

By Senator Yarborough

4-01249-23

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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; removing certain procedures regarding
7 elector votes during annexation procedures; amending
8 s. 171.042, F.S.; replacing the term "report" with
9 "feasibility study"; amending s. 171.051, F.S.;
10 revising contraction procedures when qualified voters
11 desire to be excluded from municipal boundaries;
12 prohibiting contraction under certain circumstances;
13 amending s. 171.204, F.S.; conforming a cross-
14 reference; providing an effective date.

15
16 Be It Enacted by the Legislature of the State of Florida:

17
18 Section 1. Section 171.031, Florida Statutes, is reordered
19 and amended to read:

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

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

26 (4)~~(2)~~ "Contraction" means the reversion of real property
27 within municipal boundaries to an unincorporated status.

28 (7)~~(3)~~ "Municipality" means a municipality created pursuant
29 to general or special law authorized or recognized pursuant to

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30 s. 2 or s. 6, Art. VIII of the State Constitution.

31 ~~(8)(4)~~ "Newspaper of general circulation" means a newspaper
32 printed in the language most commonly spoken in the area within
33 which it circulates, which is readily available for purchase by
34 all inhabitants in its area of circulation, but does not include
35 a newspaper intended primarily for members of a particular
36 professional or occupational group, a newspaper whose primary
37 function is to carry legal notices, or a newspaper that is given
38 away primarily to distribute advertising.

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

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

48 ~~(10)~~ "Qualified voter" means any person registered to vote
49 in accordance with law.

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

56 ~~(12)(8)~~ "Urban in character" means an area used intensively
57 for residential, urban recreational or conservation parklands,
58 commercial, industrial, institutional, or governmental purposes

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59 or an area undergoing development for any of these purposes.

60 (14)~~(9)~~ "Urban services" means any services offered by a
61 municipality, either directly or by contract, to any of its
62 present residents.

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

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

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88 ~~prohibit~~ the annexation of territory that is separated from the
89 annexing municipality by a body of water or watercourse, then
90 that law shall prevent annexation under this act.

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

97 (5)~~(13)~~ "Enclave" means:

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

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

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

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

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

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117 parties proposing the annexation before ~~prior to~~ the referendum
118 to be held on the annexation.

119 ~~(6) Notwithstanding subsections (1) and (2), if the area~~
120 ~~proposed to be annexed does not have any registered electors on~~
121 ~~the date the ordinance is finally adopted, a vote of electors of~~
122 ~~the area proposed to be annexed is not required. In addition to~~
123 ~~the requirements of subsection (5), the area may not be annexed~~
124 ~~unless the owners of more than 50 percent of the parcels of land~~
125 ~~in the area proposed to be annexed consent to the annexation. If~~
126 ~~the governing body does not choose to hold a referendum of the~~
127 ~~annexing municipality pursuant to subsection (2), then the~~
128 ~~property owner consents required pursuant to subsection (5)~~
129 ~~shall be obtained by the parties proposing the annexation prior~~
130 ~~to the final adoption of the ordinance, and the annexation~~
131 ~~ordinance shall be effective upon becoming a law or as otherwise~~
132 ~~provided in the ordinance.~~

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

135 171.042 Prerequisites to annexation.—

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

141 (a) A map or maps of the municipality and adjacent
142 territory showing the present and proposed municipal boundaries,
143 the present major trunk water mains and sewer interceptors and
144 outfalls, the proposed extensions of such mains and outfalls, as
145 required in paragraph (c), and the general land use pattern in

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146 the area to be annexed.

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

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

153 1. Provide for extending urban services except as otherwise
154 provided in this subsection herein to the area to be annexed on
155 the date of annexation on substantially the same basis and in
156 the same manner as such services are provided within the rest of
157 the municipality before ~~prior to~~ annexation.

158 2. Provide for the extension of existing municipal water
159 and sewer services into the area to be annexed so that, when
160 such services are provided, property owners in the area to be
161 annexed will be able to secure public water and sewer service
162 according to the policies in effect in such municipality for
163 extending water and sewer lines to individual lots or
164 subdivisions.

