

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

29 municipality; providing for effect on interlocal  
30 agreements and county charters; providing a presumption of  
31 validity; providing a procedure to settle a dispute  
32 regarding an interlocal service boundary agreement;  
33 designating ss. 171.011-171.094 as part I of chapter 171,  
34 F.S.; amending ss. 171.011, 171.031, and 171.045, F.S., to  
35 conform; amending s. 171.042, F.S.; revising the time  
36 period for filing a report; providing for a cause of  
37 action to invalidate an annexation; requiring  
38 municipalities to provide notice of proposed annexation to  
39 certain persons; amending s. 171.044, F.S.; revising the  
40 time period for providing a copy of a notice; providing  
41 for a cause of action to invalidate an annexation;  
42 amending s. 171.081, F.S.; requiring a governmental entity  
43 affected by annexation or contraction to initiate conflict  
44 resolution procedures under certain circumstances;  
45 providing for initiation of judicial review and  
46 reimbursement of attorney's fees and costs regarding  
47 certain annexations or contractions; creating s. 171.094,  
48 F.S.; providing for the effect of interlocal service  
49 boundary agreements adopted under the act; amending s.  
50 163.01, F.S.; providing for the place of filing an  
51 interlocal agreement in certain circumstances; amending s.  
52 164.1058, F.S.; providing that a governmental entity that  
53 fails to participate in conflict resolution procedures  
54 shall be required to pay attorney's fees and costs under  
55 certain conditions; providing an effective date.

56

57 Be It Enacted by the Legislature of the State of Florida:

58  
 59 Section 1. Part II of chapter 171, Florida Statutes,  
 60 consisting of sections 171.20, 171.201, 171.202, 171.203,  
 61 171.204, 171.205, 171.206, 171.207, 171.208, 171.209, 171.21,  
 62 171.211, and 171.212, is created to read:

63 171.20 Short title.--This part may be cited as the  
 64 "Interlocal Service Boundary Agreement Act."

65 171.201 Legislative intent.--The Legislature intends to  
 66 provide an alternative to part I for local governments regarding  
 67 the annexation of territory into a municipality and the  
 68 subtraction of territory from the unincorporated area of the  
 69 county. The principal goal of this part is to encourage local  
 70 governments to jointly determine how to provide services to  
 71 residents and property in the most efficient and effective  
 72 manner while balancing the needs and desires of the community.  
 73 This part is intended to establish a more flexible process for  
 74 adjusting municipal boundaries and to address a wider range of  
 75 the effects of annexation. This part is intended to encourage  
 76 intergovernmental coordination in planning, service delivery,  
 77 and boundary adjustments and to reduce intergovernmental  
 78 conflicts and litigation between local governments. It is the  
 79 intent of this part to promote sensible boundaries that reduce  
 80 the costs of local governments, avoid duplicating local  
 81 services, and increase political transparency and  
 82 accountability. This part is intended to prevent inefficient  
 83 service delivery and an insufficient tax base to support the  
 84 delivery of those services.

85 171.202 Definitions.--As used in this part, the term:

86 (1) "Chief administrative officer" means the municipal  
87 administrator, municipal manager, county manager, county  
88 administrator, or other officer of the municipality, county, or  
89 independent special district who reports directly to the  
90 governing body of the local government.

91 (2) "Enclave" has the same meaning as provided in s.  
92 171.031.

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

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

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

103 (6) "Initiating municipality" means a municipality that  
104 commences the process for negotiating an interlocal service  
105 boundary agreement through the adoption of an initiating  
106 resolution.

107 (7) "Initiating resolution" means a resolution adopted by  
108 a county, municipality, or independent special district which  
109 commences the process for negotiating an interlocal service  
110 boundary agreement and which identifies the unincorporated area  
111 and other issues for discussion.

112 (8) "Interlocal service boundary agreement" means an

113 agreement adopted under this part, between a county and one or  
 114 more municipalities, which may include one or more independent  
 115 special districts as parties to the agreement.

116 (9) "Invited local government" means an invited county,  
 117 municipality, or special district and any other local government  
 118 designated as such in an initiating resolution or a responding  
 119 resolution that invites the local government to participate in  
 120 negotiating an interlocal service boundary agreement.

121 (10) "Invited municipality" means an initiating  
 122 municipality and any other municipality designated as such in an  
 123 initiating resolution or a responding resolution that invites  
 124 the municipality to participate in negotiating an interlocal  
 125 service boundary agreement.

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

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

132 (b) An unincorporated area that has been identified in an  
 133 interlocal service boundary agreement to receive municipal  
 134 services from a municipality that is a party to the agreement or  
 135 from the municipality's designee.

