

CHAMBER ACTION

1 The Local Government Council 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 | 163.01, F.S.; providing alternative filing location
47 | authorization for interlocal agreements and amendments
48 | under certain circumstances; amending s. 164.1058, F.S.;
49 | providing that a governmental entity that fails to
50 | participate in conflict resolution procedures shall be
51 | required to pay attorney's fees and costs under certain

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

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52 conditions; requesting the Division of Statutory Revision
 53 to designate parts I and II of ch. 171, F.S.; providing an
 54 effective date.

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

58 Section 1. Part II of chapter 171, Florida Statutes,
 59 consisting of sections 171.20, 171.201, 171.202, 171.203,
 60 171.204, 171.205, 171.206, 171.207, 171.208, 171.209, 171.21,
 61 171.211, and 171.212, is created to read:

62 171.20 Short title.--This part may be cited as the
 63 "Interlocal Service Boundary Agreement Act."

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

80 local service duplication, and increase political transparency
 81 and accountability. This part is intended to prevent inefficient
 82 service delivery and an insufficient tax base to support the
 83 delivery of those services.

84 171.202 Definitions.--As used in this part, the term:

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

90 (2) "Enclave" has the same meaning as provided in s.
 91 171.031(13).

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

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

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

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

106 (7) "Initiating resolution" means a resolution adopted by
 107 a county, municipality, or independent special district which

108 commences the process for negotiation of an interlocal service
 109 boundary agreement and which identifies the unincorporated area
 110 and other issues for discussion.

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

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

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

125 (11) "Municipal service area" means one or more of the
 126 following as designated in an interlocal service boundary
 127 agreement:

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

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

135 (12) "Notified local government" means the county or a
 136 municipality, other than an invited municipality, that receives
 137 an initiating resolution.

138 (13) "Participating resolution" means the resolution
 139 adopted by the initiating local government and the invited local
 140 government.

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

144 (15) "Responding resolution" means the resolution adopted
 145 by the county or an invited municipality which responds to the
 146 initiating resolution and which may identify an additional
 147 unincorporated area or another issue for discussion, or both,
 148 and may designate an additional invited municipality or
 149 independent special district.

150 (16) "Unincorporated service area" means one or more of
 151 the following as designated in an interlocal service boundary
 152 agreement:

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

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

160 171.203 Interlocal service boundary agreement.--The
 161 governing body of a county and one or more municipalities or
 162 independent special districts within the county may enter into

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

170 (1) A county, municipality, or an independent special
 171 district desiring to enter into an interlocal service boundary
 172 agreement shall commence the negotiation process by adopting an
 173 initiating resolution. The initiating resolution shall identify
 174 an unincorporated area or incorporated area, or both, to be
 175 discussed and the issues to be negotiated. The identified area
 176 shall be specified in the initiating resolution by a descriptive
 177 exhibit that includes, but need not be limited to, a map or
 178 legal description of the designated area. The issues for
 179 negotiation shall be listed in the initiating resolution and may
 180 include, but need not be limited to, the issues listed in
 181 subsection (6). An independent special district may initiate the
 182 interlocal service boundary agreement for the purposes of
 183 dissolving an independent special district or removing more than
 184 10 percent of the taxable or assessable value of an independent
 185 special district.

186 (a) The initiating resolution of an initiating county must
 187 designate one or more invited municipalities. The initiating
 188 resolution of an initiating municipality may designate an
 189 invited municipality. The initiating resolution of an

190 independent special district shall designate one or more invited
 191 municipalities and invite the county.

192 (b) An initiating county shall send the initiating
 193 resolution by United States certified mail to the chief
 194 administrative officer of every invited municipality and each
 195 other municipality within the county. An initiating municipality
 196 shall send the initiating resolution by United States certified
 197 mail to the chief administrative officer of the county, the
 198 invited municipality, if any, and each other municipality within
 199 the county.

200 (c) The initiating local government shall also send the
 201 initiating resolution to the chief administrative officer of
 202 each independent special district in the unincorporated area
 203 designated in the initiating resolution.

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

217 or independent special district to negotiate the interlocal
 218 service boundary agreement.

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

225 (b) Within 7 days after the adoption of a responding
 226 resolution, an invited municipality shall send the responding
 227 resolution by United States certified mail to the chief
 228 administrative officer of the initiating county, each invited
 229 municipality, if any, and each independent special district that
 230 received an initiating resolution.

