

DRAFT – An act to repeal and replace the “Alachua County Boundary Adjustment Act”

CHAPTER 90-496
 Revised House Bill No. 3795
 Revised House Bill No. 1503
 Revised Senate Bill No. 2376

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

Section 1. Short title.

This act shall be known and may be cited as the "Alachua County Urban Reserve Act.”

Section 2. Purpose.

The purpose of this act is to promote long-term planning for municipal annexations within Alachua County by establishing a procedure to designate urban reserve areas for each municipality.

Section 3. Supplemental; effect of other laws.

The provisions of this act are supplemental to general law or any special law relating to municipal annexation or contraction.

Section 4. Definitions.

As used in this act:

- (1) "**Affected person**" means any person or entity residing in or owning property in either a municipality requesting an amendment to its urban reserve area, or in the urban reserve area or an area that is proposed to be included within the urban reserve area of such a municipality.
- (2) "**Public notice**" means publication of the time and place of the hearing, including a short description of the proposed action, at least once a week for the two consecutive weeks immediately preceding the date of the hearing in a newspaper of general circulation in Alachua County.
- (3) "**Urban reserve area**" means an area designated pursuant to this act that is reserved by a municipality for future annexation under general law.

Section 5. Municipal annexations within Alachua County.

In addition to meeting the requirements of general law, a municipality within Alachua County may only annex land that is located within its urban reserve area.

Section 6. Establishment of urban reserve areas.

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The urban reserve areas adopted by the Alachua County Commission on August 9, 2011, and which became final on October 9, 2011, shall be designated as the urban reserve areas for the municipalities within Alachua County as of the effective date of this act.

Section 7. Amending urban reserve area designations.

(1) *Urban Reserve Review Board.* The Urban Reserve Review Board is hereby created to hear requests to amend the boundaries of urban reserve area designations. The Urban Reserve Review Board shall consist of one elected official from each municipality within Alachua County and one elected official from Alachua County. Each member shall be appointed by the governing body of the city or county they represent. A quorum shall consist of four-fifths (4/5) of the membership. A majority vote of the quorum is required for all action taken by the Urban Reserve Review Board, except for action on petitions to amend urban reserve areas as described in paragraph (2) below. The Urban Reserve Review Board shall adopt administrative rules and procedures and annually elect a Chair from among the regular members. The Chair of the Urban Reserve Review Board shall be responsible for receiving from municipalities petitions to amend urban reserve areas and for convening the board for a public hearing on such matter.

(2) *Petitions to amend urban reserve areas.* Any municipality within Alachua County may request an amendment to the boundaries of its respective urban reserve area by submitting to the Chair of the Urban Reserve Review Board a written petition that includes a map of the proposed amendment and documentation demonstrating that the proposed amendment complies with the criteria set forth in Section 8 of this act. The Urban Reserve Review Board shall meet within 90 days of receiving a written petition, but shall meet no less than annually. The entity requesting the amendment shall be responsible for paying any costs associated with amending its urban reserve area, including but not limited to costs to provide public notice of the meeting. The Urban Reserve Review Board shall approve or deny a petition based only on the criteria set forth in Section 8 of this act and only upon at least a four-fifths (4/5) vote of the membership. If the Urban Reserve Review Board denies any portion of a municipality’s request to amend its urban reserve area, that municipality may not make another request involving the same area for a period of two years from the date the decision became final. The approval of a petition by the Urban Reserve Review Board shall become final 61 days after adoption, unless such decision is challenged pursuant to this section.

(3) *Appealing the decision of the Urban Reserve Review Board.* Any municipality or any affected person may, within 60 days after the Urban Reserve Review Board’s decision, file a petition with the Division of Administrative Hearings challenging the decision. A challenge by a municipality shall be limited to those parts of the decision that affect the challenging municipality. All challenges shall be based on allegations that the decision of the Urban Reserve Review Board was not in accordance with the criteria set forth in Section 8 of this act.

(a) Within 10 days after receiving a petition, the division shall assign a hearing officer and open a docket. The hearing officer assigned shall commence the hearing pursuant to Section 120.57, Florida Statutes, no later than 120 days after the request for a hearing. Any affected person shall be entitled to participate as a party in the hearing and in any subsequent proceedings. The hearing officer may, at his/her discretion, consolidate all

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petitions from affected persons and hold only one hearing on challenges to the decision of the Urban Reserve Review Board.

(b) Within 60 days after the hearing, the hearing officer shall issue a final order denying, approving, or approving with modifications, the petition filed pursuant to this section. The hearing officer's final order shall not approve, or approve with modifications, a municipality's request to amend its urban reserve area unless the hearing officer finds that there is substantial competent evidence showing that the proposed amendment meets the criteria set forth in Section 8 of this act.

(c) The final order of the hearing officer may be appealed as provided by general law.

(4) *Comprehensive plans.* When an amendment to an urban reserve area becomes effective, Alachua County and said municipalities shall amend the intergovernmental coordination elements and other appropriate elements of their local comprehensive plans as necessary.

Section 8. Criteria for urban reserve areas.

(1) Urban reserve areas designated for a municipality shall:

(a) Be adjacent to the municipality;

(b) Be urban in character or likely to become urban in character within the next 10 years; and

(c) Be areas where population growth should be directed so as to promote efficient delivery of urban services, including police, fire protection, solid waste disposal, potable water, sanitary sewer, drainage or flood control, parks and recreation, housing, street lighting, transportation and other services, and to encourage more concentrated urban development.

(2) Urban reserve areas designated for a municipality shall not:

(a) Contain areas located outside of Alachua County, contain areas within the corporate limits of another municipality, or contain areas within another municipality's urban reserve area;

(b) Contain areas that could be provided with urban services more efficiently by Alachua County or another municipality;

(c) Contain areas that the municipality will not, with a reasonable likelihood, be able to provide with the municipality's urban services within the next 10 years; or

(d) Contain areas where the municipality will not, with a reasonable likelihood, have the capacity or capital facilities within the next 10 years to provide, at a minimum, the level of services provided by Alachua County.