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

139 (13) "Participating resolution" means the resolution  
 140 adopted by the initiating local government and the invited local

141 government.

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

145 (15) "Responding resolution" means the resolution adopted  
 146 by the county or an invited municipality which responds to the  
 147 initiating resolution and which may identify an additional  
 148 unincorporated area or another issue for discussion, or both,  
 149 and may designate an additional invited municipality or  
 150 independent special district.

151 (16) "Unincorporated service area" means one or more of  
 152 the following as designated in an interlocal service boundary  
 153 agreement:

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

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

161 171.203 Interlocal service boundary agreement.--The  
 162 governing body of a county and one or more municipalities or  
 163 independent special districts within the county may enter into  
 164 an interlocal service boundary agreement under this part. The  
 165 governing bodies of a county, a municipality, or an independent  
 166 special district may develop a process for reaching an  
 167 interlocal service boundary agreement which provides for public  
 168 participation in a manner that meets or exceeds the requirements

169 of subsection (12), or the governing bodies may use the process  
170 established in this section.

171 (1) A county, a municipality, or an independent special  
172 district desiring to enter into an interlocal service boundary  
173 agreement shall commence the negotiation process by adopting an  
174 initiating resolution. The initiating resolution must identify  
175 an unincorporated area or incorporated area, or both, to be  
176 discussed and the issues to be negotiated. The identified area  
177 must be specified in the initiating resolution by a descriptive  
178 exhibit that includes, but need not be limited to, a map or  
179 legal description of the designated area. The issues for  
180 negotiation must be listed in the initiating resolution and may  
181 include, but need not be limited to, the issues listed in  
182 subsection (6). An independent special district may initiate the  
183 interlocal service boundary agreement for the purposes of  
184 dissolving an independent special district or removing more than  
185 10 percent of the taxable or assessable value of an independent  
186 special district.

187 (a) The initiating resolution of an initiating county must  
188 designate one or more invited municipalities. The initiating  
189 resolution of an initiating municipality may designate an  
190 invited municipality. The initiating resolution of an  
191 independent special district must designate one or more invited  
192 municipalities and invite the county.

193 (b) An initiating county shall send the initiating  
194 resolution by certified mail to the chief administrative officer  
195 of every invited municipality and each other municipality within  
196 the county. An initiating municipality shall send the initiating

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197 resolution by certified mail to the chief administrative officer  
198 of the county, the invited municipality, if any, and each other  
199 municipality within the county.

200 (c) The initiating local government shall also send the  
201 initiating resolution to the chief administrative officer of  
202 each independent special district in the unincorporated area  
203 designated in the initiating resolution.

204 (2) Within 60 days after the receipt of an initiating  
205 resolution, the county or the invited municipality, as  
206 appropriate, shall adopt a responding resolution. The responding  
207 resolution may identify an additional unincorporated area or  
208 incorporated area, or both, for discussion and may designate  
209 additional issues for negotiation. The additional identified  
210 area, if any, must be specified in the responding resolution by  
211 a descriptive exhibit that includes, but need not be limited to,  
212 a map or legal description of the designated area. The  
213 additional issues designated for negotiation, if any, must be  
214 listed in the responding resolution and may include, but need  
215 not be limited to, the issues listed in subsection (6). The  
216 responding resolution may also invite an additional municipality  
217 or independent special district to negotiate the interlocal  
218 service boundary agreement.

219 (a) Within 7 days after the adoption of a responding  
220 resolution, the responding county shall send the responding  
221 resolution by certified mail to the chief administrative officer  
222 of the initiating municipality, each invited municipality, if  
223 any, and the independent special district that received an  
224 initiating resolution.



225        (b) Within 7 days after the adoption of a responding  
226 resolution, an invited municipality shall send the responding  
227 resolution by certified mail to the chief administrative officer  
228 of the initiating county, each invited municipality, if any, and  
229 each independent special district that received an initiating  
230 resolution.

231        (c) An invited municipality that was invited by a  
232 responding resolution shall adopt a responding resolution in  
233 accordance with paragraph (b).

234        (d) Within 60 days after receipt of the initiating  
235 resolution, any independent special district that received an  
236 initiating resolution and that desires to participate in the  
237 negotiations shall adopt a resolution indicating that the  
238 district intends to participate in the negotiation process for  
239 the interlocal service boundary agreement. Within 7 days after  
240 the adoption of the resolution, the independent special district  
241 shall send the resolution by certified mail to the chief  
242 administrative officer of the county, the initiating  
243 municipality, each invited municipality, if any, and each  
244 notified local government.

