

By Senator Torres

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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.; prohibiting an
5 area from being annexed if more than a specified
6 percent of the land in the area is owned by
7 individuals, corporations, or legal entities, unless
8 the owners of more than a specified percent of the
9 land in the area consent to such annexation;
10 specifying conditions under which a vote of the
11 electors of the area proposed to be annexed is not
12 required; specifying the method by which property
13 owner consent must be obtained if the governing body
14 of an annexing municipality does not hold a
15 referendum; amending s. 171.044, F.S.; providing a
16 procedure for a municipality to annex certain
17 property; amending s. 171.046, F.S.; specifying the
18 municipalities that may annex certain enclaves when a
19 specified number of municipalities provide services to
20 the enclave; providing an effective date.

21
22 Be It Enacted by the Legislature of the State of Florida:

23
24 Section 1. Subsection (13) of section 171.031, Florida
25 Statutes, is amended to read:

26 171.031 Definitions.—As used in this chapter, the following
27 words and terms have the following meanings unless some other
28 meaning is plainly indicated:

29 (13) "Enclave" means any of the following:

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30 (a) Any unincorporated improved or developed area that is
31 enclosed within and bounded on all sides by a single
32 municipality.~~;~~ ~~or~~

33 (b) Any unincorporated improved or developed area that is
34 enclosed within and bounded by a single municipality and a
35 natural or manmade obstacle that allows the passage of vehicular
36 traffic to that unincorporated area only through the
37 municipality.

38 (c) Any unincorporated improved or developed area that is
39 enclosed on all sides by at least two municipalities when at
40 least one of those municipalities provides first-responder
41 services to the area by a formal mutual aid agreement or on an
42 ad hoc basis and the nearest first responder is required to
43 respond upon a request for service.

44 (d) Any unincorporated improved or developed area in which
45 at least 75 percent of the area is bounded on three or more
46 sides by one municipality and that municipality provides first-
47 responder services to the area by a formal mutual aid agreement
48 or on an ad hoc basis.

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

51 171.0413 Annexation procedures.—Any municipality may annex
52 contiguous, compact, unincorporated territory in the following
53 manner:

54 (5) If more than 70 percent of the land in an area proposed
55 to be annexed is owned by individuals, corporations, or legal
56 entities ~~which are not registered electors of such area~~, such
57 area may ~~shall~~ not be annexed unless the owners of more than 50
58 percent of the land in such area consent to such annexation.

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59 Such consent must ~~shall~~ be obtained by the parties proposing the
60 annexation prior to the referendum to be held on the annexation.

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

79 Section 3. Subsection (7) is added to section 171.044,
80 Florida Statutes, to read:

81 171.044 Voluntary annexation.—

82 (7) In addition to the petition process for annexation
83 authorized in subsection (1), a municipality may annex
84 unincorporated property that it owns which is contiguous to its
85 border or is separated from the municipality by a natural or
86 manmade barrier, such as a canal, river, railroad right-of-way,
87 or highway right-of-way. The governing body of the municipality

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88 may initiate the annexation process by adopting a resolution of
89 the governing body in lieu of receiving a petition to annex by
90 property owners.

91 Section 4. Present subsection (3) of section 171.046,
92 Florida Statutes, is renumbered as subsection (4), and a new
93 subsection (3) is added to that section, to read:

94 171.046 Annexation of enclaves.—

95 (3) When two or more municipalities form an enclave, as
96 defined in s. 171.031(13), the most appropriate jurisdiction to
97 annex the property is the municipality providing services to the
98 enclave. If more than one municipality provides services or
99 proposes to provide services to the enclave, any of the
100 municipalities providing services or proposing to provide
101 services may annex any portion of the enclave pursuant to
102 subsection (2), provided that the entire enclave is annexed by
103 one or more of the eligible municipalities under this section.

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