



To: Mayor Jerry Demings
-AND-
County Commissioners

From: Commissioner Emily Bonilla, District 5

Date: 5/9/2024

Subject: Commissioner's Report for "Annexation Charter Amendment" on BCC date May 21, 2024

Action Requested: Direct staff to write up Charter Amendment and Ballot Language

Included items in the email with this memo to also be included in the agenda book:

- Annexation Charter Amendment Proposal (in this memo)
- Pinellas County Charter Language
- Miami-Dade County Charter Language
- Palm Beach County Charter Language
- Pinellas vs City of Largo Case No. 2D06-4826

Links with reference material:

- Florida Statutes 171.044
http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0100-0199/0171/Sections/0171.044.html

/s/

Commissioner Emily Bonilla

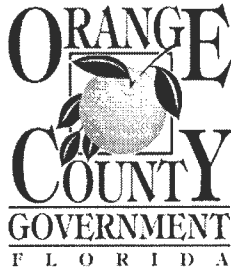
Cc: Byron W. Brooks, County Administrator
Cheryl Gillespie, Supervisor, Agenda Development
County Attorney's Office



Annexation Charter Amendment Proposal

Commissioner Emily Bonilla
May 9, 2024

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Executive Summary

1. Overview of Current Challenges:

- Municipal annexation presents significant challenges to Orange County, including unregulated growth, potential loss of local governance, and disproportionate tax burdens on residents.
- The current legal framework limits county oversight, allowing municipalities to annex unincorporated areas without adequate consideration for comprehensive planning and equitable service distribution.

2. Purpose and Objectives of the Proposed Amendment:

- The proposed charter amendment seeks to empower the Board of County Commissioners to have greater control over voluntary annexations.
- Key objectives include:
 - Enhancing strategic planning and governance of the annexation process.
 - Protecting the rights and interests of unincorporated areas and their residents.
 - Preventing the creation of enclaves and ensuring equitable infrastructure impact.

3. Key Recommendations for Enhancing Local Control:

- Introduce clear criteria for voluntary annexation approval, including comprehensive plan consistency, infrastructure assessment, and public consultation requirements.
- Establish a robust appeal process for challenging annexation decisions and ensuring transparency.
- Define rules around the urban service area, interlocal agreements, and annexation exclusions to prevent rural or protection zones from being affected.



- Implement an inclusive public outreach strategy to educate and engage stakeholders throughout the process.

Introduction

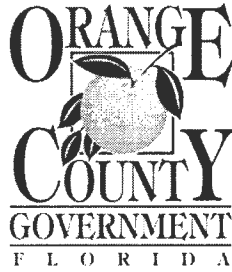
Context: Overview of Municipal Annexation Trends and Their Impact on Orange County

In recent years, Orange County has witnessed a marked increase in municipal annexation activities, particularly by the City of Orlando and surrounding municipalities. These annexations have primarily targeted unincorporated lands in the county, driven by urban growth and expanding city boundaries. While the need for development is understood, this trend has often resulted in fragmented service delivery, unexpected tax implications, and governance shifts that leave some residents feeling underrepresented and disconnected. The rapid pace of annexation is particularly concerning because it risks creating service enclaves and uneven development patterns that can undermine county-wide planning efforts and exacerbate disparities in public resource distribution.

Problem Statement: Current Limitations on County Oversight and Governance

Existing state laws and county charter provisions limit the ability of the Orange County Board of County Commissioners (BCC) to exert effective oversight and regulation over municipal annexation activities. Current regulations allow cities to annex land with minimal county involvement, thereby diminishing the BCC's capacity to uphold strategic growth plans. This lack of local control results in:

- The creation of service and jurisdictional enclaves complicates governance.
- A reduced ability to plan for comprehensive infrastructure development.
- Inconsistent standards for public service provision.
- The absence of interlocal agreements to ensure fair tax distribution and coordinated planning.



Objectives: Goals of the Proposed Amendment

To address these challenges, this proposed charter amendment aims to:

1. Establish a robust county review process requiring BCC approval for all voluntary annexation petitions in unincorporated areas.
2. Introduce mandatory public hearings to ensure residents are fully informed and can voice their concerns.
3. Prevent the creation of new service enclaves and maintain contiguous, orderly development patterns.
4. Require the adoption of interlocal agreements between municipalities and the county for fair tax distribution, coordinated service provision, and unified planning.
5. Ensure annexation aligns with Orange County's Comprehensive Plan, protecting strategic goals and safeguarding residents' interests.

Through these objectives, the proposed amendment seeks to empower the county with the tools necessary to govern annexation effectively, allowing for balanced growth and equitable resource allocation across Orange County.

Current Legal Framework and Gaps

Overview of Current Annexation Laws and Orange County Charter Provisions

Under Florida law, municipal annexation is primarily governed by Chapter 171 of the Florida Statutes, which outlines the processes and requirements for voluntary and involuntary annexation. Voluntary annexation (s. 171.044) occurs when property owners petition a municipality for annexation, provided that their land is contiguous with the municipality's existing boundaries and does not create an enclave. Involuntary annexation requires a referendum.



The Orange County Charter, however, does not have specific language governing the annexation process or empowering the Orange County Board of County Commissioners (BCC) to intervene effectively in such matters. This gap leaves annexation practices largely unchecked at the county level.

Identify Gaps and Issues with the Existing Framework

The current legal framework presents several challenges for Orange County in managing annexation:

1. **Lack of County Oversight:** State law permits municipalities to proceed with voluntary annexation with minimal input from the BCC, limiting the county's influence over these changes.
2. **Absence of County-Specific Provisions:** The Orange County Charter lacks explicit provisions governing annexation, which leaves commissioners unable to prevent fragmentation of unincorporated areas.
3. **Inconsistent Public Participation:** Municipalities are required to hold public hearings for annexation petitions, but these efforts often fall short in ensuring that county residents have a meaningful voice in the process.

Examples of How Municipalities Circumvent County Control

Several tactics allow municipalities to proceed with annexation while circumventing county oversight:

1. **Annexation by Petition:** Municipalities can directly annex land through voluntary petitions signed by property owners without seeking county approval.
2. **Targeting Enclaves:** Municipalities sometimes annex land in ways that gradually create service enclaves in unincorporated areas, compelling future annexation and effectively forcing county residents into municipal jurisdictions.
3. **Utilizing Interlocal Agreements:** Although intended to foster cooperation, interlocal agreements between municipalities can be leveraged to expand service areas without significant county input, subtly extending city boundaries.



These gaps and circumventions necessitate an amendment to the Orange County Charter that would empower the BCC to establish clear, comprehensive oversight of annexation, ensuring that the county retains strategic control over its own growth.

