

1 service boundary area agreement on the parties
2 to the agreement; providing for a transfer of
3 powers; authorizing a municipality to provide
4 services within an unincorporated area or
5 territory of another municipality; authorizing
6 a county to exercise certain powers within a
7 municipality; providing for the effect on
8 interlocal agreements and county charters;
9 providing a presumption of validity; providing
10 a procedure to settle a dispute regarding an
11 interlocal service boundary agreement; amending
12 s. 171.042, F.S.; revising the time period for
13 filing a report; providing for a cause of
14 action to invalidate an annexation; requiring
15 municipalities to provide notice of proposed
16 annexation to certain persons; amending s.
17 171.044, F.S.; revising the time period for
18 providing a copy of a notice; providing for a
19 cause of action to invalidate an annexation;
20 creating s. 171.094, F.S.; providing for the
21 effect of interlocal service boundary
22 agreements adopted under the act; amending s.
23 171.081, F.S.; requiring a governmental entity
24 affected by annexation or contraction to
25 initiate conflict resolution procedures under
26 certain circumstances; providing for initiation
27 of judicial review and reimbursement of
28 attorney's fees and costs regarding certain
29 annexations or contractions; amending s.
30 163.01, F.S.; providing for the place of filing
31 an interlocal agreement in certain

1 circumstances; amending s. 164.1058, F.S. ;
2 providing that a governmental entity that fails
3 to participate in conflict resolution
4 procedures shall be required to pay attorney's
5 fees and costs under certain conditions;
6 requesting the Division of Statutory Revision
7 to designate parts I and II of ch. 171, F.S. ;
8 providing for establishment of regional impact
9 planning committees in geographic areas
10 involving developments of regional impact by
11 the Secretary of Community Affairs; specifying
12 responsibilities of the committees; requiring
13 each committee to prepare a vision and plan and
14 report to the Governor and Legislature;
15 providing for the establishment and operation
16 of such committees; directing the Governor to
17 appoint members from a list created by the
18 regional planning councils; directing the
19 regional planning councils to reimburse
20 expenses incurred by a committee; providing an
21 effective date.

22
23 Be It Enacted by the Legislature of the State of Florida:

24
25 Section 1. Part II of chapter 171, Florida Statutes,
26 consisting of sections 171.20, 171.201, 171.202, 171.203,
27 171.204, 171.205, 171.206, 171.207, 171.208, 171.209, 171.21,
28 171.211, and 171.212, is created to read:

29 171.20 Short title.--This part may be cited as the
30 "Interlocal Service Boundary Agreement Act."
31

1 171.201 Legislative intent.--The Legislature intends
2 to provide an alternative to part I of this chapter for local
3 governments regarding the annexation of territory into a
4 municipality and the subtraction of territory from the
5 unincorporated area of the county. The principal goal of this
6 part is to encourage local governments to jointly determine
7 how to provide services to residents and property in the most
8 efficient and effective manner while balancing the needs and
9 desires of the community. This part is intended to establish a
10 more flexible process for adjusting municipal boundaries and
11 to address a wider range of the effects of annexation. This
12 part is intended to encourage intergovernmental coordination
13 in planning, service delivery, and boundary adjustments and to
14 reduce intergovernmental conflicts and litigation between
15 local governments. It is the intent of this part to promote
16 sensible boundaries that reduce the costs of local
17 governments, avoid duplicating local services, and increase
18 political transparency and accountability. This part is
19 intended to prevent inefficient service delivery and an
20 insufficient tax base to support the delivery of those
21 services.

22 171.202 Definitions.--As used in this part, the term:

23 (1) "Chief administrative officer" means the municipal
24 administrator, municipal manager, county manager, county
25 administrator, or other officer of the municipality, county,
26 or independent special district who reports directly to the
27 governing body of the local government.

28 (2) "Enclave" has the same meaning as provided in s.
29 171.031.

30 (3) "Independent special district" means an
31 independent special district, as defined in s. 189.403, which

1 provides fire, emergency medical, water, wastewater, or
2 stormwater services.

3 (4) "Initiating county" means a county that commences
4 the process for negotiating an interlocal service boundary
5 agreement through the adoption of an initiating resolution.

6 (5) "Initiating local government" means a county,
7 municipality, or independent special district that commences
8 the process for negotiating an interlocal service boundary
9 agreement through the adoption of an initiating resolution.

