CHAPTER 225. BOUNDARY ADJUSTMENT ACT*

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***Cross references:** Utilities, tit. 4; land development code, tit. 31 et seq.; comprehensive plan, ch. 321.

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Sec. 225.01. Short title.

This chapter shall be known and may be cited as the "Alachua County Boundary Adjustment Act."
(Laws of Fla., ch. 90-496, § 2)

Sec. 225.02. Purpose.

The purposes of this act are to set forth procedures for establishing municipal reserve areas and for adjusting the boundaries of municipalities through annexations or contractions of corporate limits and to set forth criteria for determining when annexations or contractions may take place so as to:
(1) Ensure sound urban development and accommodation to growth.
(2) Ensure the efficient provision of urban services to areas that become urban in character.
(3) Ensure that areas are not annexed unless municipal services can be provided to those areas.
(4) Promote cooperation between municipalities and Alachua County regarding the provision of services and the regulation of urban areas at the boundaries of municipalities.
(5) Assure that the procedures relating to annexation protect all parties affected.
(6) Encourage development in designated reserve areas that efficiently utilize services and prevent urban sprawl.
(Laws of Fla., ch. 90-496, § 2)

Sec. 225.03. Supplemental; effect of other laws.

The provisions of this act are supplemental and in addition to any general or special law relating to municipal annexations or contraction. However, when the reserve area designations and statements of a municipality become effective, this act shall be the sole method of annexation or contraction for that municipality. Notwithstanding any other provision of law, land may not be annexed by voluntary annexation under section 10 or F.S. § 171.044, from April 30, 1991, through July 31, 1991, in order to permit the orderly establishment of reserve areas under section 225.05.
(Laws of Fla., ch. 90-496, § 3; Laws of Fla., ch. 91-382, § 1)

Sec. 225.04. Definitions.

As used in this chapter, the following words and terms have the following meanings unless some other meaning is plainly indicated:

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

(2) *Compactness* means concentration of a piece of property in a single area and precludes any action which would create enclaves, pockets, or finger areas in serpentine patterns. Any annexation proceeding in the county shall be designed in such a manner as to ensure that the area will be reasonably compact.

(3) *Comprehensive plan* means the local comprehensive plan adopted by the county or a municipality pursuant to F.S. ch. 163.

(4) *Contiguous* means that a substantial part of a boundary of the territory sought to be annexed by a municipality is coterminous with a part of the boundary of the municipality. The separation of the territory sought to be annexed from the annexing municipality by a publicly owned county park; a right-of-way for a highway, road, railroad, canal, or utility; or a body of water, watercourse, or other minor geographical division of a similar nature, running parallel with and between the territory sought to be annexed and the annexing municipality, shall not prevent annexation under this act, provided the presence of such a division does not, as a practical matter, prevent the territory sought to be annexed and the annexing municipality from becoming a unified whole with respect to municipal services or prevent their inhabitants from fully associating and trading with each other, socially and economically. However, nothing herein shall be construed to allow local rights-of-way, utility easements, railroad rights-of-way, or like entities to be annexed in a corridor fashion to gain contiguity.

(5) *Contraction* means the reversion of real property within municipal boundaries to an unincorporated status.

(6) *County* means Alachua County.

(7) *Enclave* means:

(a) Any unincorporated area which is totally enclosed within and bounded by a single municipality;

(b) Any unincorporated area which is totally enclosed within and bounded by a single municipality and a natural or manmade obstacle which prohibits the passage of vehicular traffic to that unincorporated area unless the traffic passes through the municipality; or

(c) An unincorporated area which is totally enclosed within and bounded by more than one municipality, or more than one municipality and a natural or manmade obstacle which prohibits the passage of vehicular traffic unless the traffic passes through one or more of the municipalities.

(8) *Most populous municipality* means the municipality having the highest population, according to the latest population census determination of the executive office of the governor, made pursuant to F.S. § 186.901, and prior to the deadline imposed by this act for the submission of the designation of proposed reserve areas.