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

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

171 (2) Not fewer than 15 days before ~~prior to~~ commencing the
172 annexation procedures under s. 171.0413, the governing body of
173 the municipality shall file a copy of the feasibility study
174 ~~report~~ required by this section with the board of county

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175 commissioners of the county in which ~~wherein~~ the municipality is
176 located. Failure to timely file the feasibility study ~~report~~ as
177 required in this subsection may be the basis for a cause of
178 action to invalidate ~~invalidating~~ the annexation.

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

182 171.051 Contraction procedures.—Any municipality may
183 initiate the contraction of municipal boundaries in the
184 following manner:

185 (2) A petition of 15 percent of the qualified voters in an
186 area desiring to be excluded from the municipal boundaries,
187 filed with the clerk of the municipal governing body, may
188 propose such an ordinance. The municipality to which such
189 petition is directed shall immediately undertake a feasibility
190 study ~~of the feasibility~~ of such proposal and the governing body
191 shall, within 6 months, evaluate the feasibility study of such
192 proposal and either initiate proceedings under subsection (1) by
193 introducing a contraction ordinance or reject the petition as a
194 legislative decision, ~~specifically stating the facts upon which~~
195 ~~the rejection is based.~~

196 (4) If, at the meeting held for the ~~such~~ purpose of
197 considering the contraction ordinance introduced by the
198 governing body, a petition is filed and signed by at least 15
199 percent of the qualified voters resident in the area proposed
200 for contraction requesting a referendum on the question, the
201 governing body shall, upon verification, paid for by the
202 municipality, of the sufficiency of the petition, and before
203 passing such ordinance, submit the question of contraction to a

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204 vote of the qualified voters of the area proposed for
205 contraction, or the governing body may vote not to contract the
206 municipal boundaries.

207 (11) If more than 70 percent of the acres of land in an
208 area proposed to be contracted is owned by individuals,
209 corporations, or legal entities that are not registered electors
210 of such area, such area may not be contracted unless the owners
211 of more than 50 percent of the acres of land in such area
212 consent to such contraction.

213 Section 5. Section 171.204, Florida Statutes, is amended to
214 read:

215 171.204 Prerequisites to annexation under this part.—The
216 interlocal service boundary agreement may describe the character
217 of land that may be annexed under this part and may provide that
218 the restrictions on the character of land that may be annexed
219 pursuant to part I are not restrictions on land that may be
220 annexed pursuant to this part. As determined in the interlocal
221 service boundary agreement, any character of land may be
222 annexed, including, but not limited to, an annexation of land
223 not contiguous to the boundaries of the annexing municipality,
224 an annexation that creates an enclave, or an annexation where
225 the annexed area is not reasonably compact; however, such area
226 must be “urban in character” as defined in s. 171.031 ~~s.~~
227 ~~171.031(8)~~. The interlocal service boundary agreement may not
228 allow for annexation of land within a municipality that is not a
229 party to the agreement or of land that is within another county.
230 Before annexation of land that is not contiguous to the
231 boundaries of the annexing municipality, an annexation that
232 creates an enclave, or an annexation of land that is not

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233 currently served by water or sewer utilities, one of the
234 following options must be followed:

235 (1) The municipality shall transmit a comprehensive plan
236 amendment that proposes specific amendments relating to the
237 property anticipated for annexation to the Department of
238 Economic Opportunity for review under chapter 163. After
239 considering the department's review, the municipality may
240 approve the annexation and comprehensive plan amendment
241 concurrently. The local government must adopt the annexation and
242 the comprehensive plan amendment as separate and distinct
243 actions but may take such actions at a single public hearing; or

244 (2) A municipality and county shall enter into a joint
245 planning agreement under s. 163.3171, which is adopted into the
246 municipal comprehensive plan. The joint planning agreement must
247 identify the geographic areas anticipated for annexation, the
248 future land uses that the municipality would seek to establish,
249 necessary public facilities and services, including
250 transportation and school facilities and how they will be
251 provided, and natural resources, including surface water and
252 groundwater resources, and how they will be protected. An
253 amendment to the future land use map of a comprehensive plan
254 which is consistent with the joint planning agreement must be
255 considered a small scale amendment.

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