

CHAMBER ACTION

1 The Growth Management Committee recommends the following:

2
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to growth management; creating part II of
7 ch. 171, F.S., the "Interlocal Service Boundary Agreement
8 Act"; providing legislative intent with respect to
9 annexation and the coordination of services by local
10 governments; providing definitions; providing for the
11 creation of interlocal service boundary agreements by a
12 county and one or more municipalities or independent
13 special districts; specifying the procedures for
14 initiating an agreement and responding to a proposal for
15 agreements; identifying issues the agreement may or must
16 address; requiring local governments that are a party to
17 the agreement to amend their comprehensive plans;
18 providing for review of the amendment by the state land
19 planning agency; providing an exception to the limitation
20 on plan amendments; specifying those persons who may
21 challenge a plan amendment required by the agreement;
22 providing for negotiation and adoption of the agreement;
23 providing for preservation of certain agreements and

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24 powers regarding utility services; providing for
25 preservation of existing contracts; providing
26 prerequisites to annexation; providing a process for
27 annexation; providing for the effect of an interlocal
28 service boundary area agreement on the parties to the
29 agreement; providing for a transfer of powers; authorizing
30 a municipality to provide services within an
31 unincorporated area or territory of another municipality;
32 authorizing a county to exercise certain powers within a
33 municipality; providing for effect on interlocal
34 agreements and county charters; providing a presumption of
35 validity; providing a procedure to settle a dispute
36 regarding an interlocal service boundary agreement;
37 designating ss. 171.011-171.094 as part I of chapter 171,
38 F.S.; amending ss. 171.011, 171.031, and 171.045, F.S., to
39 conform; amending s. 171.042, F.S.; revising the time
40 period for filing a report; providing for a cause of
41 action to invalidate an annexation; requiring
42 municipalities to provide notice of proposed annexation to
43 certain persons; amending s. 171.044, F.S.; revising the
44 time period for providing a copy of a notice; providing
45 for a cause of action to invalidate an annexation;
46 amending s. 171.081, F.S.; requiring a governmental entity
47 affected by annexation or contraction to initiate conflict
48 resolution procedures under certain circumstances;
49 providing for initiation of judicial review and
50 reimbursement of attorney's fees and costs regarding
51 certain annexations or contractions; creating s. 171.094,

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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52 F.S.; providing for the effect of interlocal service
53 boundary agreements adopted under the act; amending s.
54 163.01, F.S.; providing for the place of filing an
55 interlocal agreement in certain circumstances; amending s.
56 164.1058, F.S.; providing that a governmental entity that
57 fails to participate in conflict resolution procedures
58 shall be required to pay attorney's fees and costs under
59 certain conditions; providing an effective date.
60

61 Be It Enacted by the Legislature of the State of Florida:
62

63 Section 1. Part II of chapter 171, Florida Statutes,
64 consisting of sections 171.20, 171.201, 171.202, 171.203,
65 171.204, 171.205, 171.206, 171.207, 171.208, 171.209, 171.21,
66 171.211, and 171.212, is created to read:

67 171.20 Short title.--This part may be cited as the
68 "Interlocal Service Boundary Agreement Act."

69 171.201 Legislative intent.--The Legislature intends to
70 provide an alternative to part I for local governments regarding
71 the annexation of territory into a municipality and the
72 subtraction of territory from the unincorporated area of the
73 county. The principal goal of this part is to encourage local
74 governments to jointly determine how to provide services to
75 residents and property in the most efficient and effective
76 manner while balancing the needs and desires of the community.
77 This part is intended to establish a more flexible process for
78 adjusting municipal boundaries and to address a wider range of
79 the effects of annexation. This part is intended to encourage

80 intergovernmental coordination in planning, service delivery,
 81 and boundary adjustments and to reduce intergovernmental
 82 conflicts and litigation between local governments. It is the
 83 intent of this part to promote sensible boundaries that reduce
 84 the costs of local governments, avoid duplicating local
 85 services, and increase political transparency and
 86 accountability. This part is intended to prevent inefficient
 87 service delivery and an insufficient tax base to support the
 88 delivery of those services.