(9) *Municipality* means a municipality created pursuant to general or special law authorized or recognized pursuant to section 2, article VIII of the state constitution and located in Alachua County.

(10) *Newspaper of general circulation* means a newspaper printed in the language most commonly spoken in the area within which it circulates, which is readily available for purchase by all inhabitants in its area of circulation, but does not include a newspaper intended primarily for members of a particular professional or occupational group, a newspaper whose primary function is to carry legal notices, or a newspaper that is given away primarily to distribute advertising.
(11) *Parties affected* means:
(a) Any persons or firms owning property in, or residing in, a municipality which is proposing annexation or contraction or which has annexed or contracted;
(b) Any persons or firms owning property or residing in an area which is proposed for annexation to a municipality, which has been annexed, which is proposed to be removed from the municipality by contraction, or which has been removed from the municipality by contraction;
(c) Any persons or firms owning property or residing in an area which will be in an enclave if a municipality annexes it as proposed, or which is in an enclave as result of an annexation; or
(d) Any governmental unit, including the regional planning agency, with jurisdiction over an area which is proposed to be annexed, which has been annexed, which is proposed to be removed from the municipality by contraction, or which has been removed from the municipality by contraction.
(12) *Public notice* means publication of the time and place of the hearing, including a short description of the proposed action, at least once a week for the two consecutive weeks immediately proceeding the date of the hearing in a newspaper of general circulation in the county.
(13) *Qualified voter* means any person registered to vote in accordance with law.
(14) *Regional planning agency* means the North Central Florida Regional Planning Council established pursuant to F.S. ch. 186.
(15) *Reserve area* means an area designated pursuant to section 225.05 of this chapter or as otherwise designated by special act as an area reserved for annexation by a municipality pursuant to the procedures set forth in this act.
(16) *Sufficiency of petition* means the verification of the signatures and addresses of all signers of a petition with the voting list maintained by the county supervisor of elections and certification that the number of valid signatures represents the required percentage of the total number of qualified voters in the area affected by a proposed annexation.
(17) *Urban in character* means an area used for residential, urban recreational or conservation parklands, commercial, industrial, institutional, or governmental purposes or an area undergoing development for any of these purposes, including any parcels of land retained in their natural state or kept free of development as greenbelt areas.
(18) *Urban purposes* means that land is used intensively for residential, commercial, industrial, institutional, and governmental purposes, including any parcels of land retained in their natural state or kept free of development as greenbelt areas.
(19) *Urban services* means any services, other than electric utility services, provided by a municipality on substantially the same basis and in the same manner, either directly or by contract, to its present residents.
(Laws of Fla., ch. 90-496, § 4; Laws of Fla., ch. 91-382, § 2)
Cross references: Definitions and rules of construction generally, § 10.02.

Sec. 225.05. Establishment of reserve areas.

(1) Not later than January 31, 1991, the county and each municipality shall give public notice and shall hold a hearing on the designation of reserve areas.

(2) Not more than 90 days after each hearing, the municipality shall designate, on a map or maps, a proposed reserve area or reserve areas for itself, and the county shall designate, on a map or maps, proposed reserve areas for each of the municipalities within its boundaries. Such proposed reserve areas shall meet the criteria specified in section 225.06.

(3) The county shall also adopt a statement identifying any services, such as police, fire protection, solid waste disposal, potable water, sanitary sewer, drainage or flood control, parks and recreation, housing, street lighting, transportation, and other services, which are provided by the county to residents of its proposed reserve areas; any capital facilities being used to provide such services in the proposed reserve areas; and any plans it has to provide additional services or to provide services other than electric utility services to additional areas within its proposed reserve areas. The county shall also include in the statement an identification of the land uses and densities and intensities which are permitted in the proposed reserve areas by the county's comprehensive plan. The county shall also include in its statement its position regarding the requirements of paragraphs (7)(a), (b), (c), and (d).

