

By Senator Constantine

22-22A-05

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

1 county charters; providing a presumption of  
2 validity; providing a procedure to settle a  
3 dispute regarding an interlocal service  
4 boundary agreement; amending s. 171.042, F.S.;  
5 revising the time period for filing of a  
6 report; providing for a cause of action to  
7 invalidate an annexation; requiring  
8 municipalities to provide notice of proposed  
9 annexation to certain persons; amending s.  
10 171.044, F.S.; revising the time period for  
11 providing a copy of a notice; providing for a  
12 cause of action to invalidate an annexation;  
13 creating s. 171.094, F.S.; providing for the  
14 effect of interlocal service boundary  
15 agreements adopted under the act; amending s.  
16 171.081, F.S.; requiring a governmental entity  
17 affected by annexation or contraction to  
18 initiate conflict resolution procedures under  
19 certain circumstances; amending s. 164.1058,  
20 F.S.; providing that a governmental entity that  
21 fails to participate in conflict resolution  
22 procedures shall be required to pay attorney's  
23 fees and costs under certain conditions;  
24 requesting the Division of Statutory Revision  
25 to designate parts I and II of ch. 171, F.S.;  
26 providing an effective date.

27  
28 Be It Enacted by the Legislature of the State of Florida:

29  
30 Section 1. Part II of chapter 171, Florida Statutes,  
31 consisting of sections 171.20, 171.201, 171.202, 171.203,

1 171.204, 171.205, 171.206, 171.207, 171.208, 171.209, 171.21,  
2 171.211, 171.212, and 171.213, is created to read:

3 171.20 Short title.--This part may be cited as the  
4 "Interlocal Service Boundary Agreement Act."

5 171.201 Legislative intent.--The Legislature intends  
6 to provide an alternative to part I of this chapter for local  
7 governments regarding the annexation of territory into a  
8 municipality and the subtraction of territory from the  
9 unincorporated area of the county. The principal goal of this  
10 part is to encourage local governments to jointly determine  
11 how to provide services to residents and property in the most  
12 efficient and effective manner while balancing the needs and  
13 desires of the community. This part is intended to establish a  
14 more flexible process for adjusting municipal boundaries and  
15 to address a wider range of annexation impacts. This part is  
16 intended to encourage intergovernmental coordination in  
17 planning, service delivery, and boundary adjustments and to  
18 reduce intergovernmental conflicts and litigation between  
19 local governments. It is the intent of this part to promote  
20 sensible boundaries that reduce the costs of local  
21 governments, avoid local service duplication, and increase  
22 political transparency and accountability. This part is  
23 intended to prevent inefficient service delivery and an  
24 insufficient tax base to support the delivery of those  
25 services.

26 171.202 Definitions.--As used in this part, the term:

27 (1) "Chief administrative officer" means the municipal  
28 administrator, municipal manager, county manager, county  
29 administrator, or other officer of the municipality, county,  
30 or independent special district who reports directly to the  
31 governing body of the local government.

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

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

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

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

14           (6) "Initiating municipality" means a municipality  
15 that commences the process for negotiation of an interlocal  
16 service boundary agreement through the adoption of an  
17 initiating resolution.

18           (7) "Initiating resolution" means a resolution adopted  
19 by a county, municipality, or independent special district  
20 which commences the process for negotiation of an interlocal  
21 service boundary agreement and which identifies the  
22 unincorporated area and other issues for discussion.

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

27           (9) "Invited municipality" means an initiating  
28 municipality and any other municipality designated as such in  
29 an initiating resolution or a responding resolution that  
30 invites the municipality to participate in the negotiation of  
31 an interlocal service boundary agreement.

1           (10) "Municipal service area" means one or more of the  
2 following as designated in an interlocal service boundary  
3 agreement:

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

7           (b) An unincorporated area that has been identified in  
8 an interlocal service boundary agreement to receive municipal  
9 services from a municipality that is a party to the agreement  
10 or from the municipality's designee.

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

14           (12) "Participating resolution" means the resolution  
15 adopted by the initiating local government and the invited  
16 local government.

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

20           (14) "Responding resolution" means the resolution  
21 adopted by the county or an invited municipality which  
22 responds to the initiating resolution and which may identify  
23 an additional unincorporated area or another issue for  
24 discussion, or both, and may designate an additional invited  
25 municipality.