10 (6) "Initiating municipality" means a municipality
11 that commences the process for negotiating an interlocal
12 service boundary agreement through the adoption of an
13 initiating resolution.

14 (7) "Initiating resolution" means a resolution adopted
15 by a county, municipality, or independent special district
16 which commences the process for negotiating an interlocal
17 service boundary agreement and which identifies the
18 unincorporated area and other issues for discussion.

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

23 (9) "Invited local government" means an invited
24 county, municipality, or special district and any other local
25 government designated as such in an initiating resolution or a
26 responding resolution that invites the local government to
27 participate in negotiating an interlocal service boundary
28 agreement.

29 (10) "Invited municipality" means an initiating
30 municipality and any other municipality designated as such in
31 an initiating resolution or a responding resolution that

1 invites the municipality to participate in negotiating an
2 interlocal service boundary agreement.

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

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

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

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

16 (13) "Participating resolution" means the resolution
17 adopted by the initiating local government and the invited
18 local government.

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

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

28 (16) "Unincorporated service area" means one or more
29 of the following as designated in an interlocal service
30 boundary agreement:

31

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

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

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

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

1 special district or in response to a proposed annexation that
2 would remove more than 10 percent of the taxable or assessable
3 value of an independent special district.

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

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

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

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

1 issues designated for negotiation, if any, must be listed in
2 the responding resolution and may include, but need not be
3 limited to, the issues listed in subsection (6). The
4 responding resolution may also invite an additional
5 municipality or independent special district to negotiate the
6 interlocal service boundary agreement.

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

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

19 (c) An invited municipality that was invited by a
20 responding resolution shall adopt a responding resolution in
21 accordance with paragraph (b).

22 (d) Within 60 days after receipt of the initiating
23 resolution, any independent special district that received an
24 initiating resolution and that desires to participate in the
25 negotiations shall adopt a resolution indicating that it
26 intends to participate in the negotiation process for the
27 interlocal service boundary agreement. Within 7 days after the
28 adoption of the resolution, the independent special district
29 shall send the resolution by United States certified mail to
30 the chief administrative officer of the county, the initiating
31

1 municipality, each invited municipality, if any, and each
2 notified local government.

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

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

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

30 (6) An interlocal service boundary agreement may
31 address any issue concerning service delivery, fiscal

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

1 land-development regulations shall control until the
2 municipality annexes the property and amends its comprehensive
3 plan accordingly. Comprehensive plan amendments to incorporate
4 the process established by this paragraph are exempt from the
5 twice-per-year limitation under s. 163.3187.

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

11 (h) Provide for the joint use of facilities and the
12 colocation of services.

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

16 (j) Establish a procedure by which the local
17 government that is responsible for water and wastewater
18 services shall, within 30 days after the annexation or
19 subtraction of territory, apply for any modifications to
20 permits of the water management district or the Department of
21 Environmental Protection which are necessary to reflect
22 changes in the entity that is responsible for managing surface
23 water under such permits.

24 (7) If the interlocal service boundary agreement
25 addresses responsibilities for land-use planning under chapter
26 163, the agreement must also establish the procedures for
27 preparing and adopting comprehensive plan amendments,
28 administering land-development regulations, and issuing
29 development orders.

30 (8) In order to ensure that the health and welfare of
31 the residents affected by annexation will be protected, all

1 fire and emergency medical services shall be provided by the
2 existing provider of fire and emergency medical services to
3 the annexed area and remain part of the existing municipal
4 service taxing unit or special district unless:

5 1. The county and annexing municipality reach an
6 agreement, through interlocal agreement or other legally
7 sufficient means, as to who shall provide these emergency
8 services; or

9 2. A fire-rescue services element exists for the
10 respective county's comprehensive plan filed with the state
11 and the annexing municipality meets the criteria set forth.

12 (9) 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 described 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 (10) An affected person for the purpose of challenging
21 a comprehensive plan amendment required by paragraph (6)(f)
22 includes a person who owns real property, resides, or owns or
23 operates a business within the boundaries of the municipal
24 service area, and a person who owns real property abutting
25 real property within the municipal service area that is the
26 subject of the comprehensive plan amendment, in addition to
27 those other affected persons who would have standing under s.
28 163.3184.