89 171.202 Definitions.--As used in this part, the term:

90 (1) "Chief administrative officer" means the municipal
 91 administrator, municipal manager, county manager, county
 92 administrator, or other officer of the municipality, county, or
 93 independent special district who reports directly to the
 94 governing body of the local government.

95 (2) "Enclave" has the same meaning as provided in s.
 96 171.031.

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

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

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

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107 (6) "Initiating municipality" means a municipality that
108 commences the process for negotiating an interlocal service
109 boundary agreement through the adoption of an initiating
110 resolution.

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

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

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

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

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

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

136 (b) An unincorporated area that has been identified in an
137 interlocal service boundary agreement to receive municipal
138 services from a municipality that is a party to the agreement or
139 from the municipality's designee.

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

143 (13) "Participating resolution" means the resolution
144 adopted by the initiating local government and the invited local
145 government.

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

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

155 (16) "Unincorporated service area" means one or more of
156 the following as designated in an interlocal service boundary
157 agreement:

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

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

165 171.203 Interlocal service boundary agreement.--The
166 governing body of a county and one or more municipalities or
167 independent special districts within the county may enter into
168 an interlocal service boundary agreement under this part. The
169 governing bodies of a county, a municipality, or an independent
170 special district may develop a process for reaching an
171 interlocal service boundary agreement which provides for public
172 participation in a manner that meets or exceeds the requirements
173 of subsection (12), or the governing bodies may use the process
174 established in this section.

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

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189 10 percent of the taxable or assessable value of an independent
190 special district.

191 (a) The initiating resolution of an initiating county must
192 designate one or more invited municipalities. The initiating
193 resolution of an initiating municipality may designate an
194 invited municipality. The initiating resolution of an
195 independent special district must designate one or more invited
196 municipalities and invite the county.

197 (b) An initiating county shall send the initiating
198 resolution by certified mail to the chief administrative officer
199 of every invited municipality and each other municipality within
200 the county. An initiating municipality shall send the initiating
201 resolution by certified mail to the chief administrative officer
202 of the county, the invited municipality, if any, and each other
203 municipality within the county.

204 (c) The initiating local government shall also send the
205 initiating resolution to the chief administrative officer of
206 each independent special district in the unincorporated area
207 designated in the initiating resolution.

208 (2) Within 60 days after the receipt of an initiating
209 resolution, the county or the invited municipality, as
210 appropriate, shall adopt a responding resolution. The responding
211 resolution may identify an additional unincorporated area or
212 incorporated area, or both, for discussion and may designate
213 additional issues for negotiation. The additional identified
214 area, if any, must be specified in the responding resolution by
215 a descriptive exhibit that includes, but need not be limited to,
216 a map or legal description of the designated area. The

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217 additional issues designated for negotiation, if any, must be
218 listed in the responding resolution and may include, but need
219 not be limited to, the issues listed in subsection (6). The
220 responding resolution may also invite an additional municipality
221 or independent special district to negotiate the interlocal
222 service boundary agreement.

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

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

235 (c) An invited municipality that was invited by a
236 responding resolution shall adopt a responding resolution in
237 accordance with paragraph (b).

238 (d) Within 60 days after receipt of the initiating
239 resolution, any independent special district that received an
240 initiating resolution and that desires to participate in the
241 negotiations shall adopt a resolution indicating that the
242 district intends to participate in the negotiation process for
243 the interlocal service boundary agreement. Within 7 days after
244 the adoption of the resolution, the independent special district

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245 shall send the resolution by certified mail to the chief
246 administrative officer of the county, the initiating
247 municipality, each invited municipality, if any, and each
248 notified local government.

249 (3) A municipality within the county which is not an
250 invited municipality may request participation in the
251 negotiations for the interlocal service boundary agreement. Such
252 a request must be accomplished by adopting a requesting
253 resolution within 60 days after receipt of the initiating
254 resolution or within 10 days after receipt of the responding
255 resolution. Within 7 days after adoption of the requesting
256 resolution, the requesting municipality shall send the
257 resolution by certified mail to the chief administrative officer
258 of the initiating local government and each invited
259 municipality. The county and the invited municipality shall
260 consider whether to allow a requesting municipality to
261 participate in the negotiations, and, if the county and invited
262 municipality agree, the county and invited municipality shall
263 adopt a participating resolution allowing the requesting
264 municipality to participate in the negotiations.

