

CHAMBER ACTION

1 The Committee on Local Government & Veterans' Affairs recommends  
2 the following:

3  
4 **Committee Substitute**

5 Remove the entire bill and insert:

6 A bill to be entitled

7 An act relating to conflict resolution; amending s.  
8 171.081, F.S.; requiring a governmental entity affected by  
9 annexation or contraction to initiate conflict resolution  
10 procedures under certain circumstances; providing a  
11 definition; providing for the award of attorney's fees to  
12 the prevailing party; creating pt. II of ch. 171, F.S.;  
13 providing a popular name; providing legislative intent  
14 with respect to annexation and the coordination of  
15 services by local governments; providing definitions;  
16 providing legislative intent with regard to the creation  
17 of interlocal service boundary agreements by a county and  
18 one or more municipalities or independent special  
19 districts; providing an effective date.

20  
21 Be It Enacted by the Legislature of the State of Florida:  
22

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

25 171.081 Appeal on annexation or contraction.--No later  
26 than 30 days following the passage of an annexation or  
27 contraction ordinance, any party affected, except a governmental  
28 entity, who believes that he or she will suffer material injury  
29 by reason of the failure of the municipal governing body to  
30 comply with the procedures set forth in this chapter for  
31 annexation or contraction or to meet the requirements  
32 established for annexation or contraction as they apply to his  
33 or her property may file a petition in the circuit court for the  
34 county in which the municipality or municipalities are located  
35 seeking review by certiorari. If the affected party is a  
36 governmental entity, no later than 30 days following the passage  
37 of an annexation or contraction ordinance, the governmental  
38 entity must initiate and proceed through the conflict resolution  
39 procedures established in chapter 164. If there is a failure to  
40 resolve the conflict, no later than 30 days following the  
41 conclusion of the procedures established in chapter 164, the  
42 governmental entity that initiated the conflict resolution  
43 procedures may file a petition in the circuit court for the  
44 county in which the municipality or municipalities are located  
45 seeking review by certiorari. In any action instituted pursuant  
46 to this section, the prevailing party ~~complainant, should he or~~  
47 ~~she prevail,~~ shall be entitled to reasonable costs and  
48 attorney's fees. For purposes of this section, "governmental  
49 entity" means a county, municipality, or special district.

50 Section 2. Part II of chapter 171, Florida Statutes,  
51 consisting of sections 171.20, 171.201, 171.202, and 171.203, is  
52 created to read:

53 PART II

54 INTERLOCAL SERVICE BOUNDARY AGREEMENT ACT

55 171.20 Popular name.--This part shall be known by the  
56 popular name the "Interlocal Service Boundary Agreement Act."

57 171.201 Legislative intent.--The Legislature intends to  
58 provide an alternative to part I of this chapter for local  
59 governments regarding the annexation of territory into a  
60 municipality and the subtraction of territory from the  
61 unincorporated area of the county. The principal goal of this  
62 part is to encourage local governments to jointly determine how  
63 to provide services to residents and property in the most  
64 efficient and effective manner while balancing the needs and  
65 desires of the community. This part is intended to establish a  
66 more flexible process for adjusting municipal boundaries and to  
67 address a wider range of annexation impacts. This part is  
68 intended to encourage intergovernmental coordination in  
69 planning, service delivery, and boundary adjustments and to  
70 reduce intergovernmental conflicts and litigation between local  
71 governments. It is the intent of this part to promote sensible  
72 boundaries that reduce the costs of local governments, avoid  
73 local service duplication, and increase political transparency  
74 and accountability. This part is intended to prevent inefficient  
75 delivery of services and an insufficient tax base to support the  
76 delivery of those services.

77 171.202 Definitions.--As used in this part, the term:

78           (1) "Chief administrative officer" means the municipal  
 79 administrator, municipal manager, county manager, county  
 80 administrator, or other officer of the municipality, county, or  
 81 independent special district who reports directly to the  
 82 governing body of the local government.

83           (2) "Enclave" has the same meaning as provided in s.  
 84 171.031(13).

85           (3) "Independent special district" means an independent  
 86 special district, as defined in s. 189.403, that provides fire,  
 87 emergency medical, water, wastewater, or stormwater services.

88           (4) "Initiating county" means the county that commences  
 89 the process for negotiation of an interlocal service boundary  
 90 agreement.

91           (5) "Initiating local government" means the county or  
 92 municipality that commences the process for negotiation of an  
 93 interlocal service boundary agreement.

94           (6) "Initiating municipality" means the municipality that  
 95 commences the process for negotiation of an interlocal service  
 96 boundary agreement.

97           (7) "Interlocal service boundary agreement" means an  
 98 agreement consented to under this part, between a county and one  
 99 or more municipalities, which may include one or more  
 100 independent special districts as parties to the agreement.

101           (8) "Invited municipality" means an initiating  
 102 municipality and any other municipality designated as such in a  
 103 negotiation attempt notice that invites the municipality to  
 104 participate in the negotiation of an interlocal service boundary  
 105 agreement.

106       (9) "Municipal service area" means one or more of the  
 107 following as designated in an interlocal service boundary  
 108 agreement:

109       (a) An unincorporated area that has been identified in an  
 110 interlocal service boundary agreement for municipal annexation  
 111 by a municipality that is a party to the agreement.

112       (b) An unincorporated area that has been identified in an  
 113 interlocal service boundary agreement to receive municipal  
 114 services from a municipality that is a party to the agreement or  
 115 from the municipality's designee.

116       (10) "Notified local government" means the county or a  
 117 municipality, other than an invited municipality, that receives  
 118 notice of a negotiation process.

119       (11) "Unincorporated service area" means one or more of  
 120 the following as designated in an interlocal service boundary  
 121 agreement:

122       (a) An unincorporated area that has been identified in an  
 123 interlocal service boundary agreement and that may not be  
 124 annexed without the consent of the county.

125       (b) An unincorporated area that has been identified in an  
 126 interlocal service boundary agreement to receive municipal  
 127 services from a county or its designee.

128       171.203 Interlocal service boundary agreement.--It is the  
 129 intent of the Legislature to develop a process for the governing  
 130 body of a county and one or more municipalities or independent  
 131 special districts within a county to enter into an interlocal  
 132 service boundary agreement under this part.

133       Section 3. This act shall take effect July 1, 2004.