

CHAMBER ACTION

1 The Growth Management Committee recommends the following:

2
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to growth management; creating part II of
7 ch. 171, F.S.; providing a popular name; providing
8 legislative intent with respect to annexation and the
9 coordination of services by local governments; providing
10 definitions; providing for the creation of interlocal
11 service boundary agreements by a county and one or more
12 municipalities or independent special districts;
13 specifying the procedures for initiating an agreement and
14 responding to a proposal for agreements; identifying
15 issues the agreement may address; requiring local
16 governments that are a party to the agreement to amend
17 their comprehensive plans; providing limitations on the
18 review of certain ordinances; providing exception to the
19 limitation on plan amendments; specifying those persons
20 who may challenge a plan amendment required by the
21 agreement; requiring that an agreement be adopted by
22 resolution; providing prerequisites to annexation;
23 providing a process for annexation; providing options for

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24 | certain annexations; providing for the effect of an
25 | interlocal service boundary area agreement on the parties
26 | to the agreement; providing for a transfer of powers;
27 | authorizing a municipality to provide services within an
28 | unincorporated area or territory of another municipality;
29 | authorizing a county to exercise certain powers within a
30 | municipality; providing for the effect on interlocal
31 | agreements and county charters; providing a presumption of
32 | validity; providing a procedure to settle a dispute
33 | regarding an interlocal service boundary agreement;
34 | amending s. 171.042, F.S.; revising the time period for
35 | filing of a report; providing for a cause of action to
36 | invalidate an annexation; requiring municipalities to
37 | provide notice of proposed annexation to certain persons;
38 | amending s. 171.044, F.S.; revising the time period for
39 | providing a copy of a notice; providing for a cause of
40 | action to invalidate an annexation; creating s. 171.094,
41 | F.S.; providing for the effect of interlocal service
42 | boundary agreements adopted under the act; amending s.
43 | 171.081, F.S.; requiring a governmental entity affected by
44 | annexation or contraction to initiate conflict resolution
45 | procedures under certain circumstances; amending s.
46 | 164.1058, F.S.; providing that a governmental entity that
47 | fails to participate in conflict resolution procedures
48 | shall be required to pay attorney's fees and costs under
49 | certain conditions; requesting the Division of Statutory
50 | Revision to designate parts I and II of ch. 171, F.S.;
51 | providing an effective date.

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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

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

171.20 Short title.--This part may be cited as the "Interlocal Service Boundary Agreement Act."

171.201 Legislative intent.--The Legislature intends to provide an alternative to part I of this chapter for local governments regarding the annexation of territory into a municipality and the subtraction of territory from the unincorporated area of the county. The principal goal of this part is to encourage local governments to jointly determine how to provide services to residents and property in the most efficient and effective manner while balancing the needs and desires of the community. This part is intended to establish a more flexible process for adjusting municipal boundaries and to address a wider range of annexation impacts. This part is intended to encourage intergovernmental coordination in planning, service delivery, and boundary adjustments and to reduce intergovernmental conflicts and litigation between local governments. It is the intent of this part to promote sensible boundaries that reduce the costs of local governments, avoid local service duplication, and increase political transparency and accountability. This part is intended to prevent inefficient

79 service delivery and an insufficient tax base to support the
 80 delivery of those services.

81 171.202 Definitions.--As used in this part, the term:

82 (1) "Chief administrative officer" means the municipal
 83 administrator, municipal manager, county manager, county
 84 administrator, or other officer of the municipality, county, or
 85 independent special district who reports directly to the
 86 governing body of the local government.

87 (2) "Enclave" has the same meaning as provided in s.
 88 171.031(13).

89 (3) "Independent special district" means an independent
 90 special district, as defined in s. 189.403, which provides fire,
 91 emergency medical, water, wastewater, or stormwater services.

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

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

99 (6) "Initiating municipality" means a municipality that
 100 commences the process for negotiation of an interlocal service
 101 boundary agreement through the adoption of an initiating
 102 resolution.

103 (7) "Initiating resolution" means a resolution adopted by
 104 a county, municipality, or independent special district which
 105 commences the process for negotiation of an interlocal service

106 boundary agreement and which identifies the unincorporated area
 107 and other issues for discussion.

