

1 A bill to be entitled

2 An act relating to growth management; creating part II of  
3 ch. 171, F.S.; providing a popular name; providing  
4 legislative intent with respect to annexation and the  
5 coordination of services by local governments; providing  
6 definitions; providing for the creation of interlocal  
7 service boundary agreements by a county and one or more  
8 municipalities or independent special districts;  
9 specifying the procedures for initiating an agreement and  
10 responding to a proposal for agreements; identifying  
11 issues the agreement may address; requiring local  
12 governments that are a party to the agreement to amend  
13 their comprehensive plans; providing limitations on the  
14 review of certain ordinances; providing exception to the  
15 limitation on plan amendments; specifying those persons  
16 who may challenge a plan amendment required by the  
17 agreement; requiring that an agreement be adopted by  
18 resolution; providing prerequisites to annexation;  
19 providing a process for annexation; providing for the  
20 effect of an interlocal service boundary area agreement on  
21 the parties to the agreement; providing for a transfer of  
22 powers; authorizing a municipality to provide services  
23 within an unincorporated area or territory of another  
24 municipality; authorizing a county to exercise certain  
25 powers within a municipality; providing for the effect on  
26 interlocal agreements and county charters; providing a  
27 presumption of validity; providing a procedure to settle a  
28 dispute regarding an interlocal service boundary

29 agreement; amending s. 171.042, F.S.; revising the time  
 30 period for filing of a report; providing for a cause of  
 31 action to invalidate an annexation; requiring  
 32 municipalities to provide notice of proposed annexation to  
 33 certain persons; amending s. 171.044, F.S.; revising the  
 34 time period for providing a copy of a notice; providing  
 35 for a cause of action to invalidate an annexation;  
 36 creating s. 171.094, F.S.; providing for the effect of  
 37 interlocal service boundary agreements adopted under the  
 38 act; amending s. 171.081, F.S.; requiring a governmental  
 39 entity affected by annexation or contraction to initiate  
 40 conflict resolution procedures under certain  
 41 circumstances; amending s. 164.1058, F.S.; providing that  
 42 a governmental entity that fails to participate in  
 43 conflict resolution procedures shall be required to pay  
 44 attorney's fees and costs under certain conditions;  
 45 requesting the Division of Statutory Revision to designate  
 46 parts I and II of ch. 171, F.S.; providing an effective  
 47 date.

48  
 49 Be It Enacted by the Legislature of the State of Florida:

50  
 51 Section 1. Part II of chapter 171, Florida Statutes,  
 52 consisting of sections 171.20, 171.201, 171.202, 171.203,  
 53 171.204, 171.205, 171.206, 171.207, 171.208, 171.209, 171.21,  
 54 171.211, 171.212, and 171.213, is created to read:

55 171.20 Short title.--This part may be cited as the  
 56 "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 service delivery 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, which provides fire,  
 87 emergency medical, water, wastewater, or stormwater services.

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

91           (5) "Initiating local government" means a county,  
 92 municipality, or independent special district that commences the  
 93 process for negotiation of an interlocal service boundary  
 94 agreement through the adoption of an initiating resolution.

95           (6) "Initiating municipality" means a municipality that  
 96 commences the process for negotiation of an interlocal service  
 97 boundary agreement through the adoption of an initiating  
 98 resolution.

99           (7) "Initiating resolution" means a resolution adopted by  
 100 a county, municipality, or independent special district which  
 101 commences the process for negotiation of an interlocal service  
 102 boundary agreement and which identifies the unincorporated area  
 103 and other issues for discussion.

104           (8) "Interlocal service boundary agreement" means an  
 105 agreement adopted under this part, between a county and one or  
 106 more municipalities, which may include one or more independent  
 107 special districts as parties to the agreement.

108           (9) "Invited municipality" means an initiating  
 109 municipality and any other municipality designated as such in an  
 110 initiating resolution or a responding resolution that invites  
 111 the municipality to participate in the negotiation of an  
 112 interlocal service boundary agreement.

113        (10) "Municipal service area" means one or more of the  
 114 following as designated in an interlocal service boundary  
 115 agreement:

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

119        (b) An unincorporated area that has been identified in an  
 120 interlocal service boundary agreement to receive municipal  
 121 services from a municipality that is a party to the agreement or  
 122 from the municipality's designee.

