

SUPREME COURT OF FLORIDA

Capella v. City of Gainesville

377 So. 2d 658 (Fla. 1979) · No. No. 55986 · Decided November 15, 1979

SUMMARY

The Supreme Court of Florida affirmed a trial court judgment upholding the constitutionality of chapter 77-557, Laws of Florida (1977), and validating the annexation of land by the City of Gainesville. The court held that the two-year restriction in section 171.0413(2)(e), Florida Statutes (1977), did not bar annexation of only part of the area involved in an earlier failed referendum, and rejected the equal-protection challenge to the voting procedure.

CASE DETAILS

COURT	Supreme Court of Florida
WRITING FOR THE COURT	Alderman, J.; England, C.J.; Adkins, J.; Boyd, J.; Overton, J.; Sundberg, J.
JURISDICTION	Florida
DECIDED	November 15, 1979
DOCKET	No. 55986
DISPOSITION	affirmed
PROCEDURAL POSTURE	Direct appeal from a final order of the Circuit Court of Alachua County upholding the constitutionality of chapter 77-557, Laws of Florida (1977), and granting summary judgment for the City of Gainesville and the Gainesville Corporate Limits Council in an annexation challenge.
STANDARD OF REVIEW	De novo review of statutory interpretation and constitutional validity; review of summary judgment based on whether the defendants were entitled to judgment as a matter of law.
PRECEDENTIAL VALUE	Published opinion of the Supreme Court of Florida; precedential within Florida.
PARTIES	Joseph A. Capella v. City of Gainesville, Gainesville Corporate Limits Council

TOPICS

municipal law

ordinances

statutory interpretation

legislative intent

equal protection

PRACTICE AREAS

municipal law

annexation

statutory interpretation

constitutional law

QUESTIONS PRESENTED

1. Whether chapter 77-557, Laws of Florida (1977), superseded section 171.0413(2)(e), Florida Statutes (1977).
2. Whether section 171.0413(2)(e) barred the City from attempting within two years to annex only part of the area included in the earlier defeated annexation referendum.
3. Whether chapter 77-557 authorized the City to enact the annexation ordinance.
4. Whether chapter 77-557 violated the equal protection clauses of the Florida and federal constitutions by permitting the votes of residents in the area to be annexed to be diluted by the larger number of City voters.

HOLDINGS

1. Chapter 77-557 did not supersede section 171.0413(2)(e) because the special act and the general act could be read together without inconsistency.
2. Section 171.0413(2)(e) prohibits an attempt to annex the identical area described in a prior defeated annexation referendum, but does not prohibit annexation of only part of that previously proposed area.
3. Chapter 77-557 authorized the City to enact an ordinance implementing the Council's annexation recommendation after approval by a majority of participating qualified electors.
4. Chapter 77-557 did not violate the equal protection clauses of the Florida or federal constitutions by allowing all qualified electors participating in the referendum to vote, even though City residents outnumbered residents of the area proposed for annexation.

KEY QUOTATIONS

“When the legislature amends a statute by omitting words, we presume it intends the statute to have a different meaning than that accorded it before the amendment.” (660)

“We may not substitute our views of what the law should be for the legislature's pronouncement of the law.” (660)

“There is no absolute right to vote on proposed alteration of municipal boundaries.” (661)

FACTUAL BACKGROUND

A 1976 City of Gainesville annexation referendum defeated a proposed annexation that included Capella's residence. In 1977, the Legislature created the Gainesville Corporate Limits Council and authorized annexation following Council recommendation, municipal and county commission approval, and a referendum of electors in the area to be annexed and within the City's limits. In 1978, the Council recommended annexation of land that

was only part of the area previously proposed, the City enacted an ordinance, and a majority of participating voters approved the annexation.

PROCEDURAL HISTORY

After a 1976 annexation referendum defeated the proposed annexation, the Florida Legislature enacted chapter 77-557, creating the Gainesville Corporate Limits Council. The Council recommended annexation of land that constituted part of the area involved in the earlier referendum, and the City enacted an ordinance that was approved by a 1978 referendum. The circuit court upheld the statute and ordinance and entered summary judgment for the defendants. The Supreme Court of Florida affirmed.

DISPOSITION

affirmed

CASES CITED

- Carlisle v. Game and Fresh Water Fish Commission, 354 So. 2d 362 (Fla. 1977)
- Arnold v. Shumpert, 217 So. 2d 116 (Fla. 1968)
- In re Blankenship's Estate, 122 So. 2d 466, 469 (Fla. 1960)
- City of Long Beach Resort v. Collins, 261 So. 2d 498, 500-501 (Fla. 1972)
- Saunders v. City of Jacksonville, 157 Fla. 240, 25 So. 2d 648 (1946)
- State ex rel. Landis v. Town of Lake Placid, 117 Fla. 874, 158 So. 497 (1935)
- State v. Town of Boynton Beach, 116 Fla. 534, 156 So. 539 (1934)
- Smith v. Treadwell, 161 So. 2d 49 (1st DCA Fla. 1964)
- MacGuyer v. City of Tampa, 89 Fla. 138, 103 So. 418 (1925)
- Town of San Mateo City v. State, 117 Fla. 546, 158 So. 112 (1935)
- State ex rel. Cheyney v. Sammons, 62 Fla. 303, 57 So. 196 (1911)
- North Ridge General Hospital, Inc. v. City of Oakland Park, 374 So. 2d 461 (Fla. 1979)
- Sailors v. Board of Education, 387 U.S. 105, 87 S. Ct. 1549, 18 L. Ed. 2d 650 (1967)
- Hunter v. City of Pittsburgh, 207 U.S. 161, 28 S. Ct. 40, 52 L. Ed. 151 (1907)