29 (11)(a) A municipality that is a party to an
30 interlocal service boundary agreement that identifies an
31 unincorporated area for municipal annexation under s.

1 171.202(11)(a) shall adopt a municipal service area as an
2 amendment to its comprehensive plan to address future possible
3 municipal annexation. The state land planning agency shall
4 review the amendment for compliance with part II of chapter
5 163. The proposed plan amendment must contain:

6 1. A boundary map of the municipal service area.

7 2. Population projections for the area.

8 3. Data and analysis supporting the provision of
9 public facilities for the area.

10 (b) This part does 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 (c) Any amendment required by paragraph (a) is exempt
15 from the twice-per-year limitation under s. 163.3187.

16 (12) An interlocal service boundary agreement may be
17 for a term of 20 years or less. The interlocal service
18 boundary agreement must include a provision requiring periodic
19 review. The interlocal service boundary agreement must require
20 renegotiations to begin at least 18 months before its
21 termination date.

22 (13) No earlier than 6 months after the commencement
23 of negotiations, either of the initiating local governments or
24 both, the county, or the invited municipality may declare an
25 impasse in the negotiations and seek a resolution of the
26 issues under ss. 164.1053-164.1057. If the local governments
27 fail to agree at the conclusion of the process under chapter
28 164, the local governments shall hold a joint public hearing
29 on the issues raised in the negotiations.

30 (14) When the local governments have reached an
31 interlocal service boundary agreement, the county and the

1 municipality shall adopt the agreement by ordinance under s.
2 166.041 or s. 125.66, respectively. An independent special
3 district, if it consents to the agreement, shall adopt the
4 agreement by final order, resolution, or other method
5 consistent with its charter. The interlocal service boundary
6 agreement shall take effect on the day specified in the
7 agreement or, if there is no date, upon adoption by the county
8 or the invited municipality, whichever occurs later. This part
9 does not prohibit a county or municipality from adopting an
10 interlocal service boundary agreement without the consent of
11 an independent special district, unless the agreement provides
12 for the dissolution of an independent special district or the
13 removal of more than 10 percent of the taxable or assessable
14 value of an independent special district.

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

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

30 (17) This section authorizes local governments to
31 simultaneously engage in negotiating more than one interlocal

1 service boundary agreement, notwithstanding that separate
2 negotiations concern similar or identical unincorporated areas
3 and issues.

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

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

21 (20) This part does not impair any existing contract
22 without the consent of the parties.

23 171.204 Prerequisites to annexation under this
24 part.--The interlocal service boundary agreement may describe
25 the character of land that may be annexed under this part and
26 may provide that the restrictions on the character of land
27 that may be annexed pursuant to part I are not restrictions on
28 land that may be annexed pursuant to this part. As determined
29 in the interlocal service boundary agreement, any character of
30 land may be annexed, including, but not limited to, an
31 annexation of land not contiguous to the boundaries of the

1 annexing municipality, an annexation that creates an enclave,
2 or an annexation where the annexed area is not reasonably
3 compact; however, such area must be "urban in character" as
4 defined in s. 171.031(8). The interlocal service boundary
5 agreement may not allow for annexation of land within a
6 municipality that is not a party to the agreement or of land
7 that is within another county. Before annexation of land that
8 is not contiguous to the boundaries of the annexing
9 municipality, an annexation that creates an enclave, or an
10 annexation of land that is not currently served by water or
11 sewer utilities, one of the following options must be
12 followed:

13 (1) The municipality shall transmit a
14 comprehensive-plan amendment that proposes specific amendments
15 relating to the property anticipated for annexation to the
16 Department of Community Affairs for review under chapter 163.
17 After considering the department's review, the municipality
18 may approve the annexation and comprehensive-plan amendment
19 concurrently. The local government must adopt the annexation
20 and the comprehensive-plan amendment as separate and distinct
21 actions, but may take such actions at a single public hearing;
22 or

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

1 amendment to the future land-use map of a comprehensive plan
2 which is consistent with the joint planning agreement must be
3 considered a small-scale amendment.

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

8 (1) For all or a portion of the area within a
9 designated municipal service area, the interlocal service
10 boundary agreement may provide a flexible process for securing
11 the consent of persons who are registered voters or own
12 property in the area proposed for annexation, or of both such
13 voters and owners, for the annexation of property within a
14 municipal service area, with notice to such voters or owners
15 as 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 persons who own
28 property within the area proposed to be annexed.

