

1
2 An act relating to growth management; creating
3 part II of ch. 171, F.S., the "Interlocal
4 Service Boundary Agreement Act"; providing
5 legislative intent with respect to annexation
6 and the coordination of services by local
7 governments; providing definitions; providing
8 for the creation of interlocal service boundary
9 agreements by a county and one or more
10 municipalities or independent special
11 districts; specifying the procedures for
12 initiating an agreement and responding to a
13 proposal for agreements; identifying issues the
14 agreement may or must address; requiring that
15 emergency medical services be provided by the
16 existing provider to an annexed area with
17 certain exceptions; requiring local governments
18 that are a party to the agreement to amend
19 their comprehensive plans; providing for review
20 of the amendment by the state land planning
21 agency; providing an exception to the
22 limitation on plan amendments; specifying those
23 persons who may challenge a plan amendment
24 required by the agreement; providing for
25 negotiation and adoption of the agreement;
26 providing for preservation of certain
27 agreements and powers regarding utility
28 services; providing for preservation of
29 existing contracts; providing prerequisites to
30 annexation; providing a process for annexation;
31 providing for the effect of an interlocal

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 creating s. 163.31801, F.S. ; creating the
9 "Florida Impact Fee Act"; providing legislative
10 intent; requiring that an impact fee meet
11 certain specified requirements concerning
12 calculation of the fee, accounting for revenues
13 and expenditures, provision of notice, and
14 collection of administrative costs; requiring
15 inclusion of an affidavit certifying compliance
16 with the act in certain audits of financial
17 statements of a local government entity or a
18 school board provided to the Auditor General;
19 providing an effective date.

20
21 Be It Enacted by the Legislature of the State of Florida:

22
23 Section 1. Part II of chapter 171, Florida Statutes,
24 consisting of sections 171.20, 171.201, 171.202, 171.203,
25 171.204, 171.205, 171.206, 171.207, 171.208, 171.209, 171.21,
26 171.211, and 171.212, is created to read:

27 171.20 Short title.--This part may be cited as the
28 "Interlocal Service Boundary Agreement Act."

29 171.201 Legislative intent.--The Legislature intends
30 to provide an alternative to part I of this chapter for local
31 governments regarding the annexation of territory into a

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

19 171.202 Definitions.--As used in this part, the term:

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

25 (2) "Enclave" has the same meaning as provided in s.
26 171.031.

27 (3) "Independent special district" means an
28 independent special district, as defined in s. 189.403, which
29 provides fire, emergency medical, water, wastewater, or
30 stormwater services.

31

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 (1) A county, a municipality, or an independent
16 special district desiring to enter into an interlocal service
17 boundary agreement shall commence the negotiation process by
18 adopting an initiating resolution. The initiating resolution
19 must identify an unincorporated area or incorporated area, or
20 both, to be discussed and the issues to be negotiated. The
21 identified area must be specified in the initiating resolution
22 by a descriptive exhibit that includes, but need not be
23 limited to, a map or legal description of the designated area.
24 The issues for negotiation must be listed in the initiating
25 resolution and may include, but need not be limited to, the
26 issues listed in subsection (6). An independent special
27 district may initiate the interlocal service boundary
28 agreement for the purposes of dissolving an independent
29 special district or in response to a proposed annexation that
30 would remove more than 10 percent of the taxable or assessable
31 value of an independent special district.

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

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

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

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

1 responding resolution may also invite an additional
2 municipality or independent special district to negotiate the
3 interlocal service boundary agreement.

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

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

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

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

30 (3) A municipality within the county which is not an
31 invited municipality may request participation in the

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

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

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

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

30 (a) Identify a municipal service area.

31 (b) Identify an unincorporated service area.

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

4 1. Public safety.

5 2. Fire, emergency rescue, and medical.

6 3. Water and wastewater.

7 4. Road ownership, construction, and maintenance.

8 5. Conservation, parks, and recreation.

9 6. Stormwater management and drainage.

10 (d) Address other services and infrastructure not
11 currently provided by an electric utility as defined by s.
12 366.02(2) or a natural gas transmission company as defined by
13 s. 368.103(4). However, this paragraph does not affect any
14 territorial agreement between electrical utilities or public
15 utilities under chapter 366 or affect the determination of a
16 territorial dispute by the Public Service Commission under s.
17 366.04.

18 (e) Establish a process and schedule for annexation of
19 an area within the designated municipal service area
20 consistent with s. 171.205.

21 (f) Establish a process for land-use decisions
22 consistent with part II of chapter 163, including those made
23 jointly by the governing bodies of the county and the
24 municipality, or allow a municipality to adopt land-use
25 changes consistent with part II of chapter 163 for areas that
26 are scheduled to be annexed within the term of the interlocal
27 agreement; however, the county comprehensive plan and
28 land-development regulations shall control until the
29 municipality annexes the property and amends its comprehensive
30 plan accordingly. Comprehensive plan amendments to incorporate
31

1 the process established by this paragraph are exempt from the
2 twice-per-year limitation under s. 163.3187.

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

8 (h) Provide for the joint use of facilities and the
9 colocation of services.

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

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

21 (7) If the interlocal service boundary agreement
22 addresses responsibilities for land-use planning under chapter
23 163, the agreement must also establish the procedures for
24 preparing and adopting comprehensive plan amendments,
25 administering land-development regulations, and issuing
26 development orders.