231 (c) An invited municipality that was invited by a
 232 responding resolution shall adopt a responding resolution in
 233 accordance with paragraph (b).

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

245 (3) A municipality within the county that is not an
 246 invited municipality may request participation in the
 247 negotiations for the interlocal service boundary agreement. Such
 248 a request shall be accomplished by adopting a requesting
 249 resolution within 60 days after receipt of the initiating
 250 resolution or within 10 days after receipt of the responding
 251 resolution. Within 7 days after adoption of the requesting
 252 resolution, the requesting municipality shall send the
 253 resolution by United States certified mail to the chief
 254 administrative officer of the initiating local government and
 255 each invited municipality. The county and the invited
 256 municipality shall consider whether to allow a requesting
 257 municipality to participate in the negotiations and, if they
 258 agree, the county and the municipality shall adopt a
 259 participating resolution allowing the requesting municipality to
 260 participate in the negotiations.

261 (4) The county, the invited municipalities, the
 262 participating municipalities, if any, and the independent
 263 special districts, if any have adopted a resolution to
 264 participate, shall begin negotiations within 60 days after
 265 receipt of the responding resolution or a participating
 266 resolution, whichever occurs later.

267 (5) An invited municipality that fails to adopt a
 268 responding resolution shall be deemed to waive its right to
 269 participate in the negotiation process and shall be bound by an
 270 interlocal agreement resulting from such negotiation process, if
 271 any is reached.

272 (6) An interlocal service boundary agreement may address
 273 any issue concerning service delivery, fiscal responsibilities,
 274 or boundary adjustment. The agreement may include, but need not
 275 be limited to, provisions that:

276 (a) Identify a municipal service area.
 277 (b) Identify an unincorporated service area.
 278 (c) Identify the local government responsible for the
 279 delivery or funding of the following services within the
 280 municipal service area or the unincorporated service area:

281 1. Public safety.
 282 2. Fire, emergency rescue, and medical services.
 283 3. Water and wastewater.
 284 4. Road ownership, construction, and maintenance.
 285 5. Conservation, parks, and recreation.
 286 6. Stormwater management and drainage.

287 (d) Address other services and infrastructure not
 288 currently provided by an electric utility as defined by s.
 289 366.02(2) or a natural gas transmission company as defined by s.
 290 368.103(4), provided nothing in this paragraph shall affect any
 291 territorial agreement between electric utilities or public
 292 utilities, as defined in s. 366.02, or affect the determination
 293 of a territorial dispute by the Florida Public Service
 294 Commission under the provisions of s. 366.04.

295 (e) Establish a process and schedule for annexation of an
 296 area within the designated municipal service area consistent
 297 with s. 171.205.

298 (f) Establish a process for land use decisions consistent
 299 with part II of chapter 163, including those made jointly by the

300 governing bodies of the county and the municipality, or allow a
 301 municipality to adopt land use changes consistent with part II
 302 of chapter 163 for areas that are scheduled to be annexed within
 303 the term of the interlocal agreement, provided the county
 304 comprehensive plan and land development regulations shall
 305 control until the municipality annexes the property and amends
 306 its comprehensive plan accordingly. Comprehensive plan
 307 amendments to incorporate the process established by this
 308 paragraph shall be exempt from the twice-per-year limitation
 309 under s. 163.3187.

310 (g) Address other issues concerning service delivery,
 311 including the transfer of services and infrastructure and the
 312 fiscal compensation to one county, municipality, or independent
 313 special district from another county, municipality, or
 314 independent special district.

315 (h) Provide for the joint use of facilities and the
 316 colocation of services.

317 (i) Include a requirement for a report to the county of
 318 the municipality's planned service delivery, as provided in s.
 319 171.042, or as otherwise determined by agreement.

320 (j) Establish a procedure by which the local government
 321 responsible for water and wastewater services shall, within 30
 322 days after the annexation or subtraction of territory, apply for
 323 any necessary permit modifications to reflect changes in surface
 324 water management operating entity responsibilities pursuant to
 325 permits of water management districts or the Department of
 326 Environmental Protection.

327 (7) If the interlocal service boundary agreement addresses
 328 land use planning responsibilities, the agreement must also
 329 establish the procedures for the preparation and adoption of
 330 comprehensive plan amendments, for the administration of land
 331 development regulations, and for the issuance of development
 332 orders.