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

271 (5) An invited municipality that fails to adopt a
272 responding resolution shall be deemed to waive its right to

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273 participate in the negotiation process and shall be bound by an
 274 interlocal agreement resulting from such negotiation process, if
 275 any is reached.

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

280 (a) Identify a municipal service area.

281 (b) Identify an unincorporated service area.

282 (c) Identify the local government responsible for the
 283 delivery or funding of the following services within the
 284 municipal service area or the unincorporated service area:

285 1. Public safety.

286 2. Fire, emergency rescue, and medical.

287 3. Water and wastewater.

288 4. Road ownership, construction, and maintenance.

289 5. Conservation, parks, and recreation.

290 6. Stormwater management and drainage.

291 (d) Ensure that the health and welfare of the citizens
 292 affected by annexation will be protected by requiring that all
 293 fire and emergency medical services be provided by the existing
 294 provider of fire and emergency medical services to the annexed
 295 area and remain part of the existing municipal service taxing
 296 unit or special district, unless and until:

297 1. The county and annexing municipality reach through
 298 interlocal agreement or other legally sufficient means, an
 299 agreement as to which governmental entity shall provide such
 300 emergency services; or

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301 2. A fire-rescue services element exists for the
302 respective county's comprehensive plan, filed with the state,
303 and the annexing municipality meets the criteria provided in
304 this section.

305 (e) Address other services and infrastructure not
306 currently provided by an electric utility as defined in s.
307 366.02 or a natural gas transmission company as defined in s.
308 368.103. However, this paragraph does not affect any territorial
309 agreement between electrical utilities or public utilities under
310 chapter 366 or affect the determination of a territorial dispute
311 by the Public Service Commission under s. 366.04.

312 (f) Establish a process and schedule for annexation of an
313 area within the designated municipal service area consistent
314 with s. 171.205.

315 (g) Establish a process for land-use decisions consistent
316 with part II of chapter 163, including those made jointly by the
317 governing bodies of the county and the municipality, or allow a
318 municipality to adopt land-use changes consistent with part II
319 of chapter 163 for areas that are scheduled to be annexed within
320 the term of the interlocal agreement; however, the county
321 comprehensive plan and land-development regulations shall
322 control until the municipality annexes the property and amends
323 its comprehensive plan accordingly. Comprehensive plan
324 amendments to incorporate the process established by this
325 paragraph are exempt from the twice-per-year limitation under s.
326 163.3187.

327 (h) Address other issues concerning service delivery,
328 including the transfer of services and infrastructure and the

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329 fiscal compensation to one county, municipality, or independent
 330 special district from another county, municipality, or
 331 independent special district.

332 (i) Provide for the joint use of facilities and the
 333 colocation of services.

334 (j) Include a requirement for a report to the county of
 335 the municipality's planned service delivery, as provided in s.
 336 171.042, or as otherwise determined by agreement.

337 (k) Establish a procedure by which the local government
 338 that is responsible for water and wastewater services shall
 339 apply, within 30 days after the annexation or subtraction of
 340 territory, for any modifications to permits of the water
 341 management district or the Department of Environmental
 342 Protection which are necessary to reflect changes in the entity
 343 that is responsible for managing surface water under such
 344 permits.

345 (7) If the interlocal service boundary agreement addresses
 346 responsibilities for land-use planning under chapter 163, the
 347 agreement must also establish the procedures for preparing and
 348 adopting comprehensive plan amendments, administering land-
 349 development regulations, and issuing development orders.

350 (8) Each local government that is a party to the
 351 interlocal service boundary agreement shall amend the
 352 intergovernmental coordination element of its comprehensive
 353 plan, as described in s. 163.3177(6)(h)1., no later than 6
 354 months following entry of the interlocal service boundary
 355 agreement consistent with s. 163.3177(6)(h)1. Plan amendments

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356 required by this subsection are exempt from the twice-per-year
357 limitation under s. 163.3187.

