

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: Governmental Oversight and Productivity Committee

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BILL: CS/SB 1194

INTRODUCER: Governmental Oversight and Productivity Committee and Senator Constantine

SUBJECT: Growth Management

DATE: April 25, 2006

REVISED: \_\_\_\_\_

|    | ANALYST       | STAFF DIRECTOR | REFERENCE | ACTION                  |
|----|---------------|----------------|-----------|-------------------------|
| 1. | <u>Herrin</u> | <u>Yeatman</u> | <u>CA</u> | <u>Fav/2 amendments</u> |
| 2. | <u>McKay</u>  | <u>Wilson</u>  | <u>GO</u> | <u>Fav/CS</u>           |
| 3. | _____         | _____          | _____     | _____                   |
| 4. | _____         | _____          | _____     | _____                   |
| 5. | _____         | _____          | _____     | _____                   |
| 6. | _____         | _____          | _____     | _____                   |

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## I. Summary:

The bill creates the “Interlocal Service Boundary Agreement Act” as part II of ch. 171, F.S., to provide an alternative process for annexation that allows counties and municipalities to negotiate in good faith to identify municipal service areas and unincorporated service areas, resolve which local government is responsible for providing services and facilities within the municipal service areas, and reduce the number of enclaves. The negotiating parties, however, are not required to reach an agreement.

The bill defines “invited local government” to mean an invited county or municipality, or special district and any other local government designated as such in an initiating resolution or a responding resolution that invites the local government to participate in the negotiation of an interlocal service boundary agreement.” The bill also defines a “municipal service area” as an unincorporated area that has been identified by a municipality that is party to the agreement as an area to be annexed or to receive municipal services from a municipality or its designee. Land within a municipal service area may be annexed by a municipality if consent is obtained using a process for annexation consistent with part I of ch. 171, F.S., or a flexible process, as determined by the agreement, that includes one or more of the following:

- Petition for annexation signed by more than 50 percent of the registered voters in the area proposed for annexation;
- Petition for annexation signed by more than 50 percent of the property owners in the area proposed for annexation; or
- Approval by a majority of the registered voters in the area proposed for annexation.

The bill allows an enclave consisting of 20 acres or more within a designated municipal service area to be annexed if the consent requirements of part I of ch. 171, F.S., are met, one or more of the provisions for annexing land within a municipal service area are met, or the municipality receives a petition from one or more property owners who own real property in excess of 50 percent of the total real property in the area proposed for annexation. Enclaves consisting of less than 20 acres and with fewer than 100 registered voters, within a designated municipal service area, may be annexed using a flexible process for securing the consent of the voters, as provided in the interlocal service boundary agreement. No voter approval is required.

The bill provides for the creation of and duties for regional impact planning committees.

This bill creates part II of chapter 171, Florida Statutes, consisting of sections 171.20-171.212, and also creates section 171.094; creates an unnumbered section of the Florida Statutes; and amends ss. 171.042, 171.044, 171.081, 163.01, and 164.1058 of the Florida Statutes.

## I. Present Situation:

The “Municipal Annexation or Contraction Act”, ch. 171, F.S., codifies the State’s annexation procedures and was enacted in 1974 to ensure sound urban development, establish uniform methods for the adjustment of municipal boundaries, provide for efficient service delivery in areas that become urban, and limit annexation to areas where municipal services can be provided.<sup>1</sup> At the time ch. 171, F.S., was created, the prevailing policy focused on the strength of county governments and regional planning agencies. Consequently, Florida’s annexation statutes concentrate on the expansion and contraction of municipal boundaries.<sup>2</sup>

Current annexation policy in Florida has given rise to a number of issues: difficulty in planning to meet future service needs, confusion over logical service areas and maintenance of infrastructure, duplication of essential services, and zoning efforts thwarted by landowners shopping for the best development climate. While existing annexation procedures may adequately address the concerns of landowners within a proposed annex area, the residents of remaining unincorporated areas or residents of the municipality proposing the annexation may also be significantly affected by the potential loss of revenue or inefficiencies in service delivery.

