

By the Committees on Government Efficiency Appropriations;  
Governmental Oversight and Productivity; and Senator  
Constantine

593-2115-05

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. 163.01,  
20 F.S.; providing for the place of filing an  
21 interlocal agreement in certain circumstances;  
22 amending s. 164.1058, F.S.; providing that a  
23 governmental entity that fails to participate  
24 in conflict resolution procedures shall be  
25 required to pay attorney's fees and costs under  
26 certain conditions; requesting the Division of  
27 Statutory Revision to designate parts I and II  
28 of ch. 171, F.S.; providing an effective date.

29  
30 Be It Enacted by the Legislature of the State of Florida:  
31

1           Section 1. Part II of chapter 171, Florida Statutes,  
2 consisting of sections 171.20, 171.201, 171.202, 171.203,  
3 171.204, 171.205, 171.206, 171.207, 171.208, 171.209, 171.21,  
4 171.211, and 171.212, is created to read:

5           171.20 Short title.--This part may be cited as the  
6 "Interlocal Service Boundary Agreement Act."

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

28           171.202 Definitions.--As used in this part, the term:

29           (1) "Chief administrative officer" means the municipal  
30 administrator, municipal manager, county manager, county  
31 administrator, or other officer of the municipality, county,

1 or independent special district who reports directly to the  
2 governing body of the local government.

3 (2) "Enclave" has the same meaning as provided in s.  
4 171.031(13).

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

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

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

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

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

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

29 (9) "Invited local government" means an invited  
30 county, municipality, or special district and any other local  
31 government designated as such in an initiating resolution or a

1 responding resolution that invites the local government to  
2 participate in the negotiation of an interlocal service  
3 boundary agreement.

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

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

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

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

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

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

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

28 (15) "Responding resolution" means the resolution  
29 adopted by the county or an invited municipality which  
30 responds to the initiating resolution and which may identify  
31 an additional unincorporated area or another issue for

1 discussion, or both, and may designate an additional invited  
2 municipality or independent special district.

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 purposes of dissolving an  
6 independent special district or removing more than 10 percent  
7 of the service area of an independent special district if  
8 proposed annexations would result in an increase to the tax or  
9 non-ad valorem assessment rate to the remaining property  
10 owners within the boundaries of the district.

11 (a) The initiating resolution of an initiating county  
12 must designate one or more invited municipalities. The  
13 initiating resolution of an initiating municipality may  
14 designate an invited municipality. The initiating resolution  
15 of an independent special district shall designate one or more  
16 invited municipalities and invite the county.

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

25 (c) The initiating local government shall also send  
26 the initiating resolution to the chief administrative officer  
27 of each independent special district in the unincorporated  
28 area designated in the initiating resolution.

29 (2) Within 60 days after the receipt of an initiating  
30 resolution, the county or the invited municipality, as  
31 appropriate, shall adopt a responding resolution. The

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

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

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

26       (c) An invited municipality that was invited by a  
27 responding resolution shall adopt a responding resolution in  
28 accordance with paragraph (b).

29       (d) Within 60 days after receipt of the initiating  
30 resolution, any independent special district that received an  
31 initiating resolution and that desires to participate in the



1 negotiations shall adopt a resolution indicating that it  
2 intends to participate in the negotiation process for the  
3 interlocal service boundary agreement. Within 7 days after the  
4 adoption of the resolution, the independent special district  
5 shall send the resolution by United States certified mail to  
6 the chief administrative officer of the county, the initiating  
7 municipality, each invited municipality, if any, and each  
8 notified local government.

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

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

31

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

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

10           (a) Identify a municipal service area.

11           (b) Identify an unincorporated service area.

12           (c) Identify the local government responsible for the  
13 delivery or funding of the following services within the  
14 municipal service area or the unincorporated service area:

15           1. Public safety.

16           2. Fire, emergency rescue, and medical.

17           3. Water and wastewater.

18           4. Road ownership, construction, and maintenance.

19           5. Conservation, parks, and recreation.

20           6. Stormwater management and drainage.

21           (d) Address other services and infrastructure not  
22 currently provided by an electric utility as defined by s.  
23 366.02(2) or a natural gas transmission company as defined by  
24 s. 368.103(4). However, this paragraph does not affect any  
25 territorial agreement between electrical utilities or public  
26 utilities as defined in chapter 366 or affect the  
27 determination of a territorial dispute by the Public Service  
28 Commission under s. 366.04.

29           (e) Establish a process and schedule for annexation of  
30 an area within the designated municipal service area  
31 consistent with s. 171.205.