358 (9) An affected person for the purpose of challenging a
359 comprehensive plan amendment required by paragraph (6)(g)
360 includes a person who owns real property, resides, or owns or
361 operates a business within the boundaries of the municipal
362 service area, and a person who owns real property abutting real
363 property within the municipal service area that is the subject
364 of the comprehensive plan amendment, in addition to other
365 affected persons who would have standing under s. 163.3184.

366 (10)(a) A municipality that is a party to an interlocal
367 service boundary agreement that identifies an unincorporated
368 area for municipal annexation under s. 171.202(11)(a) shall
369 adopt a municipal service area as an amendment to its
370 comprehensive plan to address future possible municipal
371 annexation. The state land planning agency shall review the
372 amendment for compliance with part II of chapter 163. A
373 municipal service area must contain:

- 374 1. A boundary map of the municipal service area.
375 2. Population projections for the area.
376 3. Data and analysis supporting the provision of public
377 facilities for the area.

378 (b) This part does not authorize the state land planning
379 agency to review, evaluate, determine, approve, or disapprove a
380 municipal ordinance relating to municipal annexation or
381 contraction.

382 (c) Any amendment required by paragraph (a) is exempt from
383 the twice-per-year limitation under s. 163.3187.

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384 (11) An interlocal service boundary agreement may be for a
385 term of 20 years or less. The interlocal service boundary
386 agreement must include a provision requiring periodic review.
387 The interlocal service boundary agreement must require
388 renegotiations to begin at least 18 months before its
389 termination date.

390 (12) No earlier than 6 months after the commencement of
391 negotiations, either of the initiating local governments or
392 both, the county, or the invited municipality may declare an
393 impasse in the negotiations and seek a resolution of the issues
394 under ss. 164.1053-164.1057. If the local governments fail to
395 agree at the conclusion of the process under chapter 164, the
396 local governments shall hold a joint public hearing on the
397 issues raised in the negotiations.

398 (13) When the local governments have reached an interlocal
399 service boundary agreement, the county and the municipality
400 shall adopt the agreement by ordinance under s. 166.041 or s.
401 125.66, respectively. An independent special district, if it
402 consents to the agreement, shall adopt the agreement by final
403 order, resolution, or other method consistent with its charter.
404 The interlocal service boundary agreement shall take effect on
405 the day specified in the agreement or, if there is no date, upon
406 adoption by the county or the invited municipality, whichever
407 occurs later. This part does not prohibit a county or
408 municipality from adopting an interlocal service boundary
409 agreement without the consent of an independent special
410 district, unless the agreement provides for the dissolution of
411 an independent special district or the removal of more than 10

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412 percent of the taxable or assessable value of an independent
413 special district.

414 (14) For a period of 6 months following the failure of the
415 local governments to consent to an interlocal service boundary
416 agreement, the initiating local government may not initiate the
417 negotiation process established in this section to require the
418 responding local government to negotiate an agreement concerning
419 the same identified unincorporated area and the same issues that
420 were specified in the failed initiating resolution.

421 (15) This part does not authorize one local government to
422 require another local government to enter into an interlocal
423 service boundary agreement. However, when the process for
424 negotiating an interlocal service boundary agreement is
425 initiated, the local governments shall negotiate in good faith
426 to the conclusion of the process established in this section.

427 (16) This section authorizes local governments to
428 simultaneously engage in negotiating more than one interlocal
429 service boundary agreement, notwithstanding that separate
430 negotiations concern similar or identical unincorporated areas
431 and issues.

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

435 (18) This part does not impair any existing franchise
436 agreement without the consent of the franchisee, any existing
437 territorial agreement between electric utilities or public
438 utilities under chapter 366, or the jurisdiction of the Public
439 Service Commission to resolve a territorial dispute involving

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440 electric utilities or public utilities in accordance with s.
441 366.04. In addition, an interlocal agreement entered into under
442 this section has no effect in a proceeding before the Public
443 Service Commission involving a territorial dispute. A
444 municipality or county shall retain all existing authority, if
445 any, to negotiate a franchise agreement with any private service
446 provider for use of public rights-of-way or the privilege of
447 providing a service.