Comparative Analysis

Review of Effective Charter Provisions for Annexation in Selected Florida Counties

To enhance the governance and oversight of annexation within Orange County, a comparative analysis of charter provisions from other Florida counties was conducted. The focus was on Miami-Dade, Palm Beach, and Pinellas Counties, each of which has developed robust frameworks to manage municipal annexations effectively.

Miami-Dade County

The charter in Miami-Dade County includes provisions that empower the Board of County Commissioners to oversee and approve changes to municipal boundaries. Notably, the charter mandates:

- A comprehensive study of municipal boundaries by the Planning Director, with recommendations for orderly adjustments.
- Required approvals from affected municipal governing bodies and a public hearing before the County Commission can effect boundary changes.
- Specific considerations for commercial areas within proposed annexations, ensuring that they do not merely serve to enhance a municipality's tax base without benefiting the community.
- A requirement for voter approval when more than 250 residents are electors in the area proposed for annexation.

Palm Beach County

Palm Beach County's charter addresses voluntary annexation with a focus on protecting unincorporated areas:

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407-836-7304 · Fax 836-5976



- Voluntary annexations in designated protection areas and rural neighborhoods require approval by a majority of the Board of County Commissioners and, in some cases, by the registered electors residing within the area.
- The county mandates prior notice for all annexations and defines specific geographical areas where annexation protocols apply, emphasizing the need for careful planning and community input.

Pinellas County

Pinellas County's charter provides a detailed and structured approach to manage voluntary municipal annexation:

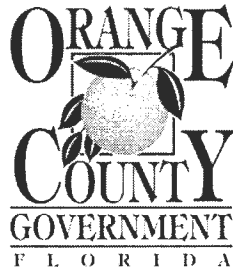
- Establishes a uniform procedure that includes a comprehensive set of criteria for annexation eligibility, focusing on the ability of municipalities to provide essential urban services.
- Ensures that annexations do not create non-contiguous land parcels or enclaves, promoting orderly growth.
- Requires that any annexation aligns with established planning areas, with amendments subject to stringent review processes.

Key Features and Outcomes of Their Provisions

- **Preventive Measures Against Unplanned Expansion:** All three counties implement measures to ensure that annexations are strategic, deliberate, and beneficial to the broader community.
- **Increased Local Oversight:** Enhanced powers for county commissions ensure that annexations align with county-wide planning goals and infrastructure needs.
- **Community Involvement:** Requirements for public hearings and, in some cases, electoral approval, ensure community involvement and transparency.

Lessons Learned and Best Practices That Can Be Adapted

1. **Structured Review Processes:** Adopting a clear, criteria-based approach to annexation can help ensure that all annexations are beneficial and strategic.



2. **Community and Stakeholder Engagement:** Requiring public hearings and approvals ensures that affected communities are actively involved in the decision-making process.
3. **Interlocal Agreements:** Encouraging or requiring agreements between municipalities and the county can facilitate better coordination and service provision post-annexation.

These insights suggest that incorporating similar provisions into the Orange County Charter could significantly enhance local control over annexation processes, ensuring that they align with the county's long-term planning and community needs.

Proposed Charter Amendment

This proposed charter amendment aims to establish a structured and transparent framework for voluntary annexations in Orange County. It prioritizes comprehensive planning, responsible growth, and community input.

Proposed Amendment Language:

The following new section shall be added to the Orange County Charter:

Section [#]. Voluntary Municipal Annexation Approval Framework

(a) Criteria for Approval: Any proposed voluntary annexation must meet the following criteria:

1. **Comprehensive Plan Consistency:** The proposed annexation shall align with the county's comprehensive plan to ensure coordinated growth and the efficient provision of public services.
2. **Infrastructure Impact:** An impact assessment shall demonstrate that the annexation will not overburden existing infrastructure or require disproportionate upgrades.
3. **Public Consultation Requirements:**
 - **Notification:**



- Affected residents are defined as those living within a [specific radius] of the proposed annexation area.
- These residents must receive a mailed notice of the annexation proposal at least 30 days before the public hearing.
- **Public Hearing:**
 - The county will organize a public hearing to discuss the annexation proposal.
 - The hearing will invite input from residents within the notification radius, affected municipalities, and relevant stakeholders.

4. Protection Against Enclave Creation: An "enclave" is defined as any unincorporated land parcel entirely or substantially surrounded by one or more municipalities or bordering counties. The proposed annexation shall not create enclaves, which disrupt coordinated municipal services and fragment county oversight.

5. Compact and Contiguous Development:

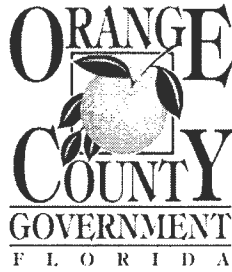
- Annexations shall promote compact and contiguous growth by ensuring that the proposed area borders the annexing municipality or existing urban service area.
- The proposed annexation must not result in irregular, elongated, or "finger-like" extensions of municipal boundaries.

6. Urban Service Area Limits:

- Annexations shall only include lands within the designated urban service area as established in the county's comprehensive plan.
- No annexation shall extend into areas designated as rural or protection zones beyond the urban service area.

7. Exception for Existing Joint Planning Agreements:

- An annexation may extend beyond the urban service area if the area is subject to an existing interlocal joint planning agreement between the county and the annexing municipality.



- Such agreements must clearly delineate the scope of annexation, service provision, and shared responsibilities for infrastructure and land use.

(b) County Review and Interlocal Agreements:

- The proposed annexation shall undergo review by the Board of County Commissioners to ensure alignment with countywide planning and service provision standards.
- The annexing municipality shall enter into an interlocal agreement with the county detailing the provision of essential public services, infrastructure maintenance, and future land use.

(c) Appeal Process:

1. Right to Appeal:

- Any affected party, including municipalities, property owners, and residents, shall have the right to appeal a decision regarding voluntary annexation approval or denial.

2. Appeal Timeline:

- Appeals must be filed within 30 days of the decision being publicly announced.

3. Filing Procedure:

- Appeals must be submitted in writing to the Board of County Commissioners.
- The appeal document should include the specific grounds for contesting the decision, and providing evidence or reasoning that supports the appeal.

4. Review Process:

- The Board of County Commissioners shall review the appeal, considering the arguments presented and verifying compliance with all applicable criteria.
- If necessary, an independent hearing officer may be appointed to evaluate the case and make a recommendation.

5. Public Hearing:



- A public hearing shall be held to allow all relevant parties to present their perspectives on the contested decision.
- The hearing shall be organized within 60 days of receiving the appeal.
- Public notice requirements shall follow the same procedures as the original public hearing, including a mailed notice to affected residents and a public announcement at least 30 days before the hearing.

