

By Senator Burton

12-00217-25

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1                   A bill to be entitled  
 2       An act relating to annexing state-owned lands;  
 3       amending s. 171.0413, F.S.; requiring a municipality  
 4       proposing to annex state-owned lands to notify the  
 5       county legislative delegation at a certain time;  
 6       reenacting ss. 101.6102(5) and 171.042, F.S., relating  
 7       to mail ballot elections and limitations and  
 8       prerequisites to annexation, respectively, to  
 9       incorporate the amendment made to s. 171.0413, F.S.,  
 10       in references thereto; providing an effective date.

11  
 12 Be It Enacted by the Legislature of the State of Florida:

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 14       Section 1. Subsection (1) of section 171.0413, Florida  
 15 Statutes, is amended to read:

16       171.0413 Annexation procedures.—Any municipality may annex  
 17 contiguous, compact, unincorporated territory in the following  
 18 manner:

19       (1) An ordinance proposing to annex an area of contiguous,  
 20 compact, unincorporated territory must ~~shall~~ be adopted by the  
 21 governing body of the annexing municipality pursuant to the  
 22 procedure for the adoption of a nonemergency ordinance  
 23 established by s. 166.041.

24       (a) ~~Prior to~~ the adoption of the ordinance of  
 25 annexation, the local governing body shall hold at least two  
 26 advertised public hearings. The first public hearing must ~~shall~~  
 27 be on a weekday at least 7 days after the day that the first  
 28 advertisement is published. The second public hearing must ~~shall~~  
 29 be held on a weekday at least 5 days after the day that the

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30 second advertisement is published. Each such ordinance may ~~shall~~  
31 propose only one reasonably compact area to be annexed.

32 (b) A municipality seeking to annex state-owned lands must,  
33 in writing or by e-mail, notify the county legislative  
34 delegation of the county in which the land is located when the  
35 advertisement for the first public hearing is published.

36 (c) Before ~~However, prior to~~ the ordinance of annexation  
37 becomes becoming effective, a referendum on annexation must  
38 ~~shall~~ be held as set out below, and, if approved by the  
39 referendum, the ordinance shall become effective 10 days after  
40 the referendum or as otherwise provided in the ordinance, but  
41 not more than 1 year following the date of the referendum.

42 Section 2. For the purpose of incorporating the amendment  
43 made by this act to section 171.0413, Florida Statutes, in a  
44 reference thereto, subsection (5) of section 101.6102, Florida  
45 Statutes, is reenacted to read:

46 101.6102 Mail ballot elections; limitations.—

47 (5) Nothing in this section shall be construed to prohibit  
48 the use of a mail ballot election in a municipal annexation  
49 referendum requiring separate vote of the registered electors of  
50 the annexing municipality and of the area proposed to be  
51 annexed. If a mail ballot election is authorized for a municipal  
52 annexation referendum, the provisions of ss. 101.6101-101.6107  
53 shall control over any conflicting provisions of s. 171.0413.

54 Section 3. For the purpose of incorporating the amendment  
55 made by this act to section 171.0413, Florida Statutes, in  
56 references thereto, section 171.042, Florida Statutes, is  
57 reenacted to read:

58 171.042 Prerequisites to annexation.—

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59 (1) Before commencing the annexation procedures under s.  
60 171.0413, the governing body of the municipality shall prepare a  
61 feasibility study setting forth the plans to provide urban  
62 services to any area to be annexed, and the feasibility study  
63 must include the following:

64 (a) A map or maps of the municipality and adjacent  
65 territory showing the present and proposed municipal boundaries,  
66 the present major trunk water mains and sewer interceptors and  
67 outfalls, the proposed extensions of such mains and outfalls, as  
68 required in paragraph (c), and the general land use pattern in  
69 the area to be annexed.

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

72 (c) A statement setting forth the plans of the municipality  
73 for extending to the area to be annexed each major municipal  
74 service performed within the municipality at the time of  
75 annexation. Specifically, such plans must:

76 1. Provide for extending urban services except as otherwise  
77 provided in this subsection to the area to be annexed on the  
78 date of annexation on substantially the same basis and in the  
79 same manner as such services are provided within the rest of the  
80 municipality before annexation.

81 2. Provide for the extension of existing municipal water  
82 and sewer services into the area to be annexed so that, when  
83 such services are provided, property owners in the area to be  
84 annexed will be able to secure public water and sewer service  
85 according to the policies in effect in such municipality for  
86 extending water and sewer lines to individual lots or  
87 subdivisions.

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

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

94           (2) Not fewer than 15 days before commencing the annexation  
95 procedures under s. 171.0413, the governing body of the  
96 municipality shall file a copy of the feasibility study required  
97 by this section with the board of county commissioners of the  
98 county in which the municipality is located. Failure to timely  
99 file the feasibility study as required in this subsection may be  
100 the basis for a cause of action to invalidate the annexation.

101           (3) The governing body of the municipality shall, not less  
102 than 10 days prior to the date set for the first public hearing  
103 required by s. 171.0413(1), mail a written notice to each person  
104 who resides or owns property within the area proposed to be  
105 annexed. The notice must describe the annexation proposal, the  
106 time and place for each public hearing to be held regarding the  
107 annexation, and the place or places within the municipality  
108 where the proposed ordinance may be inspected by the public. A  
109 copy of the notice must be kept available for public inspection  
110 during the regular business hours of the office of the clerk of  
111 the governing body.

112           Section 4. This act shall take effect July 1, 2025.