

**Alachua County Boundary Adjustment Act - Suggested Modifications**

CHAPTER 225. BOUNDARY ADJUSTMENT ACT*	SUGGESTED CHANGES TO BOUNDARY ADJUSTMENT ACT (April 2008)	EXPLANATION OF SUGGESTED CHANGES
*Cross references: Utilities, tit 4; land development code tit 31 et seq ; comprehensive plan, ch. 321.	*Cross references: Utilities, tit 4; land development code, tit 31 et seq ; comprehensive plan, ch. 321.	
<b>Section 1. Short title.</b>	<b>Section 1. Short title.</b>	No Change
<b>Section 2. Purpose.</b>	<b>Section 2. Purpose.</b>	
(4) Promote cooperation between municipalities and Alachua County regarding the provision of services and the regulation of urban areas at the boundaries of municipalities.	(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.	(5) Assure that the procedures relating to annexation protect all parties affected.	These provisions are not in State law. They define the purpose of the Act; any change would reflect a policy position
(6) Encourage development in designated reserve areas that efficiently utilize services and prevent urban sprawl.	(6) Encourage development in designated reserve areas that efficiently utilize services and prevent urban sprawl	
<b>Section 3. Supplemental; effect of other laws.</b>	<b>Section 3. Supplemental; effect of other laws.</b>	
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 5.	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 Chapter 171 044, F.S. from April 30, 1991, through July 31, 1991, in order to permit the orderly establishment of reserve areas under Section 5	<b>NOTE:</b> This provision allows a municipality to select following the State General Law or the BAA, If the State law is selected as the means of annexation procedures, no urban reserve area is assigned to that municipality
<b>Section 4. Definitions.</b>	<b>Section 4. Definitions.</b>	
(4) <b>Contiguous</b> 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	(4) <b>Contiguous</b> 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	Could we consider changing "a publicly owned County park" to "publicly owned property"?

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<p>(7) <b>Enclave</b> means:</p> <p>(a) Any unincorporated area which is totally enclosed within and bounded by a single municipality;</p> <p>(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</p> <p>(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</p>	<p>(7) <b>Enclave</b> means:</p> <p>(a) Any unincorporated improved or developed area that is <del>which is totally enclosed within and bounded on all sides by a single municipality;</del> or</p> <p>(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.</p> <p><del>(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.</del></p>	<p>mirror State law</p> <p>mirror State law</p> <p>Delete this Section if URA are maintained. Because of URA if an enclave is created in another municipalities URA, the municipality creating the enclave has no ability to remedy it because of the URA restrictions.</p>
<p>(8) <b>Most populous municipality</b> 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</p>	<p><del>(8) <b>Most populous municipality</b> 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</del></p>	<p>Deleted term from the BAA (See change to Section 7 (6))</p>
<p>(11) <b>Parties affected</b> means:</p> <p>(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;</p> <p>(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;</p> <p>(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</p> <p>(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.</p>	<p><del>(11) (10) <b>Parties affected</b> means:</del></p> <p>(a) Any persons or firms owning property in, or residing in, either a municipality <del>which is proposing annexation or contraction or which has annexed or contracted;</del> or owning property that is proposed for annexation to a municipality or any governmental unit with jurisdiction over such area.</p> <p><del>(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;</del></p> <p><del>(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</del></p> <p><del>(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.</del></p>	<p>mirror State law</p> <p>mirror State law</p> <p>mirror State law</p> <p>mirror State law</p>

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<p>(18) <b>Urban purposes</b> 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.</p>	<p>(18) (17) <b>Urban purposes</b> 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.</p>	<p>Change for consistency between "urban in character" and "urban purpose".</p>
<p><b>Section 5. Establishment of reserve areas.</b></p>	<p><del>Section 5. Establishment of reserve areas. Repeal (See Section 7)</del>                      Repeal this Section since reserve areas are established. Refer to Section 7 for changes to reserve areas</p>	<p>Delete</p>
<p><b>Section 6. Criteria for designating reserve areas.</b></p> <p>(b) Contain areas which could be provided with urban services more efficiently by the County or other municipality.</p> <p>(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</p>	<p><del>Section 6. Criteria for designating reserve areas.</del></p> <p>(b) <del>Contain areas which could be provided with urban services more efficiently by the County or other municipality.</del></p> <p>(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.</p>	<p>There is no standard by which to determine if the County or the municipality would be more efficient at providing services. This would be arbitrary.</p> <p>There is no standard by which to determine the County's level of service for capital facilities or capacity.</p>
<p><b>Section 7. Procedure for amending reserve area designations and statements.</b></p>	<p><del>Section 7. Procedure for amending reserve area designations and statements.</del></p>	
<p>(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.</p>	<p>(1) Beginning on October 1, 2010 and not more often than every 10 years thereafter, each municipality in the County shall review its reserve areas, and the County shall review all reserve areas for municipalities within the County. The County and each municipality will hold a public hearing to receive input from affected parties in regard to potential changes to the reserve area designations. <del>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.</del></p>	<p>Remove reference to statements; re-number</p>
<p>(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</p>	<p>(2) <del>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</del> (2) Based on the review and public hearing results,</p>	<p>Remove reference to statements; re-number</p>