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

112 (9) "Invited local government" means an invited county,
 113 municipality, or special district and any other local government
 114 designated as such in an initiating resolution or a responding
 115 resolution that invites the local government to participate in
 116 the negotiation of an interlocal service boundary agreement.

117 (10) "Invited municipality" means an initiating
 118 municipality and any other municipality designated as such in an
 119 initiating resolution or a responding resolution that invites
 120 the municipality to participate in the negotiation of an
 121 interlocal service boundary agreement.

122 (11) "Municipal service area" means one or more of the
 123 following as designated in an interlocal service boundary
 124 agreement:

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

128 (b) An unincorporated area that has been identified in an
 129 interlocal service boundary agreement to receive municipal
 130 services from a municipality that is a party to the agreement or
 131 from the municipality's designee.

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132 (12) "Notified local government" means the county or a
 133 municipality, other than an invited municipality, that receives
 134 an initiating resolution.

135 (13) "Participating resolution" means the resolution
 136 adopted by the initiating local government and the invited local
 137 government.

138 (14) "Requesting resolution" means the resolution adopted
 139 by a municipality seeking to participate in the negotiation of
 140 an interlocal service boundary agreement.

141 (15) "Responding resolution" means the resolution adopted
 142 by the county or an invited municipality which responds to the
 143 initiating resolution and which may identify an additional
 144 unincorporated area or another issue for discussion, or both,
 145 and may designate an additional invited municipality.

146 (16) "Unincorporated service area" means one or more of
 147 the following as designated in an interlocal service boundary
 148 agreement:

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

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

156 171.203 Interlocal service boundary agreement.--The
 157 governing body of a county and one or more municipalities or
 158 independent special districts within the county may enter into
 159 an interlocal service boundary agreement under this part. The

160 governing body of a county, municipality, or an independent
 161 special district may develop a process for reaching an
 162 interlocal service boundary agreement which provides for public
 163 participation in a manner that meets or exceeds the requirements
 164 of subsection (11), or the governing bodies may use the process
 165 established in this section.

166 (1) A county, municipality, or an independent special
 167 district desiring to enter into an interlocal service boundary
 168 agreement shall commence the negotiation process by adopting an
 169 initiating resolution. The initiating resolution shall identify
 170 an unincorporated area or incorporated area, or both, to be
 171 discussed and the issues to be negotiated. The identified area
 172 shall be specified in the initiating resolution by a descriptive
 173 exhibit that includes, but need not be limited to, a map or
 174 legal description of the designated area. The issues for
 175 negotiation shall be listed in the initiating resolution and may
 176 include, but need not be limited to, the issues listed in
 177 subsection (6). An independent special district may initiate the
 178 interlocal service boundary agreement for the sole purpose of
 179 dissolving an independent special district.

180 (a) The initiating resolution of an initiating county must
 181 designate one or more invited municipalities. The initiating
 182 resolution of an initiating municipality may designate an
 183 invited municipality. The initiating resolution of an
 184 independent special district shall designate one or more invited
 185 municipalities and invite the county.

186 (b) An initiating county shall send the initiating
 187 resolution by United States certified mail to the chief

188 administrative officer of every invited municipality and each
 189 other municipality within the county. An initiating municipality
 190 shall send the initiating resolution by United States certified
 191 mail to the chief administrative officer of the county, the
 192 invited municipality, if any, and each other municipality within
 193 the county.

194 (c) The initiating local government shall also send the
 195 initiating resolution to the chief administrative officer of
 196 each independent special district in the unincorporated area
 197 designated in the initiating resolution.

198 (2) Within 60 days after the receipt of an initiating
 199 resolution, the county or the invited municipality, as
 200 appropriate, shall adopt a responding resolution. The responding
 201 resolution may identify an additional unincorporated area or
 202 incorporated area, or both, for discussion and may designate
 203 additional issues for negotiation. The additional identified
 204 area, if any, shall be specified in the responding resolution by
 205 a descriptive exhibit that includes, but need not be limited to,
 206 a map or legal description of the designated area. The
 207 additional issues designated for negotiation, if any, shall be
 208 listed in the responding resolution and may include, but need
 209 not be limited to, the issues listed in subsection (6). The
 210 responding resolution may also invite an additional municipality
 211 to negotiate the interlocal service boundary agreement.

212 (a) Within 7 days after the adoption of a responding
 213 resolution, the responding county shall send the responding
 214 resolution by United States certified mail to the chief
 215 administrative officer of the initiating municipality, each

216 invited municipality, if any, and the independent special
 217 district that received an initiating resolution.

