

HB 0985

2004

A bill to be entitled

An act relating to conflict resolution; amending s. 171.081, F.S.; requiring a governmental entity affected by annexation or contraction to initiate conflict resolution procedures under certain circumstances; providing a definition; providing for the award of attorney's fees to the prevailing party; providing an effective date.

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

Section 1. Section 171.081, Florida Statutes, is amended to read:

171.081 Appeal on annexation or contraction.--No later than 30 days following the passage of an annexation or contraction ordinance, any party affected, except a governmental entity, who believes that he or she will suffer material injury by reason of the failure of the municipal governing body to comply with the procedures set forth in this chapter for annexation or contraction or to meet the requirements established for annexation or contraction as they apply to his or her property may file a petition in the circuit court for the county in which the municipality or municipalities are located seeking review by certiorari. If the affected party is a governmental entity, no later than 30 days following the passage of an annexation or contraction ordinance, the governmental entity must initiate and proceed through the conflict resolution procedures established in chapter 164. If there is a failure to resolve the conflict, no later than 30 days following the conclusion of the procedures established in chapter 164, the

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30 governmental entity that initiated the conflict resolution
31 procedures may file a petition in the circuit court for the
32 county in which the municipality or municipalities are located
33 seeking review by certiorari. In any action instituted pursuant
34 to this section, the prevailing party ~~complainant, should he or~~
35 ~~she prevail,~~ shall be entitled to reasonable costs and
36 attorney's fees. For purposes of this section, "governmental
37 entity" means a county, municipality, or special district.

38 Section 2. This act shall take effect July 1, 2004.