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

450 171.204 Prerequisites to annexation under this part.--The
451 interlocal service boundary agreement may describe the character
452 of land that may be annexed under this part and may provide that
453 the restrictions on the character of land that may be annexed
454 pursuant to part I are not restrictions on land that may be
455 annexed pursuant to this part. As determined in the interlocal
456 service boundary agreement, any character of land may be
457 annexed, including, but not limited to, an annexation of land
458 not contiguous to the boundaries of the annexing municipality,
459 an annexation that creates an enclave, or an annexation where
460 the annexed area is not reasonably compact; however, such area
461 must be urban in character as defined in s. 171.031. The
462 interlocal service boundary agreement may not allow for
463 annexation of land within a municipality that is not a party to
464 the agreement or of land that is within another county. Before
465 annexation of land that is not contiguous to the boundaries of
466 the annexing municipality, an annexation that creates an
467 enclave, or an annexation of land that is not currently served

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468 by water or sewer utilities, one of the following options must
469 be followed:

470 (1) The municipality shall transmit a comprehensive plan
471 amendment that proposes specific amendments relating to the
472 property anticipated for annexation to the Department of
473 Community Affairs for review under chapter 163. After
474 considering the department's review, the municipality may
475 approve the annexation and comprehensive plan amendment
476 concurrently. The local government must adopt the annexation and
477 the comprehensive plan amendment as separate and distinct
478 actions, but may take such actions at a single public hearing;
479 or

480 (2) A municipality and county shall enter into a joint
481 planning agreement under s. 163.3171, which is adopted into the
482 municipal comprehensive plan. The joint planning agreement must
483 identify the geographic areas anticipated for annexation, the
484 future land uses that the municipality would seek to establish,
485 necessary public facilities and services, including
486 transportation and school facilities and how such facilities
487 will be provided, and natural resources, including surface water
488 and groundwater resources, and how such resources will be
489 protected. An amendment to the future land-use map of a
490 comprehensive plan which is consistent with the joint planning
491 agreement must be considered a small-scale amendment.

492 171.205 Consent requirements for annexation of land under
493 this part.--Notwithstanding part I, an interlocal service
494 boundary agreement may provide a process for annexation
495 consistent with this section or with part I.

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496 (1) For all or a portion of the area within a designated
497 municipal service area, the interlocal service boundary
498 agreement may provide a flexible process for securing the
499 consent of persons who are registered voters or own property in
500 the area proposed for annexation, or of both such voters and
501 owners, for the annexation of property within a municipal
502 service area, with notice to such voters or owners as required
503 in the interlocal service boundary agreement. The interlocal
504 service boundary agreement may not authorize annexation unless
505 the consent requirements of part I are met or the annexation is
506 consented to by one or more of the following:

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

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

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

516 (2) If the area to be annexed includes a privately owned
517 solid waste disposal facility as defined in s. 403.703 which
518 receives municipal solid waste collected within the jurisdiction
519 of multiple local governments, the annexing municipality must
520 set forth in its plan the effects that the annexation of the
521 solid waste disposal facility will have on the other local
522 governments. The plan must also indicate that the owner of the
523 affected solid waste disposal facility has been contacted in

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524 writing concerning the annexation, that an agreement between the
525 annexing municipality and the solid waste disposal facility to
526 govern the operations of the solid waste disposal facility if
527 the annexation occurs has been approved, and that the owner of
528 the solid waste disposal facility does not object to the
529 proposed annexation.

530 (3) For all or a portion of an enclave consisting of more
531 than 20 acres within a designated municipal service area, the
532 interlocal service boundary agreement may provide a flexible
533 process for securing the consent of persons who are registered
534 voters or own property in the area proposed for annexation, or
535 of both such voters and owners, for the annexation of property
536 within such an enclave, with notice to such voters or owners as
537 required in the interlocal service boundary agreement. The
538 interlocal service boundary agreement may not authorize
539 annexation of enclaves under this subsection unless the consent
540 requirements of part I are met, the annexation process includes
541 one or more of the procedures in subsection (1), or the
542 municipality has received a petition for annexation from one or
543 more persons who own real property in excess of 50 percent of
544 the total real property within the area to be annexed.