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	(a) if the county desires a change(s) in any of the reserve area designations, the county shall, within 90 days after the initiation of the review, notify all municipalities in the county and the regional planning agency of the desired change(s) in reserve areas. The notification will contain a map or maps of the change(s) proposed for the reserve area(s), an explanation as to the reason for the proposed change(s), and a statement showing how the proposed area(s) meets criteria specified in Section 6	Remove reference to statements; re-number
(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 5, adjusting such proceedings as may be required to accommodate amendments to designations and statements, rather than proposals for them.	(b) if a municipality desires a change in its own reserve area designations, the municipality shall within 90 days after the initiation of the review, notify the county, all municipalities in the county and the regional planning agency of the desired changes in reserve areas. The notification will contain a map or maps of the changes proposed for its reserve area, an explanation as to the reason for the proposed change, and a statement showing how the proposed area meets criteria specified in Section 6 (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 5, adjusting such proceedings as may be required to accommodate amendments to designations and statements, rather than proposals for them	Remove reference to statements; re-number
(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	(4) (3) 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	Remove reference to statements; re-number
(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.	(6) (4) 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) (5)(a), (b), (c), and (d). Such negotiations shall be completed not later than 120 days following the deadline for designation of proposed reserve areas	Re-number
(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:	(7) (5) After the informal negotiation, but not more than 90 days after the end of the 120-day period permitted for negotiation pursuant to subsection (4) (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:	

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<p>(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.</p> <p>(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.</p> <p>(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.</p> <p>(d) Any other matters related to the reserve area designation on which there is agreement.</p>	<p>(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.</p> <p>(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.</p> <p>(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.</p> <p>(d) Any other matters related to the reserve area designation on which there is agreement.</p>	<p>Need to look at Chapter 163, F.S. for applicability</p>
<p>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).</p>	<p>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), and (3), and shall incorporate agreements made pursuant to the informal negotiations as directed under subsection 4 of this Section. 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)-(6).</p>	<p>Remove reference to statements; re-number</p>
<p>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.</p>	<p>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. <del>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.</del></p>	<p>Remove requirement for the "most populous municipality"; re-number</p>

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<p>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.</p>	<p><del>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.</del></p>	<p>Remove requirement for the "most populous municipality"; re-number</p>
<p>(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.</p>	<p><del>(8) (6) Within 60 days after the adoption of the county's designation and statements pursuant to subsection (7) (5), any municipality which has not waived its rights to participate in proceedings conducted under this section may agree to binding arbitration pursuant to Chapter 682, F.S., 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) (5) 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 6.</del></p>	
<p>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.</p>	<p>Within ten days after receiving such a petition, the Division shall assign a <del>hearing officer</del> administrative law judge 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 <del>and statement</del> 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 <del>latter of the</del> 61st day after the Division's final order.</p>	



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<p>(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.</p>	<p>(9) (7) The hearing officer administrative law judge assigned shall commence the hearing pursuant to Section 120.57, F.S. 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)-(6), except that the County and municipalities may not raise issues previously decided by arbitration proceedings pursuant to subsection (8)-(6). If the county has not waived its rights to participate, it The County 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.</p>	
<p>(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 6 and that the designation proposed by the petition does meet the criteria.</p>	<p>(10) (8) Within 60 days after the hearing required pursuant to subsection (9) (7), the hearing officer administrative law judge shall issue a final order denying, approving, or approving with modifications, the petition filed pursuant to subsection (8)-(6). The hearing officer's administrative law judge's final order shall not approve, or approve with modifications, a municipality's petition to alter a reserve area designation unless the hearing officer administrative law judge finds that there is competent substantial evidence showing that the final designation does not meet the criteria set forth in section 6 and that the designation proposed by the petition does meet the criteria.</p>	
<p>(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.</p>	<p>(11) (9) If the final order approves or approves with modifications any petition made pursuant to subsection (8) (6), the designations adopted pursuant to subsection (7) (5), 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.</p>	
<p>(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.</p>	<p>(12) (10) 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 Section 163.3177(6)(h), F.S., 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.</p>	
<p>Section 8. Annexation procedures.</p>	<p>Section 8. Annexation procedures.</p>	

