

1 A bill to be entitled
 2 An act relating to municipal annexation and
 3 contraction; amending s. 171.031, F.S.; defining the
 4 term "feasibility study"; amending s. 171.0413, F.S.;
 5 revising annexation procedures; amending s. 171.042,
 6 F.S.; revising prerequisites to annexation; amending
 7 s. 171.051, F.S.; revising contraction procedures;
 8 making editorial revisions; providing an effective
 9 date.

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

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13 Section 1. Subsection (14) is added to section 171.031,
 14 Florida Statutes, to read:

15 171.031 Definitions.—As used in this chapter, the
 16 following words and terms have the following meanings unless
 17 some other meaning is plainly indicated:

18 (14) "Feasibility study" means an analysis conducted by
 19 qualified staff or consultants of the economic, market,
 20 technical, financial, and management feasibility of the proposed
 21 annexation or contraction, as applicable.

22 Section 2. Section 171.0413, Florida Statutes, is amended
 23 to read:

24 171.0413 Annexation procedures.—Any municipality may annex
 25 contiguous, compact, unincorporated territory in the following

26 manner:

27 (1) An ordinance proposing to annex an area of contiguous,
 28 compact, unincorporated territory shall be adopted by the
 29 governing body of the annexing municipality pursuant to the
 30 procedure for the adoption of a nonemergency ordinance
 31 established by s. 166.041. Before ~~Prior to~~ the adoption of the
 32 ordinance of annexation, the local governing body shall hold at
 33 least two advertised public hearings. The first public hearing
 34 shall be held on a weekday at least 7 days after the day that
 35 the first advertisement is published. The second public hearing
 36 shall be held on a weekday at least 5 days after the day that
 37 the second advertisement is published. Each such ordinance shall
 38 propose only one reasonably compact area to be annexed. However,
 39 before ~~prior to~~ the ordinance of annexation becoming effective,
 40 a referendum on annexation shall be held as set out below, and,
 41 if approved by the referendum, the ordinance shall become
 42 effective 10 days after the referendum or as otherwise provided
 43 in the ordinance, but not more than 1 year following the date of
 44 the referendum.

45 (2) Following the final adoption of the ordinance of
 46 annexation by the governing body of the annexing municipality,
 47 the ordinance shall be submitted to a vote of the registered
 48 electors of the area proposed to be annexed. The governing body
 49 of the annexing municipality may also choose to submit the
 50 ordinance of annexation to a separate vote of the registered

51 electors of the annexing municipality. The referendum on
52 annexation shall be called and conducted and the expense thereof
53 paid by the governing body of the annexing municipality.

54 (a) The referendum on annexation shall be held at the next
55 regularly scheduled election following the final adoption of the
56 ordinance of annexation by the governing body of the annexing
57 municipality or at a special election called for the purpose of
58 holding the referendum. However, the referendum, whether held at
59 a regularly scheduled election or at a special election, may
60 ~~shall~~ not be held sooner than 30 days following the final
61 adoption of the ordinance by the governing body of the annexing
62 municipality.

63 (b) The governing body of the annexing municipality shall
64 publish notice of the referendum on annexation at least once
65 each week for 2 consecutive weeks immediately preceding the date
66 of the referendum in a newspaper of general circulation in the
67 area in which the referendum is to be held. The notice shall
68 give the ordinance number, the time and places for the
69 referendum, and a brief, general description of the area
70 proposed to be annexed. The description shall include a map
71 clearly showing the area and a statement that the complete legal
72 description by metes and bounds and the ordinance can be
73 obtained from the office of the city clerk.

74 (c) On the day of the referendum on annexation, there
75 shall be prominently displayed at each polling place a copy of

76 | the ordinance of annexation and a description of the property
 77 | proposed to be annexed. The description shall be by metes and
 78 | bounds and shall include a map clearly showing such area.

79 | (d) Ballots or mechanical voting devices used in the
 80 | referendum on annexation shall offer the choice "For annexation
 81 | of property described in ordinance number of the City of
 82 |" and "Against annexation of property described in ordinance
 83 | number of the City of" in that order.