545 (4) For all or a portion of an enclave consisting of 20
546 acres or fewer within a designated municipal service area,
547 within which enclave not more than 100 registered voters reside,
548 the interlocal service boundary agreement may provide a flexible
549 process for securing the consent of persons who are registered
550 voters or own property in the area proposed for annexation, or
551 of both such voters and owners, for the annexation of property

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552 within such an enclave, with notice to such voters or owners as
553 required in the interlocal service boundary agreement. Such an
554 annexation process may include one or more of the procedures in
555 subsection (1) and may allow annexation according to the terms
556 and conditions provided in the interlocal service boundary
557 agreement, which may include a referendum of the registered
558 voters who reside in the area proposed to be annexed.

559 171.206 Effect of interlocal service boundary area
560 agreement on annexations.--

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

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

568 (3) If the independent special district that participated
569 in the negotiation process pursuant to s. 171.203(2)(d) does not
570 consent to the interlocal service boundary agreement and a
571 municipality annexes an area within the independent special
572 district, the independent special district may seek compensation
573 using the process in s. 171.093.

574 171.207 Transfer of powers.--This part is an alternative
575 provision otherwise provided by law, as authorized in s. 4, Art.
576 VIII of the State Constitution, for any transfer of power
577 resulting from an interlocal service boundary agreement for the
578 provision of services or the acquisition of public facilities

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

581 171.208 Municipal extraterritorial power.--This part
582 authorizes a municipality to exercise extraterritorial powers
583 that include, but are not limited to, the authority to provide
584 services and facilities within the unincorporated area or within
585 the territory of another municipality as provided within an
586 interlocal service boundary agreement. These powers are in
587 addition to other municipal powers that otherwise exist.

588 However, this power is subject to the jurisdiction of the Public
589 Service Commission to resolve territorial disputes under s.
590 366.04. An interlocal agreement has no effect on the resolution
591 of a territorial dispute to be determined by the Public Service
592 Commission.

593 171.209 County powers in an incorporated area.--As
594 provided in an interlocal service boundary agreement, this part
595 authorizes a county to exercise powers within a municipality
596 that include, but are not limited to, the authority to provide
597 services and facilities within the territory of a municipality.
598 These powers are in addition to other county powers that
599 otherwise exist.

600 171.21 Effect of part on interlocal agreement and county
601 charter.--A joint planning agreement, a charter provision
602 adopted under s. 171.044(4), or any other interlocal agreement
603 between local governments, including a county, municipality, or
604 independent special district, is not affected by this part;
605 however, a county, municipality or independent special district
606 may avail itself of this part, which may result in the repeal or

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607 modification of a joint planning agreement or other interlocal
608 agreement. A local government within a county that has adopted a
609 charter provision pursuant to s. 171.044(4) may avail itself of
610 the provisions of this part which authorize an interlocal
611 service boundary agreement if such interlocal agreement is
612 consistent with the charter of that county, as the charter was
613 approved, revised, or amended pursuant to s. 125.64.

614 171.211 Interlocal service boundary agreement presumed
615 valid and binding.--

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

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

624 171.212 Disputes regarding construction and effect of an
625 interlocal service boundary agreement.--If there is a question
626 or dispute about the construction or effect of an interlocal
627 service boundary agreement, a local government shall initiate
628 and proceed through the conflict resolution procedures
629 established in chapter 164. If there is a failure to resolve the
630 conflict, no later than 30 days following the conclusion of the
631 procedures established in chapter 164, the local government may
632 file an action in circuit court. For purposes of this section,
633 the term "local government" means a party to the interlocal
634 service boundary agreement.

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

638 Section 3. Section 171.011, Florida Statutes, is amended
639 to read:

640 171.011 Short title.--This part ~~chapter~~ shall be known and
641 may be cited as the "Municipal Annexation or Contraction Act."

642 Section 4. Section 171.031, Florida Statutes, is amended
643 to read:

644 171.031 Definitions.--As used in this part ~~chapter~~, the
645 following words and terms have the following meanings unless
646 some other meaning is plainly indicated:

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

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

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

655 (4) "Newspaper of general circulation" means a newspaper
656 printed in the language most commonly spoken in the area within
657 which it circulates, which is readily available for purchase by
658 all inhabitants in its area of circulation, but does not include
659 a newspaper intended primarily for members of a particular
660 professional or occupational group, a newspaper whose primary
661 function is to carry legal notices, or a newspaper that is given
662 away primarily to distribute advertising.