218 (b) Within 7 days after the adoption of a responding
 219 resolution, an invited municipality shall send the responding
 220 resolution by United States certified mail to the chief
 221 administrative officer of the initiating county, each invited
 222 municipality, if any, and each independent special district that
 223 received an initiating resolution.

224 (c) An invited municipality that was invited by a
 225 responding resolution shall adopt a responding resolution in
 226 accordance with paragraph (b).

227 (d) Within 60 days after receipt of the initiating
 228 resolution, any independent special district that received an
 229 initiating resolution and that desires to participate in the
 230 negotiations shall adopt a resolution indicating that it intends
 231 to participate in the negotiation process for the interlocal
 232 service boundary agreement. Within 7 days after the adoption of
 233 the resolution, the independent special district shall send the
 234 resolution by United States certified mail to the chief
 235 administrative officer of the county, the initiating
 236 municipality, each invited municipality, if any, and each
 237 notified local government.

238 (3) A municipality within the county that is not an
 239 invited municipality may request participation in the
 240 negotiations for the interlocal service boundary agreement. Such
 241 a request shall be accomplished by adopting a requesting
 242 resolution within 60 days after receipt of the initiating
 243 resolution or within 10 days after receipt of the responding

244 resolution. Within 7 days after adoption of the requesting
 245 resolution, the requesting municipality shall send the
 246 resolution by United States certified mail to the chief
 247 administrative officer of the initiating local government and
 248 each invited municipality. The county and the invited
 249 municipality shall consider whether to allow a requesting
 250 municipality to participate in the negotiations and, if they
 251 agree, the county and the municipality shall adopt a
 252 participating resolution allowing the requesting municipality to
 253 participate in the negotiations.

254 (4) The county, the invited municipalities, the
 255 participating municipalities, if any, and the independent
 256 special districts, if any have adopted a resolution to
 257 participate, shall begin negotiations within 60 days after
 258 receipt of the responding resolution or a participating
 259 resolution, whichever occurs later.

260 (5) An invited municipality that fails to adopt a
 261 responding resolution shall be deemed to waive its right to
 262 participate in the negotiation process and shall be bound by an
 263 interlocal agreement resulting from such negotiation process, if
 264 any is reached.

265 (6) An interlocal service boundary agreement may address
 266 any issue concerning service delivery, fiscal responsibilities,
 267 or boundary adjustment. The agreement may include, but need not
 268 be limited to, provisions that:

269 (a) Identify a municipal service area.

270 (b) Identify an unincorporated service area.

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271 (c) Identify the local government responsible for the
 272 delivery or funding of the following services within the
 273 municipal service area or the unincorporated service area:

- 274 1. Public safety.
- 275 2. Fire, emergency rescue, and medical services.
- 276 3. Water and wastewater.
- 277 4. Road ownership, construction, and maintenance.
- 278 5. Conservation, parks, and recreation.
- 279 6. Stormwater management and drainage.

280 (d) Address other services and infrastructure not
 281 currently provided by an electric utility as defined by s.
 282 366.02(2) or a natural gas transmission company as defined by s.
 283 368.103(4), provided nothing in this paragraph shall affect any
 284 territorial agreement between electric utilities or public
 285 utilities, as defined in s. 366.02, or affect the determination
 286 of a territorial dispute by the Florida Public Service
 287 Commission under the provisions of s. 366.04.

288 (e) Establish a process and schedule for annexation of an
 289 area within the designated municipal service area consistent
 290 with s. 171.205.

291 (f) Establish a process for land use decisions consistent
 292 with part II of chapter 163, including those made jointly by the
 293 governing bodies of the county and the municipality, or allow a
 294 municipality to adopt land use changes consistent with part II
 295 of chapter 163 for areas that are scheduled to be annexed within
 296 the term of the interlocal agreement, provided the county
 297 comprehensive plan and land development regulations shall
 298 control until the municipality annexes the property and amends

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299 its comprehensive plan accordingly. Comprehensive plan
 300 amendments to incorporate the process established by this
 301 paragraph shall be exempt from the twice-per-year limitation
 302 under s. 163.3187.

