

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: Community Affairs Committee

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BILL: SB 1514

INTRODUCER: Senator Fasano

SUBJECT: Municipal Annexation

DATE: March 10, 2006

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Herrin	Yeatman	CA	<b>Favorable</b>
2.	_____	_____	GO	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

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## I. Summary:

This bill amends the statutory involuntary annexation procedure by excluding state-owned land from the provision that requires the consent of the owners of more than 50 percent of the land where more than 70 percent of the property in an area proposed for annexation is owned by individuals, corporations or legal entities which are not registered electors.

This bill amends section 171.0413 of the Florida Statutes.

## II. Present Situation:

### *Involuntary Annexation*

The "Municipal Annexation or Contraction Act", ch. 171, F.S., codifies the state's annexation procedures. Sections 171.0413 and 171.042, F.S., establish an electoral procedure for involuntary annexation that allows for separate approval of a proposed annexation in the existing city, at the city's option, and in the area proposed for annexation. The owners of more than 50 percent of the land in an area proposed for annexation must consent if more than 70 percent of the property in that area is owned by persons that are not registered electors. Also, the governing body of the annexing municipality must prepare a report on the provision of urban services to the area being annexed as well as adopt an ordinance allowing for the annexation and meet certain notice requirements.

### *State Lands*

Chapter 253, F.S., is entitled "State Lands." Section 253.001, F.S., establishes that pursuant to the provisions of s. 7, Art. II, and s. 11, Art. X of the State Constitution, all lands held in the name of the Board of Trustees of the Internal Improvement Trust Fund are held in trust for the use and benefit of the people of the State of Florida.

The Governor and the Cabinet sit as the Board of Trustees of the Internal Improvement Trust Fund. Pursuant to s. 253.03, F.S., the board is vested and charged with the acquisition, administration, management, control, supervision, conservation, protection and disposition of all lands owned by, or which may hereafter inure to, the state or any of its agencies, departments, boards or commissions, excluding certain properties. The Division of State Lands of the Department of Environmental Protection performs staff duties and functions related to the acquisition, administration and disposition of those lands in which title is vested in the board.<sup>1</sup>

The board currently does not have the ability to participate in annexation decisions regarding land that it owns as it is not a registered elector who can vote on a proposed ordinance. However, under s. 171.0413(5), F.S., the requirement that the owners of more than 50 percent of the land in the area proposed for annexation must consent prior to a referendum in certain instances involves the board in the annexation process. Section 171.0413(6), F.S., also allows the board to take part in the decision-making process if the area proposed for annexation has no registered electors by requiring consent from the owners of more than 50 percent of the parcels of land in the area. In instances where the state-owned lands constitute over 50 percent of the land in an area proposed for involuntary annexation under s. 171.0413, F.S., the board's consent assures annexation without regard to the wishes of the other landowners.

### III. Effect of Proposed Changes:

**Section 1** amends s. 171.0413, F.S., to exclude state-owned land from the involuntary annexation provision that requires the consent of the owners of more than 50 percent of the land where more than 70 percent of the property in an area proposed for annexation is owned by individuals, corporations or legal entities which are not registered electors.

**Section 2** provides the act shall take effect July 1, 2006.

### IV. Constitutional Issues:

#### A. Municipality/County Mandates Restrictions:

None.

#### B. Public Records/Open Meetings Issues:

None.

#### C. Trust Funds Restrictions:

None.

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<sup>1</sup> Section 253.002(1), F.S.

**V. Economic Impact and Fiscal Note:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

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This Senate staff analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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## **VIII. Summary of Amendments:**

None.

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