Section (2)(c), Art. VIII of the State Constitution, provides authority for the Legislature to establish annexation procedures for all counties except Miami-Dade. Annexation can occur using several methods: special act, charter, interlocal agreement, voluntary annexation, or involuntary annexation. Annexation through a special act must meet the notice and referendum requirements of section 10, Art. III of the State Constitution, applicable to all special acts.

An area proposed for annexation must be unincorporated, contiguous, and reasonably compact.<sup>3</sup> For a proposed annexation area to be contiguous under ch. 171, F.S., a substantial portion of the annexed area’s boundary must be coterminus with the municipality’s boundary.<sup>4</sup> “Compactness,”

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<sup>1</sup> Section 171.021, F.S.

<sup>2</sup> See Lance deHaven-Smith, Ph.D., *FCCMA Policy Statement on Annexation*, Oct. 12, 2002, at 16-17, [http://www.fccma.org/pdf/FCCMA\\_Paper\\_Final\\_Draft.pdf](http://www.fccma.org/pdf/FCCMA_Paper_Final_Draft.pdf).

<sup>3</sup> Sections 171.0413-.043, F.S.

<sup>4</sup> Section 171.031(11), F.S.

for purposes of annexation, is defined as the concentration of property in a single area and does not allow for any action that results in an enclave, pocket, or fingers in serpentine patterns.<sup>5</sup>

A newly annexed area comes under the city's jurisdiction on the effective date of the annexation. Following annexation, a municipality must apply the county's land use plan and zoning regulations until a comprehensive plan amendment is adopted that includes the annexed area in the municipalities' Future Land Use Map. It is possible for the city to adopt the comprehensive plan amendment simultaneously with the approval of the annexation. However, there is no requirement that a city amend its comprehensive plan prior to annexation.<sup>6</sup> In the interim, a city must apply county regulations or wait to apply its own rules.

Cities may annex enclaves of 10 acres or less by interlocal agreement with the county under the provisions of s. 171.046, F.S. An enclave is defined in s. 171.031(13), F.S., as any unincorporated improved or developed area lying within a single municipality or surrounded by a single municipality and a manmade or natural obstacle that permits traffic to enter the unincorporated area only through the municipality. Enclaves of 10 acres or less can also be annexed by municipal ordinance when there are fewer than 25 registered voters living in the enclave and at least 60 percent of those voters approve the annexation in a referendum. In a similar process, s. 163.3171, F.S., allows for a joint planning agreement between a municipality and county to allow annexation of unincorporated areas adjacent to a municipality.

Section 171.044, F.S., provides the procedures for a voluntary annexation which occurs when 100 percent of the landowners in an area petition a municipality. In addition to the annexing municipality enacting an ordinance allowing for the annexation to occur, there are certain notice requirements that must be met. This section does not apply where a municipal or county charter provides the exclusive method for voluntary annexation.<sup>7</sup> Also, the voluntary annexation procedures in this section are considered supplemental to any other procedure contained in general or special law.<sup>8</sup>

Sections 171.0413 and 171.042, F.S., establish an electoral procedure for involuntary annexation that allows for separate approval of a proposed annexation in the existing city, at the city's option, and in the area to be annexed. The owners of more than 50 percent of the land in an area proposed for annexation must consent if more than 70 percent of the property in that area is owned by persons that are not registered electors. Also, the governing body of the annexing municipality must prepare a report on the provision of urban services to the area being annexed as well as adopt an ordinance allowing for the annexation and meet certain notice requirements.

A municipality may annex within an independent special district pursuant to s. 171.093, F.S. The municipality, after electing to assume the district's responsibilities and adopting a resolution, may enter into an interlocal agreement to address responsibility for service provision, real estate assets, equipment and personnel. Absent an interlocal agreement, the district continues as the service provider in the annexed area for a period of 4 years and receives an amount from the city equal to the ad valorem taxes or assessments that would have been collected on the property.

