TREASURE COAST REGIONAL PLANNING COUNCIL

MEMORANDUM

To: Council Members

From: Staff

Date: March 17, 2017 Council Meeting

Subject: Resolution of Support for Proposed House Bill 1087 and Senate Bill 1488

Introduction

Representative David Silvers and Senator Jeff Clemens are sponsoring identical bills related to a specific type of municipal annexation. The bills revise the text of Section 171.0413 to remove the restriction that the presence of non-owner registered electors places on the use of the property owner majority consent procedures in 171.0413(6) of the Florida Statutes.

Background and Analysis

Council received a presentation on annexation from staff at the October 21, 2016 meeting and the proposed legislation affects one of the types of annexation discussed. The “majority voluntary” owner consent type of annexation has been typically used recently in the Region to annex developed commercial areas in existing pockets. Due to the current language, its use for residential property has been very limited since the presence of even one registered elector (voter) within the boundary of the annexation area means that this efficient method of annexation can’t be used. This is the case for property owners who are registered electors as well as tenants who are registered electors. It is worth noting that even if a registered elector tenant agrees with the annexation, the method can’t be used. Their mere residence on the property disqualifies it.

The proposed revisions as requested by the Village of Palm Springs would limit the scope of the registered elector provision to property owners, thus protecting voters from having their owned home annexed without their consent, but allowing other annexation activity to go forward. The proposal is supported by the Palm Beach County League of Cities as consistent with their legislative priorities for this session of the Florida Legislature.

Irregular municipal boundaries and pockets of unincorporated land complicate community design and reduce efficiency for the municipality and the county. Resolution 17-02 is provided for Council adoption in support of House Bill 1087 and Senate Bill 1488 (Attachment 3).

Recommendation

Council should adopt Resolution 17-02 and authorize its transmittal to the Florida Legislature and Governor.

Attachments
A bill to be entitled
An act relating to annexation procedures for municipalities; amending s. 171.0413, F.S.; revising circumstances under which a municipality is prohibited from annexing certain lands in contiguous, compact, or unincorporated areas without getting consent from a specified percent of landowners in the area; specifying circumstances under which a vote of the electors in the area to be annexed is not required; providing an effective date.

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

Section 1. Subsections (5) and (6) of section 171.0413, Florida Statutes, are amended to read:
171.0413 Annexation procedures.—Any municipality may annex contiguous, compact, unincorporated territory in the following manner:
(5) If more than 70 percent of the land in an area proposed to be annexed is owned by individuals, corporations, or legal entities other than registered electors of such area, such area shall not be annexed unless the owners of more than 50 percent of the land in such area consent to such annexation. Such consent shall be obtained by the parties proposing the annexation prior to the referendum to be held on the annexation.
(6) Notwithstanding subsections (1) and (2), if the area proposed to be annexed does not have any registered electors that own property in the area to be annexed on the date the ordinance is finally adopted, a vote of electors of the area proposed to be annexed is not required. In addition to the requirements of subsection (5), the area may not be annexed unless the owners of more than 50 percent of the parcels of land in the area proposed to be annexed consent to the annexation. If the governing body of the annexing municipality does not choose to hold a referendum of the annexing municipality pursuant to subsection (2), then the consent of the property owners property owner consents required pursuant to subsection (5) shall be obtained by the parties proposing the annexation prior to the final adoption of the ordinance, and the annexation ordinance shall be effective upon becoming a law or as otherwise provided in the ordinance.

Section 2. This act shall take effect July 1, 2017.
Attachment 2

Florida Senate – 2017

By Senator Clemens

31-01009A-17

A bill to be entitled
An act relating to annexation procedures for
municipalities; amending s. 171.0413, F.S.; revising
circumstances under which a municipality is prohibited
from annexing certain lands in contiguous, compact, or
unincorporated areas without getting consent from a
specified percent of landowners in the area;
specifying circumstances under which a vote of the
electors in the area to be annexed is not required;
providing an effective date.

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

Section 1. Subsections (5) and (6) of section 171.0413,
Florida Statutes, are amended to read:

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

(5) If more than 70 percent of the land in an area proposed
to be annexed is owned by individuals, corporations, or legal
entities which are not registered electors of such area, such
area shall not be annexed unless the owners of more than 50
percent of the land in such area consent to such annexation.

Such consent shall be obtained by the parties proposing the
annexation prior to the referendum to be held on the annexation.

(6) Notwithstanding subsections (1) and (2), if the area
proposed to be annexed does not have any registered electors
that own property in the area to be annexed on the date the
ordinance is finally adopted, a vote of electors of the area

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CODING: Words stricken are deletions; words underlined are additions.
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requirements of subsection (5), the area may not be annexed
unless the owners of more than 50 percent of the parcels of land
in the area proposed to be annexed consent to the annexation. If
the governing body of the annexing municipality does not choose
to hold a referendum of the annexing municipality pursuant to
subsection (2), then the consent of the property owners property
owners consent required pursuant to subsection (5) shall be
obtained by the parties proposing the annexation prior to the
final adoption of the ordinance, and the annexation ordinance
shall be effective upon becoming a law or as otherwise provided
in the ordinance.

Section 2. This act shall take effect July 1, 2017.
RESOLUTION #17-02

A RESOLUTION OF THE TREASURE COAST REGIONAL PLANNING COUNCIL REPRESENTING THE 55 LOCAL GOVERNMENTS OF INDIAN RIVER, MARTIN, PALM BEACH, AND ST. LUCIE COUNTIES, FLORIDA, SUPPORTING HOUSE BILL 1087 AND SENATE BILL 1488 REMOVING IMPEDIMENTS TO OWNER MAJORITY VOLUNTARY ANNEXATIONS.

WHEREAS, Section 171.0413 contains provisions for an annexation process whereby property owners can annex an area into a municipality if a majority of the owners of the area consent to the annexation; and

WHEREAS, Section 171.0413(6) does not allow use of this provision if registered electors reside in the area, regardless if they own property or are tenants; and

WHEREAS, the proposed revisions would limit this restriction to registered electors who own property in the subject area; and

WHEREAS, the presence of unincorporated enclaves and pockets makes achieving a community’s vision more difficult and reduces city and county service delivery efficiency; and

WHEREAS, the proposed revisions will allow the majority voluntary process to be used for more areas, including those which contain rental residential property and thus allow more pockets of developed property to be annexed and municipal boundaries regularized.

NOW, THEREFORE, BE IT RESOLVED THAT TREASURE COAST REGIONAL PLANNING COUNCIL SUPPORTS HOUSE BILL 1087 AND SENATE BILL 1488 TO REMOVE IMPEDIMENTS TO OWNER MAJORITY VOLUNTARY ANNEXATIONS.

DULY ADOPTED by the Treasure Coast Regional Planning Council this 17th day of March, 2017.

Doug Smith                     Michael J. Busha
Chairman                        Executive Director