

By Senator Constantine

22-1791-04

1 A bill to be entitled
2 An act relating to appeal of a municipal
3 annexation or contraction ordinance; amending
4 s. 171.081, F.S.; requiring a county,
5 municipality, or special district to complete
6 conflict resolution procedures before seeking
7 judicial review; providing for costs and
8 attorney's fees to be paid to the prevailing
9 party, not just to the prevailing complainant;
10 providing an effective date.
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12 Be It Enacted by the Legislature of the State of Florida:
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14 Section 1. Section 171.081, Florida Statutes, is
15 amended to read:
16 171.081 Appeal on annexation or contraction.--No later
17 than 30 days following the passage of an annexation or
18 contraction ordinance, any party affected who believes that he
19 or she will suffer material injury by reason of the failure of
20 the municipal governing body to comply with the procedures set
21 forth in this chapter for annexation or contraction or to meet
22 the requirements established for annexation or contraction as
23 they apply to his or her property may file a petition in the
24 circuit court for the county in which the municipality or
25 municipalities are located seeking review by certiorari.
26 However, if the party affected is a government entity, it
27 must, before filing such a petition, initiate and proceed
28 through the conflict resolution procedures in chapter 164.
29 The entity must initiate such procedures no later than 30 days
30 following the passage of the annexation or contraction
31 ordinance. If the conflict is not resolved, the government

1 entity that initiated the conflict resolution procedures may,
2 no later than 30 days following conclusion of the procedures,
3 file a petition in the circuit court for the county in which
4 the municipality or municipalities are located seeking review
5 by certiorari.In any legal action instituted pursuant to this
6 section, the prevailing party ~~the complainant, should he or~~
7 ~~she prevail,~~ shall be entitled to reasonable costs and
8 attorney's fees. For purposes of this section, the term
9 "government entity" means a county, municipality, or special
10 district.

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

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14 SENATE SUMMARY

15 Requires a county, municipality, or special district to
16 complete conflict resolution procedures before seeking
17 judicial review of an annexation or contraction ordinance
18 by a municipality. Awards costs and attorney's fees in
19 the legal action to the prevailing party, not just the
20 prevailing complainant.
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