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<sup>5</sup> Section 171.031(12), F.S.

<sup>6</sup> See *1000 Friends of Fla., Inc. v. Florida Dep't of Community Affairs*, 824 So.2d 989 (Fla. 4th DCA 2002).

<sup>7</sup> Section 171.044(4), F.S.

<sup>8</sup> Section 171.044(4), F.S.

Following the 4 years and any mutually agreed upon extension, the municipality and district must reach agreement on the equitable distribution of property and indebtedness or the matter will proceed in circuit court.

Section 161.01, F.S. the Florida Interlocal Agreement Act of 1969, requires that an interlocal agreement and any amendments to it must be filed with the county clerk of any county in which the parties to the agreement are located before the agreement takes effect.

## **II. Effect of Proposed Changes:**

**Section 1** of the bill creates ss. 171.20-171.212, F.S., as the “Interlocal Service Boundary Agreement Act” in part II of ch. 171, F.S. Section 171.201, F.S., expresses legislative intent to provide an alternative process for annexation that allows counties and municipalities to jointly determine how services are provided to residents and property in the most efficient and effective manner. This bill is intended to encourage intergovernmental coordination in planning, service delivery, and boundary adjustments and to reduce intergovernmental conflicts and litigation between local governments. (The negotiating parties, however, are not required to reach an agreement.)

Section 171.202, F.S., contains definitions for the following terms as used in part II of ch. 171, F.S.: chief administrative officer, enclave, independent special district, initiating county, initiating local government, initiating municipality, initiating resolution, interlocal service boundary agreement, invited local government, invited municipality, municipal service area, notified local government, participating resolution, requesting resolution, responding resolution, and unincorporated service area. Specifically, the bill defines an “interlocal service boundary agreement” (interlocal agreement) as an agreement adopted under part II of chapter 171, F.S., between a county and one or more municipalities, and which may include one or more independent special districts as parties.

A “municipal service area” is defined as an unincorporated area that has been identified for annexation in an interlocal agreement by a municipality that is a party to the interlocal agreement. This term also includes an unincorporated area that has been identified in the agreement to receive municipal services from a municipality that is a party to the agreement or the municipality’s designee. The term “unincorporated service area” refers to an unincorporated area that has been identified in an interlocal service boundary agreement and which may not be annexed without the consent of the county. It may also refer to an unincorporated area or incorporated area, or both, that has been identified in an interlocal service boundary agreement to receive municipal services from the county, its designee, or an independent special district.

### *Process of Initiating an Interlocal Service Boundary Agreement*

Section 171.203, F.S., authorizes the governing body of a county and one or more municipalities or independent special districts within the county to enter into an interlocal service boundary agreement. The county, municipality, or independent special district may develop a process for reaching an interlocal service boundary agreement that meets certain requirements or use the process provided in this section.

*Initiating Resolution*

The process outlined in s. 171.203, F.S., provides that the negotiations for an interlocal service boundary agreement are initiated when a county or municipality adopts an initiating resolution. The initiating resolution must identify an unincorporated area or incorporated area, or both, and the issues to be negotiated. The initiating resolution must include a map or legal description of the unincorporated or incorporated area to be discussed. An independent special district may initiate an interlocal agreement for the sole purpose of dissolving the district or removing more than 10 percent of the taxable or assessable value of the district.

A county's initiating resolution must designate one or more invited municipalities. However, a municipality's inviting resolution may designate an invited municipality. An initiating resolution from an independent special district must designate one or more municipalities and invite the county.