6. Final Decision:

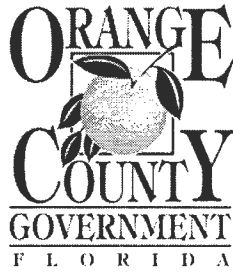
- The Board of County Commissioners shall render a final decision based on the appeal review and hearing, which will be considered binding.
- The decision shall be announced within 30 days of the hearing.

7. Transparency:

- All appeal proceedings and decisions shall be made publicly accessible to ensure transparency and maintain trust in the annexation approval process.

Justification and Implications:

- Comprehensive Plan Consistency ensures all annexation aligns with Orange County's long-term vision for growth and services.
- Infrastructure Impact assessments prevent the overextension of services, protecting both municipalities and unincorporated areas.
- Public Consultation strengthens transparency and public trust.
- Protection Against Enclave Creation prevents fragmentation, ensuring coordinated municipal services.
- Contiguous Development ensures cohesive and connected urban expansion.



This proposed amendment provides a clear framework for orderly annexation processes, ensuring that annexations are consistent, beneficial, and aligned with countywide goals.

Benefits of Proposed Amendment

1. Enhanced Local Governance and Strategic Planning:

- The proposed amendment empowers the county commissioners to exercise more direct oversight of voluntary annexations, ensuring that these processes align with the county's comprehensive plan.
- This strengthens strategic planning by promoting coordinated and responsible growth across all municipalities.

2. Greater Protection for Unincorporated Areas and Residents:

- By clearly defining criteria and providing an appeal process, the amendment ensures that unincorporated areas receive due consideration.
- It prevents arbitrary annexation and protects residents from abrupt changes that could adversely affect public services or community structure.

3. More Equitable Distribution of Services and Tax Impacts:

- With better oversight, the county can ensure a fair distribution of services and prevent tax burdens from shifting disproportionately to newly annexed residents.
- The amendment also ensures that municipalities are held accountable for their service commitments within newly annexed areas.



Implementation Strategy

Timeline and Steps for Adoption:

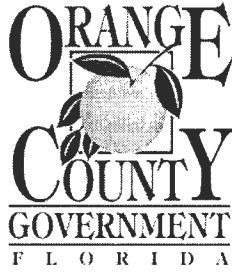
1. Drafting Phase:
 - Draft the final text of the proposed charter amendment and ensure compliance with all legal requirements.
2. Approval Process:
 - Submit the proposed amendment to the Board of County Commissioners for initial review.
3. Referendum:
 - Upon the Board's final approval, schedule a referendum vote to present the amendment to Orange County residents.

Post-Adoption Rules and Regulations:

4. Framework Development:
 - Develop detailed administrative rules and regulations that align with the adopted amendment's criteria and intent.
 - This will include guidelines for the appeal process, public hearings, and interlocal agreements.
5. Staff Training:
 - Train relevant county staff to ensure consistent application and enforcement of the new annexation regulations.

Public Outreach and Stakeholder Engagement:

6. Public Education:
 - Organize informational sessions and distribute educational materials to inform residents about the new rules.
7. Stakeholder Collaboration:
 - Collaborate with municipalities, neighborhood associations, and local businesses to ensure a smooth transition and promote understanding of the new regulations.



Conclusion and Next Steps

1. Recap of Importance:

- The proposed amendment is crucial for enhancing local governance and empowering the county to manage voluntary annexations more strategically.
- It ensures that unincorporated areas are protected, services are equitably distributed, and growth remains consistent with Orange County's comprehensive plan.

2. Recommendations for Further Research or Policy Refinement:

- Additional research is needed to identify best practices for interlocal agreements that can streamline the annexation process while maintaining county oversight.
- Further studies on infrastructure impact and demographic changes could refine the framework for future amendments and growth strategies.

3. Call to Action:

- The proposed charter amendment is an opportunity to secure greater control over the county's future and establish a clear path for sustainable development.
- Commissioners should actively support this amendment to safeguard the interests of Orange County's communities and ensure an orderly, transparent, and strategic approach to voluntary annexation.
- With your support, we can reinforce responsible governance and fulfill our commitment to the residents of Orange County.

ARTICLE VII. VOLUNTARY MUNICIPAL ANNEXATION PROCEDURE¹

¹Editor's note(s)—With the concurrence of the county, Ord. No. 00-63, §§ 1—12, adopted Aug. 25, 2000, has been included in the Code. Such ordinance did not specify manner of codification; but, has been designated by the editor as Art. VII, §§ 2-601—2-612.

Charter reference(s)—Annexation, § 2.07.

Sec. 2-601. Purpose.

It is the purpose of this article to establish a uniform, equitable, and integrated procedure with clearly defined criteria to provide the exclusive method for voluntary annexation of property by an incorporated municipality within the county.

(Ord. No. 00-63, § 1, 8-25-00)

Sec. 2-602. Authority.

This article is promulgated pursuant to the home rule powers of the county and F.S. § 171.044(4), as a county ordinance, pursuant to the provisions of the County Charter that would provide for exclusive method and criteria for voluntary municipal annexation and planning areas that delineate the geographic area eligible for annexation by a municipality.

(Ord. No. 00-63, § 2, 8-25-00)

Sec. 2-603. Territory embraced.

This article shall be effective in the incorporated as well as unincorporated areas of the county. To the extent that this article conflicts with a municipal ordinance, this article shall prevail.

(Ord. No. 00-63, § 3, 8-25-00)

Sec. 2-604. Definitions.

The following terms and phrases shall have the following meanings, unless some other meaning is plainly indicated:

Ability to serve means the municipality that proposes to annex property has the authority, responsibility, and capacity to provide police, fire, sewer, water, solid waste, and local road and drainage facility services. If the annexing municipality does not have the authority, responsibility, and capacity to provide any one or more of these seven requisite urban services to the property proposed to be annexed, then it shall, by either interlocal agreement or written authorization, obtain agreement of the service provider that is charged with providing such service(s), attesting to that provider's ability and willingness to provide said service(s).

Annexation means the voluntary addition of real property to the boundaries of an incorporated municipality pursuant to the Pinellas County Charter, such addition making such real property in every way a part of the municipality.

Board means the Board of County Commissioners of Pinellas County, Florida.

CPA means the board of county commissioners sitting in its capacity as the countywide planning authority.

Compact means concentration of a piece of property in a single area and precludes any action which would create pockets, finger areas, or serpentine patterns. Any annexation proceeding in the county shall be designed in such a manner as to ensure that the area will be reasonably compact.

