

CHAPTER 2025-31

Committee Substitute for Committee Substitute for Senate Bill No. 384

An act relating to annexing state-owned lands; amending s. 171.0413, F.S.; requiring a municipality proposing to annex state-owned lands to notify each member of the legislative delegation of the county at a certain time; reenacting ss. 101.6102(5) and 171.042, F.S., relating to mail ballot elections and limitations and prerequisites to annexation, respectively, to incorporate the amendment made to s. 171.0413, F.S., in references thereto; providing an effective date.

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

Section 1. Subsection (1) of section 171.0413, Florida Statutes, is amended to read:

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

(1) An ordinance proposing to annex an area of contiguous, compact, unincorporated territory must ~~shall~~ be adopted by the governing body of the annexing municipality pursuant to the procedure for the adoption of a nonemergency ordinance established by s. 166.041.

(a) ~~Before~~ ~~Prior to~~ the adoption of the ordinance of annexation, the local governing body shall hold at least two advertised public hearings. The first public hearing must ~~shall~~ be on a weekday at least 7 days after the day that the first advertisement is published. The second public hearing must ~~shall~~ be held on a weekday at least 5 days after the day that the second advertisement is published. Each such ordinance shall propose only one reasonably compact area to be annexed.

(b) A municipality seeking to annex state-owned lands must, in writing or by e-mail, notify each member of the legislative delegation of the county in which the land is located when the advertisement for the first public hearing is published.

(c) ~~Before~~ ~~However, prior to~~ the ordinance of annexation ~~becomes~~ ~~becoming~~ effective, a referendum on annexation must ~~shall~~ be held as set out below, and, if approved by the referendum, the ordinance shall become effective 10 days after the referendum or as otherwise provided in the ordinance, but not more than 1 year following the date of the referendum.

Section 2. For the purpose of incorporating the amendment made by this act to section 171.0413, Florida Statutes, in a reference thereto, subsection (5) of section 101.6102, Florida Statutes, is reenacted to read:

101.6102 Mail ballot elections; limitations.—

(5) Nothing in this section shall be construed to prohibit the use of a mail ballot election in a municipal annexation referendum requiring separate vote of the registered electors of the annexing municipality and of the area proposed to be annexed. If a mail ballot election is authorized for a municipal annexation referendum, the provisions of ss. 101.6101-101.6107 shall control over any conflicting provisions of s. 171.0413.

Section 3. For the purpose of incorporating the amendment made by this act to section 171.0413, Florida Statutes, in references thereto, section 171.042, Florida Statutes, is reenacted to read:

171.042 Prerequisites to annexation.—

(1) Before commencing the annexation procedures under s. 171.0413, the governing body of the municipality shall prepare a feasibility study setting forth the plans to provide urban services to any area to be annexed, and the feasibility study must 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) A statement certifying that the area to be annexed meets the criteria in s. 171.043.

(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. Specifically, such plans must:

1. Provide for extending urban services except as otherwise provided in this subsection 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 before 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) Not fewer than 15 days before commencing the annexation procedures under s. 171.0413, the governing body of the municipality shall file a

copy of the feasibility study required by this section with the board of county commissioners of the county in which the municipality is located. Failure to timely file the feasibility study as required in this subsection may be the basis for a cause of action to invalidate the annexation.

(3) The governing body of the municipality shall, not less than 10 days prior to the date set for the first public hearing required by s. 171.0413(1), mail a written notice to each person who resides or owns property within the area proposed to be annexed. The notice must describe the annexation proposal, the time and place for each public hearing to be held regarding the annexation, and the place or places within the municipality where the proposed ordinance may be inspected by the public. A copy of the notice must be kept available for public inspection during the regular business hours of the office of the clerk of the governing body.

Section 4. This act shall take effect July 1, 2025.

Approved by the Governor May 19, 2025.

Filed in Office Secretary of State May 19, 2025.