1           (f) Establish a process for land-use decisions  
2 consistent with part II of chapter 163, including those made  
3 jointly by the governing bodies of the county and the  
4 municipality, or allow a municipality to adopt land-use  
5 changes consistent with part II of chapter 163 for areas that  
6 are scheduled to be annexed within the term of the interlocal  
7 agreement; however, the county comprehensive plan and  
8 land-development regulations shall control until the  
9 municipality annexes the property and amends its comprehensive  
10 plan accordingly. Comprehensive plan amendments to incorporate  
11 the process established by this paragraph are exempt from the  
12 twice-per-year limitation under s. 163.3187.

13           (g) Address other issues concerning service delivery,  
14 including the transfer of services and infrastructure and the  
15 fiscal compensation to one county, municipality, or  
16 independent special district from another county,  
17 municipality, or independent special district.

18           (h) Provide for the joint use of facilities and the  
19 colocation of services.

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

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

30           (7) If the interlocal service boundary agreement  
31 addresses land use planning responsibilities, the agreement

1 must also establish the procedures for the preparation and  
2 adoption of comprehensive plan amendments, for the  
3 administration of land development regulations, and for the  
4 issuance of development orders.

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

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

21 (10)(a) A municipality that is a party to an  
22 interlocal service boundary agreement that identifies an  
23 unincorporated area for municipal annexation under s.  
24 171.202(10)(a) shall adopt a municipal service area as an  
25 amendment to its comprehensive plan to address future possible  
26 municipal annexation. The state land planning agency shall  
27 review the amendment for compliance with part II of chapter  
28 163.

29 1. A municipal service area must contain:

30 a. A boundary map of the municipal service area.

31 b. Population projections for the area.

1           c. Data and analysis supporting the provision of  
2 public facilities for the area.

3           (b) This part shall not authorize the state land  
4 planning agency to review, evaluate, determine, approve or  
5 disapprove a municipal ordinance relating to municipal  
6 annexation or contraction.

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

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

19           (12) No earlier than 6 months after the commencement  
20 of negotiations, either of the initiating local governments or  
21 both, the county, or the invited municipality may declare an  
22 impasse in the negotiations and seek a resolution of the  
23 issues under ss. 164.1053-164.1057. If the local governments  
24 fail to agree at the conclusion of the process under chapter  
25 164, the local governments shall hold a joint public hearing  
26 on the issues raised in the negotiations.

27           (13) When the local governments have reached an  
28 interlocal service boundary agreement, the county and the  
29 municipality shall adopt the agreement by ordinance under s.  
30 166.041 or s. 125.66, respectively. An independent special  
31 district, if it consents to the agreement, shall adopt the

1 agreement by final order, resolution, or other method  
2 consistent with its charter. The interlocal service boundary  
3 agreement shall take effect on the day specified in the  
4 agreement or, if there is no date, upon adoption by the county  
5 or the invited municipality, whichever occurs later. Nothing  
6 in this part shall prohibit a county or municipality from  
7 adopting an interlocal service boundary agreement without the  
8 consent of an independent special district.

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

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

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

29       (17) Elected local government officials are encouraged  
30 to participate actively and directly in the negotiation  
31

1 process for developing an interlocal service boundary  
2 agreement.

3 (18) This part does not impair any existing franchise  
4 agreement without the consent of the franchisee, any existing  
5 territorial agreement between electric utilities or public  
6 utilities as defined in chapter 366, or the jurisdiction of  
7 the Public Service Commission under s. 366.04 to resolve a  
8 territorial dispute involving electric utilities or public  
9 utilities in accordance with the criteria set out in that  
10 section. In addition, an interlocal agreement entered into  
11 under this section has no effect in a territorial dispute  
12 proceeding before the Public Service Commission. A  
13 municipality or county shall retain all existing authority, if  
14 any, to negotiate a franchise agreement with any private  
15 service provider for use of public rights-of-way or the  
16 privilege of providing a service.

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

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

1 agreement may not allow for annexation of land within a  
2 municipality that is not a party to the agreement or of land  
3 that is within another county. Before annexation of land that  
4 is not contiguous to the boundaries of the annexing  
5 municipality, an annexation that creates an enclave or an  
6 annexation of land that is not currently served by water or  
7 sewer utilities, one of the following options must be  
8 followed:

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

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



1           171.205 Consent requirements for annexation of land  
2 under this part.--Notwithstanding part I, an interlocal  
3 service boundary agreement may provide a process for  
4 annexation consistent with this section or with part I.