Contiguous 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 or 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 article, 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; and when any provision or provisions of special law or laws prohibit the annexation of territory that is separated from the annexing municipality by a body of water or watercourse, then that law shall prevent annexation under this article.

Council means the Pinellas Planning Council, as created by Chapter 88-464, Laws of Florida (1988), or its designee.

County means Pinellas County, Florida.

Enclave means any unincorporated area that is enclosed within and bounded on all sides by a single municipality.

Municipality means a municipality created pursuant to general or special law authorized or recognized pursuant to section 2 or section 6, Article VIII, of the State of Florida Constitution.

Party affected means any persons or firms owning property that is proposed for annexation to a municipality, or any governmental unit having jurisdiction over such area.

Urban services means those services required to be available and provided by a local government, either directly or by contract, to properties located within its present boundaries and areas proposed for annexation, including but not limited to police, fire, sewer, water, solid waste, and local road and drainage facility services.

(Ord. No. 00-63, § 4, 8-25-00)

Sec. 2-605. Planning areas; delineating eligibility for annexation.

- (a) Planning areas have been determined and depicted in map form as set forth in Exhibit 1, attached hereto and incorporated by reference. The purpose of each planning area is to allow the respective municipalities to consider the area in their comprehensive plan and delineate the geographic area eligible for annexation to each such municipality. Each planning area was determined and delineated consistent with the purpose and provision for establishment of planning areas, as provided for under F.S. § 163.3171 and is specifically intended to replace the review for ability to serve for annexations of ten acres or more now conducted independently by the council under Chapter 88-464, Laws of Florida.
- (b) A municipality may annex only that property within its respective planning area as delineated on Exhibit 1, as such exhibit may be amended from time to time. Unincorporated area that is not located within a defined municipal planning area, as delineated in Exhibit 1, shall not be voluntarily annexed by any municipality unless and until Exhibit 1 is amended to include such unincorporated area in the annexing municipality's planning area.
- (c) The planning areas as delineated herein on Exhibit 1 may be amended by county ordinance upon recommendation of the council and approval by the CPA. Any deviation by the CPA from the council's recommendation shall be by at least four votes. Consideration of an amendment to any planning area by the council and CPA shall be based upon the following criteria:
 - (1) The nature of the request and interest of the affected property owner(s);
 - (2) The ability (willingness) of affected municipality to provide urban services;
 - (3) The uniform and consistent relationship of the proposed area to existing municipal boundaries, existing unincorporated neighborhoods, and related areas eligible for annexation; and
 - (4) The interest and relationship of adjoining unincorporated areas and service providers.

-
- (d) In the event that a municipality receives a petition to voluntarily annex property that lies outside that municipality's planning area, said petition shall be reviewed as an amendment to that planning area in accordance with this section. So long as a proposed amendment of Exhibit 1 is consistent with the criteria in subsection (c), no such amendment which results from a petition for voluntary annexation shall be unreasonably denied without just cause.
 - (e) The council shall periodically review the planning areas set forth in Exhibit 1, as it may be amended from time to time. Any amendment to Exhibit 1 resulting from this periodic review shall be as provided for under this section. The first review shall take place no longer than five years after final adoption of this article. Each subsequent review shall take place no longer than five years after the previous review.
 - (f) Any annexation that may occur in the county pursuant to the referendum process provided for in F.S. Chapter 171 shall not automatically amend the planning areas provided for under this section, but may be considered, in addition to the criteria listed in this section, for purposes of amending a planning area. Failure to amend the planning area to reflect the referendum, in whole or in part, shall not affect the validity of the annexation.
 - (g) Any area duly incorporated and within the boundaries of a municipality on the effective date of this article, but not included within its designated planning area, shall continue to be a valid part of said municipality with all of the rights and responsibilities attendant thereto; and the location of such incorporated area outside the planning area shall in no way alter or compromise its corporate status.

(Ord. No. 00-63, § 5, 8-25-00)

Sec. 2-606. Petition for voluntary annexation.

- (a) The owner or owners of real property, or his or her agent, in an unincorporated area of the county, may petition the governing body of a municipality that said property be annexed to the municipality if the subject property meets the requirements set forth in either subsection (1) or (2) below:
 - (1) The property is located within the annexing municipality's planning area as set forth in Exhibit 1, is contiguous to the annexing municipality, is reasonably compact, and does not create an enclave; or
 - (2) The property is located within the annexing municipality's planning area as set forth in Exhibit 1, is located within and reduces an enclave existing on the effective date of this article, and neither involves a property that is subject to an existing annexation agreement nor provides the basis for annexing an adjoining property that is subject to an annexation agreement.
- (b) Within five calendar days of receipt of a petition for voluntary annexation or the initiation of a voluntary annexation pursuant to a previously executed and valid agreement, the annexing municipality shall notify the county, council, and all parties affected, of said proposed annexation with a copy of the petition for annexation and a legal description of the subject property. Notwithstanding the five-day notice period provided above, the annexing municipality shall provide said notice prior to the first reading of the annexation ordinance.

(Ord. No. 00-63, § 6, 8-25-00)

Sec. 2-607. Limited review of proposed annexation.

- (a) Upon receipt of a petition for a proposed annexation to a municipality and a legal description of the subject property, the council shall review said proposed annexation for compliance with the following criteria:
 - (1) Whether the subject property complies with the criteria and procedures set forth in section 2-606; and
 - (2) Whether the legal description provided conflicts with previously established municipal boundaries or creates an inadvertent gap between governmental jurisdictions.

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- (b) Within 15 calendar days of receipt, the council shall notify the annexing municipality if the proposed annexation is deemed inconsistent with the criteria and procedures set forth herein, or if a valid request for a full review has been received from an affected party. Absent any such notification, the annexing municipality may proceed with the proposed annexation.
 - (c) If the proposed annexation is deemed inconsistent with the requirements of this article by the council, or a valid request for a full review has been received by an affected party as set forth in section 2-608, a full review shall be conducted.

(Ord. No. 00-63, § 7, 8-25-00)

Sec. 2-608. Request for full review by affected party.

