

The Florida Municipal Officials' Manual



the John Scott Dailey

FLORIDA
INSTITUTE OF
GOVERNMENT

Section 2-4

Annexation

The Municipal Annexation or Contraction Act of 1974, which, with amendments, is codified as Chapter 171, Florida Statutes, governs municipal annexation and contraction (except in Miami-Dade County, where home-rule charter provisions apply). An annexation proceeding may take place only within the boundaries of a single county.

A. ANNEXATION BY PETITION

Property owners may petition a municipality for annexation. The property to be considered for annexation must meet statutory requirements, and all owners of property in the area proposed for annexation must have signed the petition. If satisfied that these criteria have been met, the council may, at a regular meeting, adopt a non-emergency ordinance to annex said property and to redefine the boundary lines of the municipality to include said property. This ordinance may be passed only after notice of it has been published or posted for four consecutive weeks. The notice shall contain, among other items, a brief general description of the area proposed to be annexed and a map clearly showing the area. Voluntary annexation methods other than that specified above may be enacted by special law, and the method specified here is superseded by county charter provisions for an exclusive method.

B. ANNEXATION BY REFERENDUM

In the absence of 100-percent support by the affected property owners, annexation may still occur through "dual referendums." A non-emergency ordinance proposing to annex the area shall be adopted by the council. Each such ordinance shall address annexation of one reasonably compact area only. The ordinance shall then be submitted to separate votes of the electors of the municipality and of the area proposed to be annexed. The city shall conduct this dual referendum and shall bear the cost of it. The referendum shall be held at the next regularly scheduled election or at a special election, but not sooner than 30 days after council approval of the ordinance. Notice of the referendum shall be published in a general-circulation newspaper at least once a week for the two consecutive weeks immediately preceding the referendum. The notice shall contain, among other items, the time and places for the referendum, a brief general description of the affected area, and a map which clearly shows the area. In most cases, passage of the annexation ordinance requires separate majority votes in favor of annexation in the affected area and within the municipality, commonly referred to as the "dual-majority" requirement.

A dual vote is not always required for annexation. If the area to be annexed is a very small area or territory, no municipal vote is involved. The Legislature has recognized that enclaves can create significant problems in planning, growth management and service delivery; therefore, state statutes provide that a municipality may annex:

1. an enclave of 10 acres or less by interlocal agreement with the county having jurisdiction, or
2. an enclave with fewer than 25 registered voters by municipal ordinance when the annexation is approved in a referendum by at least 60 percent of the voters residing in the enclave.

If more than 70 percent of the land in the affected area is owned by non-electors of said area, the area shall be annexed only if the owners of more than 50 percent of the land consent to annexation, this consent to be obtained prior to a referendum.

Under certain conditions an annexation referendum may be conducted by mail. Other details of the annexation procedure include the requirement of an urban-services report detailing how the municipality will provide services to the area.

C. CRITERIA FOR ANNEXATION

A municipality may annex an area only if it satisfies the following criteria (standards for these criteria are provided):

1. the area must be contiguous to the municipality's boundaries;
2. the area must be reasonably compact;
3. the area must be wholly unincorporated; and
4. the area must be developed for urban purposes, at least in part, or must be so situated that it constitutes a necessary land connection between urbanized areas.

D. EFFECTS OF ANNEXATION

Annexation of an area has the following effects:

1. The annexed area shall immediately be subject to the debts and taxes of the municipality, except that it shall not be subject to city property taxes for the current year if levied prior to the effective date of the annexation.
2. The annexed area shall be subject to all laws, ordinances, and regulations in force in the city, and shall also be entitled to all privileges and benefits.
3. In the annexed area, the county land-use plan and zoning or subdivision regulations shall remain in force until the area is included in city planning and zoning provisions.
4. If a solid-waste collection service was previously serving an annexed area and complies with certain conditions, it may continue to provide the service for five years or the remainder of the franchise term, whichever is shorter. If the franchisee does not agree to comply with said conditions within 90 days of annexation, the city may terminate the franchise.

E. INCORPORATION OR ANNEXATION OF A DISTRICT

After achieving the population standards for incorporation, a community-development district wholly contained within the unincorporated area of a county may hold a referendum on the question of incorporation. All standards and procedures for incorporation included in Chapter 165, F.S., apply, including the requirement of a charter adopted by special act of the Legislature.

Any community-development district contiguous to the boundary of a municipality may be annexed to such municipality pursuant to Chapter 171, Florida Statutes.

F. CONTRACTION PROCEDURES

Procedures for contraction of municipal boundaries are provided in s. 171.051, F.S.

REFERENCES

Florida Statutes: Chapter 171, Sections 101.6102(5) and 190.047. For background and options to current Florida law, see Robert Bradley and Edward Montanaro, "Annexation in Florida: Issues and Options," *Florida Municipal Record*, parts I-III, vol. 57, nos. 5-7, and "Florida Legislative Council on Intergovernmental Relations Recommendations on Annexation," *Florida Municipal Record*, vol. 57, no. 8.