26           (15) "Unincorporated service area" means one or more  
27 of the following as designated in an interlocal service  
28 boundary agreement:

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

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

5        171.203 Interlocal service boundary agreement.--The  
6 governing body of a county and one or more municipalities or  
7 independent special districts within the county may enter into  
8 an interlocal service boundary agreement under this part. The  
9 governing bodies of a county, municipality, or an independent  
10 special district may develop a process for reaching an  
11 interlocal service boundary agreement which provides for  
12 public participation in a manner that meets or exceeds the  
13 requirements of subsection (11), or the governing bodies may  
14 use the process established in this section.

15        (1) A county, municipality, or an independent special  
16 district desiring to enter into an interlocal service boundary  
17 agreement shall commence the negotiation process by adopting  
18 an initiating resolution. The initiating resolution shall  
19 identify an unincorporated area or incorporated area, or both,  
20 to be discussed and the issues to be negotiated. The  
21 identified area shall be specified in the initiating  
22 resolution by a descriptive exhibit that includes, but need  
23 not be limited to, a map or legal description of the  
24 designated area. The issues for negotiation shall be listed in  
25 the initiating resolution and may include, but need not be  
26 limited to, the issues listed in subsection (6). An  
27 independent special district may initiate the interlocal  
28 service boundary agreement for the sole purpose of dissolving  
29 an independent special district.

30        (a) The initiating resolution of an initiating county  
31 must designate one or more invited municipalities. The

1 initiating resolution of an initiating municipality may  
2 designate an invited municipality. The initiating resolution  
3 of an independent special district shall designate one or more  
4 invited municipalities and invite the county.

5 (b) An initiating county shall send the initiating  
6 resolution by United States certified mail to the chief  
7 administrative officer of every invited municipality and each  
8 other municipality within the county. An initiating  
9 municipality shall send the initiating resolution by United  
10 States certified mail to the chief administrative officer of  
11 the county, the invited municipality, if any, and each other  
12 municipality within the county.

13 (c) The initiating local government shall also send  
14 the initiating resolution to the chief administrative officer  
15 of each independent special district in the unincorporated  
16 area designated in the initiating resolution.

17 (2) Within 60 days after the receipt of an initiating  
18 resolution, the county or the invited municipality, as  
19 appropriate, shall adopt a responding resolution. The  
20 responding resolution may identify an additional  
21 unincorporated area or incorporated area, or both, for  
22 discussion and may designate additional issues for  
23 negotiation. The additional identified area, if any, shall be  
24 specified in the responding resolution by a descriptive  
25 exhibit that includes, but need not be limited to, a map or  
26 legal description of the designated area. The additional  
27 issues designated for negotiation, if any, shall be listed in  
28 the responding resolution and may include, but need not be  
29 limited to, the issues listed in subsection (6). The  
30 responding resolution may also invite an additional  
31

1 municipality to negotiate the interlocal service boundary  
2 agreement.

3 (a) Within 7 days after the adoption of a responding  
4 resolution, the responding county shall send the responding  
5 resolution by United States certified mail to the chief  
6 administrative officer of the initiating municipality, each  
7 invited municipality, if any, and the independent special  
8 district that received an initiating resolution.

9 (b) Within 7 days after the adoption of a responding  
10 resolution, an invited municipality shall send the responding  
11 resolution by United States certified mail to the chief  
12 administrative officer of the initiating county, each invited  
13 municipality, if any, and each independent special district  
14 that received an initiating resolution.

15 (c) An invited municipality that was invited by a  
16 responding resolution shall adopt a responding resolution in  
17 accordance with paragraph (b).

18 (d) Within 60 days after receipt of the initiating  
19 resolution, any independent special district that received an  
20 initiating resolution and that desires to participate in the  
21 negotiations shall adopt a resolution indicating that it  
22 intends to participate in the negotiation process for the  
23 interlocal service boundary agreement. Within 7 days after the  
24 adoption of the resolution, the independent special district  
25 shall send the resolution by United States certified mail to  
26 the chief administrative officer of the county, the initiating  
27 municipality, each invited municipality, if any, and each  
28 notified local government.

29 (3) A municipality within the county that is not an  
30 invited municipality may request participation in the  
31 negotiations for the interlocal service boundary agreement.



