

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:
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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, and 171.212, 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 local government" means an invited
28 county, municipality, or special district and any other local
29 government designated as such in an initiating resolution or a
30 responding resolution that invites the local government to
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1 participate in the negotiation of an interlocal service
2 boundary agreement.

3 (10) "Invited municipality" means an initiating
4 municipality and any other municipality designated as such in
5 an initiating resolution or a responding resolution that
6 invites the municipality to participate in the negotiation of
7 an interlocal service boundary agreement.

8 (11) "Municipal service area" means one or more of the
9 following as designated in an interlocal service boundary
10 agreement:

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

14 (b) An unincorporated area that has been identified in
15 an interlocal service boundary agreement to receive municipal
16 services from a municipality that is a party to the agreement
17 or from the municipality's designee.

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

21 (13) "Participating resolution" means the resolution
22 adopted by the initiating local government and the invited
23 local government.

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

27 (15) "Responding resolution" means the resolution
28 adopted by the county or an invited municipality which
29 responds to the initiating resolution and which may identify
30 an additional unincorporated area or another issue for
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1 discussion, or both, and may designate an additional invited
2 municipality.

3 (16) "Unincorporated service area" means one or more
4 of the following as designated in an interlocal service
5 boundary agreement:

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

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

13 171.203 Interlocal service boundary agreement.--The
14 governing body of a county and one or more municipalities or
15 independent special districts within the county may enter into
16 an interlocal service boundary agreement under this part. The
17 governing bodies of a county, municipality, or an independent
18 special district may develop a process for reaching an
19 interlocal service boundary agreement which provides for
20 public participation in a manner that meets or exceeds the
21 requirements of subsection (11), or the governing bodies may
22 use the process established in this section.

23 (1) A county, municipality, or an independent special
24 district desiring to enter into an interlocal service boundary
25 agreement shall commence the negotiation process by adopting
26 an initiating resolution. The initiating resolution shall
27 identify an unincorporated area or incorporated area, or both,
28 to be discussed and the issues to be negotiated. The
29 identified area shall be specified in the initiating
30 resolution by a descriptive exhibit that includes, but need
31 not be limited to, a map or legal description of the

1 designated area. The issues for negotiation shall be listed in
2 the initiating resolution and may include, but need not be
3 limited to, the issues listed in subsection (6). An
4 independent special district may initiate the interlocal
5 service boundary agreement for the sole purpose of dissolving
6 an independent special district.

7 (a) The initiating resolution of an initiating county
8 must designate one or more invited municipalities. The
9 initiating resolution of an initiating municipality may
10 designate an invited municipality. The initiating resolution
11 of an independent special district shall designate one or more
12 invited municipalities and invite the county.

13 (b) An initiating county shall send the initiating
14 resolution by United States certified mail to the chief
15 administrative officer of every invited municipality and each
16 other municipality within the county. An initiating
17 municipality shall send the initiating resolution by United
18 States certified mail to the chief administrative officer of
19 the county, the invited municipality, if any, and each other
20 municipality within the county.

21 (c) The initiating local government shall also send
22 the initiating resolution to the chief administrative officer
23 of each independent special district in the unincorporated
24 area designated in the initiating resolution.

25 (2) Within 60 days after the receipt of an initiating
26 resolution, the county or the invited municipality, as
27 appropriate, shall adopt a responding resolution. The
28 responding resolution may identify an additional
29 unincorporated area or incorporated area, or both, for
30 discussion and may designate additional issues for
31 negotiation. The additional identified area, if any, shall be

1 specified in the responding resolution by a descriptive
2 exhibit that includes, but need not be limited to, a map or
3 legal description of the designated area. The additional
4 issues designated for negotiation, if any, shall be listed in
5 the responding resolution and may include, but need not be
6 limited to, the issues listed in subsection (6). The
7 responding resolution may also invite an additional
8 municipality to negotiate the interlocal service boundary
9 agreement.