303 (g) Address other issues concerning service delivery,
 304 including the transfer of services and infrastructure and the
 305 fiscal compensation to one county, municipality, or independent
 306 special district from another county, municipality, or
 307 independent special district.

308 (h) Provide for the joint use of facilities and the
 309 colocation of services.

310 (i) Include a requirement for a report to the county of
 311 the municipality's planned service delivery, as provided in s.
 312 171.042, or as otherwise determined by agreement.

313 (7) If the interlocal service boundary agreement addresses
 314 land use planning responsibilities, the agreement must also
 315 establish the procedures for the preparation and adoption of
 316 comprehensive plan amendments, for the administration of land
 317 development regulations, and for the issuance of development
 318 orders.

319 (8) Each local government that is a party to the
 320 interlocal service boundary agreement shall amend the
 321 intergovernmental coordination element of its comprehensive
 322 plan, as defined in s. 163.3177(6)(h)1., no later than 6 months
 323 following entry of the interlocal service boundary agreement
 324 consistent with s. 163.3177(6)(h)1. Plan amendments required by
 325 this subsection are exempt from the twice-per-year limitation
 326 under s. 163.3187.

327 (9) An affected person for the purpose of challenging a
 328 comprehensive plan amendment required by paragraph (6)(f)
 329 includes persons owning real property residing, owning, or
 330 operating a business within the boundaries of the municipal
 331 service area and owners of real property abutting real property
 332 within the municipal service area that is the subject of the
 333 comprehensive plan amendment in addition to those affected
 334 persons who would have standing under s. 163.3184.

335 (10)(a) A municipality that is a party to an interlocal
 336 service boundary agreement that identifies an unincorporated
 337 area for municipal annexation under s. 171.202(10)(a) shall
 338 adopt a municipal service area as an amendment to its
 339 comprehensive plan to address future possible municipal
 340 annexation. The state land planning agency shall review the
 341 amendment for compliance with part II of chapter 163. A
 342 municipal service area must contain:

- 343 1. A boundary map of the municipal service area.
- 344 2. Population projections for the area.
- 345 3. Data and analysis supporting the provision of public
 346 facilities for the area.

347 (b) This part shall not authorize the state land planning
 348 agency to review, evaluate, determine, approve, or disapprove a
 349 municipal ordinance relating to municipal annexation or
 350 contraction.

351
 352 A municipality or county may consider the adoption of any
 353 comprehensive plan amendment required by this subsection without

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

356 (11) An interlocal service boundary agreement may be for a
 357 term of 20 years or less. The interlocal service boundary
 358 agreement shall also include a provision requiring periodic
 359 review. The interlocal service boundary agreement shall require
 360 renegotiations to begin at least 18 months before its
 361 termination date.

362 (12) No earlier than 6 months after the commencement of
 363 negotiations, either of the initiating local governments or
 364 both, the county, or the invited municipality may declare an
 365 impasse in the negotiations and seek a resolution of the issues
 366 under ss. 164.1053-164.1057. If the local governments fail to
 367 agree at the conclusion of the process under chapter 164, the
 368 local governments shall hold a joint public hearing on the
 369 issues raised in the negotiations.

370 (13) When the local governments have reached an interlocal
 371 service boundary agreement, the county and the municipality
 372 shall adopt the agreement by ordinance under s. 166.041 or s.
 373 125.66, respectively. An independent special district, if it
 374 consents to the agreement, shall adopt the agreement by final
 375 order, resolution, or other method consistent with its charter.
 376 The interlocal service boundary agreement shall take effect on
 377 the day specified in the agreement or, if there is no date, upon
 378 adoption by the county or the invited municipality, whichever
 379 occurs later. Nothing in this part shall prohibit a county or
 380 municipality from adopting an interlocal service boundary

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381 agreement without the consent of an independent special
 382 district.

383 (14) For a period of 6 months following the failure of the
 384 local governments to consent to an interlocal service boundary
 385 agreement, the initiating local government may not initiate the
 386 negotiation process established in this section to require the
 387 responding local government to negotiate an agreement concerning
 388 the same identified unincorporated area and the same issues that
 389 were specified in the failed initiating resolution.

390 (15) This part does not authorize one local government to
 391 require another local government to enter into an interlocal
 392 service boundary agreement. However, when the process for
 393 negotiating an interlocal service boundary agreement is
 394 initiated, the local governments shall negotiate in good faith
 395 to the conclusion of the process established in this section.