(4) Each municipality shall also adopt a statement identifying any services, such as police, fire protection, solid waste disposal, potable water, sanitary sewer, drainage or flood control, parks and recreation, housing, street lighting, transportation, and other services, which are provided by the municipality to residents of the municipality's proposed reserve area or areas; any capital facilities being used to provide such services in the proposed reserve area or areas; and any plans the municipality has to provide such additional services other than electric utility services or to provide services to additional areas within its proposed reserve area or areas. Each municipality shall also include in the statement an identification of the land uses and densities and intensities of development it deems most appropriate for its proposed reserve area or areas. The municipality shall also include in its statement its position regarding the requirements of paragraphs (7)(a), (b), (c), and (d).

(5) (a) Not later than seven days after the deadline for designation of proposed reserve areas, the county and each municipality shall submit a copy of the map or maps of its proposed reserve area or areas and the statements required by subsections (3) and (4) to the other municipalities within the county in which such municipality lies and each municipality shall make the same submission to the county.

(b) If a municipality or the county fails to submit its proposed reserve area designation and the required accompanying statement within seven days after the deadline for designation as required by this subsection, it waives all rights to participate in any proceedings conducted under this section for five years. No reserve area shall be designated for a municipality which fails to submit its proposed reserve area designation and the required accompanying statement as required by this subsection. Accordingly, the county, or the most populous municipality which is eligible to perform the duties required by this section, is prohibited from designating a reserve area for a municipality which fails to submit its proposed reserve area designation and the required accompanying statement as required by this subsection.

(6) The municipalities within the county and the county itself shall attempt, through informal negotiation or mediation, assisted, upon request, by the regional planning council or other mediator mutually acceptable to the county and the municipality or municipalities negotiating with the county, to eliminate any conflicts or overlaps in the proposed reserve area designations, and the positions of the county and the municipalities within the county with regard to the statements required by paragraphs (7)(a), (b), (c), and (d). Such negotiations shall be completed not later than 120 days following the deadline for designation of proposed reserve areas.

(7) After the informal negotiation, but not more than 90 days after the end of the 120-day period permitted for negotiation pursuant to subsection (6), the county shall adopt a final reserve area designation for each of the municipalities within its boundaries and shall submit copies of such designation to each municipality within its boundaries. The county shall also adopt a statement for each reserve area stating:

(a) Whether the comprehensive plan and land use regulations of the county or the municipality for which the reserve area is designated shall apply prior to its being annexed.

(b) Whether the municipality or the county shall enforce and administer the comprehensive plan and how proceeds from fines and fees charged pursuant to such enforcement will be distributed.

(c) Which services identified pursuant to this section the county shall provide and which services the municipality shall provide in the reserve area, both before and after annexation, and how these services will be financed.

(d) Any other matters related to the reserve area designation on which there is agreement.

Such statements shall include only statements on which there is agreement between the county and the municipality for which the reserve area has been designated. Prior to adopting the designation and statements pursuant to this subsection, the county shall give public notice and shall hold a public hearing. The designations of reserve areas made by the county pursuant to this subsection shall be limited to resolving any remaining areas of overlap and conflict in the initial designations made pursuant to subsections (1), (2), (3), and (4) and shall incorporate agreements made pursuant to the informal negotiations. The reserve areas designated by the county under this subsection shall be the reserve areas for the municipalities unless a municipality or affected person challenges the designation of a reserve area pursuant to subsection (8). The county shall submit copies of the final designations and statements to each municipality which has not waived its rights to participate in proceedings under this section. If the county has failed to submit a reserve area designation and statements as required under subsection (5), the most populous municipality therein which has submitted a reserve area designation and statements as required under subsection (5) shall perform the duties of the county pursuant to this subsection. If the county did designate a reserve area and submitted statements as required under subsection (5) but fails to perform the duties required by this subsection, the most populous municipality therein which is eligible to perform the duties required by this subsection shall perform such duties and the county shall have waived its rights to participate in any proceedings conducted under this section for five years. Any municipality failing to perform its duties as required hereunder shall have waived its rights to participate in any proceedings conducted under this section, and its right to have

a reserve area designated for it, for five years. Failure of the county to adopt the final reserve area designations for each of the municipalities as required by this subsection shall extend the 90-day time limit for an additional 90 days for the next succeeding most populous municipality.