245        (3) A municipality within the county which is not an  
246 invited municipality may request participation in the  
247 negotiations for the interlocal service boundary agreement. Such  
248 a request must be accomplished by adopting a requesting  
249 resolution within 60 days after receipt of the initiating  
250 resolution or within 10 days after receipt of the responding  
251 resolution. Within 7 days after adoption of the requesting  
252 resolution, the requesting municipality shall send the

253 resolution by certified mail to the chief administrative officer  
 254 of the initiating local government and each invited  
 255 municipality. The county and the invited municipality shall  
 256 consider whether to allow a requesting municipality to  
 257 participate in the negotiations, and, if the county and invited  
 258 municipality agree, the county and invited municipality shall  
 259 adopt a participating resolution allowing the requesting  
 260 municipality to participate in the negotiations.

261 (4) The county, the invited municipalities, the  
 262 participating municipalities, if any, and the independent  
 263 special districts, if any have adopted a resolution to  
 264 participate, shall begin negotiations within 60 days after  
 265 receipt of the responding resolution or a participating  
 266 resolution, whichever occurs later.

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

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

276 (a) Identify a municipal service area.

277 (b) Identify an unincorporated service area.

278 (c) Identify the local government responsible for the  
 279 delivery or funding of the following services within the  
 280 municipal service area or the unincorporated service area:

- 281        1. Public safety.
- 282        2. Fire, emergency rescue, and medical.
- 283        3. Water and wastewater.
- 284        4. Road ownership, construction, and maintenance.
- 285        5. Conservation, parks, and recreation.
- 286        6. Stormwater management and drainage.

287        (d) Address other services and infrastructure not  
 288 currently provided by an electric utility as defined in s.  
 289 366.02 or a natural gas transmission company as defined in s.  
 290 368.103. However, this paragraph does not affect any territorial  
 291 agreement between electrical utilities or public utilities under  
 292 chapter 366 or affect the determination of a territorial dispute  
 293 by the Public Service Commission under s. 366.04.

294        (e) Establish a process and schedule for annexation of an  
 295 area within the designated municipal service area consistent  
 296 with s. 171.205.

297        (f) Establish a process for land-use decisions consistent  
 298 with part II of chapter 163, including those made jointly by the  
 299 governing bodies of the county and the municipality, or allow a  
 300 municipality to adopt land-use changes consistent with part II  
 301 of chapter 163 for areas that are scheduled to be annexed within  
 302 the term of the interlocal agreement; however, the county  
 303 comprehensive plan and land-development regulations shall  
 304 control until the municipality annexes the property and amends  
 305 its comprehensive plan accordingly. Comprehensive plan  
 306 amendments to incorporate the process established by this  
 307 paragraph are exempt from the twice-per-year limitation under s.  
 308 163.3187.

309 (g) Address other issues concerning service delivery,  
310 including the transfer of services and infrastructure and the  
311 fiscal compensation to one county, municipality, or independent  
312 special district from another county, municipality, or  
313 independent special district.

314 (h) Provide for the joint use of facilities and the  
315 colocation of services.

316 (i) Include a requirement for a report to the county of  
317 the municipality's planned service delivery, as provided in s.  
318 171.042, or as otherwise determined by agreement.

319 (j) Establish a procedure by which the local government  
320 that is responsible for water and wastewater services shall  
321 apply, within 30 days after the annexation or subtraction of  
322 territory, for any modifications to permits of the water  
323 management district or the Department of Environmental  
324 Protection which are necessary to reflect changes in the entity  
325 that is responsible for managing surface water under such  
326 permits.

327 (7) If the interlocal service boundary agreement addresses  
328 responsibilities for land-use planning under chapter 163, the  
329 agreement must also establish the procedures for preparing and  
330 adopting comprehensive plan amendments, administering land-  
331 development regulations, and issuing development orders.

332 (8) Each local government that is a party to the  
333 interlocal service boundary agreement shall amend the  
334 intergovernmental coordination element of its comprehensive  
335 plan, as described in s. 163.3177(6)(h)1., no later than 6  
336 months following entry of the interlocal service boundary

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337 agreement consistent with s. 163.3177(6)(h)1. Plan amendments  
338 required by this subsection are exempt from the twice-per-year  
339 limitation under s. 163.3187.

340 (9) An affected person for the purpose of challenging a  
341 comprehensive plan amendment required by paragraph (6)(f)  
342 includes a person who owns real property, resides, or owns or  
343 operates a business within the boundaries of the municipal  
344 service area, and a person who owns real property abutting real  
345 property within the municipal service area that is the subject  
346 of the comprehensive plan amendment, in addition to other  
347 affected persons who would have standing under s. 163.3184.

