

Florida Statutes outline several courses of action for annexation. The two most overt methods are outlined in Chapter 171, Part 1 as voluntary and involuntary. But, a few other options exist. This paper will briefly review each one.

Voluntary Annexation – Section 171.044 of the Florida Statutes allow a city to annex property if consent of the owners of the property is granted, they must be contiguous and reasonably compact to the municipality. These annexations are done through Ordinance and the public hearing process. We can continue with this option, however, its time consuming AND it only adds more the patchwork, utilizing this method does not actually achieve squaring off boundaries (see map). Additionally, some properties that have FPUA agreements are not immediately contiguous – which only protracts the time frame.

Involuntary Annexation – Section 171.0413. The municipality may pass an ordinance to annex property (similar to voluntary annexation), however, the Ordinance does not become effective until a majority vote is received in a referendum held within 30 days.

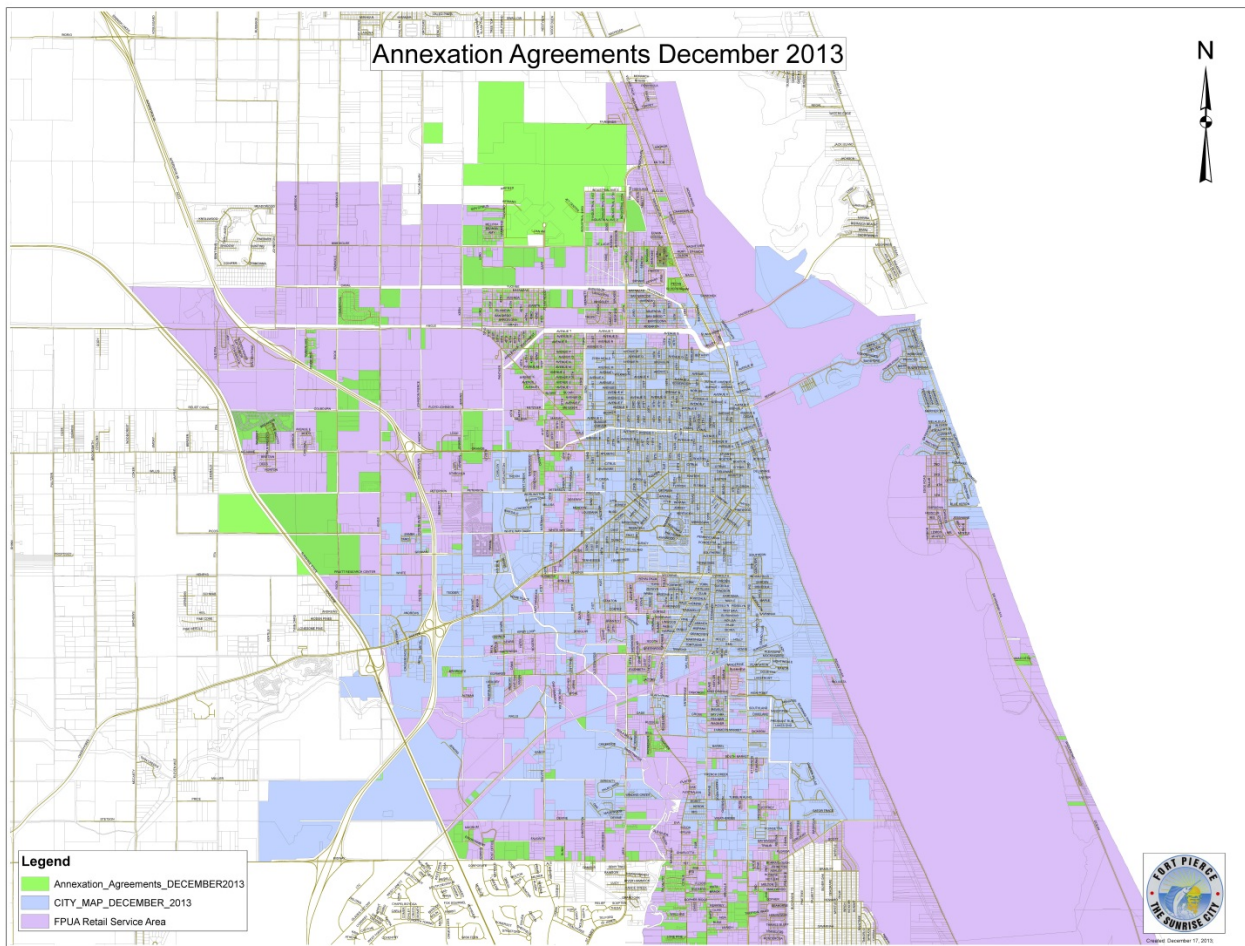
While not as overt as Voluntary or Involuntary, several other options exist including Enclave Annexation, Interlocal Service Boundary Agreements and Annexation by Legislation.

A. Enclave Annexation – as outlined in 171.046 F.S. 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. 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 annex an enclave by interlocal agreement with the county having jurisdiction of the enclave;

B. Interlocal Service Boundary Agreement (ISBA) – 171 Part 2
The Florida Statutes were amended by the Legislature in 2006 to add a second part to the State’s annexation laws. This new Part II retained existing annexation law, which has been in place for many years, and added an alternative approach to annexation that is intended to encourage local government coordination in planning, service delivery, and boundary adjustments due to annexation. ISBA agreements have been utilized as approach to avoiding conflicts between counties and cities. Several areas have used this tool, successfully including Orange County with City of Ocoee and City of Orlando, and Pinellas County. The ISBA process also addresses the fiscal impact of annexation on both the City and the County, which can provide for an equitable solution for a capital improvement, rights of ways, maintenance of rights of ways and drainage areas. The legal requirements still require consent, but only 50% of the owners, which may be conducted by petition or ballot, not necessarily incurring the expense and voter confusion of a referendum.

If pursuing the ISBA option, my recommendation is to set the FPUA Retail Service Area (shown in purple, along with the green areas) as the ultimate city limits. Those boundaries have already been approved with St. Lucie County through Interlocal Agreements for

water/waste water delivery. Basically, the colored map would become the ultimate City limits.



C. Annexation by Legislation – Subsection 171.044(4) F.S. says the procedures for voluntary annexation shall be “supplemental to any other procedure provide by general or special law. There are a number of special annexation laws the exist in Florida, including the Gainesville Special Act and the Broward Delegation., I think this is worth pursuing with local legislative delegation, but without the referendum requirement.

Proposed Annexation Strategy:

- Revisit the current JPA Agreement with St. Lucie County to address Enclave Annexations pursuant to 171.046 F.S.
- Begin the ISBA process with St. Lucie County. I believe that St. Lucie Village and City of Port St. Lucie would want to participate too.
- Incentivize Annexation – perhaps placing a moratorium on the annexation fee for a year.

Areas that are potential candidates for “Enclave Annexation”