(8) Within 60 days after the adoption of the county's designation and statements pursuant to subsection (7), any municipality which has not waived its rights to participate in proceedings conducted under this section may agree to binding arbitration pursuant to F.S. ch. 682 or any such municipality or any affected person may file a petition with the division of administrative hearings challenging the final designation of the county developed pursuant to subsection (7) and proposing changes in the designation. The county shall, for purposes of such challenge, be considered a state agency. A challenge by a municipality shall be limited to those parts of the designation which affect the challenging municipality. All challenges shall be based on allegations that the designation does not meet the standards of section 225.06. Within ten days after receiving such a petition, the division shall assign a hearing officer and open a docket. For purposes of this section, an "affected person" is limited to a person or firm residing in or owning property within a reserve area or within a municipality for which a reserve area has been designated; however, in proceedings conducted under this section, an affected person may only challenge the reserve area in which he resides or owns property or the reserve area of the municipality in which he resides. The final designation and statement adopted by the county shall be effective 61 days after its adoption, unless such designation is challenged by the filing of a petition pursuant to this subsection, in which case the designation shall be effective on the latter of the 61st day after the division's final order.

(9) The hearing officer assigned shall commence the hearing pursuant to F.S. § 120.57 no later than 120 days after the request for a hearing. The issues to be resolved in the hearing shall be those issues raised in the petition filed pursuant to subsection (8), except that the county and municipalities may not raise issues previously decided by arbitration proceedings pursuant to subsection (8). If the county has not waived its rights to participate, it shall be a party to the hearing, as well as any municipality within the county which has not waived its rights to participate. Municipalities may only raise such issues as are related to their own reserve areas. Any affected person shall be entitled to participate in the hearing as a party and in any subsequent proceedings conducted under this section as a party. The hearing officer may, at his discretion, consolidate all petitions from municipalities and affected persons within the county and hold only one hearing on challenges of the designations from the county.

(10) Within 60 days after the hearing required pursuant to subsection (9), the hearing officer shall issue a final order denying, approving, or approving with modifications, the petition filed pursuant to subsection (8). The hearing officer's final order shall not approve, or approve with modifications, a municipality's petition to alter a reserve area designation unless the hearing officer finds that there is substantial competent evidence showing that the final designation does not meet the criteria set forth in section 225.06 and that the designation proposed by the petition does meet the criteria.

(11) If the final order approves or approves with modifications any petition made pursuant to subsection (8), the designations adopted pursuant to subsection (7), as modified by the final order of the division of administrative hearings pursuant to this subsection, shall be the designations for the municipalities, and the county and

municipalities shall be bound by such designations unless the designations are the subject of an appeal. The final order of the division may be appealed as provided by general law.
(12) Such designations of reserve areas and statements shall, on the effective date of such designations, become effective. Subsequently, the county and municipalities shall amend the intergovernmental coordination elements of the local comprehensive plans adopted pursuant to F.S. § 163.3177(6)(h), reflecting such designations. Each municipality and county shall also adopt such plan amendments as will make the other portions of their comprehensive plans consistent with the reserve area designations.
(13) Reserve areas or their designations, or both, shall not affect:
(a) Electric utility service areas;
(b) The exclusive jurisdiction of the Florida Public Service Commission over electric utility service areas, territorial agreements, territorial disputes, and the Florida grid; or
(c) The right and duties of all electric utilities to serve consumers in the state, including areas reserved or annexed hereunder.
(Laws of Fla., ch. 90-496, § 5; Laws of Fla., ch. 91-382, § 3)

Sec. 225.06. Criteria for designating reserve areas.