- (a) Any party affected by the proposed municipal annexation may petition the council and CPA to review the proposed annexation for consistency with the criteria and procedures set forth herein. Said review shall be conducted pursuant to the following criteria and procedure:
 - (1) A petition requesting review shall be filed with the council within ten calendar days of receipt of the notice provided by the annexing municipality under section 2-606(b). Upon receipt of said petition, the council shall notify the annexing municipality and forward a copy of the petition to said municipality.
 - (2) The petition shall set forth the specific objections and manner in which the proposed annexation is inconsistent with the criteria and procedure set forth herein.
 - (3) Within five days of receipt of a petition requesting review, the executive director of the council shall determine the validity of said petition, specifically whether the petition alleges legitimate grounds upon which the annexation does not comport with the procedure and criteria set forth herein. If an applicant requesting full review disagrees with the determination of the executive director, the validity of the request shall be considered and determined by the planning council at its next scheduled meeting.
 - (4) Upon receipt of a valid petition for review, as determined pursuant to subsection (3) above, the council shall consider the petition at its next regularly scheduled meeting and forward a recommendation to the CPA. The CPA shall, within 30 days of receipt of the council's recommendation, render a decision as to whether the application is consistent with the required criteria and shall notify the annexing municipality of said determination.
- (b) The filing of a valid petition for review under this section, or the initiation of a full review by the council under section 2-607, shall prohibit the annexing municipality from proceeding with the second reading and adoption of the annexation ordinance until after a decision has been rendered by the CPA.

(Ord. No. 00-63, § 8, 8-25-00)

Sec. 2-609. Municipal annexation procedure; appeals.

- (a) Upon receipt of a petition for voluntary annexation that comports with the criteria set forth in section 2-606(a)(1) or (2), a municipality may, at any regular meeting, adopt a nonemergency ordinance to annex the property that is proposed for annexation and redefine the boundary lines of the municipality to include said property. Said ordinance shall be passed consistent with the procedures for adoption of ordinances provided in F.S. § 166.041. The notice required by F.S. § 166.041 shall give the ordinance number, if available, and a brief general description of the area proposed to be annexed. The description shall include a map clearly showing the area and a statement that the complete legal description and the ordinance can be obtained from the office of the municipal clerk.
- (b) An ordinance adopted under this section shall be filed with the Pinellas County Clerk of the Circuit Court and Pinellas County Administrator and with the department of state within seven days after the adoption of such

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(Supp. No. 118)

ordinance. The ordinance must include a map which clearly shows the annexed area and a complete legal description of that area.

- (c) Any party affected by the annexation or the CPA, upon recommendation of the council, shall have the right to file a petition in the Circuit Court in and for Pinellas County seeking review by certiorari. Said petition must be filed within 30 days of adoption of the annexation ordinance by the annexing municipality. An appeal filed by the CPA shall be subject to the Florida Governmental Conflict Resolution Act. In any action instituted pursuant to this section, the prevailing party shall be entitled to reasonable costs and attorney's fees.

(Ord. No. 00-63, § 9, 8-25-00)

Sec. 2-610. Effect of annexation.

An area voluntarily annexed to a municipality, pursuant to the criteria and procedure set forth in this article, shall be subject to all laws, ordinances, and regulations in force in that municipality, and shall be entitled to the same privileges and benefits as other parts of that municipality upon the effective date of the annexation. Any voluntary annexation that does not comply with the criteria and procedures set forth in this article shall be null and void, and the property shall continue to be considered unincorporated for both tax and regulatory purposes.

(Ord. No. 00-63, § 10, 8-25-00)

Sec. 2-611. Interlocal agreements for urban services and annexation.

- (a) The county and each municipality shall have the authority to enter into interlocal agreements to provide services as an alternative to annexation. Such agreements are encouraged where they would provide a cost-effective, mutually advantageous alternative to annexation, where annexation is not achievable under the criteria and procedures set forth herein, or where annexation is not desirable on the part of the property owner or municipality.
- (b) Consistent with the intent and provisions of F.S. § 171.046(2), existing enclaves of ten acres or less may be annexed into the appropriate municipal jurisdiction by interlocal agreement between the county and the appropriate municipality.

(Ord. No. 00-63, § 11, 8-25-00)

Sec. 2-612. State plan amendment review process.

Any area voluntarily annexed into a municipality pursuant to the criteria and procedures set forth in this article that is located within a municipality's designated planning area shall be deemed to comply with and satisfy the requirements of F.S. § 163.3171 with respect to the exemption from state review of comprehensive plan amendments as a function of said annexation. Specifically, upon adoption of an annexation ordinance, the annexing municipality may immediately apply the municipality's comprehensive plan and land use standards to any such area if said comprehensive plan provides for use characteristics and intensity or density standards which are consistent with the countywide future land use plan for said area, as determined by the council, without first submitting a land use plan amendment to the state department of community affairs. It is specifically intended that the provisions of this section shall supersede those existing interlocal agreements entered into between the county and certain municipalities, pursuant to the authority of F.S. § 163.3171(3), which provide for joint planning areas. However, nothing contained in this article shall affect the right of the county or its municipalities to utilize the otherwise applicable provisions of F.S. § 163.3171.

(Ord. No. 00-63, § 12, 8-25-00)

Secs. 2-613—2-617. Reserved.

Miami-Dade

SECTION 6.04. CHANGES IN MUNICIPAL BOUNDARIES . A. The planning director shall study municipal boundaries with a view to recommending their orderly adjustment, improvement, and establishment. Proposed boundary changes may be initiated by the Planning Advisory Board, the Board of County Commissioners, the governing body of a municipality, or by a petition of any person or group concerned. B. The Board of County Commissioners, after obtaining the approval of the municipal governing bodies concerned, after hearing the recommendations of the Planning Advisory Board, and after a public hearing, may by ordinance effect boundary changes, with an affirmative vote of the members of the Board of County Commissioners. In making such decision, the Board shall consider whether commercial areas are included in the boundaries of the proposed area to be annexed for the mere benefit of increasing the tax base of the annexing municipality. Changes that involve the annexation or separation of an area of which more than 250 residents are electors shall also require an affirmative vote of a majority of those electors voting. Upon any such boundary change any conflicting boundaries set forth in the charter of such municipality shall be considered amended. C. No municipal boundary shall be altered except as provided by this Section.

Palm Beach County

ARTICLE VII VOLUNTARY ANNEXATION Sec. 1. Voluntary Annexation by Municipalities

Nothing in this charter shall prevent a municipality from annexing an unincorporated area into its municipal boundaries, except that: Voluntary annexation in an unincorporated protection area requires approval by an affirmative vote of at least five members of the Board of County Commissioners. Voluntary annexation in an unincorporated rural neighborhood requires approval by an affirmative vote of at least five (5) members of the Board of County Commissioners and a majority of the registered electors residing within the boundaries of the unincorporated rural neighborhood voting on the question. All voluntary annexations shall require prior notice to the county as established by ordinance. The unincorporated protection area is defined as all unincorporated lands located outside of the urban service area established in the Palm Beach County Comprehensive Plan. Areas eligible to be designated by ordinance as unincorporated rural neighborhoods must be located in the unincorporated protection area and are limited to recorded subdivisions and antiquated subdivisions as defined in the Palm Beach County Comprehensive Plan located in the exurban or rural tiers of the Palm Beach County Comprehensive Plan and other residential neighborhoods located in the exurban and rural tiers with at least 25 dwelling units as of the effective date of this charter amendment. (Note: Ord. No. 2004-021, adopted Aug. 17, 2004, was approved at an election held Nov. 2, 2004, to become effective Jan. 1, 2005.)