123        (11) "Notified local government" means the county or a  
 124 municipality, other than an invited municipality, that receives  
 125 an initiating resolution.

126        (12) "Participating resolution" means the resolution  
 127 adopted by the initiating local government and the invited local  
 128 government.

129        (13) "Requesting resolution" means the resolution adopted  
 130 by a municipality seeking to participate in the negotiation of  
 131 an interlocal service boundary agreement.

132        (14) "Responding resolution" means the resolution adopted  
 133 by the county or an invited municipality which responds to the  
 134 initiating resolution and which may identify an additional  
 135 unincorporated area or another issue for discussion, or both,  
 136 and may designate an additional invited municipality.

137        (15) "Unincorporated service area" means one or more of  
 138 the following as designated in an interlocal service boundary  
 139 agreement:

140        (a) An unincorporated area that has been identified in an

141 interlocal service boundary agreement and that may not be  
 142 annexed without the consent of the county.

143 (b) An unincorporated area or incorporated area, or both,  
 144 which have been identified in an interlocal service boundary  
 145 agreement to receive municipal services from a county or its  
 146 designee or an independent special district.

147 171.203 Interlocal service boundary agreement.--The  
 148 governing body of a county and one or more municipalities or  
 149 independent special districts within the county may enter into  
 150 an interlocal service boundary agreement under this part. The  
 151 governing body of a county, municipality, or an independent  
 152 special district may develop a process for reaching an  
 153 interlocal service boundary agreement which provides for public  
 154 participation in a manner that meets or exceeds the requirements  
 155 of subsection (11), or the governing bodies may use the process  
 156 established in this section.

157 (1) A county, municipality, or an independent special  
 158 district desiring to enter into an interlocal service boundary  
 159 agreement shall commence the negotiation process by adopting an  
 160 initiating resolution. The initiating resolution shall identify  
 161 an unincorporated area or incorporated area, or both, to be  
 162 discussed and the issues to be negotiated. The identified area  
 163 shall be specified in the initiating resolution by a descriptive  
 164 exhibit that includes, but need not be limited to, a map or  
 165 legal description of the designated area. The issues for  
 166 negotiation shall be listed in the initiating resolution and may  
 167 include, but need not be limited to, the issues listed in  
 168 subsection (6). An independent special district may initiate the

169 interlocal service boundary agreement for the sole purpose of  
 170 dissolving an independent special district.

171 (a) The initiating resolution of an initiating county must  
 172 designate one or more invited municipalities. The initiating  
 173 resolution of an initiating municipality may designate an  
 174 invited municipality. The initiating resolution of an  
 175 independent special district shall designate one or more invited  
 176 municipalities and invite the county.

177 (b) An initiating county shall send the initiating  
 178 resolution by United States certified mail to the chief  
 179 administrative officer of every invited municipality and each  
 180 other municipality within the county. An initiating municipality  
 181 shall send the initiating resolution by United States certified  
 182 mail to the chief administrative officer of the county, the  
 183 invited municipality, if any, and each other municipality within  
 184 the county.

185 (c) The initiating local government shall also send the  
 186 initiating resolution to the chief administrative officer of  
 187 each independent special district in the unincorporated area  
 188 designated in the initiating resolution.

189 (2) Within 60 days after the receipt of an initiating  
 190 resolution, the county or the invited municipality, as  
 191 appropriate, shall adopt a responding resolution. The responding  
 192 resolution may identify an additional unincorporated area or  
 193 incorporated area, or both, for discussion and may designate  
 194 additional issues for negotiation. The additional identified  
 195 area, if any, shall be specified in the responding resolution by  
 196 a descriptive exhibit that includes, but need not be limited to,

197 a map or legal description of the designated area. The  
 198 additional issues designated for negotiation, if any, shall be  
 199 listed in the responding resolution and may include, but need  
 200 not be limited to, the issues listed in subsection (6). The  
 201 responding resolution may also invite an additional municipality  
 202 to negotiate the interlocal service boundary agreement.

203 (a) Within 7 days after the adoption of a responding  
 204 resolution, the responding county shall send the responding  
 205 resolution by United States certified mail to the chief  
 206 administrative officer of the initiating municipality, each  
 207 invited municipality, if any, and the independent special  
 208 district that received an initiating resolution.