396 (16) This section authorizes local governments to
 397 simultaneously engage in negotiating more than one interlocal
 398 service boundary agreement, notwithstanding that separate
 399 negotiations concern similar or identical unincorporated areas
 400 and issues.

401 (17) Elected local government officials are encouraged to
 402 participate actively and directly in the negotiation process for
 403 developing an interlocal service boundary agreement.

404 (18) This part does not impair any existing franchise
 405 agreement without the consent of the franchisee; any existing
 406 territorial agreement between electric utilities or public
 407 utilities, as defined in s. 366.02; or the jurisdiction of the
 408 Florida Public Service Commission under s. 366.04 to resolve a

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409 territorial dispute involving electric utilities or public
 410 utilities in accordance with the criteria set out in s. 366.04.
 411 An interlocal agreement entered into under this section shall
 412 have no effect in any territorial dispute proceeding before the
 413 commission. A municipality or county shall retain all existing
 414 authority, if any, to negotiate a franchise agreement with any
 415 private service provider for use of public rights-of-way or the
 416 privilege of providing a service.

417 (19) This part does not impair any existing contract
 418 without the consent of the parties.

419 171.204 Prerequisites to annexation under this part.--The
 420 interlocal service boundary agreement may describe the character
 421 of land that may be annexed and may provide that the
 422 restrictions on the character of land that may be annexed
 423 pursuant to part I are not restrictions on land that may be
 424 annexed pursuant to this part. As determined in the interlocal
 425 service boundary agreement, any character of land may be
 426 annexed, including, but not limited to, an annexation of land
 427 not contiguous to the boundaries of the annexing municipality,
 428 an annexation that creates an enclave, an annexation where the
 429 annexed area is not reasonably compact; provided, however, such
 430 area shall meet the definition of urban in character as defined
 431 in s. 171.031(8). The interlocal service boundary agreement may
 432 not allow for annexation of land within a municipality that is
 433 not a party to the agreement or of land that is within another
 434 county. Prior to annexation of land not contiguous to the
 435 boundaries of the annexing municipality, or annexation that

436 creates an enclave, one of the following options shall be
 437 followed:

438 (1) The municipality shall transmit a comprehensive plan
 439 amendment that proposes specific amendments relating to the
 440 property anticipated for annexation to the Department of
 441 Community Affairs for review pursuant chapter 163. After
 442 consideration of the department's review, the municipality may
 443 approve the annexation and comprehensive plan amendment
 444 concurrently. Adoption of the annexation and comprehensive plan
 445 amendment may occur at the same hearing, however, the local
 446 government must take separate action on the annexation and
 447 comprehensive plan amendment; or

448 (2) A municipality and county shall enter into a joint
 449 planning agreement pursuant to s. 163.3171, which is adopted
 450 into the municipal comprehensive plan. The joint planning
 451 agreement must identify the geographic areas anticipated for
 452 annexation; the future land uses which the municipality would
 453 seek to establish; necessary public facilities and services,
 454 including transportation and school facilities and how they will
 455 be provided; and natural resources, including surface water and
 456 groundwater resources and how they will be protected. Amendments
 457 to a comprehensive plan's future land use map that are
 458 consistent with the joint planning agreement shall be considered
 459 small scale amendments.

460 171.205 Consent requirements for annexation of land under
 461 this part.--Notwithstanding part I, an interlocal service
 462 boundary agreement may provide a process for annexation
 463 consistent with this section or with part I.

464 (1) For all or a portion of the area within a designated
 465 municipal service area, the interlocal service boundary
 466 agreement may provide a flexible process for securing the
 467 consent of the registered voters who reside in the area proposed
 468 to be annexed, or property owners, or both, for annexation of
 469 property within a municipal service area, with notice to the
 470 registered voters who reside in the area proposed to be annexed,
 471 or property owners, or both, as required in the interlocal
 472 service boundary agreement. The interlocal service boundary
 473 agreement may not authorize annexation unless the consent
 474 requirements of part I are met or the annexation is consented to
 475 by one or more of the following:

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

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

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

485 (2) For all or a portion of an enclave consisting of more
 486 than 20 acres within a designated municipal service area, the
 487 interlocal service boundary agreement may provide a flexible
 488 process for securing the consent of the registered voters who
 489 reside in the area proposed to be annexed and property owners in
 490 order to annex the property, with notice to the registered
 491 voters who reside in the area proposed to be annexed and

492 property owners as required in the interlocal service boundary
 493 agreement. The interlocal service boundary agreement may not
 494 authorize annexation of enclaves under this subsection unless
 495 the consent requirements of part I are met, unless the
 496 annexation process includes one or more of the procedures in
 497 subsection (1), or unless the municipality has received a
 498 petition for annexation from one or more property owners who own
 499 real property in excess of 50 percent of the total real property
 500 within the area to be annexed.