1 Such a request shall be accomplished by adopting a requesting  
2 resolution within 60 days after receipt of the initiating  
3 resolution or within 10 days after receipt of the responding  
4 resolution. Within 7 days after adoption of the requesting  
5 resolution, the requesting municipality shall send the  
6 resolution by United States certified mail to the chief  
7 administrative officer of the initiating local government and  
8 each invited municipality. The county and the invited  
9 municipality shall consider whether to allow a requesting  
10 municipality to participate in the negotiations, and, if they  
11 agree, the county and the municipality shall adopt a  
12 participating resolution allowing the requesting municipality  
13 to participate in the negotiations.

14 (4) The county, the invited municipalities, the  
15 participating municipalities, if any, and the independent  
16 special districts, if any have adopted a resolution to  
17 participate, shall begin negotiations within 60 days after  
18 receipt of the responding resolution or a participating  
19 resolution, whichever occurs later.

20 (5) An invited municipality that fails to adopt a  
21 responding resolution shall be deemed to waive its right to  
22 participate in the negotiation process and shall be bound by  
23 an interlocal agreement resulting from such negotiation  
24 process, if any is reached.

25 (6) An interlocal service boundary agreement may  
26 address any issue concerning service delivery, fiscal  
27 responsibilities, or boundary adjustment. The agreement may  
28 include, but need not be limited to, provisions that:

29 (a) Identify a municipal service area.

30 (b) Identify an unincorporated service area.

31

1           (c) Identify the local government responsible for the  
2 delivery or funding of the following services within the  
3 municipal service area or the unincorporated service area:

- 4           1. Public safety.
- 5           2. Fire, emergency rescue, and medical.
- 6           3. Water and wastewater.
- 7           4. Road ownership, construction, and maintenance.
- 8           5. Conservation, parks, and recreation.
- 9           6. Stormwater management and drainage.

10           (d) Address other services and infrastructure not  
11 currently provided by an electric utility as defined by s.  
12 366.02(2) or a natural gas transmission company as defined by  
13 s. 368.103(4).

14           (e) Establish a process and schedule for annexation of  
15 an area within the designated municipal service area  
16 consistent with s. 171.205.

17           (f) Establish a process for land-use decisions  
18 consistent with part II of chapter 163, including those made  
19 jointly by the governing bodies of the county and the  
20 municipality, or allow a municipality to adopt land-use  
21 changes consistent with part II of chapter 163 for areas that  
22 are scheduled to be annexed within the term of the interlocal  
23 agreement, and allow an exemption from the twice-per-year  
24 limitation applicable to changes to the comprehensive plan  
25 under s. 163.3187.

26           (g) Address other issues concerning service delivery,  
27 including the transfer of services and infrastructure and the  
28 fiscal compensation to one county, municipality, or  
29 independent special district from another county,  
30 municipality, or independent special district.

31

1       (h) Provide for the joint use of facilities and the  
2 colocation of services.

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

6       (7) If the interlocal service boundary agreement  
7 addresses land use planning responsibilities, the agreement  
8 must also establish the procedures for the preparation and  
9 adoption of comprehensive plan amendments, for the  
10 administration of land development regulations, and for the  
11 issuance of development orders.

12       (8) Each local government that is a party to the  
13 interlocal service boundary agreement shall amend the  
14 intergovernmental coordination element of its comprehensive  
15 plan, as defined in s. 163.3177(6)(h)1., no later than 6  
16 months following entry of the interlocal service boundary  
17 agreement consistent with s. 163.3177(6)(h)1. Plan amendments  
18 required by this subsection are exempt from the twice-per-year  
19 limitation under s. 163.3187.

20       (9) An affected person for the purpose of challenging  
21 a comprehensive plan amendment required by paragraph (6)(f)  
22 includes persons owning real property, residing, or owning or  
23 operating a business within the boundaries of the municipal  
24 service area and owners of real property abutting real  
25 property within the municipal service area that is the subject  
26 of the comprehensive plan amendment in addition to those  
27 affected persons who would have standing under s. 163.3184.

28       (10)(a) A municipality that is a party to an  
29 interlocal service boundary agreement that identifies an  
30 unincorporated area for municipal annexation under s.  
31 171.202(10)(a) shall adopt a municipal service area as an

1 amendment to its comprehensive plan to address future possible  
2 municipal annexation. The state land planning agency shall  
3 review the amendment for compliance with part II of chapter  
4 163.