209 (b) Within 7 days after the adoption of a responding  
 210 resolution, an invited municipality shall send the responding  
 211 resolution by United States certified mail to the chief  
 212 administrative officer of the initiating county, each invited  
 213 municipality, if any, and each independent special district that  
 214 received an initiating resolution.

215 (c) An invited municipality that was invited by a  
 216 responding resolution shall adopt a responding resolution in  
 217 accordance with paragraph (b).

218 (d) Within 60 days after receipt of the initiating  
 219 resolution, any independent special district that received an  
 220 initiating resolution and that desires to participate in the  
 221 negotiations shall adopt a resolution indicating that it intends  
 222 to participate in the negotiation process for the interlocal  
 223 service boundary agreement. Within 7 days after the adoption of  
 224 the resolution, the independent special district shall send the

225 resolution by United States certified mail to the chief  
226 administrative officer of the county, the initiating  
227 municipality, each invited municipality, if any, and each  
228 notified local government.

229 (3) A municipality within the county that is not an  
230 invited municipality may request participation in the  
231 negotiations for the interlocal service boundary agreement. Such  
232 a request shall be accomplished by adopting a requesting  
233 resolution within 60 days after receipt of the initiating  
234 resolution or within 10 days after receipt of the responding  
235 resolution. Within 7 days after adoption of the requesting  
236 resolution, the requesting municipality shall send the  
237 resolution by United States certified mail to the chief  
238 administrative officer of the initiating local government and  
239 each invited municipality. The county and the invited  
240 municipality shall consider whether to allow a requesting  
241 municipality to participate in the negotiations and, if they  
242 agree, the county and the municipality shall adopt a  
243 participating resolution allowing the requesting municipality to  
244 participate in the negotiations.

245 (4) The county, the invited municipalities, the  
246 participating municipalities, if any, and the independent  
247 special districts, if any have adopted a resolution to  
248 participate, shall begin negotiations within 60 days after  
249 receipt of the responding resolution or a participating  
250 resolution, whichever occurs later.

251 (5) An invited municipality that fails to adopt a  
252 responding resolution shall be deemed to waive its right to

253 participate in the negotiation process and shall be bound by an  
 254 interlocal agreement resulting from such negotiation process, if  
 255 any is reached.

256 (6) An interlocal service boundary agreement may address  
 257 any issue concerning service delivery, fiscal responsibilities,  
 258 or boundary adjustment. The agreement may include, but need not  
 259 be limited to, provisions that:

260 (a) Identify a municipal service area.

261 (b) Identify an unincorporated service area.

262 (c) Identify the local government responsible for the  
 263 delivery or funding of the following services within the  
 264 municipal service area or the unincorporated service area:

265 1. Public safety.

266 2. Fire, emergency rescue, and medical services.

267 3. Water and wastewater.

268 4. Road ownership, construction, and maintenance.

269 5. Conservation, parks, and recreation.

270 6. Stormwater management and drainage.

271 (d) Address other services and infrastructure not  
 272 currently provided by an electric utility as defined by s.  
 273 366.02(2) or a natural gas transmission company as defined by s.  
 274 368.103(4).

275 (e) Establish a process and schedule for annexation of an  
 276 area within the designated municipal service area consistent  
 277 with s. 171.205.

278 (f) Establish a process for land use decisions consistent  
 279 with part II of chapter 163, including those made jointly by the  
 280 governing bodies of the county and the municipality, or allow a

281 municipality to adopt land use changes consistent with part II  
 282 of chapter 163 for areas that are scheduled to be annexed within  
 283 the term of the interlocal agreement, and allow an exemption  
 284 from the twice-per-year limitation applicable to changes to the  
 285 comprehensive plan under s. 163.3187.

286 (g) Address other issues concerning service delivery,  
 287 including the transfer of services and infrastructure and the  
 288 fiscal compensation to one county, municipality, or independent  
 289 special district from another county, municipality, or  
 290 independent special district.

291 (h) Provide for the joint use of facilities and the  
 292 colocation of services.

293 (i) Include a requirement for a report to the county of  
 294 the municipality's planned service delivery, as provided in s.  
 295 171.042, or as otherwise determined by agreement.