*Responding Resolution*

Copies of a county's or municipality's initiating resolution must be provided to every invited municipality, each other municipality in the county, and each independent special district in the unincorporated area identified in the resolution. Within 60 days of receipt of an initiating resolution, the county, invited municipality, and independent special district must adopt a responding resolution. The responding resolution from the county or municipality may identify additional unincorporated area, incorporated area, or issues for negotiation and it may also invite additional municipalities or an independent special district to negotiate. A municipality within the county that is not invited may request participation in the negotiations within a prescribed time frame and the county and invited municipality must consider this request.

After the parties to the negotiations have been determined through the adoption of various resolutions, the county, invited municipalities, participating municipalities, if any, and the independent special districts that adopted a resolution to participate, shall begin negotiations within 60 days after receipt of a responding or participating resolution, whichever occurs later. An invited municipality that does not adopt a responding resolution is deemed to have waived its right to participate and is bound by an interlocal service boundary agreement that results from the negotiations. Local governments are authorized to simultaneously negotiate more than one interlocal service boundary agreement.

*Issues That May be Addressed in an Interlocal Service Boundary Agreement*

The issues that may be addressed by an interlocal service boundary agreement may include, but are not limited to, the identification of a municipal service area and unincorporated service area. It may also include the identification of the local government responsible for the delivery or funding of the following services within those areas: public safety; fire, emergency rescue, and medical; water and wastewater; road ownership, construction, and maintenance; conservation, parks, and recreation; and stormwater management and drainage. The agreement may address other services and infrastructure not currently provided by an electric utility or a natural gas transmission company; however, this process does not affect utilities or public utilities as defined in ch. 366, F.S., or affect the determination of a territorial dispute by the Public Service Commission under s. 366.04, F.S. It may establish a process and schedule for annexing an area within a designated municipal service area.

*Land Use Planning*

The interlocal service boundary agreement may establish a process for land-use decisions consistent with part II of ch. 163, F.S., including those made jointly by the governing bodies of the county and the municipality, or allow a municipality to adopt land-use changes consistent with part II of ch. 163, F.S., for areas that are scheduled to be annexed within the term of the interlocal agreement. The county comprehensive plan and land-development regulations, however, control until the municipality annexes the property and amends its comprehensive plan accordingly. Comprehensive plan amendments to incorporate this process are made exempt from the twice-per-year limitation of s. 163.3187, F.S.

The interlocal agreement may address other issues related to service delivery and include the transfer of services and infrastructure; fiscal compensation from one county, municipality, or independent special district from another local government or special district; and, provide for the joint use of facilities and collocation of services. The agreement is authorized to establish a procedure by which the local government responsible for water and waste water services must apply for a necessary permit modification to reflect changes in surface water management operating entity responsibilities pursuant to water management district or Department of Environmental Protection permits. Finally, the agreement may require the municipality to send the county a report on its planned service delivery.

All fire and emergency medical services will be provided by the existing providers and remain part of the existing unit or district, unless there is agreement as to who will provide emergency services, or the county's comprehensive plan contains a fire-rescue services element, and the annexing municipality meets the criteria set forth.

Each local government that is a party to the interlocal service boundary agreement is required to amend the intergovernmental coordination element of its comprehensive plan no later than 6 months following entry of the agreement consistent with s. 163.3177(6)(h)1., F.S. This amendment is exempt from the twice-per-year limitation. For purposes of challenging a plan amendment that provides a process for land use decisions, an affected person includes persons owning real property, residing, or owning or operating a business within the boundaries of the municipal service area and owners of real property abutting real property within the municipal service area that is the subject of the plan amendment, in addition to those affected persons who would have standing under s. 163.3184, F.S.

A municipality that is party to an interlocal agreement and identifies an unincorporated area for annexation is required to adopt a plan amendment to address future possible annexation. The amendment identifying a municipal service area must contain: a boundary map of the municipal service area, population projections for the area, and data supporting the provision of public services for the area. The amendment is subject to review by DCA for compliance with part II of ch. 163, F.S. However, DCA may not review or approve or disapprove a municipal ordinance relating to municipal annexation or contraction. Also, the amendment is exempt from the twice-per-year limitation on the frequency of plan amendments.