333 (8) Each local government that is a party to the
 334 interlocal service boundary agreement shall amend the
 335 intergovernmental coordination element of its comprehensive
 336 plan, as defined in s. 163.3177(6)(h)1., no later than 6 months
 337 following entry of the interlocal service boundary agreement
 338 consistent with s. 163.3177(6)(h)1. Plan amendments required by
 339 this subsection are exempt from the twice-per-year limitation
 340 under s. 163.3187.

341 (9) An affected person for the purpose of challenging a
 342 comprehensive plan amendment required by paragraph (6)(f)
 343 includes persons owning real property residing, owning, or
 344 operating a business within the boundaries of the municipal
 345 service area and owners of real property abutting real property
 346 within the municipal service area that is the subject of the
 347 comprehensive plan amendment in addition to those affected
 348 persons who would have standing under s. 163.3184.

349 (10)(a) A municipality that is a party to an interlocal
 350 service boundary agreement that identifies an unincorporated
 351 area for municipal annexation under s. 171.202(10)(a) shall
 352 adopt a municipal service area as an amendment to its
 353 comprehensive plan to address future possible municipal
 354 annexation. The state land planning agency shall review the

355 amendment for compliance with part II of chapter 163. A
 356 municipal service area must contain:

- 357 1. A boundary map of the municipal service area.
- 358 2. Population projections for the area.
- 359 3. Data and analysis supporting the provision of public
 360 facilities for the area.

361 (b) This part shall not authorize the state land planning
 362 agency to review, evaluate, determine, approve, or disapprove a
 363 municipal ordinance relating to municipal annexation or
 364 contraction.

365
 366 A municipality or county may consider the adoption of any
 367 comprehensive plan amendment required by this subsection without
 368 regard to the provisions of s. 163.3187(1) regarding the
 369 frequency of adoption of amendments to the comprehensive plan.

370 (11) An interlocal service boundary agreement may be for a
 371 term of 20 years or less. The interlocal service boundary
 372 agreement shall also include a provision requiring periodic
 373 review. The interlocal service boundary agreement shall require
 374 renegotiations to begin at least 18 months before its
 375 termination date.

376 (12) No earlier than 6 months after the commencement of
 377 negotiations, either of the initiating local governments or
 378 both, the county, or the invited municipality may declare an
 379 impasse in the negotiations and seek a resolution of the issues
 380 under ss. 164.1053-164.1057. If the local governments fail to
 381 agree at the conclusion of the process under chapter 164, the

382 local governments shall hold a joint public hearing on the
 383 issues raised in the negotiations.

384 (13) When the local governments have reached an interlocal
 385 service boundary agreement, the county and the municipality
 386 shall adopt the agreement by ordinance under s. 166.041 or s.
 387 125.66, respectively. An independent special district, if it
 388 consents to the agreement, shall adopt the agreement by final
 389 order, resolution, or other method consistent with its charter.
 390 The interlocal service boundary agreement shall take effect on
 391 the day specified in the agreement or, if there is no date, upon
 392 adoption by the county or the invited municipality, whichever
 393 occurs later. Nothing in this part shall prohibit a county or
 394 municipality from adopting an interlocal service boundary
 395 agreement without the consent of an independent special
 396 district, unless the agreement provides for the dissolving of an
 397 independent special district or removing more than 10 percent of
 398 the taxable or assessable value of an independent special
 399 district.

400 (14) For a period of 6 months following the failure of the
 401 local governments to consent to an interlocal service boundary
 402 agreement, the initiating local government may not initiate the
 403 negotiation process established in this section to require the
 404 responding local government to negotiate an agreement concerning
 405 the same identified unincorporated area and the same issues that
 406 were specified in the failed initiating resolution.

407 (15) This part does not authorize one local government to
 408 require another local government to enter into an interlocal
 409 service boundary agreement. However, when the process for

410 negotiating an interlocal service boundary agreement is
 411 initiated, the local governments shall negotiate in good faith
 412 to the conclusion of the process established in this section.

413 (16) This section authorizes local governments to
 414 simultaneously engage in negotiating more than one interlocal
 415 service boundary agreement, notwithstanding that separate
 416 negotiations concern similar or identical unincorporated areas
 417 and issues.

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

421 (18) This part does not impair any existing franchise
 422 agreement without the consent of the franchisee; any existing
 423 territorial agreement between electric utilities or public
 424 utilities, as defined in s. 366.02; or the jurisdiction of the
 425 Florida Public Service Commission under s. 366.04 to resolve a
 426 territorial dispute involving electric utilities or public
 427 utilities in accordance with the criteria set out in s. 366.04.
 428 An interlocal agreement entered into under this section shall
 429 have no effect in any territorial dispute proceeding before the
 430 commission. A municipality or county shall retain all existing
 431 authority, if any, to negotiate a franchise agreement with any
 432 private service provider for use of public rights-of-way or the
 433 privilege of providing a service.