296 (7) If the interlocal service boundary agreement addresses  
 297 land use planning responsibilities, the agreement must also  
 298 establish the procedures for the preparation and adoption of  
 299 comprehensive plan amendments, for the administration of land  
 300 development regulations, and for the issuance of development  
 301 orders.

302 (8) Each local government that is a party to the  
 303 interlocal service boundary agreement shall amend the  
 304 intergovernmental coordination element of its comprehensive  
 305 plan, as defined in s. 163.3177(6)(h)1., no later than 6 months  
 306 following entry of the interlocal service boundary agreement  
 307 consistent with s. 163.3177(6)(h)1. Plan amendments required by  
 308 this subsection are exempt from the twice-per-year limitation

309 under s. 163.3187.

310 (9) An affected person for the purpose of challenging a  
 311 comprehensive plan amendment required by paragraph (6)(f)  
 312 includes persons owning real property residing, owning, or  
 313 operating a business within the boundaries of the municipal  
 314 service area and owners of real property abutting real property  
 315 within the municipal service area that is the subject of the  
 316 comprehensive plan amendment in addition to those affected  
 317 persons who would have standing under s. 163.3184.

318 (10)(a) A municipality that is a party to an interlocal  
 319 service boundary agreement that identifies an unincorporated  
 320 area for municipal annexation under s. 171.202(10)(a) shall  
 321 adopt a municipal service area as an amendment to its  
 322 comprehensive plan to address future possible municipal  
 323 annexation. The state land planning agency shall review the  
 324 amendment for compliance with part II of chapter 163.

- 325 1. A municipal service area must contain:  
 326 a. A boundary map of the municipal service area.  
 327 b. Population projections for the area.  
 328 c. Data and analysis supporting the provision of public  
 329 facilities for the area.

330 (b) This part shall not authorize the state land planning  
 331 agency to review, evaluate, determine, approve, or disapprove a  
 332 municipal ordinance relating to municipal annexation or  
 333 contraction.

334

335 A municipality or county may consider the adoption of any  
 336 comprehensive plan amendment required by this subsection without

337 regard to the provisions of s. 163.3187(1) regarding the  
338 frequency of adoption of amendments to the comprehensive plan.

339 (10) An interlocal service boundary agreement may be for a  
340 term of 20 years or less. The interlocal service boundary  
341 agreement shall also include a provision requiring periodic  
342 review. The interlocal service boundary agreement shall require  
343 renegotiations to begin at least 18 months before its  
344 termination date.

345 (11) No earlier than 6 months after the commencement of  
346 negotiations, either of the initiating local governments or  
347 both, the county, or the invited municipality may declare an  
348 impasse in the negotiations and seek a resolution of the issues  
349 under ss. 164.1053-164.1057. If the local governments fail to  
350 agree at the conclusion of the process under chapter 164, the  
351 local governments shall hold a joint public hearing on the  
352 issues raised in the negotiations.

353 (12) When the local governments have reached an interlocal  
354 service boundary agreement, the county and the municipality  
355 shall adopt the agreement by ordinance under s. 166.041 or s.  
356 125.66, respectively. An independent special district, if it  
357 consents to the agreement, shall adopt the agreement by final  
358 order, resolution, or other method consistent with its charter.  
359 The interlocal service boundary agreement shall take effect on  
360 the day specified in the agreement or, if there is no date, upon  
361 adoption by the county or the invited municipality, whichever  
362 occurs later. Nothing in this part shall prohibit a county or  
363 municipality from adopting an interlocal service boundary  
364 agreement without the consent of an independent special

365 district.

366 (13) For a period of 6 months following the failure of the  
 367 local governments to consent to an interlocal service boundary  
 368 agreement, the initiating local government may not initiate the  
 369 negotiation process established in this section to require the  
 370 responding local government to negotiate an agreement concerning  
 371 the same identified unincorporated area and the same issues that  
 372 were specified in the failed initiating resolution.

373 (14) This part does not authorize one local government to  
 374 require another local government to enter into an interlocal  
 375 service boundary agreement. However, when the process for  
 376 negotiating an interlocal service boundary agreement is  
 377 initiated, the local governments shall negotiate in good faith  
 378 to the conclusion of the process established in this section.

