

By the Committee on Community Affairs; and Senator Burton

578-02102-25

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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 each
5 member of the legislative delegation of the county at
6 a certain time; reenacting ss. 101.6102(5) and
7 171.042, F.S., relating to mail ballot elections and
8 limitations and prerequisites to annexation,
9 respectively, to incorporate the amendment made to s.
10 171.0413, F.S., in references thereto; providing an
11 effective date.

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

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

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

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

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

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30 be held on a weekday at least 5 days after the day that the
31 second advertisement is published. Each such ordinance may ~~shall~~
32 propose only one reasonably compact area to be annexed.

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

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

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

47 101.6102 Mail ballot elections; limitations.—

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

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

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59 171.042 Prerequisites to annexation.—

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

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

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

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

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

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

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88 subdivisions.

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

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

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

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

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