5 1. A municipal service area must contain:  
6 a. A boundary map of the municipal service area.  
7 b. Population projections for the area.  
8 c. Data and analysis supporting the provision of  
9 public facilities for the area.

10 (b) This part shall not authorize the state land  
11 planning agency to review, evaluate, determine, approve or  
12 disapprove a municipal ordinance relating to municipal  
13 annexation or contraction.

14  
15 A municipality or county may consider the adoption of any  
16 comprehensive plan amendment required by this subsection  
17 without regard to the provisions of s. 163.3187(1) regarding  
18 the frequency of adoption of amendments to the comprehensive  
19 plan.

20 (10) An interlocal service boundary agreement may be  
21 for a term of 20 years or less. The interlocal service  
22 boundary agreement shall also include a provision requiring  
23 periodic review. The interlocal service boundary agreement  
24 shall require renegotiations to begin at least 18 months  
25 before its termination date.

26 (11) No earlier than 6 months after the commencement  
27 of negotiations, either of the initiating local governments or  
28 both, the county, or the invited municipality may declare an  
29 impasse in the negotiations and seek a resolution of the  
30 issues under ss. 164.1053-164.1057. If the local governments  
31 fail to agree at the conclusion of the process under chapter

1 164, the local governments shall hold a joint public hearing  
2 on the issues raised in the negotiations.

3 (12) When the local governments have reached an  
4 interlocal service boundary agreement, the county and the  
5 municipality shall adopt the agreement by ordinance under s.  
6 166.041 or s. 125.66, respectively. An independent special  
7 district, if it consents to the agreement, shall adopt the  
8 agreement by final order, resolution, or other method  
9 consistent with its charter. The interlocal service boundary  
10 agreement shall take effect on the day specified in the  
11 agreement or, if there is no date, upon adoption by the county  
12 or the invited municipality, whichever occurs later. Nothing  
13 in this part shall prohibit a county or municipality from  
14 adopting an interlocal service boundary agreement without the  
15 consent of an independent special district.

16 (13) For a period of 6 months following the failure of  
17 the local governments to consent to an interlocal service  
18 boundary agreement, the initiating local government may not  
19 initiate the negotiation process established in this section  
20 to require the responding local government to negotiate an  
21 agreement concerning the same identified unincorporated area  
22 and the same issues that were specified in the failed  
23 initiating resolution.

24 (14) This part does not authorize one local government  
25 to require another local government to enter into an  
26 interlocal service boundary agreement. However, when the  
27 process for negotiating an interlocal service boundary  
28 agreement is initiated, the local governments shall negotiate  
29 in good faith to the conclusion of the process established in  
30 this section.

31

1           (15) This section authorizes local governments to  
2 simultaneously engage in negotiating more than one interlocal  
3 service boundary agreement, notwithstanding that separate  
4 negotiations concern similar or identical unincorporated areas  
5 and issues.

6           (16) Elected local government officials are encouraged  
7 to participate actively and directly in the negotiation  
8 process for developing an interlocal service boundary  
9 agreement.

10           (17) This part does not impair any existing franchise  
11 agreement without the consent of the franchisee. A  
12 municipality or county shall retain all existing authority, if  
13 any, to negotiate a franchise agreement with any private  
14 service provider for use of public rights-of-way or the  
15 privilege of providing a service.

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

18           171.204 Prerequisites to annexation under this  
19 part.--The interlocal service boundary agreement may describe  
20 the character of land that may be annexed and may provide that  
21 the restrictions on the character of land that may be annexed  
22 pursuant to part I are not restrictions on land that may be  
23 annexed pursuant to this part. As determined in the interlocal  
24 service boundary agreement, any character of land may be  
25 annexed, including, but not limited to, an annexation of land  
26 not contiguous to the boundaries of the annexing municipality,  
27 an annexation that creates an enclave, an annexation where the  
28 annexed area is not reasonably compact; provided, however,  
29 such area shall meet the definition of urban in character as  
30 defined in s. 171.031(8). The interlocal service boundary  
31 agreement may not allow for annexation of land within a

1 municipality that is not a party to the agreement or of land  
2 that is within another county.

3 171.205 Consent requirements for annexation of land  
4 under this part.--Notwithstanding part I, an interlocal  
5 service boundary agreement may provide a process for  
6 annexation consistent with this section or with part I.