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<p>(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.</p>	<p>(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 <del>metes and bounds</del> and the ordinance can be obtained from the office of the city clerk.</p>	<p>out dated terminology</p>
<p>(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.</p>	<p>(3) Any <del>improved</del> 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.</p>	<p>mirror State law</p>
<p><b>Section 9. Character of the area to be annexed.</b></p>	<p><b>Section 9. Character of the area to be annexed.</b></p>	
<p>(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).</p>	<p>(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).</p>	
<p>(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.</p>	<p>(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.</p>	
<p>(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:</p>	<p>(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:</p>	
<p>1. It has a total resident population equal to at least two persons for each acre of land included within its boundaries;</p>	<p>1. It has a total resident population equal to at least two persons for each acre of land included within its boundaries;</p>	
<p>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</p>	<p>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</p>	



**Alachua County Boundary Adjustment Act - Suggested Modifications**

CHAPTER 225. BOUNDARY ADJUSTMENT ACT*	SUGGESTED CHANGES TO BOUNDARY ADJUSTMENT ACT (April 2008)	EXPLANATION OF SUGGESTED CHANGES
<p>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.</p> <p>(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:</p> <p>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</p> <p>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).</p> <p>(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.</p> <p>(3) This section does not apply to voluntary annexations under section 10.</p> <p>(Laws of Fla., ch. 90-496, § 9; Laws of Fla., ch. 91-382, § 5)</p>	<p>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.</p> <p>(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:</p> <p>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</p> <p>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).</p> <p>(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.</p> <p>(3) This section does not apply to voluntary annexations under section 10.</p> <p>(Laws of Fla., ch. 90-496, § 9; Laws of Fla., ch. 91-382, § 5)</p>	<p>Need to review NC General law</p>
<b>Section 10. Voluntary annexation.</b>		
	<p><b>Section 10. Voluntary annexation.</b> The provisions of F.S. §§ 171.044 shall apply to any voluntary annexations in the county</p>	<p>Refer to State law</p>
<b>Or keep current section with modifications:</b>		
<p>(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.</p>	<p>(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.</p>	<p>No change</p>

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CHAPTER 225. BOUNDARY ADJUSTMENT ACT*	SUGGESTED CHANGES TO BOUNDARY ADJUSTMENT ACT (April 2008)	EXPLANATION OF SUGGESTED CHANGES
<p>(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 13. Within 20 days after the owner or owners receive the report, the owner or owners may withdraw their petition. If the owner or owners do not withdraw their petition, the municipality may proceed with the annexation.</p>	<p><del>(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 13. Within 20 days after the owner or owners receive the report, the owner or owners may withdraw their petition. If the owner or owners do not withdraw their petition, the municipality may proceed with the annexation.</del></p>	<p>mirror State law</p>
<p>(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.</p>	<p>(2) 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 annexation has been published at least once each week for 2 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 4 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.</p>	<p>mirror State law</p>
<p>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.</p>	<p>The description shall include a map clearly showing 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.</p>	<p>mirror State law; out dated terminology</p>
<p><b>Section 11. Appeal of annexation or contraction.</b></p>	<p><b>Section 11. Appeal of annexation or contraction.</b></p>	<p>No Change</p>
<p><b>Section 12. Reserved.</b></p>	<p><b>Section 12. Reserved. Annexation of Enclaves</b></p>	
<p>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</p>	<p>1) The Legislature recognizes that enclaves can create significant problems in planning, growth management, and service delivery, and therefore declares that it is the policy of the state to eliminate enclaves</p>	<p>mirror State law</p>
<p>(Laws of Fla., ch. 90-496, § 12)</p>	<p>(2) In order to expedite the annexation of enclaves of 10 acres or less into the most appropriate incorporated jurisdiction, based upon existing or proposed service provision arrangements, a municipality may:</p>	<p>mirror State law</p>
	<p>(a) Annex an enclave by interlocal agreement with the county having jurisdiction of the enclave; or</p>	<p>mirror State law</p>
	<p>(b) Annex an enclave with fewer than 25 registered voters by municipal ordinance when the annexation is approved in a referendum by at least 60 percent of the registered voters who reside in the enclave</p>	<p>mirror State law</p>