379 (15) This section authorizes local governments to  
 380 simultaneously engage in negotiating more than one interlocal  
 381 service boundary agreement, notwithstanding that separate  
 382 negotiations concern similar or identical unincorporated areas  
 383 and issues.

384 (16) Elected local government officials are encouraged to  
 385 participate actively and directly in the negotiation process for  
 386 developing an interlocal service boundary agreement.

387 (17) This part does not impair any existing franchise  
 388 agreement without the consent of the franchisee. A municipality  
 389 or county shall retain all existing authority, if any, to  
 390 negotiate a franchise agreement with any private service  
 391 provider for use of public rights-of-way or the privilege of  
 392 providing a service.

393       (18) This part does not impair any existing contract  
 394 without the consent of the parties.

395       171.204 Prerequisites to annexation under this part.--The  
 396 interlocal service boundary agreement may describe the character  
 397 of land that may be annexed and may provide that the  
 398 restrictions on the character of land that may be annexed  
 399 pursuant to part I are not restrictions on land that may be  
 400 annexed pursuant to this part. As determined in the interlocal  
 401 service boundary agreement, any character of land may be  
 402 annexed, including, but not limited to, an annexation of land  
 403 not contiguous to the boundaries of the annexing municipality,  
 404 an annexation that creates an enclave, an annexation where the  
 405 annexed area is not reasonably compact; provided, however, such  
 406 area shall meet the definition of urban in character as defined  
 407 in s. 171.031(8). The interlocal service boundary agreement may  
 408 not allow for annexation of land within a municipality that is  
 409 not a party to the agreement or of land that is within another  
 410 county.

411       171.205 Consent requirements for annexation of land under  
 412 this part.--Notwithstanding part I, an interlocal service  
 413 boundary agreement may provide a process for annexation  
 414 consistent with this section or with part I.

415       (1) For all or a portion of the area within a designated  
 416 municipal service area, the interlocal service boundary  
 417 agreement may provide a flexible process for securing the  
 418 consent of the registered voters who reside in the area proposed  
 419 to be annexed, or property owners, or both, for annexation of  
 420 property within a municipal service area, with notice to the

421 registered voters who reside in the area proposed to be annexed,  
 422 or property owners, or both, as required in the interlocal  
 423 service boundary agreement. The interlocal service boundary  
 424 agreement may not authorize annexation unless the consent  
 425 requirements of part I are met or the annexation is consented to  
 426 by one or more of the following:

427 (a) The municipality has received a petition for  
 428 annexation from more than 50 percent of the registered voters  
 429 who reside in the area proposed to be annexed.

430 (b) The annexation is approved by a majority of the  
 431 registered voters who reside in the area proposed to be annexed  
 432 voting in a referendum on the annexation.

433 (c) The municipality has received a petition for  
 434 annexation from more than 50 percent of the property owners  
 435 within the area proposed to be annexed.

436 (2) For all or a portion of an enclave consisting of more  
 437 than 20 acres within a designated municipal service area, the  
 438 interlocal service boundary agreement may provide a flexible  
 439 process for securing the consent of the registered voters who  
 440 reside in the area proposed to be annexed and property owners in  
 441 order to annex the property, with notice to the registered  
 442 voters who reside in the area proposed to be annexed and  
 443 property owners as required in the interlocal service boundary  
 444 agreement. The interlocal service boundary agreement may not  
 445 authorize annexation of enclaves under this subsection unless  
 446 the consent requirements of part I are met, unless the  
 447 annexation process includes one or more of the procedures in  
 448 subsection (1), or unless the municipality has received a

449 petition for annexation from one or more property owners who own  
 450 real property in excess of 50 percent of the total real property  
 451 within the area to be annexed.

452 (3) For all or a portion of an enclave consisting of 20  
 453 acres or less and with fewer than 100 registered voters within a  
 454 designated municipal service area, the interlocal service  
 455 boundary agreement may provide a flexible process for securing  
 456 the consent of the registered voters who reside in the area  
 457 proposed to be annexed and the property owners in order to annex  
 458 property within a municipal service area, with notice to the  
 459 registered voters who reside in the area proposed to be annexed  
 460 and the property owners as required in the interlocal service  
 461 boundary agreement. Such an annexation process may include one  
 462 or more of the procedures in subsection (1) and may allow  
 463 annexation according to the terms and conditions provided in the  
 464 interlocal service boundary agreement, which may include a  
 465 referendum of the registered voters who reside in the area  
 466 proposed to be annexed.