Reserve areas designated for a municipality shall comply with the following criteria:
(1) Reserve areas designated for a municipality shall:
(a) Be adjacent to the municipality.
(b) Be urban in character or likely to become urban in character within the next ten years.
(c) Be areas in which population growth should be directed so as to promote efficient delivery of urban services, including police, fire protection, solid waste disposal, potable water, sanitary sewer, drainage or flood control, parks and recreation, housing, street lighting, transportation and other services, and to encourage more concentrated urban development.
(2) Reserve areas designated for a municipality shall not:
(a) Contain areas outside the county in which the municipality lies, contain areas within the corporate limits of another municipality, or contain areas within another municipality's reserve area.
(b) Contain areas which could be provided with urban services more efficiently by the county or other municipality.
(c) Contain areas which cannot reasonably be foreseen to be provided with the urban services provided by the municipality within the next 10 years.
(d) Contain areas which the municipality cannot reasonably have the capacity or capital facilities within the next 10 years to provide, at a minimum, the level of services provided by the county to the reserve areas.
(Laws of Fla., ch. 90-496, § 6; Laws of Fla., ch. 91-382, § 4)

Sec. 225.07. Procedure for amending reserve area designations and statements.

(1) Every five years after the final designation of all of the reserve areas in the county, each municipality in the county shall review its reserve areas and accompanying statements and the county shall review all of the reserve areas and accompanying statements for municipalities within the county.
(2) Based on the review, if the county desires a change in any of the reserve area designations or statements, or if a municipality desires a change in its own reserve area designations and statements, the county shall, within 90 days after the initiation of the review, notify all municipalities in the county and, in the case of a municipality desiring a change, the county. The notice shall include the proposed changes in reserve area designations and statements. The county or municipality shall also notify the regional planning agency of the desired changes in reserve areas and statements.
(3) Municipalities desiring a change in their own reserve areas or statements, the county, and any other municipality affected shall participate in the proceedings required pursuant to section 225.05, adjusting such proceedings as may be required to accommodate amendments to designations and statements, rather than proposals for them.
(4) Municipalities not desiring to change their designations and statements, and not affected by proposals of the municipalities or by the county's proposals regarding changes, need not participate in proceedings under this section.
(5) Changes in designations and statements shall be made pursuant to this section only when such changes are in accordance with the standards provided in section 225.06.
(Laws of Fla., ch. 90-496, § 7)

Sec. 225.08. Annexation procedures.

Any municipality may annex contiguous, compact, unincorporated territory within its reserve area in the following manner:
(1) An ordinance proposing to annex a contiguous, compact, unincorporated portion of the reserve area shall be adopted by the governing body of the annexing municipality pursuant to the procedure for the adoption of a nonemergency ordinance established by F.S. § 166.041. Each such ordinance shall propose only one reasonably compact area to be annexed.
(2) Before the annexation becomes effective, the ordinance shall be submitted to a vote of the registered electors of the area proposed to be annexed. The referendum on annexation shall be called and conducted and the expense thereof paid by the governing body of the annexing municipality.
(a) The referendum on annexation shall be held at the next regularly scheduled election following the final adoption of the ordinance of annexation by the governing body of the annexing municipality or at a special election called for the purpose of holding the referendum. However, the referendum, whether held at a regularly scheduled election or at a special election, shall not be held sooner than 90 days or later than 180 days following the final adoption of the ordinance by the governing body of the annexing municipality.

