



# Alachua County Attorney's Office

Dave Wagner, County Attorney

## MEMORANDUM

TO: Countywide Visioning and Planning Committee

FROM: David W. Wagner, County Attorney *DW*

DATE: February 26, 2008

SUBJECT: *Major Differences - General Law of Annexation/Boundary Adjustment Act*

The purpose of this memorandum is to highlight the major differences between the Boundary Adjustment Act and Florida's general law of annexation. The Florida Legislature adopted the Boundary Adjustment Act (Act) as a local law in 1990. The Act provides that once the County designates reserve areas for a municipality, the Act is the sole method of annexation or contraction for that municipality.

The following table highlights the major differences:

TOPIC	GENERAL LAW (FLORIDA STATUTES)	BOUNDARY ADJUSTMENT ACT (COUNTY CODE)
Definition of "enclave"	(a) Any unincorporated improved or developed area that is enclosed within and bounded on all sides by a single municipality; or (b) Any unincorporated improved or developed area that is enclosed within and bounded by a single municipality and a natural or manmade obstacle that allows the passage of vehicular traffic to that unincorporated area only through the municipality. <i>171.031, FS</i>	(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. <i>225.04., ACC</i>



*Misc*

TOPIC	GENERAL LAW (FLORIDA STATUTES)	BOUNDARY ADJUSTMENT ACT (ALACHUA COUNTY CODE)
Definition of "urban in character"	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. <i>171.03(8), FS</i>	Same plus "including any parcels of land retained in their natural state or kept free of development as greenbelt areas." <i>225.04(17), ACC</i> Reserve areas must be urban in character or likely to become urban in character within the next ten years. <i>225.06(b), ACC</i>
Reserve Areas	No provision for the designation of reserve areas.	Multiple hearing process for municipalities and the County to designate reserve areas; includes criteria for designating reserve areas; requires Statement of Services; provides review/appeal to State Administrative Law Judge; five-year review of reserve area designations. Cities may annex property only in their reserve area. <i>225.05 thru .07, ACC</i>
Procedures	Urban services report required only for referendum annexations. <i>171.042, FS</i>	Urban services report by municipality required for all annexations. <i>225.13, ACC</i>
Voting procedures	City may submit to separate votes: area to be annexed and voters in City. <i>171.0413, FS</i>	Annexation submitted only to registered voters in area to be annexed. <i>225.08, ACC</i>
Annexation of enclaves	For parcels 10 acres or less, may annex by agreement with the County, or by vote requiring 60% voter approval if the area has fewer than 25 registered voters. <i>171.046, FS</i>	No provisions to annex enclaves by agreement. BAA does not include FS 171.046 in the list of statutory sections that apply in the County.
Service Boundary Agreements	Allowed by new law adopted by Legislature in 2006. <i>Part II, Chapter 171, FS</i>	Service boundary agreements not permitted because the BAA is an exclusive method for annexation once urban reserve areas are designated. Urban reserve areas are currently designated for all municipalities.

If you have any questions about this memorandum, please contact me.

DWW:ceh

xc: Randall Reid, County Manager  
 Rick Drummond, Director, Growth Management