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

436 171.204 Prerequisites to annexation under this part.--The
 437 interlocal service boundary agreement may describe the character

438 of land that may be annexed and may provide that the
 439 restrictions on the character of land that may be annexed
 440 pursuant to part I are not restrictions on land that may be
 441 annexed pursuant to this part. As determined in the interlocal
 442 service boundary agreement, any character of land may be
 443 annexed, including, but not limited to, an annexation of land
 444 not contiguous to the boundaries of the annexing municipality,
 445 an annexation that creates an enclave, an annexation where the
 446 annexed area is not reasonably compact; provided, however, such
 447 area shall meet the definition of urban in character as defined
 448 in s. 171.031(8). The interlocal service boundary agreement may
 449 not allow for annexation of land within a municipality that is
 450 not a party to the agreement or of land that is within another
 451 county. Prior to annexation of land not contiguous to the
 452 boundaries of the annexing municipality, or annexation that
 453 creates an enclave, or an annexation of land not currently
 454 served by water and sewer utilities, one of the following
 455 options shall be followed:

456 (1) The municipality shall transmit a comprehensive plan
 457 amendment that proposes specific amendments relating to the
 458 property anticipated for annexation to the Department of
 459 Community Affairs for review pursuant chapter 163. After
 460 consideration of the department's review, the municipality may
 461 approve the annexation and comprehensive plan amendment
 462 concurrently. Adoption of the annexation and comprehensive plan
 463 amendment may occur at the same hearing, however, the local
 464 government must take separate action on the annexation and
 465 comprehensive plan amendment; or

466 (2) A municipality and county shall enter into a joint
 467 planning agreement pursuant to s. 163.3171, which is adopted
 468 into the municipal comprehensive plan. The joint planning
 469 agreement must identify the geographic areas anticipated for
 470 annexation; the future land uses which the municipality would
 471 seek to establish; necessary public facilities and services,
 472 including transportation and school facilities and how they will
 473 be provided; and natural resources, including surface water and
 474 groundwater resources and how they will be protected. Amendments
 475 to a comprehensive plan's future land use map that are
 476 consistent with the joint planning agreement shall be considered
 477 small scale amendments.

478 171.205 Consent requirements for annexation of land under
 479 this part.--Notwithstanding part I, an interlocal service
 480 boundary agreement may provide a process for annexation
 481 consistent with this section or with part I.

482 (1) For all or a portion of the area within a designated
 483 municipal service area, the interlocal service boundary
 484 agreement may provide a flexible process for securing the
 485 consent of the registered voters who reside in the area proposed
 486 to be annexed, or property owners, or both, for annexation of
 487 property within a municipal service area, with notice to the
 488 registered voters who reside in the area proposed to be annexed,
 489 or property owners, or both, as required in the interlocal
 490 service boundary agreement. The interlocal service boundary
 491 agreement may not authorize annexation unless the consent
 492 requirements of part I are met or the annexation is consented to
 493 by one or more of the following:

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

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

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

503 (2) If the area to be annexed includes a privately owned
 504 solid waste disposal facility as defined in s. 403.703(11) which
 505 receives municipal solid waste collected within the jurisdiction
 506 of multiple local governments, the annexing municipality must
 507 set forth in its plan the impacts the annexation of the solid
 508 waste disposal facility will have on the other local
 509 governments. The plan must also indicate that the owner of the
 510 affected solid waste disposal facility has been contacted in
 511 writing concerning the annexation, that an agreement between the
 512 annexing municipality and the solid waste disposal facility to
 513 govern the operations of the solid waste disposal facility
 514 should the annexation occur has been approved, and that the
 515 owner of the solid waste disposal facility does not object to
 516 the proposed annexation.

517 (3) For all or a portion of an enclave consisting of 20
 518 acres or less and with fewer than 100 registered voters within a
 519 designated municipal service area, the interlocal service
 520 boundary agreement may provide a flexible process for securing
 521 the consent of the registered voters who reside in the area

522 proposed to be annexed and the property owners in order to annex
 523 property within a municipal service area, with notice to the
 524 registered voters who reside in the area proposed to be annexed
 525 and the property owners as required in the interlocal service
 526 boundary agreement. Such an annexation process may include one
 527 or more of the procedures in subsection (1) and may allow
 528 annexation according to the terms and conditions provided in the
 529 interlocal service boundary agreement, which may include a
 530 referendum of the registered voters who reside in the area
 531 proposed to be annexed.