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

16 (b) Within 7 days after the adoption of a responding
17 resolution, an invited municipality shall send the responding
18 resolution by United States certified mail to the chief
19 administrative officer of the initiating county, each invited
20 municipality, if any, and each independent special district
21 that received an initiating resolution.

22 (c) An invited municipality that was invited by a
23 responding resolution shall adopt a responding resolution in
24 accordance with paragraph (b).

25 (d) Within 60 days after receipt of the initiating
26 resolution, any independent special district that received an
27 initiating resolution and that desires to participate in the
28 negotiations shall adopt a resolution indicating that it
29 intends to participate in the negotiation process for the
30 interlocal service boundary agreement. Within 7 days after the
31 adoption of the resolution, the independent special district

1 shall send the resolution by United States certified mail to
2 the chief administrative officer of the county, the initiating
3 municipality, each invited municipality, if any, and each
4 notified local government.

5 (3) A municipality within the county that is not an
6 invited municipality may request participation in the
7 negotiations for the interlocal service boundary agreement.
8 Such a request shall be accomplished by adopting a requesting
9 resolution within 60 days after receipt of the initiating
10 resolution or within 10 days after receipt of the responding
11 resolution. Within 7 days after adoption of the requesting
12 resolution, the requesting municipality shall send the
13 resolution by United States certified mail to the chief
14 administrative officer of the initiating local government and
15 each invited municipality. The county and the invited
16 municipality shall consider whether to allow a requesting
17 municipality to participate in the negotiations, and, if they
18 agree, the county and the municipality shall adopt a
19 participating resolution allowing the requesting municipality
20 to participate in the negotiations.

21 (4) The county, the invited municipalities, the
22 participating municipalities, if any, and the independent
23 special districts, if any have adopted a resolution to
24 participate, shall begin negotiations within 60 days after
25 receipt of the responding resolution or a participating
26 resolution, whichever occurs later.

27 (5) An invited municipality that fails to adopt a
28 responding resolution shall be deemed to waive its right to
29 participate in the negotiation process and shall be bound by
30 an interlocal agreement resulting from such negotiation
31 process, if any is reached.

1 (6) An interlocal service boundary agreement may
2 address any issue concerning service delivery, fiscal
3 responsibilities, or boundary adjustment. The agreement may
4 include, but need not be limited to, provisions that:
5 (a) Identify a municipal service area.
6 (b) Identify an unincorporated service area.
7 (c) Identify the local government responsible for the
8 delivery or funding of the following services within the
9 municipal service area or the unincorporated service area:
10 1. Public safety.
11 2. Fire, emergency rescue, and medical.
12 3. Water and wastewater.
13 4. Road ownership, construction, and maintenance.
14 5. Conservation, parks, and recreation.
15 6. Stormwater management and drainage.
16 (d) Address other services and infrastructure not
17 currently provided by an electric utility as defined by s.
18 366.02(2) or a natural gas transmission company as defined by
19 s. 368.103(4). However, this paragraph does not affect any
20 territorial agreement between electrical utilities or public
21 utilities as defined in chapter 366 or affect the
22 determination of a territorial dispute by the Public Service
23 Commission under s. 366.04.
24 (e) Establish a process and schedule for annexation of
25 an area within the designated municipal service area
26 consistent with s. 171.205.
27 (f) Establish a process for land-use decisions
28 consistent with part II of chapter 163, including those made
29 jointly by the governing bodies of the county and the
30 municipality, or allow a municipality to adopt land-use
31 changes consistent with part II of chapter 163 for areas that

1 are scheduled to be annexed within the term of the interlocal
2 agreement; however, the county comprehensive plan and
3 land-development regulations shall control until the
4 municipality annexes the property and amends its comprehensive
5 plan accordingly. Comprehensive plan amendments to incorporate
6 the process established by this paragraph are exempt from the
7 twice-per-year limitation under s. 163.3187.