501 (3) For all or a portion of an enclave consisting of 20
 502 acres or less and with fewer than 100 registered voters within a
 503 designated municipal service area, the interlocal service
 504 boundary agreement may provide a flexible process for securing
 505 the consent of the registered voters who reside in the area
 506 proposed to be annexed and the property owners in order to annex
 507 property within a municipal service area, with notice to the
 508 registered voters who reside in the area proposed to be annexed
 509 and the property owners as required in the interlocal service
 510 boundary agreement. Such an annexation process may include one
 511 or more of the procedures in subsection (1) and may allow
 512 annexation according to the terms and conditions provided in the
 513 interlocal service boundary agreement, which may include a
 514 referendum of the registered voters who reside in the area
 515 proposed to be annexed.

516 171.206 Effect of interlocal service boundary area
 517 agreement on annexations.--

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

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

525 (3) If the independent special district that participated
 526 in the negotiation process pursuant to s. 171.203(2)(d) does not
 527 consent to the interlocal service boundary agreement and a
 528 municipality annexes an area within the independent special
 529 district, the municipality may consent to allowing the
 530 independent special district to receive ad valorem tax revenue
 531 or the independent special district may seek compensation
 532 pursuant to s. 171.093.

533 171.207 Transfer of powers.--This part is an alternative
 534 provision otherwise provided by law, as authorized in s. 4, Art.
 535 VIII of the State Constitution, for any transfer of power
 536 resulting from an interlocal service boundary agreement for the
 537 provision of services or the acquisition of public facilities
 538 entered into by a county, municipality, independent special
 539 district, or other entity created pursuant to law.

540 171.208 Municipal extraterritorial power.--This part
 541 authorizes a municipality to exercise extraterritorial powers
 542 that include, but are not limited to, the authority to provide
 543 services and facilities within the unincorporated area or within
 544 the territory of another municipality as provided within an
 545 interlocal service boundary agreement. This power is in addition

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546 to other municipal powers that otherwise exist. This power is
547 subject to the jurisdiction of the Florida Public Service
548 Commission to resolve territorial disputes under s. 366.04. An
549 interlocal agreement shall have no bearing on the resolution of
550 a territorial dispute to be determined by the commission.

551 171.209 County incorporated area power.--As provided in an
552 interlocal service boundary agreement, this part authorizes a
553 county to exercise powers within a municipality that include,
554 but are not limited to, the authority to provide services and
555 facilities within the territory of a municipality. This power is
556 in addition to other county powers that otherwise exist.

557 171.21 Effect of part on interlocal agreement and county
558 charter.--A joint planning agreement, a charter provision
559 adopted under s. 171.044(4), or any other interlocal agreement
560 between local governments including a county, municipality, or
561 independent special district is not affected by this part;
562 however, the county, municipality, or independent special
563 district may avail themselves of this part, which may result in
564 the repeal or modification of a joint planning agreement or
565 other interlocal agreement.

566 171.211 Interlocal service boundary agreement presumed
567 valid and binding.--

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

572 (2) Notwithstanding part I, it is the intent of this part
573 to authorize a municipality to enter into an interlocal service

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574 boundary agreement that enhances, restricts, or precludes
575 annexations during the term of the agreement.

576 171.212 Disputes regarding construction and effect of an
577 interlocal service boundary agreement.--If there is a question
578 or dispute about the construction or effect of an interlocal
579 service boundary agreement, a local government shall initiate
580 and proceed through the conflict resolution procedures
581 established in chapter 164. If there is a failure to resolve the
582 conflict, no later than 30 days following the conclusion of the
583 procedures established in chapter 164, the local government may
584 file an action in circuit court. For purposes of this section,
585 the term "local government" means a party to the interlocal
586 service boundary agreement.

