Municipal Annexation

Unintended Consequences

Chapter 171, Florida Statutes

Treasure Coast Regional Planning Council
March 17, 2017
Types of Municipal Annexation

1. Special Law
   a) Special Act of the Legislature
   b) County Charter
2. General Law
   a) Part I, Chapter 171, Florida Statute
      I. Voluntary Annexation
      II. City-Initiated (Involuntary) Annexation
      III. Enclaves
   b) Part II, Chapter 171, Florida Statute
      I. Interlocal Service Boundary Agreement (ISBA)
Examples

Municipal Annexation Issues

City Initiated (Involuntary) Annexation
Village of Palm Springs
Involuntary Annexations - 2014
Involuntary Annexation - No registered electors:

If >70% of land is owned by persons or entities that are not registered electors of the area:

Municipality must get consent from owners representing more than 50% of the land area in the proposed annexation area.

Municipality must get consent from owners representing more than 50% of the parcels of land in the area.
Legal residence-Homeless. It is against Florida and federal laws to discriminate against a homeless person. The voter registration laws cannot be applied in a manner to deny such person the right to register to vote. Therefore, a person who is homeless or without a permanent ‘traditional’ home but intends to remain permanently in the locale can register using an address for:

1) place where he or she regularly receives messages
2) the church if it agrees to accept mail or messages on the person’s behalf
3) the shelter or other local that a person frequents and could be reached
4) the specific post office for general delivery
5) it may even be a specific street corner, park bench, vacant lot, etc., to where the person frequently rests or returns and intends to serve as the “home-base”

The general point is to be able to generally locate and assign a precinct that corresponds with that location.
Homeless Voter Registrations
U.S. Post Office
Homeless Voter Registrations
U.S. Post Office
Homeless Voter Registrations
U.S. Post Office
Accessory Residential Unit
24 Hour Storage Facility Manager
Voluntary Petition by Owner

But, tenants are registered voters
Voluntary Petition by Owner
But, tenants are registered voters
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 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 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.
Municipal Annexation

Unintended Consequences
Chapter 171, Florida Statutes

Rich Reade
Village Manager
Village of Palm Springs, Florida