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663 (5) "Parties affected" means any persons or firms owning
664 property in, or residing in, either a municipality proposing
665 annexation or contraction or owning property that is proposed
666 for annexation to a municipality or any governmental unit with
667 jurisdiction over such area.

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

670 (7) "Sufficiency of petition" means the verification of
671 the signatures and addresses of all signers of a petition with
672 the voting list maintained by the county supervisor of elections
673 and certification that the number of valid signatures represents
674 the required percentage of the total number of qualified voters
675 in the area affected by a proposed annexation.

676 (8) "Urban in character" means an area used intensively
677 for residential, urban recreational or conservation parklands,
678 commercial, industrial, institutional, or governmental purposes
679 or an area undergoing development for any of these purposes.

680 (9) "Urban services" means any services offered by a
681 municipality, either directly or by contract, to any of its
682 present residents.

683 (10) "Urban purposes" means that land is used intensively
684 for residential, commercial, industrial, institutional, and
685 governmental purposes, including any parcels of land retained in
686 their natural state or kept free of development as dedicated
687 greenbelt areas.

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

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691 The separation of the territory sought to be annexed from the
692 annexing municipality by a publicly owned county park; a right-
693 of-way for a highway, road, railroad, canal, or utility; or a
694 body of water, watercourse, or other minor geographical division
695 of a similar nature, running parallel with and between the
696 territory sought to be annexed and the annexing municipality,
697 shall not prevent annexation under this act, provided the
698 presence of such a division does not, as a practical matter,
699 prevent the territory sought to be annexed and the annexing
700 municipality from becoming a unified whole with respect to
701 municipal services or prevent their inhabitants from fully
702 associating and trading with each other, socially and
703 economically. However, nothing herein shall be construed to
704 allow local rights-of-way, utility easements, railroad rights-
705 of-way, or like entities to be annexed in a corridor fashion to
706 gain contiguity; and when any provision or provisions of special
707 law or laws prohibit the annexation of territory that is
708 separated from the annexing municipality by a body of water or
709 watercourse, then that law shall prevent annexation under this
710 act.

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

717 (13) "Enclave" means:

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718 (a) Any unincorporated improved or developed area that is
719 enclosed within and bounded on all sides by a single
720 municipality; or

721 (b) Any unincorporated improved or developed area that is
722 enclosed within and bounded by a single municipality and a
723 natural or manmade obstacle that allows the passage of vehicular
724 traffic to that unincorporated area only through the
725 municipality.

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

729 171.042 Prerequisites to annexation.--

730 (2) Not less than 15 days prior to commencing the
731 annexation procedures under s. 171.0413, the governing body of
732 the municipality shall file a copy of the report required by
733 this section with the board of county commissioners of the
734 county wherein the municipality is located. Failure to timely
735 file the report as required in this subsection may be the basis
736 for a cause of action invalidating the annexation.

737 (3) The governing body of the municipality shall mail by
738 certified mail, not less than 10 days prior to the date set for
739 the first public hearing required by s. 171.0413(1), a written
740 notice to each person who resides or owns property within the
741 area proposed to be annexed. The notice must describe the
742 annexation proposal, the time and place for each public hearing
743 to be held regarding the annexation, and the place or places
744 within the municipality where the proposed ordinance may be
745 inspected by the public. A copy of the notice must be kept

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746 | available for public inspection during the regular business
747 | hours of the office of the clerk of the governing body.

748 | Section 6. Subsection (6) of section 171.044, Florida
749 | Statutes, is amended to read:

750 | 171.044 Voluntary annexation.--

751 | (6) Not less than 10 days prior to ~~Upon~~ publishing or
752 | posting the ordinance notice required under subsection (2), the
753 | governing body of the municipality must provide a copy of the
754 | notice, via certified mail, to the board of the county
755 | commissioners of the county wherein the municipality is located.
756 | The notice provision provided in this subsection may ~~shall not~~
757 | be the basis for a ~~of any~~ cause of action invalidating
758 | ~~challenging~~ the annexation.