348 (10)(a) A municipality that is a party to an interlocal  
349 service boundary agreement that identifies an unincorporated  
350 area for municipal annexation under s. 171.202(11)(a) shall  
351 adopt a municipal service area as an amendment to its  
352 comprehensive plan to address future possible municipal  
353 annexation. The state land planning agency shall review the  
354 amendment for compliance with part II of chapter 163. A  
355 municipal service area must contain:

356 1. A boundary map of the municipal service area.  
357 2. Population projections for the area.  
358 3. Data and analysis supporting the provision of public  
359 facilities for the area.

360 (b) This part does not authorize the state land planning  
361 agency to review, evaluate, determine, approve, or disapprove a  
362 municipal ordinance relating to municipal annexation or  
363 contraction.

364 (c) Any amendment required by paragraph (a) is exempt from

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365 the twice-per-year limitation under s. 163.3187.

366 (11) An interlocal service boundary agreement may be for a  
367 term of 20 years or less. The interlocal service boundary  
368 agreement must include a provision requiring periodic review.  
369 The interlocal service boundary agreement must require  
370 renegotiations to begin at least 18 months before its  
371 termination date.

372 (12) No earlier than 6 months after the commencement of  
373 negotiations, either of the initiating local governments or  
374 both, the county, or the invited municipality may declare an  
375 impasse in the negotiations and seek a resolution of the issues  
376 under ss. 164.1053-164.1057. If the local governments fail to  
377 agree at the conclusion of the process under chapter 164, the  
378 local governments shall hold a joint public hearing on the  
379 issues raised in the negotiations.

380 (13) When the local governments have reached an interlocal  
381 service boundary agreement, the county and the municipality  
382 shall adopt the agreement by ordinance under s. 166.041 or s.  
383 125.66, respectively. An independent special district, if it  
384 consents to the agreement, shall adopt the agreement by final  
385 order, resolution, or other method consistent with its charter.  
386 The interlocal service boundary agreement shall take effect on  
387 the day specified in the agreement or, if there is no date, upon  
388 adoption by the county or the invited municipality, whichever  
389 occurs later. This part does not prohibit a county or  
390 municipality from adopting an interlocal service boundary  
391 agreement without the consent of an independent special  
392 district, unless the agreement provides for the dissolution of

393 an independent special district or the removal of more than 10  
394 percent of the taxable or assessable value of an independent  
395 special district.

396 (14) For a period of 6 months following the failure of the  
397 local governments to consent to an interlocal service boundary  
398 agreement, the initiating local government may not initiate the  
399 negotiation process established in this section to require the  
400 responding local government to negotiate an agreement concerning  
401 the same identified unincorporated area and the same issues that  
402 were specified in the failed initiating resolution.

403 (15) This part does not authorize one local government to  
404 require another local government to enter into an interlocal  
405 service boundary agreement. However, when the process for  
406 negotiating an interlocal service boundary agreement is  
407 initiated, the local governments shall negotiate in good faith  
408 to the conclusion of the process established in this section.

409 (16) This section authorizes local governments to  
410 simultaneously engage in negotiating more than one interlocal  
411 service boundary agreement, notwithstanding that separate  
412 negotiations concern similar or identical unincorporated areas  
413 and issues.

414 (17) Elected local government officials are encouraged to  
415 participate actively and directly in the negotiation process for  
416 developing an interlocal service boundary agreement.

417 (18) This part does not impair any existing franchise  
418 agreement without the consent of the franchisee, any existing  
419 territorial agreement between electric utilities or public  
420 utilities under chapter 366, or the jurisdiction of the Public

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421 Service Commission to resolve a territorial dispute involving  
422 electric utilities or public utilities in accordance with s.  
423 366.04. In addition, an interlocal agreement entered into under  
424 this section has no effect in a proceeding before the Public  
425 Service Commission involving a territorial dispute. A  
426 municipality or county shall retain all existing authority, if  
427 any, to negotiate a franchise agreement with any private service  
428 provider for use of public rights-of-way or the privilege of  
429 providing a service.