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	<p>(3) This section does not apply to undeveloped or unimproved real property.</p> <p>(4) For those areas that are greater than 10 acres in size, or that have more than 25 registered voters, the following shall apply.</p> <p>(a) Within 60 days after the adoption of this Act, the County and the Municipalities shall determine the location within the municipal reserve areas of all developed and improved enclaves as defined by this Act</p> <p>(b) Within 180 days of after the adoption of this Act, each property owner in the identified enclaves shall receive a notice of intent to annex along with an urban services report as required in Section 13 of this Act from the annexing municipality.</p> <p>(c) Within 60 days of said notice, if property owners within the proposed annexation area desire to not be annexed, a petition signed by property owners representing 15 percent of the parcels in the area desiring to be excluded from the municipal boundaries, may be filed with the clerk of the municipal governing body and the County, opposing such annexation, and requesting a referendum for annexation be conducted.</p> <p>(d) The municipality to which such petition is directed shall verify the sufficiency of the petition, and upon verification, paid for by the municipality, immediately begin the procedure for annexation by referendum as detailed in Section 8 of this act.</p> <p>(e) 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.</p> <p>(f) A tie vote or a majority vote "Against annexation" shall prevent the same area proposed for annexation from being the subject of an annexation ordinance for a period of 2 years from the date of the referendum election.</p> <p>(g) If no petition or an insufficient petition is filed within 90 days of the adoption of this Act, those identified improved or developed areas that meet the definition of an enclave shall automatically be annexed into the municipality that has been designated by reserve areas.</p> <p>(h) No undeveloped property that exists as an enclave at the time of adoption of this Act can be developed until that property is annexed into the municipality as designated by reserve areas.</p>	<p>mirror State law</p> <p>The procedures in this section are modeled after the procedures for contractions in Section 14-- Municipal Contractions</p>
Section 13. Prerequisites to annexation.	Section 13. Prerequisites to annexation.	

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CHAPTER 225. BOUNDARY ADJUSTMENT ACT*	SUGGESTED CHANGES TO BOUNDARY ADJUSTMENT ACT (April 2008)	EXPLANATION OF SUGGESTED CHANGES
(1) Prior to commencing the annexation procedures under section 8 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:	(1) Prior to commencing the annexation procedures under section 8, 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:	No change
(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.	(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 future land use plan <del>general land use pattern</del> in the area to be annexed	"General land use pattern" is not correct "Future land use plan" is the correct terminology.
(b) For annexation under section 8, a statement certifying that the area to be annexed meets the criteria in section 9. For a voluntary annexation under section 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 9.	(b) For annexation under section 8, a statement certifying that the area to be annexed meets the criteria in section 9. <del>For a voluntary annexation under section 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 9.</del>	mirror State law
(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 5. Specifically, such plans shall:	(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 7. 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.	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	No change
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	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	No change
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.	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.	No change
4. Set forth the method under which the municipality plans to finance extension of services into the area to be annexed.	4. Set forth the method under which the municipality plans to finance extension of services into the area to be annexed	No change

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<p>(2) Prior to commencing the annexation procedures under section 8 or section 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.</p>	<p><del>(2) Prior to commencing the annexation procedures under section 8 or 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.</del> (2) Not fewer than 15 days prior to commencing the annexation procedures under s. 8, the governing body of the municipality shall <u>file a copy</u> of the report required by this section with the board of county commissioners of the county wherein the municipality is located. Failure to timely file the report as required in this subsection may be the basis for a cause of action invalidating the annexation.</p>	<p>Mirror State law</p>
<p>Section 14. Contraction procedures.</p>	<p>Section 14. Contraction procedures.</p>	<p>No Change</p>
<p>Section 15. Criteria for contraction of municipal boundaries.</p>	<p>Section 15. Criteria for contraction of municipal boundaries.</p>	<p>No Change</p>
<p>Section 16. Application of state law.</p>	<p>Section 16. Application of state law.</p>	<p>No Change</p>
<p>Section 17. Effective date.</p>	<p>Section 17. Effective date.</p>	<p>No Change</p>