84 | (e) If the referendum on annexation is held only in the
 85 | area proposed to be annexed and receives a majority vote, or if
 86 | the ordinance of annexation is submitted to a separate vote of
 87 | the registered electors of the annexing municipality and the
 88 | area proposed to be annexed and there is a separate majority
 89 | vote for annexation in the annexing municipality and in the area
 90 | proposed to be annexed, the ordinance of annexation becomes
 91 | ~~shall become~~ effective on the effective date specified therein.
 92 | If there is any majority vote against the referendum on
 93 | annexation, the ordinance of annexation is not ~~shall not become~~
 94 | effective, and the area proposed to be annexed must ~~shall~~ not be
 95 | the subject of an annexation ordinance by the annexing
 96 | municipality for a period of 2 years from the date of the
 97 | referendum on annexation.

98 | (3) Any tract or parcel of land which is owned by one
 99 | person ~~individual~~, corporation, or legal entity, or owned
 100 | collectively by one or more persons ~~individuals~~, corporations,

101 or legal entities, proposed to be annexed or annexed under ~~the~~
 102 ~~provisions of~~ this act may ~~shall~~ not be severed, separated,
 103 divided, or partitioned by the ~~provisions of said~~ ordinance of
 104 annexation, but shall, ~~if intended to be annexed, or if annexed,~~
 105 ~~under the provisions of this act,~~ be annexed in its entirety and
 106 as a whole. However, nothing ~~herein~~ contained in this subsection
 107 affects ~~shall be construed as affecting~~ the validity or
 108 enforceability of any ordinance of annexation declaring an
 109 intention to annex land under the existing law that has been
 110 enacted by a municipality before ~~prior to~~ July 1, 1975. An ~~The~~
 111 owner of such land ~~property~~ may waive the requirements of this
 112 subsection if the ~~such~~ owner does not desire all of the tract or
 113 parcel of land to be included in said annexation.

114 (4) Except as otherwise provided in this act ~~law~~, the
 115 annexation procedure as set forth in this section shall
 116 constitute a uniform method for the adoption of an ordinance of
 117 annexation by the governing body of any municipality in this
 118 state, and all existing provisions of special laws which
 119 establish municipal annexation procedures are repealed ~~hereby~~;
 120 except that any provision ~~or provisions~~ of special law ~~or laws~~
 121 which prohibits ~~prohibit~~ annexation of territory that is
 122 separated from the annexing municipality by a body of water or
 123 watercourse may ~~shall~~ not be repealed.

124 (5) If more than 70 percent of the acres of land in an
 125 area proposed to be annexed is owned by persons ~~individuals~~,

126 corporations, or legal entities that ~~which~~ are not registered
127 electors of such area, such area may ~~shall~~ not be annexed unless
128 the owners of more than 50 percent of the acres of land in such
129 area consent to such annexation. Such consent shall be obtained
130 by the parties proposing the annexation before ~~prior to~~ the
131 referendum to be held on the annexation.

132 (6) Notwithstanding subsections (1) and (2), if the area
133 proposed to be annexed does not have any registered electors on
134 the date the ordinance is finally adopted, a vote of electors of
135 the area proposed to be annexed is not required. ~~In addition to~~
136 ~~the requirements of subsection (5), the area may not be annexed~~
137 ~~unless the owners of more than 50 percent of the parcels of land~~
138 ~~in the area proposed to be annexed consent to the annexation.~~ If
139 the governing body does not choose to hold a referendum of the
140 annexing municipality pursuant to subsection (2), then the
141 property owner consents required pursuant to subsection (5)
142 shall be obtained by the parties proposing the annexation prior
143 to the final adoption of the ordinance, and the annexation
144 ordinance shall be effective upon becoming a law or as otherwise
145 provided in the ordinance.

146 Section 3. Section 171.042, Florida Statutes, is amended
147 to read:

148 171.042 Prerequisites to annexation.—

149 (1) Before ~~Prior to~~ commencing the annexation procedures
150 under s. 171.0413, the governing body of the municipality shall

151 prepare a feasibility study ~~report~~ setting forth the plans to
152 provide urban services to any area to be annexed, and the
153 feasibility study ~~report~~ shall include the following:

154 (a) A map or maps of the municipality and adjacent
155 territory showing the present and proposed municipal boundaries,
156 the present major trunk water mains and sewer interceptors and
157 outfalls, the proposed extensions of such mains and outfalls, as
158 required in paragraph (c), and the general land use pattern in
159 the area to be annexed.