(b) The governing body of the annexing municipality shall publish notice of the referendum on annexation at least once a week for the two consecutive weeks immediately preceding the date of the referendum in a newspaper of general circulation in the area in which the referendum is to be held. The notice shall give the ordinance number, the time and places for the referendum, and a brief, general description of the area proposed to be annexed. The description shall include a map clearly showing the area, including major street names as a means of identifying the area, and a statement that the complete legal description by metes and bounds and the ordinance can be obtained from the office of the city clerk.
(c) On the day of the referendum on annexation there shall be prominently displayed at each polling place a copy of the ordinance of annexation and a description of the property proposed to be annexed. The description shall include a map clearly showing the area, including major street names as means of identifying the area.
(d) Ballots or mechanical voting devices used in the referendum on annexation shall offer the choice "For annexation of property described in ordinance number _____ of the City of _____" and "Against annexation of property described in ordinance number _____ of the City of _____", in that order.
(e) If there is a majority vote for annexation in the area proposed to be annexed, the ordinance of annexation shall become effective on the effective date specified therein, but not more than one year after the date of the referendum. If there is a tie vote or a majority vote against annexation in the area proposed to be annexed, the ordinance shall not become effective, and the area proposed to be annexed shall not be the subject of an annexation ordinance by the annexing municipality for a period of two years from the date of the referendum on annexation. This provision shall not effect voluntary annexation.
(3) Any improved parcel of land which is owned by one individual, corporation, or legal entity, or owned collectively by one or more individuals, corporations, or legal entities, proposed to be annexed under the provisions of this act shall not be severed, separated, divided, or partitioned by the provisions of the ordinance, but shall, if intended to be annexed, or if annexed, under the provisions of this act, be annexed in its entirety and as a whole. However, this subsection does not apply to any parcel of property which lies only partially within the reserve area of a single municipality. The owner of the property may waive the requirements of this subsection if the owner does not desire all of his tract or parcel included in said annexation.
(Laws of Fla., ch. 90-496, § 8; Laws of Fla., ch. 93-347, § 1)

Sec. 225.09. Character of the area to be annexed.

(1) A municipal governing body may propose to annex an area only if it meets the general standards of paragraph (a) and the requirements of either paragraph (b) or paragraph (c).
(a) The total area to be annexed must be contiguous to the municipality's boundaries at the time the annexation proceeding is begun and reasonably compact, and no part of the area shall be included within the boundary of another county or another incorporated municipality. No portion of the area to be annexed may be outside the reserve area of the annexing municipality. An annexation shall not create an enclave.

(b) Part or all of the area to be annexed must be developed for urban purposes. An area developed for urban purposes is defined as any area which meets any one of the following standards:
1. It has a total resident population equal to at least two persons for each acre of land included within its boundaries;
2. It has a total resident population equal to at least one person for each acre of land included within its boundaries and is subdivided into lots and tracts so that at least 60 percent of the total number of lots and tracts are one acre or less in size; or
3. It is so developed that at least 60 percent of the total number of lots and tracts in the area at the time of annexation are used for urban purposes, and it is subdivided into lots and tracts so that at least 60 percent of the total acreage, not counting the acreage used at the time of annexation for nonresidential urban purposes, consists of lots and tracts five acres or less in size.
(c) In addition to the area developed for urban purposes, a municipal governing body may include in the area to be annexed any area which does not meet the requirements of paragraph (b) if such area either:
1. Lies between the municipal boundary and an area developed for urban purposes, so that the area developed for urban purposes is either not adjacent to the municipal boundary or cannot be served by the municipality without extending services or water or sewer lines through such sparsely developed area; or
2. Is adjacent to, on at least 60 percent of its external boundary, any combination of the municipal boundary and the boundary of an area or areas developed for urban purposes as defined in paragraph (b).
(2) The purpose of this section is to permit municipal governing bodies to extend corporate limits to include all reserve areas developed for urban purposes and, where necessary, to include areas which at the time of annexation are not yet developed for urban purposes, the future probable use of which is urban and which constitute necessary land connections between the municipality and areas developed for urban purposes or between two or more areas developed for urban purposes.
(3) This section does not apply to voluntary annexations under section 225.10.
(Laws of Fla., ch. 90-496, § 9; Laws of Fla., ch. 91-382, § 5)

Sec. 225.10. Voluntary annexation.