587 Section 2. Subsection (2) of section 171.042, Florida
588 Statutes, is amended, and subsection (3) is added to said
589 section, to read:

590 171.042 Prerequisites to annexation.--

591 (2) Not fewer than 15 days prior to commencing the
592 annexation procedures under s. 171.0413, the governing body of
593 the municipality shall file a copy of the report required by
594 this section with the board of county commissioners of the
595 county wherein the municipality is located. The notice provision
596 provided in this subsection may be the basis for a cause of
597 action invalidating the annexation.

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

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

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602 171.044 Voluntary annexation.--
 603 (6) Not fewer than 10 days prior to ~~Upon~~ publishing or
 604 posting the ordinance notice required under subsection (2), the
 605 governing body of the municipality must provide a copy of the
 606 notice, via certified mail, to the board of the county
 607 commissioners of the county wherein the municipality is located.
 608 The notice provision provided in this subsection ~~may shall not~~
 609 be the basis for a ~~of any~~ cause of action invalidating
 610 ~~challenging~~ the annexation.

611 Section 4. Section 171.094, Florida Statutes, is created
 612 to read:

613 171.094 Effect of interlocal service boundary agreements
 614 adopted under part II on annexations under this part.--

615 (1) An interlocal service boundary agreement entered into
 616 pursuant to part II is binding on the parties to the agreement
 617 and a party may not take any action that violates the interlocal
 618 service boundary agreement.

619 (2) Notwithstanding any other provision of this part,
 620 without the consent of the county, the affected municipality or
 621 affected independent special district by resolution, a county,
 622 an invited municipality or independent special district may not
 623 take any action that violates an interlocal service boundary
 624 agreement.

625 Section 5. Section 171.081, Florida Statutes, is amended
 626 to read:

627 171.081 Appeal on annexation or contraction.--

628 (1) No later than 30 days following the passage of an
 629 annexation or contraction ordinance, Any party affected who

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630 believes that he or she will suffer material injury by reason of
 631 the failure of the municipal governing body to comply with the
 632 procedures set forth in this chapter for annexation or
 633 contraction or to meet the requirements established for
 634 annexation or contraction as they apply to his or her property
 635 may file a petition in the circuit court for the county in which
 636 the municipality or municipalities are located seeking review by
 637 certiorari. The action may be initiated at the party's option
 638 either within 30 days following the passage of the annexation or
 639 contraction ordinance or within 30 days following the completion
 640 of the dispute resolution process in subsection (2). In any
 641 action instituted pursuant to this subsection ~~section~~, the
 642 complainant, should he or she prevail, shall be entitled to
 643 reasonable costs and attorney's fees.

644 (2) If the affected party is a governmental entity, no
 645 later than 30 days following the passage of an annexation or
 646 contraction ordinance, the governmental entity must initiate and
 647 proceed through the conflict resolution procedures established
 648 in chapter 164. If there is a failure to resolve the conflict,
 649 no later than 30 days following the conclusion of the procedures
 650 established in chapter 164, the governmental entity that
 651 initiated the conflict resolution procedures may file a petition
 652 in the circuit court for the county in which the municipality or
 653 municipalities are located seeking review by certiorari. In any
 654 legal action instituted pursuant to this subsection, the
 655 prevailing party is entitled to reasonable costs and attorney's
 656 fees.

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657 Section 6. Section 164.1058, Florida Statutes, is amended
658 to read:

659 164.1058 Penalty.--If a primary conflicting governmental
660 entity ~~which has received notice of intent to initiate the~~
661 ~~conflict resolution procedure pursuant to this act~~ fails to
662 participate in good faith in the conflict assessment meeting,
663 mediation, or other remedies provided for in this act, ~~and the~~
664 ~~initiating governmental entity files suit and is the prevailing~~
665 ~~party in such suit,~~ the primary disputing governmental entity
666 that ~~which~~ failed to participate in good faith shall be required
667 to pay the attorney's fees and costs in that proceeding of the
668 prevailing primary conflicting governmental entity ~~which~~
669 ~~initiated the conflict resolution procedure.~~

670 Section 7. The Division of Statutory Revision is requested
671 to designate sections 171.011-171.094, Florida Statutes, as part
672 I of chapter 171, Florida Statutes, and sections 171.20-171.212,
673 Florida Statutes, as created by this act, as part II of chapter
674 171, Florida Statutes.

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