8 (g) Address other issues concerning service delivery,
9 including the transfer of services and infrastructure and the
10 fiscal compensation to one county, municipality, or
11 independent special district from another county,
12 municipality, or independent special district.

13 (h) Provide for the joint use of facilities and the
14 colocation of services.

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

18 (j) Establish a procedure by which the local
19 government responsible for water and wastewater services
20 shall, within 30 days after the annexation or subtraction of
21 territory, apply for any necessary permit modifications to
22 reflect changes in surface water management operating entity
23 responsibilities pursuant to water management district or
24 Department of Environmental Protection permits.

25 (7) If the interlocal service boundary agreement
26 addresses land use planning responsibilities, the agreement
27 must also establish the procedures for the preparation and
28 adoption of comprehensive plan amendments, for the
29 administration of land development regulations, and for the
30 issuance of development orders.

31

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

9 (9) An affected person for the purpose of challenging
10 a comprehensive plan amendment required by paragraph (6)(f)
11 includes persons owning real property, residing, or owning or
12 operating a business within the boundaries of the municipal
13 service area and owners of real property abutting real
14 property within the municipal service area that is the subject
15 of the comprehensive plan amendment in addition to those
16 affected persons who would have standing under s. 163.3184.

17 (10)(a) A municipality that is a party to an
18 interlocal service boundary agreement that identifies an
19 unincorporated area for municipal annexation under s.
20 171.202(10)(a) shall adopt a municipal service area as an
21 amendment to its comprehensive plan to address future possible
22 municipal annexation. The state land planning agency shall
23 review the amendment for compliance with part II of chapter
24 163.

25 1. A municipal service area must contain:
26 a. A boundary map of the municipal service area.
27 b. Population projections for the area.
28 c. Data and analysis supporting the provision of
29 public facilities for the area.

30 (b) This part shall not authorize the state land
31 planning agency to review, evaluate, determine, approve or

1 disapprove a municipal ordinance relating to municipal
2 annexation or contraction.

3
4 A municipality or county may consider the adoption of any
5 comprehensive plan amendment required by this subsection
6 without regard to the provisions of s. 163.3187(1) regarding
7 the frequency of adoption of amendments to the comprehensive
8 plan.

9 (11) An interlocal service boundary agreement may be
10 for a term of 20 years or less. The interlocal service
11 boundary agreement shall also include a provision requiring
12 periodic review. The interlocal service boundary agreement
13 shall require renegotiations to begin at least 18 months
14 before its termination date.

15 (12) No earlier than 6 months after the commencement
16 of negotiations, either of the initiating local governments or
17 both, the county, or the invited municipality may declare an
18 impasse in the negotiations and seek a resolution of the
19 issues under ss. 164.1053-164.1057. If the local governments
20 fail to agree at the conclusion of the process under chapter
21 164, the local governments shall hold a joint public hearing
22 on the issues raised in the negotiations.

23 (13) When the local governments have reached an
24 interlocal service boundary agreement, the county and the
25 municipality shall adopt the agreement by ordinance under s.
26 166.041 or s. 125.66, respectively. An independent special
27 district, if it consents to the agreement, shall adopt the
28 agreement by final order, resolution, or other method
29 consistent with its charter. The interlocal service boundary
30 agreement shall take effect on the day specified in the
31 agreement or, if there is no date, upon adoption by the county

1 or the invited municipality, whichever occurs later. Nothing
2 in this part shall prohibit a county or municipality from
3 adopting an interlocal service boundary agreement without the
4 consent of an independent special district.

5 (14) For a period of 6 months following the failure of
6 the local governments to consent to an interlocal service
7 boundary agreement, the initiating local government may not
8 initiate the negotiation process established in this section
9 to require the responding local government to negotiate an
10 agreement concerning the same identified unincorporated area
11 and the same issues that were specified in the failed
12 initiating resolution.