759 | Section 7. Section 171.045, Florida Statutes, is amended
760 | to read:

761 | 171.045 Annexation limited to a single county.--In order
762 | for an annexation proceeding to be valid for the purposes of
763 | this part ~~chapter~~, the annexation must take place within the
764 | boundaries of a single county.

765 | Section 8. Section 171.081, Florida Statutes, is amended
766 | to read:

767 | 171.081 Appeal on annexation or contraction.--

768 | (1) ~~No later than 30 days following the passage of an~~
769 | ~~annexation or contraction ordinance,~~ Any party affected who
770 | believes that he or she will suffer material injury by reason of
771 | the failure of the municipal governing body to comply with the
772 | procedures set forth in this part ~~chapter~~ for annexation or
773 | contraction or to meet the requirements established for

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774 annexation or contraction as they apply to his or her property
 775 may file a petition in the circuit court for the county in which
 776 the municipality or municipalities are located seeking review by
 777 certiorari. The action may be initiated at the party's option
 778 within 30 days following the passage of the annexation or
 779 contraction ordinance or within 30 days following the completion
 780 of the dispute resolution process in subsection (2). In any
 781 action instituted pursuant to this subsection ~~section~~, the
 782 complainant, should he or she prevail, shall be entitled to
 783 reasonable costs and attorney's fees.

784 (2) If the affected party is a governmental entity, no
 785 later than 30 days following the passage of an annexation or
 786 contraction ordinance the governmental entity must initiate and
 787 proceed through the conflict resolution procedures established
 788 in chapter 164. If there is a failure to resolve the conflict,
 789 no later than 30 days following the conclusion of the procedures
 790 established in chapter 164 the governmental entity that
 791 initiated the conflict resolution procedures may file a petition
 792 in the circuit court for the county in which the municipality or
 793 municipalities are located seeking review by certiorari. In any
 794 legal action instituted pursuant to this subsection, the
 795 prevailing party is entitled to reasonable costs and attorney's
 796 fees.

797 Section 9. Section 171.094, Florida Statutes, is created
 798 to read:

799 171.094 Effect of interlocal service boundary agreements
 800 adopted under part II on annexations under this part.--

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801 (1) An interlocal service boundary agreement entered into
 802 pursuant to part II is binding on the parties to the agreement,
 803 and a party may not take any action that violates the interlocal
 804 service boundary agreement.

805 (2) Notwithstanding any other provision of this part,
 806 without the consent of the county the affected municipality, or
 807 affected independent special district by resolution, a county,
 808 an invited municipality, or independent special district may not
 809 take any action that violates an interlocal service boundary
 810 agreement.

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

813 163.01 Florida Interlocal Cooperation Act of 1969.--

814 (11) Prior to its effectiveness, an interlocal agreement
 815 and subsequent amendments thereto shall be filed with the clerk
 816 of the circuit court of each county where a party to the
 817 agreement is located; however, if the parties to the agreement
 818 are located in multiple counties and the agreement, pursuant to
 819 subsection (7), provides for a separate legal entity or
 820 administrative entity to administer the agreement, the
 821 interlocal agreement and any amendments to the interlocal
 822 agreement may be filed with the clerk of the circuit court in
 823 the county where the legal or administrative entity maintains
 824 its principal place of business.

825 Section 11. Section 164.1058, Florida Statutes, is amended
 826 to read:

827 164.1058 Penalty.--If a primary conflicting governmental
 828 ~~entity which has received notice of intent to initiate the~~

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829 ~~conflict resolution procedure pursuant to this act~~ fails to
830 participate in good faith in the conflict assessment meeting,
831 mediation, or other remedies provided for in this act, ~~and the~~
832 ~~initiating governmental entity files suit and is the prevailing~~
833 ~~party in such suit,~~ the primary disputing governmental entity
834 that ~~which~~ failed to participate in good faith shall be required
835 to pay the attorney's fees and costs in that proceeding of the
836 prevailing primary conflicting governmental entity ~~which~~
837 ~~initiated the conflict resolution procedure.~~

838 Section 12. This act shall take effect upon becoming a
839 law.