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

432 171.204 Prerequisites to annexation under this part.--The  
433 interlocal service boundary agreement may describe the character  
434 of land that may be annexed under this part and may provide that  
435 the restrictions on the character of land that may be annexed  
436 pursuant to part I are not restrictions on land that may be  
437 annexed pursuant to this part. As determined in the interlocal  
438 service boundary agreement, any character of land may be  
439 annexed, including, but not limited to, an annexation of land  
440 not contiguous to the boundaries of the annexing municipality,  
441 an annexation that creates an enclave, or an annexation where  
442 the annexed area is not reasonably compact; however, such area  
443 must be urban in character as defined in s. 171.031. The  
444 interlocal service boundary agreement may not allow for  
445 annexation of land within a municipality that is not a party to  
446 the agreement or of land that is within another county. Before  
447 annexation of land that is not contiguous to the boundaries of  
448 the annexing municipality, an annexation that creates an



449 enclave, or an annexation of land that is not currently served  
450 by water or sewer utilities, one of the following options must  
451 be followed:

452 (1) The municipality shall transmit a comprehensive plan  
453 amendment that proposes specific amendments relating to the  
454 property anticipated for annexation to the Department of  
455 Community Affairs for review under chapter 163. After  
456 considering the department's review, the municipality may  
457 approve the annexation and comprehensive plan amendment  
458 concurrently. The local government must adopt the annexation and  
459 the comprehensive plan amendment as separate and distinct  
460 actions, but may take such actions at a single public hearing;  
461 or

462 (2) A municipality and county shall enter into a joint  
463 planning agreement under s. 163.3171, which is adopted into the  
464 municipal comprehensive plan. The joint planning agreement must  
465 identify the geographic areas anticipated for annexation, the  
466 future land uses that the municipality would seek to establish,  
467 necessary public facilities and services, including  
468 transportation and school facilities and how such facilities  
469 will be provided, and natural resources, including surface water  
470 and groundwater resources, and how such resources will be  
471 protected. An amendment to the future land-use map of a  
472 comprehensive plan which is consistent with the joint planning  
473 agreement must be considered a small-scale amendment.

474 171.205 Consent requirements for annexation of land under  
475 this part.--Notwithstanding part I, an interlocal service  
476 boundary agreement may provide a process for annexation

477 consistent with this section or with part I.

478 (1) For all or a portion of the area within a designated  
479 municipal service area, the interlocal service boundary  
480 agreement may provide a flexible process for securing the  
481 consent of persons who are registered voters or own property in  
482 the area proposed for annexation, or of both such voters and  
483 owners, for the annexation of property within a municipal  
484 service area, with notice to such voters or owners as required  
485 in the interlocal service boundary agreement. The interlocal  
486 service boundary agreement may not authorize annexation unless  
487 the consent requirements of part I are met or the annexation is  
488 consented to by one or more of the following:

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

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

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

498 (2) If the area to be annexed includes a privately owned  
499 solid waste disposal facility as defined in s. 403.703 which  
500 receives municipal solid waste collected within the jurisdiction  
501 of multiple local governments, the annexing municipality must  
502 set forth in its plan the effects that the annexation of the  
503 solid waste disposal facility will have on the other local  
504 governments. The plan must also indicate that the owner of the

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505 affected solid waste disposal facility has been contacted in  
506 writing concerning the annexation, that an agreement between the  
507 annexing municipality and the solid waste disposal facility to  
508 govern the operations of the solid waste disposal facility if  
509 the annexation occurs has been approved, and that the owner of  
510 the solid waste disposal facility does not object to the  
511 proposed annexation.

512 (3) For all or a portion of an enclave consisting of more  
513 than 20 acres within a designated municipal service area, the  
514 interlocal service boundary agreement may provide a flexible  
515 process for securing the consent of persons who are registered  
516 voters or own property in the area proposed for annexation, or  
517 of both such voters and owners, for the annexation of property  
518 within such an enclave, with notice to such voters or owners as  
519 required in the interlocal service boundary agreement. The  
520 interlocal service boundary agreement may not authorize  
521 annexation of enclaves under this subsection unless the consent  
522 requirements of part I are met, the annexation process includes  
523 one or more of the procedures in subsection (1), or the  
524 municipality has received a petition for annexation from one or  
525 more persons who own real property in excess of 50 percent of  
526 the total real property within the area to be annexed.

527 (4) For all or a portion of an enclave consisting of 20  
528 acres or fewer within a designated municipal service area,  
529 within which enclave not more than 100 registered voters reside,  
530 the interlocal service boundary agreement may provide a flexible  
531 process for securing the consent of persons who are registered  
532 voters or own property in the area proposed for annexation, or

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533 of both such voters and owners, for the annexation of property  
534 within such an enclave, with notice to such voters or owners as  
535 required in the interlocal service boundary agreement. Such an  
536 annexation process may include one or more of the procedures in  
537 subsection (1) and may allow annexation according to the terms  
538 and conditions provided in the interlocal service boundary  
539 agreement, which may include a referendum of the registered  
540 voters who reside in the area proposed to be annexed.