(1) The owner or owners of real property in an unincorporated area of a county which is contiguous to a municipality, reasonably compact, and a part of the municipality's reserve area may petition the governing body of said municipality that said property be annexed to the municipality.
(2) At least 60 days before a municipality adopts an ordinance effecting a voluntary annexation pursuant to this section or F.S. § 171.044, the municipality shall give the owner or owners of the real property proposed to be annexed the report adopted by ordinance as provided in section 225.13. Within 20 days after the owner or owners receive the report, the owner or owners maywithdraw their petition. If the owner or owners do not withdraw their petition, the municipality may proceed with the annexation.
(3) Upon determination by the governing body of the municipality that the petition bears the signatures of all owners of property in the area proposed to be annexed, the

governing body may, at any regular meeting, adopt a nonemergency ordinance to annex said property and redefine the boundary lines of the municipality to include said property. Said ordinance shall be passed after notice of the voluntary annexation, including a map clearly showing the area to be annexed, including major street names as a means of identifying such area, has been published once a week for two consecutive weeks in some newspaper in such city or town or, if no newspaper is published in said city or town, then in a newspaper published in the same county; and if no newspaper is published in said county, then at least three printed copies of said notice shall be posted for two consecutive weeks at some conspicuous place in said city or town. The notice shall give the ordinance number and a brief, general description of the area proposed to be annexed. The description shall include a statement that the complete legal description by metes and bounds and the ordinance can be obtained from the office of the city clerk.

(4) An ordinance adopted hereunder shall be filed with the clerk of the circuit court of the county and with the department of state.

(5) Land shall not be annexed through voluntary annexation when such annexation results in the creation of enclaves.

(Laws of Fla., ch. 90-496, § 10; Laws of Fla., ch. 91-382, § 6)

Sec. 225.11. Appeal of annexation or contraction.

Appeal of annexation or contraction shall be provided by general law.

(Laws of Fla., ch. 90-496, § 11)

Sec. 225.12. Reserved.

Editor's note: Laws of Fla., ch. 91-382, § 7, repealed § 225.12, which pertained to the annexation of certain enclaves and derived from Laws of Fla., ch. 90-496, § 12.

(Laws of Fla., ch. 90-496, § 12)

Sec. 225.13. Prerequisites to annexation.

(1) Prior to commencing the annexation procedures under section 225.08, the governing body of the municipality shall prepare a report setting forth the plans to provide urban services to any area to be annexed, and the report shall include the following:

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

(b) For annexation under section 225.08, a statement certifying that the area to be annexed meets the criteria in section 225.09. For a voluntary annexation under section 225.10 or F.S. § 171.044, the report shall state: to what extent services to existing residents would need to be reduced within the next five years because of the annexation; to what extent taxes would need to be adjusted within the next five years to provide services to the areas to be annexed, including services required by the comprehensive

plan of the municipality; and to what extent the area to be annexed meets the criteria in section 225.09.
(c) A statement setting forth the plans of the municipality for extending to the area to be annexed each major municipal service performed within the municipality at the time of annexation, such as those described in subsection (4) of section 225.05. Specifically, such plans shall:
1. Provide for extending urban services except as otherwise provided herein to the area to be annexed on the date of annexation on substantially the same basis and in the same manner as such services are provided within the rest of the municipality prior to annexation.
2. Provide for the extension of existing municipal water and sewer services into the area to be annexed so that, when such services are provided, property owners in the area to be annexed will be able to secure public water and sewer service according to the policies in effect in such municipality for extending water and sewer lines to individual lots or subdivisions.
3. If extension of major trunk water mains and sewer mains into the area to be annexed is necessary, set forth a proposed timetable for construction of such mains as soon as possible following the effective date of annexation.
4. Set forth the method under which the municipality plans to finance extension of services into the area to be annexed.
(2) Prior to commencing the annexation procedures under section 225.08 or section 225.10(3), the governing body of the municipality shall adopt the report by a nonemergency ordinance and file a copy of the report required by this section with the board of county commissioners of the county.
(Laws of Fla., ch. 90-496, § 13; Laws of Fla., ch. 91-382, § 8)

Sec. 225.14. Contraction procedures.