27 (8) In order to ensure that the health and welfare of
28 the residents affected by annexation will be protected, all
29 fire and emergency medical services shall be provided by the
30 existing provider of fire and emergency medical services to
31

1 the annexed area and remain part of the existing municipal
2 service taxing unit or special district unless:

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

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

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

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

27 (11)(a) A municipality that is a party to an
28 interlocal service boundary agreement that identifies an
29 unincorporated area for municipal annexation under s.
30 171.202(11)(a) shall adopt a municipal service area as an
31 amendment to its comprehensive plan to address future possible

1 municipal annexation. The state land planning agency shall
2 review the amendment for compliance with part II of chapter
3 163. The proposed plan amendment must contain:
4 1. A boundary map of the municipal service area.
5 2. Population projections for the area.
6 3. Data and analysis supporting the provision of
7 public facilities for the area.
8 (b) This part does not authorize the state land
9 planning agency to review, evaluate, determine, approve, or
10 disapprove a municipal ordinance relating to municipal
11 annexation or contraction.
12 (c) Any amendment required by paragraph (a) is exempt
13 from the twice-per-year limitation under s. 163.3187.
14 (12) An interlocal service boundary agreement may be
15 for a term of 20 years or less. The interlocal service
16 boundary agreement must include a provision requiring periodic
17 review. The interlocal service boundary agreement must require
18 renegotiations to begin at least 18 months before its
19 termination date.
20 (13) No earlier than 6 months after the commencement
21 of negotiations, either of the initiating local governments or
22 both, the county, or the invited municipality may declare an
23 impasse in the negotiations and seek a resolution of the
24 issues under ss. 164.1053-164.1057. If the local governments
25 fail to agree at the conclusion of the process under chapter
26 164, the local governments shall hold a joint public hearing
27 on the issues raised in the negotiations.
28 (14) When the local governments have reached an
29 interlocal service boundary agreement, the county and the
30 municipality shall adopt the agreement by ordinance under s.
31 166.041 or s. 125.66, respectively. An independent special

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

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

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

28 (17) This section authorizes local governments to
29 simultaneously engage in negotiating more than one interlocal
30 service boundary agreement, notwithstanding that separate
31

1 negotiations concern similar or identical unincorporated areas
2 and issues.

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

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

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

22 171.204 Prerequisites to annexation under this
23 part.--The interlocal service boundary agreement may describe
24 the character of land that may be annexed under this part and
25 may provide that the restrictions on the character of land
26 that may be annexed pursuant to part I are not restrictions on
27 land that may be annexed pursuant to this part. As determined
28 in the interlocal service boundary agreement, any character of
29 land may be annexed, including, but not limited to, an
30 annexation of land not contiguous to the boundaries of the
31 annexing municipality, an annexation that creates an enclave,

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

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

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

1 which is consistent with the joint planning agreement must be
2 considered a small-scale amendment.

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

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

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

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

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

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

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

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

28 (4) For all or a portion of an enclave consisting of
29 20 acres or fewer within a designated municipal service area,
30 within which enclave not more than 100 registered voters
31 reside, the interlocal service boundary agreement may provide

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

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

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

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

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

29 171.207 Transfer of powers.--This part is an
30 alternative provision otherwise provided by law, as authorized
31 in s. 4, Art. VIII of the State Constitution, for any transfer

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

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

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

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

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

9 171.211 Interlocal service boundary agreement presumed
10 valid and binding.--

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

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

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

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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. Section 163.31801, Florida Statutes, is
23 created to read:

24 163.31801 Impact fees; short title; intent;
25 definitions; ordinances levying impact fees.--

26 (1) This section may be cited as the "Florida Impact
27 Fee Act."

28 (2) The Legislature finds that impact fees are an
29 important source of revenue for a local government to use in
30 funding the infrastructure necessitated by new growth. The
31 Legislature further finds that impact fees are an outgrowth of

1 the home rule power of a local government to provide certain
2 services within its jurisdiction. Due to the growth of impact
3 fee collections and local governments' reliance on impact
4 fees, it is the intent of the Legislature to ensure that, when
5 a county or municipality adopts an impact fee by ordinance or
6 a special district adopts an impact fee by resolution, the
7 governing authority complies with this section.

8 (3) An impact fee adopted by ordinance of a county or
9 municipality or by resolution of a special district must, at
10 minimum:

11 (a) Require that the calculation of the impact fee be
12 based on the most recent and localized data.

13 (b) Provide for accounting and reporting of impact fee
14 collections and expenditures. If a local governmental entity
15 imposes an impact fee to address its infrastructure needs, the
16 entity shall account for the revenues and expenditures of such
17 impact fee in a separate accounting fund.

18 (c) Limit administrative charges for the collection of
19 impact fees to actual costs.

20 (d) Require that notice be provided no less than 90
21 days before the effective date of an ordinance or resolution
22 imposing a new or amended impact fee.

23 (4) Audits of financial statements of local
24 governmental entities and district school boards which are
25 performed by a certified public accountant pursuant to s.
26 218.39 and submitted to the Auditor General must include an
27 affidavit signed by the chief financial officer of the local
28 governmental entity or district school board stating that the
29 local governmental entity or district school board has
30 complied with this section.

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1 Section 10. This act shall take effect upon becoming a
2 law.
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