541 171.206 Effect of interlocal service boundary area  
542 agreement on annexations.--

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

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

550 (3) If the independent special district that participated  
551 in the negotiation process pursuant to s. 171.203(2)(d) does not  
552 consent to the interlocal service boundary agreement and a  
553 municipality annexes an area within the independent special  
554 district, the independent special district may seek compensation  
555 using the process in s. 171.093.

556 171.207 Transfer of powers.--This part is an alternative  
557 provision otherwise provided by law, as authorized in s. 4, Art.  
558 VIII of the State Constitution, for any transfer of power  
559 resulting from an interlocal service boundary agreement for the  
560 provision of services or the acquisition of public facilities

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561 entered into by a county, municipality, independent special  
562 district, or other entity created pursuant to law.

563 171.208 Municipal extraterritorial power.--This part  
564 authorizes a municipality to exercise extraterritorial powers  
565 that include, but are not limited to, the authority to provide  
566 services and facilities within the unincorporated area or within  
567 the territory of another municipality as provided within an  
568 interlocal service boundary agreement. These powers are in  
569 addition to other municipal powers that otherwise exist.  
570 However, this power is subject to the jurisdiction of the Public  
571 Service Commission to resolve territorial disputes under s.  
572 366.04. An interlocal agreement has no effect on the resolution  
573 of a territorial dispute to be determined by the Public Service  
574 Commission.

575 171.209 County powers in an incorporated area.--As  
576 provided in an interlocal service boundary agreement, this part  
577 authorizes a county to exercise powers within a municipality  
578 that include, but are not limited to, the authority to provide  
579 services and facilities within the territory of a municipality.  
580 These powers are in addition to other county powers that  
581 otherwise exist.

582 171.21 Effect of part on interlocal agreement and county  
583 charter.--A joint planning agreement, a charter provision  
584 adopted under s. 171.044(4), or any other interlocal agreement  
585 between local governments, including a county, municipality, or  
586 independent special district, is not affected by this part;  
587 however, a county, municipality or independent special district  
588 may avail itself of this part, which may result in the repeal or

589 modification of a joint planning agreement or other interlocal  
 590 agreement. A local government within a county that has adopted a  
 591 charter provision pursuant to s. 171.044(4) may avail itself of  
 592 the provisions of this part which authorize an interlocal  
 593 service boundary agreement if such interlocal agreement is  
 594 consistent with the charter of that county, as the charter was  
 595 approved, revised, or amended pursuant to s. 125.64.

596 171.211 Interlocal service boundary agreement presumed  
 597 valid and binding.--

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

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

606 171.212 Disputes regarding construction and effect of an  
 607 interlocal service boundary agreement.--If there is a question  
 608 or dispute about the construction or effect of an interlocal  
 609 service boundary agreement, a local government shall initiate  
 610 and proceed through the conflict resolution procedures  
 611 established in chapter 164. If there is a failure to resolve the  
 612 conflict, no later than 30 days following the conclusion of the  
 613 procedures established in chapter 164, the local government may  
 614 file an action in circuit court. For purposes of this section,  
 615 the term "local government" means a party to the interlocal  
 616 service boundary agreement.

617           Section 2. Sections 171.011-171.093, Florida Statutes, and  
 618 section 171.094, Florida Statutes, as created by this act, are  
 619 designated as part I of chapter 171, Florida Statutes.

620           Section 3. Section 171.011, Florida Statutes, is amended  
 621 to read:

622           171.011 Short title.--This part ~~chapter shall be known and~~  
 623 may be cited as the "Municipal Annexation or Contraction Act."

624           Section 4. Section 171.031, Florida Statutes, is amended  
 625 to read:

626           171.031 Definitions.--As used in this part ~~chapter~~, the  
 627 following words and terms have the following meanings unless  
 628 some other meaning is plainly indicated:

629           (1) "Annexation" means the adding of real property to the  
 630 boundaries of an incorporated municipality, such addition making  
 631 such real property in every way a part of the municipality.

632           (2) "Contraction" means the reversion of real property  
 633 within municipal boundaries to an unincorporated status.

634           (3) "Municipality" means a municipality created pursuant  
 635 to general or special law authorized or recognized pursuant to  
 636 s. 2 or s. 6, Art. VIII of the State Constitution.

637           (4) "Newspaper of general circulation" means a newspaper  
 638 printed in the language most commonly spoken in the area within  
 639 which it circulates, which is readily available for purchase by  
 640 all inhabitants in its area of circulation, but does not include  
 641 a newspaper intended primarily for members of a particular  
 642 professional or occupational group, a newspaper whose primary  
 643 function is to carry legal notices, or a newspaper that is given  
 644 away primarily to distribute advertising.