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING
MOTION AND, IF FILED, DETERMINED

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

PINELLAS COUNTY, FLORIDA, a political subdivision,)	
)	
Appellant,)	
)	
v.)	Case No. 2D06-4826
)	
CITY OF LARGO, FLORIDA, a municipal corporation, and CITY OF SEMINOLE, FLORIDA, a municipal corporation,)	
)	
Appellees.)	
<hr/>		

Opinion filed September 19, 2007.

Appeal from the Circuit Court for Pinellas
County; Bruce Boyer, Judge.

David S. Sadowsky, Assistant County
Attorney, Clearwater, for Appellant.

Alan S. Zimmet and Natalie D. Wilhelm of
Zimmet, Unice, Salzman & Heyman, P.A.,
Clearwater, for Appellee City of Largo.

John M. Elias, Clearwater, for Appellee City
of Seminole.

James W. Denhardt, St. Petersburg, for
Appellee City of Pinellas Park (as Intervenor).

Thomas B. Drage, Jr., County Attorney, and Joel D. Prinsell, Deputy County Attorney, Orlando, and Linda Brehmer Lanosa, Assistant County Attorney, Orlando, for Appellant's Amicus Curiae Orange County.

Harry Morrison, General Counsel, and Rebecca O'Hara, Deputy General Counsel, Tallahassee, for Appellee's Amicus Curiae Florida League of Cities, Inc., and John C. Wolfe, City Attorney, and Jeanne Hoffmann, Assistant City Attorney, St. Petersburg, for Appellee's Amicus Curiae City of St. Petersburg.

LaROSE, Judge.

Pinellas County (the County) appeals the trial court's final summary judgment entered in favor of the City of Largo and the City of Seminole (the Cities). The judgment invalidated three ordinances by which the County attempted to create an exclusive method of voluntary municipal annexation. The judgment recites that section 171.044(4), Florida Statutes (2005), did not allow the County to adopt such a method. We have jurisdiction. See Fla. R. App. P. 9.030(b)(1)(A). We affirm the judgment. We hold that the County may provide an exclusive method of voluntary municipal annexation in its charter under section 171.044(4). The County's exclusive method of voluntary municipal annexation, however, was ineffective because it was not set forth in the County charter and approved by the voters.

Background

The Municipal Annexation or Contraction Act (the Act), enacted in 1974, underlies this case. See §§ 171.011-.094; ch. 74-190, § 1, at 502-11, Laws of Fla. The central issue for our review is whether and how the County may adopt an exclusive method of voluntary municipal annexation. At the outset, we note that our constitution specifically addresses municipal annexation:

Municipal annexation of unincorporated territory, merger of municipalities, and exercise of extra-territorial powers by municipalities shall be as provided by general or special law.

Art. VIII, § 2(c), Fla. Const. Although annexation power resides in the first instance with the legislature, the legislature may share that power. See N. Ridge Gen. Hosp., Inc. v. City of Oakland Park, 374 So. 2d 461, 464 (Fla. 1979). The Act, a general law, establishes procedures for adjusting municipal boundaries. The Act reflects a legislative determination that municipal annexation or contractions should (1) ensure sound urban development and accommodation to growth, (2) be made pursuant to uniform legislative statewide standards, (3) ensure the efficient provision of urban services to areas that become urban in character, and (4) ensure that areas are not annexed unless municipal services can be provided to those areas. § 171.021; see also § 171.022 (stating that the purpose of the Act is to provide viable and usable general law standards and procedures for adjusting the boundaries of municipalities; repealing provisions of any special act or municipal charter relating to the adjusting of municipal boundaries in effect on October 1, 1974).

The Act provides two methods of annexation. The first is by referendum. A municipality may annex contiguous, compact, unincorporated territory according to

set procedures, including a vote by the electors in the proposed annexation area. See § 171.0413.

The second method--voluntary annexation--allows all property owners in unincorporated, reasonably compact areas contiguous to a municipality to petition the municipality for annexation. See § 171.044. The 1974 version of the Act provided that voluntary annexation "shall be supplemental to the other provisions of this chapter." § 171.044 (4), Fla. Stat. (Supp. 1974). Therefore, voluntary annexation was an alternative to annexation by referendum. In 1975, the legislature amended section 171.044(4) to add language that remains in effect today:

(4) The method of annexation provided by this section shall be supplemental to any other procedure provided by general or special law, except that this section shall not apply to municipalities in counties with charters which provide for an exclusive method of municipal annexation.

See ch. 75-297, § 4, at 1079, Laws of Fla. (emphasis added).¹

When the legislature amended section 171.044(4) in 1975, the County was not a charter county.² It became a charter county in 1980. Its charter does not provide for an exclusive method of voluntary municipal annexation.

¹ Although legislative history is scant, chapter 75-297 apparently arose by committee substitute for House Bill No. 1231. The Committee on Community Affairs Staff Summary of House Bill No. 1231 indicates that the 1975 proposed amendments to chapter 171 were designed to "eliminate present inconsistencies and problem areas." The language added in the 1975 amendment was part of the 1973 predecessor statute, albeit briefly. See § 171.16(4), Fla. Stat. (1973); ch. 73-129, § 1, at 238-39, Laws of Fla. See also City of Sweetwater v. Dade County, 343 So. 2d 953, 953 (Fla. 1977).

² Florida's charter counties numbered 19 as of 2005: Alachua, Brevard, Broward, Charlotte, Clay, Columbia, Duval, Hillsborough, Lee, Leon, Miami-Dade, Orange, Osceola, Palm Beach, Pinellas, Polk, Sarasota, Seminole, and Volusia. Florida Association of Counties -- <http://www.fl-counties.com/aboutflco/chartercounties.shtml>. Charters are formal written documents that confer powers, duties, or privileges on the county and must be approved, along with any amendments, by the voters of the county. Id.

Our record suggests that the County's growth, increasing density, and planning needs counseled in favor of a county-wide method of voluntary municipal annexation. Accordingly, in November 2000, the County's voters adopted Ordinance 00-66 (the Charter Ordinance). The Charter Ordinance amended the County charter to provide that all voluntary annexations must comport with an exclusive method and criteria to be set forth in another ordinance. Concurrently, the County commission adopted Ordinance 00-63 (the Voluntary Annexation Ordinance) that provided the exclusive method for voluntary annexation, delineating areas eligible for municipal annexation.

