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ANNEXATION - FLORIDA

City of Palm Beach Gardens v. Oxenvad

District Court of Appeal of Florida, Fourth District - November 14, 2018 - So.3d - 2018 WL 5984115 - 43 Fla. L. Weekly D2525

After referendum for city to annex a portion of land passed, petitioners filed a petition for writ of certiorari.

The Circuit Court ordered city to respond as to why the relief in the petition should not be granted. City filed a petition for a writ of prohibition, seeking to prevent circuit court from exercising certiorari jurisdiction.

The District Court of Appeal held that due to language in statute governing actions alleging a municipal governing body did not comply with procedures for annexation or contraction, circuit court was without jurisdiction to proceed with petition.

Due to language in statute governing actions alleging a municipal governing body did not comply with procedures for annexation or contraction, providing that a petitioner could bring a petition after passage of an annexation ordinance or after completion of a newly enacted dispute resolution process, but did not provide that petitioner could wait until after a referendum vote to file petition, circuit court was without jurisdiction to proceed with petition challenging annexation ordinance, since petition was filed after a vote for annexation took place.