29 (2) If the area to be annexed includes a privately
30 owned solid waste disposal facility as defined in s.
31 403.703(11) which receives municipal solid waste collected

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

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

29 (4) For all or a portion of an enclave consisting of
30 20 acres or fewer within a designated municipal service area,
31 within which enclave not more than 100 registered voters

1 reside, the interlocal service boundary agreement may provide
2 a flexible process for securing the consent of persons who are
3 registered voters or own property in the area proposed for
4 annexation, or of both such voters and owners, for the
5 annexation of property within such an enclave, with notice to
6 such voters or owners as required in the interlocal service
7 boundary agreement. Such an annexation process may include one
8 or more of the procedures in subsection (1) and may allow
9 annexation according to the terms and conditions provided in
10 the interlocal service boundary agreement, which may include a
11 referendum of the registered voters who reside in the area
12 proposed to be annexed.

13 171.206 Effect of interlocal service boundary area
14 agreement on annexations.--

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

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

23 (3) If the independent special district that
24 participated in the negotiation process pursuant to s.
25 171.203(2)(d) does not consent to the interlocal service
26 boundary agreement and a municipality annexes an area within
27 the independent special district, the independent special
28 district may seek compensation using the process in s.
29 171.093.

30 171.207 Transfer of powers.--This part is an
31 alternative provision otherwise provided by law, as authorized

1 in s. 4, Art. VIII of the State Constitution, for any transfer
2 of power resulting from an interlocal service boundary
3 agreement for the provision of services or the acquisition of
4 public facilities entered into by a county, municipality,
5 independent special district, or other entity created pursuant
6 to law.

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

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

26 171.21 Effect of part on interlocal agreement and
27 county charter.--A joint planning agreement, a charter
28 provision adopted under s. 171.044(4), or any other interlocal
29 agreement between local governments including a county,
30 municipality, or independent special district is not affected
31 by this part; however, a county, municipality or independent

1 special district may avail itself of this part, which may
2 result in the repeal or modification of a joint planning
3 agreement or other interlocal agreement. A local government
4 within a county that has adopted a charter provision pursuant
5 to s. 171.044(4) may avail itself of the provisions of this
6 part which authorize an interlocal service boundary agreement
7 if such interlocal agreement is consistent with the charter of
8 that county, as the charter was approved, revised, or amended
9 pursuant to s. 125.64.

10 171.211 Interlocal service boundary agreement presumed
11 valid and binding.--

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

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

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

31

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

4 171.042 Prerequisites to annexation.--

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

12 (3) The governing body of the municipality shall, not
13 less than 10 days prior to the date set for the first public
14 hearing required by s. 171.0413(1), mail a written notice to
15 each person who resides or owns property within the area
16 proposed to be annexed. The notice must describe the
17 annexation proposal, the time and place for each public
18 hearing to be held regarding the annexation, and the place or
19 places within the municipality where the proposed ordinance
20 may be inspected by the public. A copy of the notice must be
21 kept available for public inspection during the regular
22 business hours of the office of the clerk of the governing
23 body.

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

26 171.044 Voluntary annexation.--

27 (6) Not fewer than 10 days prior to ~~Upon~~ publishing or
28 posting the ordinance notice required under subsection (2),
29 the governing body of the municipality must provide a copy of
30 the notice, via certified mail, to the board of the county
31 commissioners of the county wherein the municipality is

1 located. The notice provision provided in this subsection may
2 ~~shall not~~ be the basis for a ~~of any~~ cause of action
3 invalidating ~~challenging~~ the annexation.

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

6 171.094 Effect of interlocal service boundary
7 agreements adopted under part II on annexations under this
8 part.

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

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

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

21 171.081 Appeal on annexation or contraction.--

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

1 party's option within 30 days following the passage of the
2 annexation or contraction ordinance or within 30 days
3 following the completion of the dispute resolution process in
4 subsection (2). In any action instituted pursuant to this
5 subsection ~~section~~, the complainant, should he or she prevail,
6 shall be entitled to reasonable costs and attorney's fees.