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

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

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

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

27           (2) If the area to be annexed includes a privately  
28 owned solid waste disposal facility as defined in s.  
29 403.703(11) which receives municipal solid waste collected  
30 within the jurisdiction of multiple local governments, the  
31 annexing municipality must set forth in its plan the impacts

1 that the annexation of the solid waste disposal facility will  
2 have on the other local governments. The plan must also  
3 indicate that the owner of the affected solid waste disposal  
4 facility has been contacted in writing concerning the  
5 annexation, that an agreement between the annexing  
6 municipality and the solid waste disposal facility to govern  
7 the operations of the solid waste disposal facility if the  
8 annexation occurs has been approved, and that the owner of the  
9 solid waste disposal facility does not object to the proposed  
10 annexation.

11 (3) For all or a portion of an enclave consisting of  
12 more than 20 acres within a designated municipal service area,  
13 the interlocal service boundary agreement may provide a  
14 flexible process for securing the consent of the registered  
15 voters who reside in the area proposed to be annexed and  
16 property owners in order to annex the property, with notice to  
17 the registered voters who reside in the area proposed to be  
18 annexed and property owners as required in the interlocal  
19 service boundary agreement. The interlocal service boundary  
20 agreement may not authorize annexation of enclaves under this  
21 subsection unless the consent requirements of part I are met,  
22 unless the annexation process includes one or more of the  
23 procedures in subsection (1), or unless the municipality has  
24 received a petition for annexation from one or more property  
25 owners who own real property in excess of 50 percent of the  
26 total real property within the area to be annexed.

27 (4) For all or a portion of an enclave, consisting of  
28 20 acres or less and with fewer than 100 registered voters  
29 within a designated municipal service area, the interlocal  
30 service boundary agreement may provide a flexible process for  
31 securing the consent of the registered voters who reside in

1 the area proposed to be annexed and the property owners in  
2 order to annex property within a municipal service area, with  
3 notice to the registered voters who reside in the area  
4 proposed to be annexed and the property owners as required in  
5 the interlocal service boundary agreement. Such an annexation  
6 process may include one or more of the procedures in  
7 subsection (1) and may allow annexation according to the terms  
8 and conditions provided in the interlocal service boundary  
9 agreement, which may include a referendum of the registered  
10 voters who reside in the area proposed to be annexed.

11 171.206 Effect of interlocal service boundary area  
12 agreement on annexations.--

13 (1) An interlocal service boundary agreement is  
14 binding on the parties to the agreement, and a party may not  
15 take any action that violates the interlocal service boundary  
16 agreement.

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

21 (3) If the independent special district that  
22 participated in the negotiation process pursuant to s.  
23 171.203(2)(d) does not consent to the interlocal service  
24 boundary agreement and a municipality annexes an area within  
25 the independent special district, the independent special  
26 district may seek compensation pursuant to s. 171.093.

27 171.207 Transfer of powers.--This part is an  
28 alternative provision otherwise provided by law, as authorized  
29 in s. 4, Art. VIII of the State Constitution, for any transfer  
30 of power resulting from an interlocal service boundary  
31 agreement for the provision of services or the acquisition of

1 public facilities entered into by a county, municipality,  
2 independent special district, or other entity created pursuant  
3 to law.

4 171.208 Municipal extraterritorial power.--This part  
5 authorizes a municipality to exercise extraterritorial powers  
6 that include, but are not limited to, the authority to provide  
7 services and facilities within the unincorporated area or  
8 within the territory of another municipality as provided  
9 within an interlocal service boundary agreement. This power is  
10 in addition to other municipal powers that otherwise exist.  
11 However, this power is subject to the jurisdiction of the  
12 Public Service Commission to resolve territorial disputes  
13 under s. 366.04. An interlocal agreement has no effect on the  
14 resolution of a territorial dispute to be determined by the  
15 Public Service Commission.

16 171.209 County incorporated area power.--As provided  
17 in an interlocal service boundary agreement, this part  
18 authorizes a county to exercise powers within a municipality  
19 that include, but are not limited to, the authority to provide  
20 services and facilities within the territory of a  
21 municipality. This power is in addition to other county powers  
22 that otherwise exist.

23 171.21 Effect of part on interlocal agreement and  
24 county charter.--A joint planning agreement, a charter  
25 provision adopted under s. 171.044(4), or any other interlocal  
26 agreement between local governments including a county,  
27 municipality, or independent special district is not affected  
28 by this part; however, the county, municipality or independent  
29 special district may avail themselves of this part, which may  
30 result in the repeal or modification of a joint planning  
31 agreement or other interlocal agreement. A local government

1 within a county that has adopted a charter provision pursuant  
2 to s. 171.044(4) may avail itself of this part, provided that  
3 the interlocal agreement is consistent with the approved  
4 charter or the charter provision is repealed or modified  
5 pursuant to s. 125.64.