7 (1) For all or a portion of the area within a  
8 designated municipal service area, the interlocal service  
9 boundary agreement may provide a flexible process for securing  
10 the consent of the registered voters who reside in the area  
11 proposed to be annexed, or property owners, or both, for  
12 annexation of property within a municipal service area, with  
13 notice to the registered voters who reside in the area  
14 proposed to be annexed, or property owners, or both, as  
15 required in the interlocal service boundary agreement. The  
16 interlocal service boundary agreement may not authorize  
17 annexation unless the consent requirements of part I are met  
18 or the annexation is consented to by one or more of the  
19 following:

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

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

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

29 (2) For all or a portion of an enclave consisting of  
30 more than 20 acres within a designated municipal service area,  
31 the interlocal service boundary agreement may provide a

1 flexible process for securing the consent of the registered  
2 voters who reside in the area proposed to be annexed and  
3 property owners in order to annex the property, with notice to  
4 the registered voters who reside in the area proposed to be  
5 annexed and property owners as required in the interlocal  
6 service boundary agreement. The interlocal service boundary  
7 agreement may not authorize annexation of enclaves under this  
8 subsection unless the consent requirements of part I are met,  
9 unless the annexation process includes one or more of the  
10 procedures in subsection (1), or unless the municipality has  
11 received a petition for annexation from one or more property  
12 owners who own real property in excess of 50 percent of the  
13 total real property within the area to be annexed.

14 (3) For all or a portion of an enclave, consisting of  
15 20 acres or less and with fewer than 100 registered voters  
16 within a designated municipal service area, the interlocal  
17 service boundary agreement may provide a flexible process for  
18 securing the consent of the registered voters who reside in  
19 the area proposed to be annexed and the property owners in  
20 order to annex property within a municipal service area, with  
21 notice to the registered voters who reside in the area  
22 proposed to be annexed and the property owners as required in  
23 the interlocal service boundary agreement. Such an annexation  
24 process may include one or more of the procedures in  
25 subsection (1) and may allow annexation according to the terms  
26 and conditions provided in the interlocal service boundary  
27 agreement, which may include a referendum of the registered  
28 voters who reside in the area proposed to be annexed.

29 171.206 Effect of interlocal service boundary area  
30 agreement on annexations.--  
31



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

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

9       (3) If the independent special district that  
10 participated in the negotiation process pursuant to s.  
11 171.203(2)(d) does not consent to the interlocal service  
12 boundary agreement and a municipality annexes an area within  
13 the independent special district, the municipality may consent  
14 to allowing the independent special district to receive ad  
15 valorem tax revenue or the independent special district may  
16 seek compensation pursuant to s. 171.093.

17       171.207 Transfer of powers.--This part is an  
18 alternative provision otherwise provided by law, as authorized  
19 in s. 4, Art. VIII of the State Constitution, for any transfer  
20 of power resulting from an interlocal service boundary  
21 agreement for the provision of services or the acquisition of  
22 public facilities entered into by a county, municipality,  
23 independent special district, or other entity created pursuant  
24 to law.

25       171.208 Municipal extraterritorial power.--This part  
26 authorizes a municipality to exercise extraterritorial powers  
27 that include, but are not limited to, the authority to provide  
28 services and facilities within the unincorporated area or  
29 within the territory of another municipality as provided  
30 within an interlocal service boundary agreement. This power is  
31 in addition to other municipal powers that otherwise exist.

1           171.209 County incorporated area power.--As provided  
2 in an interlocal service boundary agreement, this part  
3 authorizes a county to exercise powers within a municipality  
4 that include, but are not limited to, the authority to provide  
5 services and facilities within the territory of a  
6 municipality. This power is in addition to other county powers  
7 that otherwise exist.

8           171.21 Effect of part on interlocal agreement and  
9 county charter.--A joint planning agreement, a charter  
10 provision adopted under s. 171.044(4), or any other interlocal  
11 agreement between local governments including a county,  
12 municipality, or independent special district is not affected  
13 by this part; however, the county, municipality or independent  
14 special district may avail themselves of this part, which may  
15 result in the repeal or modification of a joint planning  
16 agreement or other interlocal agreement.