Any municipality may initiate the contraction of municipal boundaries in the following manner:
(1) The governing body shall by ordinance propose the contraction of municipal boundaries, as described in the ordinance, and provide an effective date for the contraction.
(2) A petition of 15 percent of the qualified voters in an area desiring to be excluded from the municipal boundaries, filed with the clerk of the municipal governing body, may propose such an ordinance. The municipality to which such petition is directed shall immediately undertake a study of the feasibility of such proposal and shall, within six months, either initiate proceedings under subsection (1) or reject the petition, specifically stating the facts upon which the rejection is based.
(3) After introduction, the contraction ordinance shall be noticed at least once per week for four successive weeks in a newspaper of general circulation in the municipality, such notice to describe the area to be excluded. Such description shall include a statement of findings to show that the area to be excluded fails to meet the criteria of section 225.09, set the time and place of the meeting at which the ordinance will be considered, and advise that all parties affected may be heard.

(4) If, at the meeting held for such purpose, a petition is filed and signed by at least 15 percent of the qualified voters resident in the area proposed for contraction requesting a referendum on the question, the governing body shall, upon verification, paid for by the municipality, of the sufficiency of the petition, and before passing such ordinance, submit the question of contraction to a vote of the qualified voters of the area proposed for contraction, or the governing body may vote not to contract the municipal boundaries.
(5) The governing body may also call for a referendum on the question of contraction on its own volition and in the absence of a petition requesting a referendum.
(6) The referendum, if required, shall be held at the next regularly scheduled election, or, if approved by a majority of the municipal governing body, at a special election held prior to such election, but no sooner than 30 days after verification of the petition or passage of the resolution or ordinance calling for the referendum.
(7) The municipal governing body shall establish the date of election and publish notice of the referendum election at least once a week for the four successive weeks immediately prior to the election in a newspaper of general circulation in the area proposed to be excluded or in the municipality. Such notice shall give the time and places for the election and a description of the area to be excluded, which shall be both in metes and bounds and in the form of a map clearly showing the area proposed to be excluded.
(8) Ballots or mechanical voting devices shall offer the choices "For deannexation" and "Against deannexation," in that order.
(9) A majority vote "For deannexation" shall cause the area proposed for exclusion to be so excluded upon the effective date set in the contraction ordinance.
(10) A tie vote or a majority vote "Against deannexation" shall prevent any part of the area proposed for exclusion from being the subject of a contraction ordinance for a period of two years from the date of the referendum election.
(Laws of Fla., ch. 90-496, § 14; Laws of Fla., ch. 93-347, § 2)

Sec. 225.15. Criteria for contraction of municipal boundaries.

(1) Only those areas which do not meet the criteria for annexation in section 225.09 may be proposed for exclusion by municipal governing bodies. If the area proposed to be excluded does not meet the criteria of section 225.09, but such exclusion would result in a portion of the municipality becoming noncontiguous with the rest of the municipality, then such exclusion shall not be allowed.
(2) The ordinance shall make provision for apportionment of any prior existing debt and property.
(Laws of Fla., ch. 90-496, § 15)

Sec. 225.16. Application of state law.

The provisions of F.S. §§ 171.061, 171.062, and 171.091 shall apply to any annexations or contractions in the county.
(Laws of Fla., ch. 90-496, § 16)

Sec. 225.17. Effective date.

This act shall take effect only in the following circumstances:

(1) If a referendum on a consolidation charter is held on or before November 30, 1990, and the charter is not approved by a majority of electors voting in such referendum, this act shall take effect on the date the results of such referendum become official.

(2) If a referendum on a consolidation charter is not held on or before November 30, 1990, this act shall take effect January 1, 1991.

(Laws of Fla., ch. 90-496, § 17)