6 171.211 Interlocal service boundary agreement presumed  
7 valid and binding.--

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

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

16 171.212 Disputes regarding construction and effect of  
17 an interlocal service boundary agreement.--If there is a  
18 question or dispute about the construction or effect of an  
19 interlocal service boundary agreement, a local government  
20 shall initiate and proceed through the conflict resolution  
21 procedures established in chapter 164. If there is a failure  
22 to resolve the conflict, no later than 30 days following the  
23 conclusion of the procedures established in chapter 164, the  
24 local government may file an action in circuit court. For  
25 purposes of this section, the term "local government" means a  
26 party to the interlocal service boundary agreement.

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

30 171.042 Prerequisites to annexation.--  
31

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

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

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

12           171.044 Voluntary annexation.--

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

21           Section 4. Section 171.094, Florida Statutes, is  
22 created to read:

23           171.094 Effect of interlocal service boundary  
24 agreements adopted under part II on annexations under this  
25 part.

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

30           (2) Notwithstanding any other provision of this part,  
31 without the consent of the county, the affected municipality

1 or affected independent special district by resolution, a  
2 county, an invited municipality or independent special  
3 district may not take any action that violates an interlocal  
4 service boundary agreement.

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

7 171.081 Appeal on annexation or contraction.--

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

24 (2) If the affected party is a governmental entity, no  
25 later than 30 days following the passage of an annexation or  
26 contraction ordinance, the governmental entity must initiate  
27 and proceed through the conflict resolution procedures  
28 established in chapter 164. If there is a failure to resolve  
29 the conflict, no later than 30 days following the conclusion  
30 of the procedures established in chapter 164, the governmental  
31 entity that initiated the conflict resolution procedures may

1 file a petition in the circuit court for the county in which  
2 the municipality or municipalities are located seeking review  
3 by certiorari. In any legal action instituted pursuant to this  
4 subsection, the prevailing party is entitled to reasonable  
5 costs and attorney's fees.

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

8 163.01 Florida Interlocal Cooperation Act of 1969.--

9 (11) Prior to its effectiveness, an interlocal  
10 agreement and subsequent amendments thereto shall be filed  
11 with the clerk of the circuit court of each county where a  
12 party to the agreement is located; however, if the parties to  
13 the agreement are located in multiple counties and the  
14 agreement, pursuant to subsection (7), provides for a separate  
15 legal entity or administrative entity to administer the  
16 agreement, the interlocal agreement and any amendments thereto  
17 may be filed with the clerk of the circuit court in the county  
18 where the legal or administrative entity maintains its  
19 principal place of business.

20 Section 7. Section 164.1058, Florida Statutes, is  
21 amended to read:

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



1 governmental entity ~~which initiated the conflict resolution~~  
2 ~~procedure.~~

3           Section 8. The Division of Statutory Revision is  
4 requested to designate sections 171.011-171.094, Florida  
5 Statutes, as part I of chapter 171, Florida Statutes, and  
6 sections 171.20-171.212, Florida Statutes, as created by this  
7 act, as part II of chapter 171, Florida Statutes.

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

10  
11                   STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
12                   COMMITTEE SUBSTITUTE FOR  
13                   CS/SB 926

14 The Committee Substitute for SB 926:

- 15 1) Allows independent special districts to be invited to  
16 participate in a responding resolution;
- 17 2) Allows an independent special district to initiate an  
18 interlocal agreement for the purpose of removing more  
19 than 10 percent of the service area when a proposed  
20 annexation would result in a rate increase for the  
21 remaining property owners;
- 22 3) Provides options that must be followed for the annexation  
23 of land not currently service by water or sewer  
24 utilities;
- 25 4) Provides conditions that must be satisfied for annexing  
26 an area that contains a privately owned solid waste  
27 disposal facility;
- 28 5) Deletes a provision that would have allowed an  
29 independent special district to receive ad valorem tax  
30 revenues with the consent of a municipality;
- 31 6) Allows an interlocal agreement that provides for a  
separate legal or administrative body to administer the  
agreement, and any amendments to the agreement, to be  
filed with the clerk of the county where that body  
maintains its principal place of business; and
- 7) Allows an interlocal agreement among local governments  
within a charter county, if the agreement is consistent  
with the charter or the charter is repealed or modified.