The lawsuit underlying this appeal stems from the County commission's adoption of Ordinance 02-48 (the Contraction Ordinance). The County sought to contract the size of certain municipalities, including the Cities. A " 'contraction' means the reversion of real property within municipal boundaries to an unincorporated status." § 171.031(2). The Cities filed suit seeking to invalidate all three ordinances.

The Cities moved for summary judgment. The trial court concluded that section 171.044(4) did not allow the County to adopt its own method of annexation.³ Alternatively, the trial court concluded that the Charter Ordinance violated general law because it did not provide for an exclusive method of voluntary municipal annexation in the county charter; it merely delegated the authority to do so by ordinance to the County commission. As a consequence of these rulings, the Voluntary Annexation Ordinance and the Contraction Ordinance necessarily were invalid.

³ The parties do not dispute that the language at issue in section 171.044(4) applies only to voluntary annexation. See Village of Wellington v. Palm Beach County, 941 So. 2d 595, 600 (Fla. 4th DCA 2006), review denied, 954 So. 2d 29 (2007) (holding that the subject of section 171.044(4) is voluntary annexation).

On appeal, the County argues that section 171.044(4) allows charter counties to provide for an exclusive method of voluntary municipal annexation. It also argues that such method can be set forth in an ordinance. The Cities, on the other hand, contend that part I of chapter 171 preempts the entire field of annexation and does not authorize charter counties to regulate voluntary annexation. The Cities argue that, even if charter counties have such authority, the method of voluntary annexation must rest in the County charter.

Analysis

The trial court's final summary judgment is based on an interpretation of section 171.044(4). Our "standard of review governing a trial court's ruling on a motion for summary judgment posing a pure question of law is de novo." Shaw v. Tampa Elec. Co., 949 So. 2d 1066, 1069 (Fla. 2d DCA 2007) (quoting Major League Baseball v. Morsani, 790 So. 2d 1071, 1074 (Fla. 2001)). "Statutory interpretation is a question of law subject to de novo review." BellSouth Telecomm., Inc. v. Meeks, 863 So. 2d 287, 289 (Fla. 2003); see also State v. Serrago, 875 So. 2d 815, 818 (Fla. 2d DCA 2004).

The Fourth District recently addressed the issue before us in Village of Wellington v. Palm Beach County, 941 So. 2d 595 (Fla. 4th DCA 2006). The result is sound. Accordingly, we align ourselves with our sister district.

In Village of Wellington, Palm Beach County attempted by a charter amendment to provide for an exclusive method of voluntary municipal annexation. Id. at 597. As here, the amendment authorized the Palm Beach County Commission to adopt, by ordinance, the method of voluntary municipal annexation. See id. at 598. Affirming the trial court, the Fourth District held that the "requirement in section 171.044(4) that the exclusive method of voluntary annexation be contained in the

Charter itself was violated by allowing the County Commission to use an ordinance to accomplish the same goal.” Id. at 601. We agree that article VIII, section (1)(g) of the Florida Constitution and section 171.044(4) require that any exclusive method of voluntary municipal annexation be contained in the county charter.

Village of Wellington also held that the trial court correctly interpreted section 171.044(4) to allow charter counties to provide their own exclusive methods of voluntary municipal annexation. Id. at 600. Again, we agree with the Fourth District. The Fourth District, however, did not detail its reasoning. Presumably, it found the statute clear and unambiguous. See Holly v. Auld, 450 So. 2d 217, 219 (Fla. 1984) (when language of statute is clear and unambiguous and conveys a clear and definite meaning, there is no reason to resort to rules of statutory interpretation and construction; statute must be given its plain and obvious meaning).

1. Charter County Authority to Adopt Exclusive Method of Voluntary Annexation.

Under the Act, the voluntary annexation provisions of section 171.044(4) are inapplicable “to municipalities in counties with charters which provide for an exclusive method of municipal annexation.” § 171.044(4). On its face, the statute contemplates that a charter county may provide for its own exclusive method of voluntary annexation. Only then do the section 171.044(4) voluntary annexation provisions not apply to the pertinent municipalities. Reading chapter 171 as a whole, we are convinced that the legislature intended such a result. See Hechtman v. Nations Title Ins. of N.Y., 840 So. 2d 993, 996 (Fla. 2003).

Particularly telling is the 2006 enactment of part II of chapter 171, providing for Interlocal Service Boundary Agreements. See § 171.20-.212, Fla. Stat. (2006).⁴ The legislature specifically referred to section 171.044(4):

Effect of part on interlocal agreement and county charter. -- . . . [A] charter provision adopted under s. 171.044(4) . . . is not affected by this part. . . . A local government within a county that has adopted a charter provision pursuant to s. 171.044(4) may avail itself of the provisions of this part which authorize an interlocal service boundary agreement if such interlocal agreement is consistent with the charter of that county, as the charter was approved, revised, or amended pursuant to s. 125.64.^[5]

See § 171.21 (emphasis added).

In our view, the legislature recognized and anticipated that a charter county can adopt an exclusive method of voluntary municipal annexation. The language of section 171.044(4), reinforced by subsequent legislation, leads inexorably to the conclusion that the County may provide for such a method. See Village of Wellington, 941 So. 2d at 600.

The Cities caution us that the legislature preempted the field of annexation, thus withholding from charter counties any authority over annexation matters. Relying principally on SCA Services of Florida, Inc. v. City of Tallahassee, 418 So. 2d 1148, 1150 (Fla. 1st DCA 1982), the Cities posit that the purposes of the Act

⁴ In enacting part II, the legislature established a more flexible process for adjusting municipal boundaries and to address the effects of annexation, to encourage intergovernmental coordination in planning, service delivery, and boundary adjustments, and to reduce intergovernmental conflicts and litigation. See § 171.201.

⁵ Section 125.64, Florida Statutes (2005), provides for adoption of a county charter by vote of the county's electors. Section 125.60 provides that "[a]ny county not having a chartered form of consolidated government may . . . locally initiate and adopt by a majority vote of the qualified electors of the county a county home rule charter."

listed in section 171.021, read in conjunction with section 171.022, prohibit charter counties from adopting an exclusive method of voluntary municipal annexation. SCA Services concluded that the legislature intended to provide a clearly defined and exclusive method for annexation and to share its annexation power with municipalities. 418 So. 2d at 1149. SCA Services does not address county government powers, and we cannot discern that it directly involved section 171.044(4). In any event, the appellee, there, had not met the prerequisites for annexation. Id.