532 171.206 Effect of interlocal service boundary area
 533 agreement on annexations.--

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

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

541 (3) If the independent special district that participated
 542 in the negotiation process pursuant to s. 171.203(2)(d) does not
 543 consent to the interlocal service boundary agreement and a
 544 municipality annexes an area within the independent special
 545 district, the municipality may consent to allowing the
 546 independent special district to receive ad valorem tax revenue
 547 or the independent special district may seek compensation
 548 pursuant to s. 171.093.

549 171.207 Transfer of powers.--This part is an alternative
 550 provision otherwise provided by law, as authorized in s. 4, Art.
 551 VIII of the State Constitution, for any transfer of power
 552 resulting from an interlocal service boundary agreement for the
 553 provision of services or the acquisition of public facilities
 554 entered into by a county, municipality, independent special
 555 district, or other entity created pursuant to law.

556 171.208 Municipal extraterritorial power.--This part
 557 authorizes a municipality to exercise extraterritorial powers
 558 that include, but are not limited to, the authority to provide
 559 services and facilities within the unincorporated area or within
 560 the territory of another municipality as provided within an
 561 interlocal service boundary agreement. This power is in addition
 562 to other municipal powers that otherwise exist. This power is
 563 subject to the jurisdiction of the Florida Public Service
 564 Commission to resolve territorial disputes under s. 366.04. An
 565 interlocal agreement shall have no bearing on the resolution of
 566 a territorial dispute to be determined by the commission.

567 171.209 County incorporated area power.--As provided in an
 568 interlocal service boundary agreement, this part authorizes a
 569 county to exercise powers within a municipality that include,
 570 but are not limited to, the authority to provide services and
 571 facilities within the territory of a municipality. This power is
 572 in addition to other county powers that otherwise exist.

573 171.21 Effect of part on interlocal agreement and county
 574 charter.--A joint planning agreement, a charter provision
 575 adopted under s. 171.044(4), or any other interlocal agreement
 576 between local governments including a county, municipality, or

577 independent special district is not affected by this part;
 578 however, the county, municipality, or independent special
 579 district may avail themselves of this part, which may result in
 580 the repeal or modification of a joint planning agreement or
 581 other interlocal agreement. The local governments within a
 582 county that has adopted a charter provision pursuant to s.
 583 171.044(4) may avail themselves of this part, provided the
 584 interlocal agreement is not in conflict with the approved
 585 charter.

586 171.211 Interlocal service boundary agreement presumed
 587 valid and binding.--

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

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

596 171.212 Disputes regarding construction and effect of an
 597 interlocal service boundary agreement.--If there is a question
 598 or dispute about the construction or effect of an interlocal
 599 service boundary agreement, a local government shall initiate
 600 and proceed through the conflict resolution procedures
 601 established in chapter 164. If there is a failure to resolve the
 602 conflict, no later than 30 days following the conclusion of the
 603 procedures established in chapter 164, the local government may
 604 file an action in circuit court. For purposes of this section,

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605 | the term "local government" means a party to the interlocal
606 | service boundary agreement.

607 | Section 2. Subsection (2) of section 171.042, Florida
608 | Statutes, is amended, and subsection (3) is added to said
609 | section, to read:

610 | 171.042 Prerequisites to annexation.--

611 | (2) Not fewer than 15 days prior to commencing the
612 | annexation procedures under s. 171.0413, the governing body of
613 | the municipality shall file a copy of the report required by
614 | this section with the board of county commissioners of the
615 | county wherein the municipality is located. The notice provision
616 | provided in this subsection may be the basis for a cause of
617 | action invalidating the annexation.

618 | (3) Notice shall be provided by the municipality to the
619 | affected residents within the proposed area to be annexed.

620 | Section 3. Subsection (6) of section 171.044, Florida
621 | Statutes, is amended to read:

622 | 171.044 Voluntary annexation.--

623 | (6) Not fewer than 10 days prior to ~~Upon~~ publishing or
624 | posting the ordinance notice required under subsection (2), the
625 | governing body of the municipality must provide a copy of the
626 | notice, via certified mail, to the board of the county
627 | commissioners of the county wherein the municipality is located.
628 | The notice provision provided in this subsection may ~~shall not~~
629 | be the basis for a ~~of any~~ cause of action invalidating
630 | ~~challenging~~ the annexation.