17           171.211 Interlocal service boundary agreement presumed  
18 valid and binding.--

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

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

27           171.212 Disputes regarding construction and effect of  
28 an interlocal service boundary agreement.--If there is a  
29 question or dispute about the construction or effect of an  
30 interlocal service boundary agreement, a local government  
31 shall initiate and proceed through the conflict resolution

1 procedures established in chapter 164. If there is a failure  
2 to resolve the conflict, no later than 30 days following the  
3 conclusion of the procedures established in chapter 164, the  
4 local government may file an action in circuit court. For  
5 purposes of this section, the term "local government" means a  
6 party to the interlocal service boundary agreement.

7 Section 2. Subsection (2) of section 171.042, Florida  
8 Statutes, is amended, and subsection (3) is added to that  
9 section, to read:

10 171.042 Prerequisites to annexation.--

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

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

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

22 171.044 Voluntary annexation.--

23 (6) Not fewer than 10 days prior to ~~Upon~~ publishing or  
24 posting the ordinance notice required under subsection (2),  
25 the governing body of the municipality must provide a copy of  
26 the notice, via certified mail, to the board of the county  
27 commissioners of the county wherein the municipality is  
28 located. The notice provision provided in this subsection may  
29 ~~shall not~~ be the basis for a ~~of any~~ cause of action  
30 invalidating ~~challenging~~ the annexation.  
31

1           Section 4. Section 171.094, Florida Statutes, is  
2 created to read:

3           171.094 Effect of interlocal service boundary  
4 agreements adopted under part II on annexations under this  
5 part.

6           (1) An interlocal service boundary agreement entered  
7 into pursuant to part II is binding on the parties to the  
8 agreement and a party may not take any action that violates  
9 the interlocal service boundary agreement.

10           (2) Notwithstanding any other provision of this part,  
11 without the consent of the county, the affected municipality  
12 or affected independent special district by resolution, a  
13 county, an invited municipality or independent special  
14 district may not take any action that violates an interlocal  
15 service boundary agreement.

16           Section 5. Section 171.081, Florida Statutes, is  
17 amended to read:

18           171.081 Appeal on annexation or contraction.--

19           (1) No later than 30 days following the passage of an  
20 annexation or contraction ordinance, Any party affected who  
21 believes that he or she will suffer material injury by reason  
22 of the failure of the municipal governing body to comply with  
23 the procedures set forth in this chapter for annexation or  
24 contraction or to meet the requirements established for  
25 annexation or contraction as they apply to his or her property  
26 may file a petition in the circuit court for the county in  
27 which the municipality or municipalities are located seeking  
28 review by certiorari. The action may be initiated at the  
29 party's option either within 30 days following the passage of  
30 the annexation or contraction ordinance or within 30 days  
31 following the completion of the dispute resolution process in

1 subsection (2). In any action instituted pursuant to this  
2 subsection ~~section~~, the complainant, should he or she prevail,  
3 shall be entitled to reasonable costs and attorney's fees.

4 (2) If the affected party is a governmental entity, no  
5 later than 30 days following the passage of an annexation or  
6 contraction ordinance, the governmental entity must initiate  
7 and proceed through the conflict resolution procedures  
8 established in chapter 164. If there is a failure to resolve  
9 the conflict, no later than 30 days following the conclusion  
10 of the procedures established in chapter 164, the governmental  
11 entity that initiated the conflict resolution procedures may  
12 file a petition in the circuit court for the county in which  
13 the municipality or municipalities are located seeking review  
14 by certiorari. In any legal action instituted pursuant to this  
15 subsection, the prevailing party is entitled to reasonable  
16 costs and attorney's fees.

17 Section 6. Section 164.1058, Florida Statutes, is  
18 amended to read:

19 164.1058 Penalty.--If a primary conflicting  
20 governmental entity ~~which has received notice of intent to~~  
21 ~~initiate the conflict resolution procedure pursuant to this~~  
22 ~~act~~ fails to participate in good faith in the conflict  
23 assessment meeting, mediation, or other remedies provided for  
24 in this act, ~~and the initiating governmental entity files suit~~  
25 ~~and is the prevailing party in such suit,~~ the primary  
26 disputing governmental entity that ~~which~~ failed to participate  
27 in good faith shall be required to pay the attorney's fees and  
28 costs in that proceeding of the prevailing primary conflicting  
29 ~~governmental entity which initiated the conflict resolution~~  
30 ~~procedure.~~