467 171.206 Effect of interlocal service boundary area  
 468 agreement on annexations.--

469 (1) An interlocal service boundary agreement is binding on  
 470 the parties to the agreement, and a party may not take any  
 471 action that violates the interlocal service boundary agreement.

472 (2) Notwithstanding part I, without consent of the county  
 473 and the affected municipality by resolution, a county or an  
 474 invited municipality may not take any action that violates the  
 475 interlocal service boundary agreement.

476 (3) If the independent special district that participated

477 in the negotiation process pursuant to s. 171.203(2)(d) does not  
 478 consent to the interlocal service boundary agreement and a  
 479 municipality annexes an area within the independent special  
 480 district, the municipality may consent to allowing the  
 481 independent special district to receive ad valorem tax revenue  
 482 or the independent special district may seek compensation  
 483 pursuant to s. 171.093.

484 171.207 Transfer of powers.--This part is an alternative  
 485 provision otherwise provided by law, as authorized in s. 4, Art.  
 486 VIII of the State Constitution, for any transfer of power  
 487 resulting from an interlocal service boundary agreement for the  
 488 provision of services or the acquisition of public facilities  
 489 entered into by a county, municipality, independent special  
 490 district, or other entity created pursuant to law.

491 171.208 Municipal extraterritorial power.--This part  
 492 authorizes a municipality to exercise extraterritorial powers  
 493 that include, but are not limited to, the authority to provide  
 494 services and facilities within the unincorporated area or within  
 495 the territory of another municipality as provided within an  
 496 interlocal service boundary agreement. This power is in addition  
 497 to other municipal powers that otherwise exist.

498 171.209 County incorporated area power.--As provided in an  
 499 interlocal service boundary agreement, this part authorizes a  
 500 county to exercise powers within a municipality that include,  
 501 but are not limited to, the authority to provide services and  
 502 facilities within the territory of a municipality. This power is  
 503 in addition to other county powers that otherwise exist.

504 171.21 Effect of part on interlocal agreement and county

505 charter.--A joint planning agreement, a charter provision  
 506 adopted under s. 171.044(4), or any other interlocal agreement  
 507 between local governments including a county, municipality, or  
 508 independent special district is not affected by this part;  
 509 however, the county, municipality, or independent special  
 510 district may avail themselves of this part, which may result in  
 511 the repeal or modification of a joint planning agreement or  
 512 other interlocal agreement.

513 171.211 Interlocal service boundary agreement presumed  
 514 valid and binding.--

515 (1) If there is litigation over the terms, conditions,  
 516 construction, or enforcement of an interlocal service boundary  
 517 agreement, the agreement shall be presumed valid, and the  
 518 challenger has the burden of proving its invalidity.

519 (2) Notwithstanding part I, it is the intent of this part  
 520 to authorize a municipality to enter into an interlocal service  
 521 boundary agreement that enhances, restricts, or precludes  
 522 annexations during the term of the agreement.

523 171.212 Disputes regarding construction and effect of an  
 524 interlocal service boundary agreement.--If there is a question  
 525 or dispute about the construction or effect of an interlocal  
 526 service boundary agreement, a local government shall initiate  
 527 and proceed through the conflict resolution procedures  
 528 established in chapter 164. If there is a failure to resolve the  
 529 conflict, no later than 30 days following the conclusion of the  
 530 procedures established in chapter 164, the local government may  
 531 file an action in circuit court. For purposes of this section,  
 532 the term "local government" means a party to the interlocal

533 service boundary agreement.

534 Section 2. Subsection (2) of section 171.042, Florida  
 535 Statutes, is amended, and subsection (3) is added to said  
 536 section, to read:

537 171.042 Prerequisites to annexation.--

538 (2) Not fewer than 15 days prior to commencing the  
 539 annexation procedures under s. 171.0413, the governing body of  
 540 the municipality shall file a copy of the report required by  
 541 this section with the board of county commissioners of the  
 542 county wherein the municipality is located. The notice provision  
 543 provided in this subsection may be the basis for a cause of  
 544 action invalidating the annexation.