645 (5) "Parties affected" means any persons or firms owning  
646 property in, or residing in, either a municipality proposing  
647 annexation or contraction or owning property that is proposed  
648 for annexation to a municipality or any governmental unit with  
649 jurisdiction over such area.

650 (6) "Qualified voter" means any person registered to vote  
651 in accordance with law.

652 (7) "Sufficiency of petition" means the verification of  
653 the signatures and addresses of all signers of a petition with  
654 the voting list maintained by the county supervisor of elections  
655 and certification that the number of valid signatures represents  
656 the required percentage of the total number of qualified voters  
657 in the area affected by a proposed annexation.

658 (8) "Urban in character" means an area used intensively  
659 for residential, urban recreational or conservation parklands,  
660 commercial, industrial, institutional, or governmental purposes  
661 or an area undergoing development for any of these purposes.

662 (9) "Urban services" means any services offered by a  
663 municipality, either directly or by contract, to any of its  
664 present residents.

665 (10) "Urban purposes" means that land is used intensively  
666 for residential, commercial, industrial, institutional, and  
667 governmental purposes, including any parcels of land retained in  
668 their natural state or kept free of development as dedicated  
669 greenbelt areas.

670 (11) "Contiguous" means that a substantial part of a  
671 boundary of the territory sought to be annexed by a municipality  
672 is coterminous with a part of the boundary of the municipality.



673 The separation of the territory sought to be annexed from the  
 674 annexing municipality by a publicly owned county park; a right-  
 675 of-way for a highway, road, railroad, canal, or utility; or a  
 676 body of water, watercourse, or other minor geographical division  
 677 of a similar nature, running parallel with and between the  
 678 territory sought to be annexed and the annexing municipality,  
 679 shall not prevent annexation under this act, provided the  
 680 presence of such a division does not, as a practical matter,  
 681 prevent the territory sought to be annexed and the annexing  
 682 municipality from becoming a unified whole with respect to  
 683 municipal services or prevent their inhabitants from fully  
 684 associating and trading with each other, socially and  
 685 economically. However, nothing herein shall be construed to  
 686 allow local rights-of-way, utility easements, railroad rights-  
 687 of-way, or like entities to be annexed in a corridor fashion to  
 688 gain contiguity; and when any provision or provisions of special  
 689 law or laws prohibit the annexation of territory that is  
 690 separated from the annexing municipality by a body of water or  
 691 watercourse, then that law shall prevent annexation under this  
 692 act.

693 (12) "Compactness" means concentration of a piece of  
 694 property in a single area and precludes any action which would  
 695 create enclaves, pockets, or finger areas in serpentine  
 696 patterns. Any annexation proceeding in any county in the state  
 697 shall be designed in such a manner as to ensure that the area  
 698 will be reasonably compact.

699 (13) "Enclave" means:

700 (a) Any unincorporated improved or developed area that is

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701 enclosed within and bounded on all sides by a single  
702 municipality; or

703 (b) Any unincorporated improved or developed area that is  
704 enclosed within and bounded by a single municipality and a  
705 natural or manmade obstacle that allows the passage of vehicular  
706 traffic to that unincorporated area only through the  
707 municipality.

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

711 171.042 Prerequisites to annexation.--

712 (2) Not less than 15 days prior to commencing the  
713 annexation procedures under s. 171.0413, the governing body of  
714 the municipality shall file a copy of the report required by  
715 this section with the board of county commissioners of the  
716 county wherein the municipality is located. Failure to timely  
717 file the report as required in this subsection may be the basis  
718 for a cause of action invalidating the annexation.

719 (3) The governing body of the municipality shall mail by  
720 certified mail, not less than 10 days prior to the date set for  
721 the first public hearing required by s. 171.0413(1), a written  
722 notice to each person who resides or owns property within the  
723 area proposed to be annexed. The notice must describe the  
724 annexation proposal, the time and place for each public hearing  
725 to be held regarding the annexation, and the place or places  
726 within the municipality where the proposed ordinance may be  
727 inspected by the public. A copy of the notice must be kept  
728 available for public inspection during the regular business

729 hours of the office of the clerk of the governing body.