13 (15) This part does not authorize one local government
14 to require another local government to enter into an
15 interlocal service boundary agreement. However, when the
16 process for negotiating an interlocal service boundary
17 agreement is initiated, the local governments shall negotiate
18 in good faith to the conclusion of the process established in
19 this section.

20 (16) This section authorizes local governments to
21 simultaneously engage in negotiating more than one interlocal
22 service boundary agreement, notwithstanding that separate
23 negotiations concern similar or identical unincorporated areas
24 and issues.

25 (17) Elected local government officials are encouraged
26 to participate actively and directly in the negotiation
27 process for developing an interlocal service boundary
28 agreement.

29 (18) This part does not impair any existing franchise
30 agreement without the consent of the franchisee, any existing
31 territorial agreement between electric utilities or public

1 utilities as defined in chapter 366, or the jurisdiction of
2 the Public Service Commission under s. 366.04 to resolve a
3 territorial dispute involving electric utilities or public
4 utilities in accordance with the criteria set out in that
5 section. In addition, an interlocal agreement entered into
6 under this section has no effect in a territorial dispute
7 proceeding before the Public Service Commission. A
8 municipality or county shall retain all existing authority, if
9 any, to negotiate a franchise agreement with any private
10 service provider for use of public rights-of-way or the
11 privilege of providing a service.

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

14 171.204 Prerequisites to annexation under this
15 part.--The interlocal service boundary agreement may describe
16 the character of land that may be annexed and may provide that
17 the restrictions on the character of land that may be annexed
18 pursuant to part I are not restrictions on land that may be
19 annexed pursuant to this part. As determined in the interlocal
20 service boundary agreement, any character of land may be
21 annexed, including, but not limited to, an annexation of land
22 not contiguous to the boundaries of the annexing municipality,
23 an annexation that creates an enclave, an annexation where the
24 annexed area is not reasonably compact; provided, however,
25 such area shall meet the definition of urban in character as
26 defined in s. 171.031(8). The interlocal service boundary
27 agreement may not allow for annexation of land within a
28 municipality that is not a party to the agreement or of land
29 that is within another county. Before annexation of land that
30 is not contiguous to the boundaries of the annexing
31

1 municipality, or an annexation that creates an enclave, one of
2 the following options must be followed:

3 (1) The municipality shall transmit a
4 comprehensive-plan amendment that proposes specific amendments
5 relating to the property anticipated for annexation to the
6 Department of Community Affairs for review under chapter 163.
7 After considering the department's review, the municipality
8 may approve the annexation and comprehensive-plan amendment
9 concurrently. Adoption of the annexation and
10 comprehensive-plan amendment may occur at the same hearing;
11 however, the local government must take separate action on the
12 annexation and comprehensive plan amendment; or

13 (2) A municipality and county shall enter into a joint
14 planning agreement under s. 163.3171, which is adopted into
15 the municipal comprehensive plan. The joint planning agreement
16 must identify the geographic areas anticipated for annexation,
17 the future land uses that the municipality would seek to
18 establish, necessary public facilities and services, including
19 transportation and school facilities and how they will be
20 provided, and natural resources, including surface water and
21 groundwater resources, and how they will be protected.
22 Amendments to a comprehensive plan's future land use map that
23 are consistent with the joint planning agreement shall be
24 considered small scale amendments.

25 171.205 Consent requirements for annexation of land
26 under this part.--Notwithstanding part I, an interlocal
27 service boundary agreement may provide a process for
28 annexation consistent with this section or with part I.