545 (3) Notice shall be provided by the municipality to the  
 546 affected residents within the proposed area to be annexed.

547 Section 3. Subsection (6) of section 171.044, Florida  
 548 Statutes, is amended to read:

549 171.044 Voluntary annexation.--

550 (6) Not fewer than 10 days prior to ~~Upon~~ publishing or  
 551 posting the ordinance notice required under subsection (2), the  
 552 governing body of the municipality must provide a copy of the  
 553 notice, via certified mail, to the board of the county  
 554 commissioners of the county wherein the municipality is located.  
 555 The notice provision provided in this subsection may ~~shall not~~  
 556 be the basis for a ~~of any~~ cause of action invalidating  
 557 ~~challenging~~ the annexation.

558 Section 4. Section 171.094, Florida Statutes, is created  
 559 to read:

560 171.094 Effect of interlocal service boundary agreements

561 adopted under part II on annexations under this part.--

562 (1) An interlocal service boundary agreement entered into  
 563 pursuant to part II is binding on the parties to the agreement  
 564 and a party may not take any action that violates the interlocal  
 565 service boundary agreement.

566 (2) Notwithstanding any other provision of this part,  
 567 without the consent of the county, the affected municipality or  
 568 affected independent special district by resolution, a county,  
 569 an invited municipality or independent special district may not  
 570 take any action that violates an interlocal service boundary  
 571 agreement.

572 Section 5. Section 171.081, Florida Statutes, is amended  
 573 to read:

574 171.081 Appeal on annexation or contraction.--

575 (1) No later than 30 days following the passage of an  
 576 annexation or contraction ordinance, Any party affected who  
 577 believes that he or she will suffer material injury by reason of  
 578 the failure of the municipal governing body to comply with the  
 579 procedures set forth in this chapter for annexation or  
 580 contraction or to meet the requirements established for  
 581 annexation or contraction as they apply to his or her property  
 582 may file a petition in the circuit court for the county in which  
 583 the municipality or municipalities are located seeking review by  
 584 certiorari. The action may be initiated at the party's option  
 585 either within 30 days following the passage of the annexation or  
 586 contraction ordinance or within 30 days following the completion  
 587 of the dispute resolution process in subsection (2). In any  
 588 action instituted pursuant to this subsection ~~section~~, the

589 complainant, should he or she prevail, shall be entitled to  
 590 reasonable costs and attorney's fees.

591 (2) If the affected party is a governmental entity, no  
 592 later than 30 days following the passage of an annexation or  
 593 contraction ordinance, the governmental entity must initiate and  
 594 proceed through the conflict resolution procedures established  
 595 in chapter 164. If there is a failure to resolve the conflict,  
 596 no later than 30 days following the conclusion of the procedures  
 597 established in chapter 164, the governmental entity that  
 598 initiated the conflict resolution procedures may file a petition  
 599 in the circuit court for the county in which the municipality or  
 600 municipalities are located seeking review by certiorari. In any  
 601 legal action instituted pursuant to this subsection, the  
 602 prevailing party is entitled to reasonable costs and attorney's  
 603 fees.

604 Section 6. Section 164.1058, Florida Statutes, is amended  
 605 to read:

606 164.1058 Penalty.--If a primary conflicting governmental  
 607 entity ~~which has received notice of intent to initiate the~~  
 608 ~~conflict resolution procedure pursuant to this act~~ fails to  
 609 participate in good faith in the conflict assessment meeting,  
 610 mediation, or other remedies provided for in this act, ~~and the~~  
 611 ~~initiating governmental entity files suit and is the prevailing~~  
 612 ~~party in such suit,~~ the primary disputing governmental entity  
 613 that ~~which~~ failed to participate in good faith shall be required  
 614 to pay the attorney's fees and costs in that proceeding of the  
 615 prevailing primary conflicting governmental entity ~~which~~  
 616 ~~initiated the conflict resolution procedure.~~

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617           Section 7. The Division of Statutory Revision is requested  
618 to designate sections 171.011-171.094, Florida Statutes, as part  
619 I of chapter 171, Florida Statutes, and sections 171.20-171.213,  
620 Florida Statutes, as created by this act, as part II of chapter  
621 171, Florida Statutes.

622           Section 8. This act shall take effect upon becoming a law.