631 | Section 4. Section 171.094, Florida Statutes, is created
632 | to read:

633 171.094 Effect of interlocal service boundary agreements
 634 adopted under part II on annexations under this part.--

635 (1) An interlocal service boundary agreement entered into
 636 pursuant to part II is binding on the parties to the agreement
 637 and a party may not take any action that violates the interlocal
 638 service boundary agreement.

639 (2) Notwithstanding any other provision of this part,
 640 without the consent of the county, the affected municipality or
 641 affected independent special district by resolution, a county,
 642 an invited municipality or independent special district may not
 643 take any action that violates an interlocal service boundary
 644 agreement.

645 Section 5. Section 171.081, Florida Statutes, is amended
 646 to read:

647 171.081 Appeal on annexation or contraction.--

648 (1) ~~No later than 30 days following the passage of an~~
 649 ~~annexation or contraction ordinance,~~ Any party affected who
 650 believes that he or she will suffer material injury by reason of
 651 the failure of the municipal governing body to comply with the
 652 procedures set forth in this chapter for annexation or
 653 contraction or to meet the requirements established for
 654 annexation or contraction as they apply to his or her property
 655 may file a petition in the circuit court for the county in which
 656 the municipality or municipalities are located seeking review by
 657 certiorari. The action may be initiated at the party's option
 658 either within 30 days following the passage of the annexation or
 659 contraction ordinance or within 30 days following the completion
 660 of the dispute resolution process in subsection (2). In any

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661 | action instituted pursuant to this subsection ~~section~~, the
 662 | complainant, should he or she prevail, shall be entitled to
 663 | reasonable costs and attorney's fees.

664 | (2) If the affected party is a governmental entity, no
 665 | later than 30 days following the passage of an annexation or
 666 | contraction ordinance, the governmental entity must initiate and
 667 | proceed through the conflict resolution procedures established
 668 | in chapter 164. If there is a failure to resolve the conflict,
 669 | no later than 30 days following the conclusion of the procedures
 670 | established in chapter 164, the governmental entity that
 671 | initiated the conflict resolution procedures may file a petition
 672 | in the circuit court for the county in which the municipality or
 673 | municipalities are located seeking review by certiorari. In any
 674 | legal action instituted pursuant to this subsection, the
 675 | prevailing party is entitled to reasonable costs and attorney's
 676 | fees.

677 | Section 6. Subsection (11) of section 163.01, Florida
 678 | Statutes, is amended to read:

679 | 163.01 Florida Interlocal Cooperation Act of 1969.--

680 | (11) Prior to its effectiveness, an interlocal agreement
 681 | and subsequent amendments thereto shall be filed with the clerk
 682 | of the circuit court of each county where a party to the
 683 | agreement is located, provided, if the parties to the agreement
 684 | are located in multiple counties and the agreement, pursuant to
 685 | s. 163.01(7), provides for a separate legal entity or
 686 | administrative entity to administer the agreement, the
 687 | interlocal agreement and any amendments to the agreement may be
 688 | filed with the clerk of the circuit court in the county in which

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689 the legal or administrative entity maintains its principal place
690 of business.

691 Section 7. Section 164.1058, Florida Statutes, is amended
692 to read:

693 164.1058 Penalty.--If a primary conflicting governmental
694 entity ~~which has received notice of intent to initiate the~~
695 ~~conflict resolution procedure pursuant to this act~~ fails to
696 participate in good faith in the conflict assessment meeting,
697 mediation, or other remedies provided for in this act, ~~and the~~
698 ~~initiating governmental entity files suit and is the prevailing~~
699 ~~party in such suit,~~ the primary disputing governmental entity
700 that ~~which~~ failed to participate in good faith shall be required
701 to pay the attorney's fees and costs in that proceeding of the
702 prevailing primary conflicting governmental entity ~~which~~
703 ~~initiated the conflict resolution procedure.~~

704 Section 8. The Division of Statutory Revision is requested
705 to designate sections 171.011-171.094, Florida Statutes, as part
706 I of chapter 171, Florida Statutes, and sections 171.20-171.212,
707 Florida Statutes, as created by this act, as part II of chapter
708 171, Florida Statutes.

709 Section 9. This act shall take effect upon becoming a law.