29 (1) For all or a portion of the area within a
30 designated municipal service area, the interlocal service
31 boundary agreement may provide a flexible process for securing

1 the consent of the registered voters who reside in the area
2 proposed to be annexed, or property owners, or both, for
3 annexation of property within a municipal service area, with
4 notice to the registered voters who reside in the area
5 proposed to be annexed, or property owners, or both, as
6 required in the interlocal service boundary agreement. The
7 interlocal service boundary agreement may not authorize
8 annexation unless the consent requirements of part I are met
9 or the annexation is consented to by one or more of the
10 following:

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

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

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

20 (2) For all or a portion of an enclave consisting of
21 more than 20 acres within a designated municipal service area,
22 the interlocal service boundary agreement may provide a
23 flexible process for securing the consent of the registered
24 voters who reside in the area proposed to be annexed and
25 property owners in order to annex the property, with notice to
26 the registered voters who reside in the area proposed to be
27 annexed and property owners as required in the interlocal
28 service boundary agreement. The interlocal service boundary
29 agreement may not authorize annexation of enclaves under this
30 subsection unless the consent requirements of part I are met,
31 unless the annexation process includes one or more of the

1 procedures in subsection (1), or unless the municipality has
2 received a petition for annexation from one or more property
3 owners who own real property in excess of 50 percent of the
4 total real property within the area to be annexed.

5 (3) For all or a portion of an enclave, consisting of
6 20 acres or less and with fewer than 100 registered voters
7 within a designated municipal service area, the interlocal
8 service boundary agreement may provide a flexible process for
9 securing the consent of the registered voters who reside in
10 the area proposed to be annexed and the property owners in
11 order to annex property within a municipal service area, with
12 notice to the registered voters who reside in the area
13 proposed to be annexed and the property owners as required in
14 the interlocal service boundary agreement. Such an annexation
15 process may include one or more of the procedures in
16 subsection (1) and may allow annexation according to the terms
17 and conditions provided in the interlocal service boundary
18 agreement, which may include a referendum of the registered
19 voters who reside in the area proposed to be annexed.

20 171.206 Effect of interlocal service boundary area
21 agreement on annexations.--

22 (1) An interlocal service boundary agreement is
23 binding on the parties to the agreement, and a party may not
24 take any action that violates the interlocal service boundary
25 agreement.

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

30 (3) If the independent special district that
31 participated in the negotiation process pursuant to s.

1 171.203(2)(d) does not consent to the interlocal service
2 boundary agreement and a municipality annexes an area within
3 the independent special district, the municipality may consent
4 to allowing the independent special district to receive ad
5 valorem tax revenue or the independent special district may
6 seek compensation pursuant to s. 171.093.

7 171.207 Transfer of powers.--This part is an
8 alternative provision otherwise provided by law, as authorized
9 in s. 4, Art. VIII of the State Constitution, for any transfer
10 of power resulting from an interlocal service boundary
11 agreement for the provision of services or the acquisition of
12 public facilities entered into by a county, municipality,
13 independent special district, or other entity created pursuant
14 to law.

15 171.208 Municipal extraterritorial power.--This part
16 authorizes a municipality to exercise extraterritorial powers
17 that include, but are not limited to, the authority to provide
18 services and facilities within the unincorporated area or
19 within the territory of another municipality as provided
20 within an interlocal service boundary agreement. This power is
21 in addition to other municipal powers that otherwise exist.
22 However, this power is subject to the jurisdiction of the
23 Public Service Commission to resolve territorial disputes
24 under s. 366.04. An interlocal agreement has no effect on the
25 resolution of a territorial dispute to be determined by the
26 Public Service Commission.

27 171.209 County incorporated area power.--As provided
28 in an interlocal service boundary agreement, this part
29 authorizes a county to exercise powers within a municipality
30 that include, but are not limited to, the authority to provide
31 services and facilities within the territory of a

1 municipality. This power is in addition to other county powers
2 that otherwise exist.

3 171.21 Effect of part on interlocal agreement and
4 county charter.--A joint planning agreement, a charter
5 provision adopted under s. 171.044(4), or any other interlocal
6 agreement between local governments including a county,
7 municipality, or independent special district is not affected
8 by this part; however, the county, municipality or independent
9 special district may avail themselves of this part, which may
10 result in the repeal or modification of a joint planning
11 agreement or other interlocal agreement.