730 Section 6. Subsection (6) of section 171.044, Florida  
731 Statutes, is amended to read:

732 171.044 Voluntary annexation.--

733 (6) Not less than 10 days prior to ~~Upon~~ publishing or  
734 posting the ordinance notice required under subsection (2), the  
735 governing body of the municipality must provide a copy of the  
736 notice, via certified mail, to the board of the county  
737 commissioners of the county wherein the municipality is located.  
738 The notice provision provided in this subsection may ~~shall not~~  
739 be the basis for a ~~of any~~ cause of action invalidating  
740 ~~challenging~~ the annexation.

741 Section 7. Section 171.045, Florida Statutes, is amended  
742 to read:

743 171.045 Annexation limited to a single county.--In order  
744 for an annexation proceeding to be valid for the purposes of  
745 this part ~~chapter~~, the annexation must take place within the  
746 boundaries of a single county.

747 Section 8. Section 171.081, Florida Statutes, is amended  
748 to read:

749 171.081 Appeal on annexation or contraction.--

750 (1) ~~No later than 30 days following the passage of an~~  
751 ~~annexation or contraction ordinance,~~ Any party affected who  
752 believes that he or she will suffer material injury by reason of  
753 the failure of the municipal governing body to comply with the  
754 procedures set forth in this part ~~chapter~~ for annexation or  
755 contraction or to meet the requirements established for  
756 annexation or contraction as they apply to his or her property

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757 may file a petition in the circuit court for the county in which  
758 the municipality or municipalities are located seeking review by  
759 certiorari. The action may be initiated at the party's option  
760 within 30 days following the passage of the annexation or  
761 contraction ordinance or within 30 days following the completion  
762 of the dispute resolution process in subsection (2). In any  
763 action instituted pursuant to this subsection ~~section~~, the  
764 complainant, should he or she prevail, shall be entitled to  
765 reasonable costs and attorney's fees.

766 (2) If the affected party is a governmental entity, no  
767 later than 30 days following the passage of an annexation or  
768 contraction ordinance the governmental entity must initiate and  
769 proceed through the conflict resolution procedures established  
770 in chapter 164. If there is a failure to resolve the conflict,  
771 no later than 30 days following the conclusion of the procedures  
772 established in chapter 164 the governmental entity that  
773 initiated the conflict resolution procedures may file a petition  
774 in the circuit court for the county in which the municipality or  
775 municipalities are located seeking review by certiorari. In any  
776 legal action instituted pursuant to this subsection, the  
777 prevailing party is entitled to reasonable costs and attorney's  
778 fees.

779 Section 9. Section 171.094, Florida Statutes, is created  
780 to read:

781 171.094 Effect of interlocal service boundary agreements  
782 adopted under part II on annexations under this part.--

783 (1) An interlocal service boundary agreement entered into  
784 pursuant to part II is binding on the parties to the agreement,

785 and a party may not take any action that violates the interlocal  
 786 service boundary agreement.

787 (2) Notwithstanding any other provision of this part,  
 788 without the consent of the county the affected municipality, or  
 789 affected independent special district by resolution, a county,  
 790 an invited municipality, or independent special district may not  
 791 take any action that violates an interlocal service boundary  
 792 agreement.

793 Section 10. Subsection (11) of section 163.01, Florida  
 794 Statutes, is amended to read:

795 163.01 Florida Interlocal Cooperation Act of 1969.--

796 (11) Prior to its effectiveness, an interlocal agreement  
 797 and subsequent amendments thereto shall be filed with the clerk  
 798 of the circuit court of each county where a party to the  
 799 agreement is located; however, if the parties to the agreement  
 800 are located in multiple counties and the agreement, pursuant to  
 801 subsection (7), provides for a separate legal entity or  
 802 administrative entity to administer the agreement, the  
 803 interlocal agreement and any amendments to the interlocal  
 804 agreement may be filed with the clerk of the circuit court in  
 805 the county where the legal or administrative entity maintains  
 806 its principal place of business.

807 Section 11. Section 164.1058, Florida Statutes, is amended  
 808 to read:

809 164.1058 Penalty.--If a primary conflicting governmental  
 810 entity ~~which has received notice of intent to initiate the~~  
 811 ~~conflict resolution procedure pursuant to this act~~ fails to  
 812 participate in good faith in the conflict assessment meeting,

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813 mediation, or other remedies provided for in this act, ~~and the~~  
814 ~~initiating governmental entity files suit and is the prevailing~~  
815 ~~party in such suit,~~ the primary disputing governmental entity  
816 that ~~which~~ failed to participate in good faith shall be required  
817 to pay the attorney's fees and costs in that proceeding of the  
818 prevailing primary conflicting governmental entity ~~which~~  
819 ~~initiated the conflict resolution procedure.~~

820 Section 12. This act shall take effect upon becoming a  
821 law.