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

162 (c) A statement setting forth the plans of the
163 municipality for extending to the area to be annexed each major
164 municipal service performed within the municipality at the time
165 of annexation. Specifically, such plans shall:

166 1. Provide for extending urban services, except as
167 otherwise provided herein, to the area to be annexed on the date
168 of annexation on substantially the same basis and in the same
169 manner as such services are provided within the rest of the
170 municipality before ~~prior to~~ annexation.

171 2. Provide for the extension of existing municipal water
172 and sewer services into the area to be annexed so that, when
173 such services are provided, property owners in the area to be
174 annexed will be able to secure public water and sewer service
175 according to the policies in effect in such municipality for

176 extending water and sewer lines to individual lots or
 177 subdivisions.

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

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

184 (2) Not fewer than 15 days before ~~prior to~~ commencing the
 185 annexation procedures under s. 171.0413, the governing body of
 186 the municipality shall file a copy of the feasibility study
 187 ~~report~~ required by this section with the board of county
 188 commissioners of the county in which ~~wherein~~ the municipality is
 189 located. Failure to timely file the feasibility study ~~report~~ as
 190 required in this subsection may be the basis for a cause of
 191 action to invalidate ~~invalidating~~ the annexation.

192 (3) The governing body of the municipality shall, not
 193 fewer ~~less~~ than 10 days before ~~prior to~~ the date set for the
 194 first public hearing required by s. 171.0413(1), mail a written
 195 notice to each person who resides on or owns property within the
 196 area proposed to be annexed. The notice must describe the
 197 annexation proposal, the time and place for each public hearing
 198 to be held regarding the annexation, and the place or places
 199 within the municipality where the proposed ordinance may be
 200 inspected by the public. A copy of the notice must be made ~~kept~~

201 available for public inspection during the regular business
202 hours of the office of the clerk of the governing body.

203 Section 4. Subsections (2), (4), (6), and (7) of section
204 171.051, Florida Statutes, are amended, and subsection (11) is
205 added to that section, to read:

206 171.051 Contraction procedures.—Any municipality may
207 initiate the contraction of municipal boundaries in the
208 following manner:

209 (2) A petition of 15 percent of the qualified voters in an
210 area desiring to be excluded from the municipal boundaries,
211 filed with the clerk of the municipal governing body, may
212 propose such an ordinance. The municipality to which such
213 petition is directed shall immediately undertake a feasibility
214 study of ~~the feasibility of~~ such proposal and the governing body
215 shall, within 6 months, evaluate the feasibility study of such
216 proposal and either initiate proceedings under subsection (1) by
217 introducing a contraction ordinance or reject the petition as a
218 legislative decision, ~~specifically stating the facts upon which~~
219 ~~the rejection is based.~~

220 (4) If, at the meeting held for the ~~such~~ purpose of
221 considering the contraction ordinance introduced by the
222 governing body, a petition is filed and signed by at least 15
223 percent of the qualified voters resident in the area proposed
224 for contraction requesting a referendum on the question, the
225 governing body shall, upon verification, paid for by the

226 municipality, of the sufficiency of the petition, and before
 227 passing such ordinance, submit the question of contraction to a
 228 vote of the qualified voters of the area proposed for
 229 contraction, or the governing body may vote not to contract the
 230 municipal boundaries.

231 (6) The referendum, if required, shall be held at the next
 232 regularly scheduled election, or, if approved by a majority of
 233 the municipal governing body, at a special election held before
 234 ~~prior to~~ such election, but no sooner than 30 days after
 235 verification of the petition or passage of the ~~resolution or~~
 236 ordinance calling for the referendum.

237 (7) The municipal governing body shall establish the date
 238 of election and publish notice of the referendum election at
 239 least once a week for the 2 consecutive weeks immediately before
 240 ~~prior to~~ the election in a newspaper of general circulation in
 241 the area proposed to be excluded or in the municipality. Such
 242 notice shall give the time and place ~~places~~ for the election and
 243 a general description of the area to be excluded, which shall be
 244 in the form of a map clearly showing the area proposed to be
 245 excluded.

246 (11) If more than 70 percent of the acres of land in an
 247 area proposed to be contracted is owned by persons,
 248 corporations, or legal entities that are not registered electors
 249 of such area, such area may not be contracted unless the owners
 250 of more than 50 percent of the acres of land in such area

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251 | consent to such contraction. Such consent shall be obtained by
252 | the parties proposing the contraction before the referendum to
253 | be held on the contraction.

254 | Section 5. This act shall take effect July 1, 2023.