Here, the trial court concluded that section 171.044(4) did not allow the County to adopt an exclusive method of voluntary municipal annexation. The trial court's reliance on Charlotte County Board of County Commissioners v. Taylor, 650 So. 2d 146, 148-49 (Fla. 2d DCA 1995), and Ellis v. Burk, 866 So. 2d 1236, 1238-39 (Fla. 5th DCA 2004), suggests that it found that allowing charter counties to do so would create inconsistency with a general law that already provided for the exclusive method of voluntary annexation. Taylor and Burk involved county charter tax cap amendments that were preempted by statutory budget and tax rate provisions. Their holdings are inapposite here.

The legislature can expressly or impliedly preempt counties' authority to act. Phantom of Clearwater, Inc. v. Pinellas County, 894 So. 2d 1011, 1018 (Fla. 2d DCA 2005). Preemption takes an area in which local government might otherwise act and reserves that area for regulation exclusively by the legislature. Id. Express preemption requires clear language stating such intent. Id.

The so-called preemption provision of the Act provides:

Preemption; effect on special laws. –

(1) It is further the purpose of this act to provide viable and usable general law standards and procedures for adjusting the boundaries of municipalities in this state.

(2) The provisions of any special act or municipal charter relating to the adjusting of municipal boundaries in effect on October 1, 1974, are repealed except as otherwise provided herein.

Section 171.022 identifies a legislative purpose and repeals specified legislative or municipal charter provisions. We cannot conclude that this language reflects a clear and unambiguous legislative intent to oust charter counties from the annexation arena, especially when section 171.044(4) envisions such involvement.

To the extent that the Cities urge us to find implied preemption, we are unpersuaded. We will imply preemption only when “ ‘the legislative scheme is so pervasive as to evidence an intent to preempt the particular area and where strong public policy reasons exist’ ” for finding preemption. Phantom of Clearwater, 894 So. 2d at 1019 (quoting Tallahassee Mem’l Reg’l Med. Ctr., Inc. v. Tallahassee Med. Ctr., Inc., 681 So. 2d 826 (Fla. 1st DCA 1996)). “When courts create preemption by implication, the preempted field is usually a narrowly defined field, ‘limited to the specific area where the Legislature has expressed their will to be the sole regulator.’ ” Id. Reading sections 171.021, 171.022(1), and 171.044(4) together, we discern no implied preemption in the field of voluntary annexation in charter counties.

Next, we must address the Cities’ concern that allowing charter counties to adopt an exclusive method of voluntary municipal annexation undermines the Act’s purposes and gives unfettered discretion to a charter county in devising its voluntary annexation method. We reject the suggestion that a charter county can proceed unchecked. Importantly, a charter county cannot act contrary to constitutional or

general law. See art. VIII, § 1(g), Fla. Const.⁶; State v. Sarasota County, 549 So. 2d 659, 660 (Fla. 1989) (explaining that charter provisions inconsistent with general law will be unconstitutional under article VIII, section 1(g) if “inconsistent with general law”--i.e., “contradictory in the sense of legislative provisions which cannot coexist.” (citations omitted)). Further, the Act, itself, constrains a charter county. For example, any annexation “shall be designed in such a manner as to ensure that the area will be reasonably compact.” § 171.031(12). And, of course, a charter county’s method of voluntary municipal annexation must be consistent with the Act’s purposes as expressed in section 171.021. We are also mindful that any authority bestowed by section 171.044(4) is a statutory grant subject to legislative amendment, another check on charter county action.

Apparently recognizing the unique concerns of local areas, however, the legislature devised a plan, limited to charter counties in the area of voluntary annexation, that fosters local experimentation. A charter county may devise a method of voluntary annexation that differs from one adopted by another charter county. But, that experimentation remains constrained by general law. Thus, charter counties must act uniformly in the sense that they advance the Act's purposes.

⁶ CHARTER GOVERNMENT. Counties operating under county charters shall have all powers of local self-government not inconsistent with general law, or with special law approved by vote of the electors. The governing body of a county operating under a charter may enact county ordinances not inconsistent with general law. The charter shall provide which shall prevail in the event of conflict between county and municipal ordinances.

The Cities also argue that section 171.044(4) was intended to apply only to Dade County, the only constitutionally-recognized charter county in Florida. See art. VIII, § 6(e), (f), Fla. Const. We are unpersuaded. Section 171.071 provides that

Municipalities within the boundaries of Dade County shall adopt annexation or contraction ordinances pursuant to methods established by the home rule charter established pursuant to s. 6(e), Art. VIII of the State Constitution.

Section 171.044(4) speaks in terms of “counties with charters.” The use of the plural does not support the limitation urged by the Cities. Moreover, on its face, section 171.071 limits municipalities within Dade County. The language says nothing about other charter counties.

We are similarly unmoved by the Cities’ argument that only counties that had charters in 1974 or 1975 fall under section 171.044(4). The statutory language supports no such limitation.

To the extent that the trial court concluded that a charter county could not adopt an exclusive method of voluntary municipal annexation, it erred.

2. Placement of Voluntary Annexation Method in Charter.

We join the Fourth District in holding that an exclusive method of voluntary municipal annexation by a charter county must be contained in the charter. See Village of Wellington, 941 So. 2d at 601. The statutory language of section 171.044(4) compels that result. See Acosta v. Richter, 671 So. 2d 149, 153-54 (Fla. 1996). Section 171.044’s voluntary annexation provisions do not apply to municipalities “in counties with charters which provide for an exclusive method of municipal annexation.” § 171.044(4). A plain reading of the statute makes obvious that the charter, itself, set forth the method, not that charter counties may delineate the process in an ordinance.

Our conclusion, again, is bolstered by section 171.21. The two references in section 171.21 to a charter provision discussed earlier reflect a legislative intent that the method of annexation be in the charter, not in an ordinance.

The Charter Ordinance, No. 00-66, does not set forth the exclusive method of annexation; the Voluntary Annexation Ordinance, No. 00-63, accomplishes that task. Given the statutory language, however, we cannot accept the County's position that the legislature intended to delegate the power to delineate the voluntary annexation framework to county officials. That power resides with the voters who may amend their charter to provide such a method. See Village of Wellington, 941 So. 2d at 601. The trial court correctly ruled in favor of the Cities on this point.

Conclusion

In summary, we hold that section 171.044(4) allows the County to provide an exclusive method of voluntary municipal annexation in its charter. Although the trial court erred in concluding that a charter cannot provide for such a method, the trial court properly invalidated the County's ordinances that purported to implement an exclusive method of voluntary municipal annexation. Ultimately, the Cities were entitled to a final summary judgment in their favor.

Summary judgment affirmed.

NORTHCUTT, C.J., and SALCINES, J., Concur.