12 171.211 Interlocal service boundary agreement presumed
13 valid and binding.--

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

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

22 171.212 Disputes regarding construction and effect of
23 an interlocal service boundary agreement.--If there is a
24 question or dispute about the construction or effect of an
25 interlocal service boundary agreement, a local government
26 shall initiate and proceed through the conflict resolution
27 procedures established in chapter 164. If there is a failure
28 to resolve the conflict, no later than 30 days following the
29 conclusion of the procedures established in chapter 164, the
30 local government may file an action in circuit court. For

31

1 purposes of this section, the term "local government" means a
2 party to the interlocal service boundary agreement.

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

6 171.042 Prerequisites to annexation.--

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

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

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

18 171.044 Voluntary annexation.--

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

27 Section 4. Section 171.094, Florida Statutes, is
28 created to read:

29 171.094 Effect of interlocal service boundary
30 agreements adopted under part II on annexations under this
31 part.

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

5 (2) Notwithstanding any other provision of this part,
6 without the consent of the county, the affected municipality
7 or affected independent special district by resolution, a
8 county, an invited municipality or independent special
9 district may not take any action that violates an interlocal
10 service boundary agreement.

11 Section 5. Section 171.081, Florida Statutes, is
12 amended to read:

13 171.081 Appeal on annexation or contraction.--

14 (1) No later than 30 days following the passage of an
15 annexation or contraction ordinance, Any party affected who
16 believes that he or she will suffer material injury by reason
17 of the failure of the municipal governing body to comply with
18 the procedures set forth in this chapter for annexation or
19 contraction or to meet the requirements established for
20 annexation or contraction as they apply to his or her property
21 may file a petition in the circuit court for the county in
22 which the municipality or municipalities are located seeking
23 review by certiorari. The action may be initiated at the
24 party's option either within 30 days following the passage of
25 the annexation or contraction ordinance or within 30 days
26 following the completion of the dispute resolution process in
27 subsection (2). In any action instituted pursuant to this
28 subsection ~~section~~, the complainant, should he or she prevail,
29 shall be entitled to reasonable costs and attorney's fees.

30 (2) If the affected party is a governmental entity, no
31 later than 30 days following the passage of an annexation or

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

12 Section 6. Section 164.1058, Florida Statutes, is
13 amended to read:

14 164.1058 Penalty.--If a primary conflicting
15 governmental entity ~~which has received notice of intent to~~
16 ~~initiate the conflict resolution procedure pursuant to this~~
17 ~~act~~ fails to participate in good faith in the conflict
18 assessment meeting, mediation, or other remedies provided for
19 in this act, ~~and the initiating governmental entity files suit~~
20 ~~and is the prevailing party in such suit,~~ the primary
21 disputing governmental entity that ~~which~~ failed to participate
22 in good faith shall be required to pay the attorney's fees and
23 costs in that proceeding of the prevailing primary conflicting
24 ~~governmental entity which initiated the conflict resolution~~
25 ~~procedure.~~

26 Section 7. The Division of Statutory Revision is
27 requested to designate sections 171.011-171.094, Florida
28 Statutes, as part I of chapter 171, Florida Statutes, and
29 sections 171.20-171.212, Florida Statutes, as created by this
30 act, as part II of chapter 171, Florida Statutes.

31

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

3
4 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
5 COMMITTEE SUBSTITUTE FOR
6 Senate Bill 926

7 Provides a definition of "Invited local government."

8 Provides that the county comprehensive plan and
9 land-development regulations control until the municipality
10 annexes the property and amends its comprehensive plan.
11 Provides that comprehensive plan amendments to incorporate
12 that process are exempt from the twice-per-year limitation
13 under s. 163.3187, F.S.

14 Provides for establishment of a procedure by which the local
15 government responsible for water and waste water services
16 shall apply for necessary permit modifications within 30 days
17 of annexation or subtraction of territory.

18 Provides jurisdiction to the Public Service Commission to
19 resolve certain territorial disputes under s. 366.04, F.S.
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