must be  
239 considered a small scale amendment.

240 Section 6. This act shall take effect July 1, 2023.