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

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

22 163.01 Florida Interlocal Cooperation Act of 1969.--

23 (11) Prior to its effectiveness, an interlocal
24 agreement and subsequent amendments thereto shall be filed
25 with the clerk of the circuit court of each county where a
26 party to the agreement is located; however, if the parties to
27 the agreement are located in multiple counties and the
28 agreement, pursuant to subsection (7), provides for a separate
29 legal entity or administrative entity to administer the
30 agreement, the interlocal agreement and any amendments thereto
31 may be filed with the clerk of the circuit court in the county

1 where the legal or administrative entity maintains its
2 principal place of business.

3 Section 7. Section 164.1058, Florida Statutes, is
4 amended to read:

5 164.1058 Penalty.--If a primary conflicting
6 governmental entity ~~which has received notice of intent to~~
7 ~~initiate the conflict resolution procedure pursuant to this~~
8 ~~act~~ fails to participate in good faith in the conflict
9 assessment meeting, mediation, or other remedies provided for
10 in this act, ~~and the initiating governmental entity files suit~~
11 ~~and is the prevailing party in such suit,~~ the primary
12 disputing governmental entity that ~~which~~ failed to participate
13 in good faith shall be required to pay the attorney's fees and
14 costs in that proceeding of the prevailing primary conflicting
15 governmental entity ~~which initiated the conflict resolution~~
16 procedure.

17 Section 8. The Division of Statutory Revision is
18 requested to designate ss. 171.011-171.094, Florida Statutes,
19 as part I of chapter 171, Florida Statutes, and ss.
20 171.20-171.212, Florida Statutes, as created by this act, as
21 part II of chapter 171, Florida Statutes.

22 Section 9. Regional Impact Planning Committees.--

23 (1) Given that some of the state's biggest development
24 and planning challenges cross municipal and county boundaries
25 and one local government cannot solve them alone, a regional
26 impact planning committee may be established by the Secretary
27 of Community Affairs for each geographical area in which two
28 or more developments of regional impact, as defined in s.
29 380.06, Florida Statutes:

30 (a) Occur within a 3-year period;
31

1 (b) Are located within a 5-mile radius of each other;

2 and

3 (c) Are located outside the existing urban area as
4 currently established in the applicable local comprehensive
5 plan.

6 (2) Each committee shall:

7 (a) Develop a regional vision and an action plan to
8 implement that vision, each of which must clearly articulate
9 how to build and sustain communities, improve the quality of
10 life, preserve environmental quality, and define and enhance
11 community character within the area addressed by the
12 committee. The action plan must identify and address the key
13 challenges and set goals, objectives, and strategies to
14 achieve the regional vision.

15 (b) Seek regional solutions relating to
16 transportation, land use, and infrastructure; housing at all
17 economic levels; economic development; the environment,
18 natural resources, parks, and recreation; high-quality
19 education; emergency preparedness and recovery; health care
20 and human services; and the arts and cultural resources.

21 (3) The Governor shall appoint members to serve on
22 each committee from a list of nominees provided by the
23 regional planning councils within the area addressed by the
24 committee. The nominees must be public, private, or civic
25 leaders of regional agencies, of local or state governments,
26 or of businesses, civic organizations, or not-for-profit
27 organizations. The Governor shall appoint a chair for each
28 committee from the members of that committee. The committee
29 may take official action by a majority vote of the members
30 present at any meeting in which a quorum is present. A
31 majority of the members appointed by the Governor constitutes

1 a quorum. A member is deemed present if he or she participates
2 in a meeting by telephone or video conference which allows
3 members participating in that meeting to speak to and hear
4 each other. A member may not vote by proxy. Members of each
5 committee are entitled to reimbursement for travel expenses
6 while fulfilling their official duties to the extent
7 authorized in s. 112.061, Florida Statutes. The regional
8 planning councils within the area in which a committee is
9 established are responsible for the operational,
10 administrative, and organizational expenses incurred by the
11 committee.

12 Section 10. This act shall take effect upon becoming a
13 law.

14
15 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
16 COMMITTEE SUBSTITUTE FOR
17 Senate Bill 1194

18 Provides that fire and emergency services will be provided by
19 the existing service provider in an annexed area, unless an
20 agreement is made otherwise, or the annexing municipality
21 meets the county's comprehensive plan requirements.

22 Provides for the creation of and duties for regional impact
23 planning committees.
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