*Conclusion of Negotiations on an Interlocal Service Boundary Agreement*

An interlocal service boundary agreement may be for a term of 20 years or less and must include a provision requiring periodic review with renegotiations to begin at least 18 months prior to its

termination date. Once an agreement has been reached, the county and municipality must adopt the agreement by ordinance. A special district that consents to the agreement shall adopt the agreement using a method consistent with its charter. Nothing in part II of ch. 171, F.S., that is created in this bill prohibits a local government from adopting an interlocal service boundary agreement without the consent of an independent special district unless the agreement dissolves the district or removes more than 10 percent of its taxable value.

If six months have passed since negotiations began and an interlocal service boundary agreement has not been reached, the initiating or invited local governments may declare an impasse in the negotiations and seek to resolve the issues through the conflict resolution procedures in ch. 164, F.S. If the local governments cannot agree at the conclusion of the dispute resolution process under ch. 164, F.S., the bill requires the local governments to hold a joint public hearing on the issues raised in the negotiations.

Further, for a period of 6 months following the failure of the local governments to reach an agreement, the initiating local government may not initiate negotiations to require the responding local government to negotiate the same issues with respect to the same unincorporated areas. Although a local government is not required under this bill to enter into an agreement, local governments are required to negotiate in good faith to the conclusion of the process once it has been initiated. Local governments may negotiate more than one interlocal agreement simultaneously. Local government officials are encouraged to participate actively and directly in the negotiation process for developing an agreement. In addition, the bill states that part II of ch. 171, F.S., does not impair any existing franchise agreement without the consent of the franchisee, any existing territorial agreement between electric utilities or public utilities as defined in ch. 366, F.S., or the jurisdiction of the Public Service Commission under s. 366.04, F.S., to resolve a territorial dispute involving electric utilities or public utilities in accordance with the criteria set out in that section. An interlocal agreement entered into under the section has no effect in a territorial dispute proceeding before the Public Service Commission. Local governments retain their authority under this bill to negotiate franchise agreements for the use of public rights-of-way and providing service.

#### *Annexation Procedures under an Interlocal Service Boundary Agreement*

Sections 171.204 and 171.205, F.S., provide procedures under which land identified in interlocal service boundary agreement for annexation may be annexed by a municipality. These land areas may include areas that may not be annexed by a municipality under existing ch. 171, F.S. Specifically, the bill authorizes a municipality to annex any character of land, including an area that is not contiguous to the municipality's boundaries or creates an enclave if the area is urban in character as defined in s. 171.031(8), F.S. However, the agreement may not allow for the annexation of land within a municipality that is not a party to the agreement or another county. Before annexation of land that is not contiguous to the boundaries of the annexing municipality, land not currently served by water or sewer facilities, or an annexation that creates an enclave, one of the following options must be followed:

- The municipality must transmit a comprehensive-plan amendment that proposes specific amendments relating to the property anticipated for annexation to the Department of Community Affairs for review under ch. 163, F.S. After considering the department's review, the municipality may approve the annexation and comprehensive-plan

- amendment concurrently. Adoption of the annexation and comprehensive plan amendment may occur at the same hearing; however, the local government must take separate action on the annexation and comprehensive-plan amendment; or
- A municipality and county must enter into a joint planning agreement under s. 163.3171, F.S., which is adopted into the municipal comprehensive plan. The joint planning agreement must identify the geographic areas anticipated for annexation, the future land uses that the municipality would seek to establish, necessary public facilities and services, including transportation and school facilities and how they will be provided, and natural resources, including surface water and groundwater resources, and how they will be protected. Amendments to a comprehensive plan's future land use map that are consistent with the joint planning agreement must be considered small scale amendments.

Land within a municipal service area, as identified in the interlocal service boundary agreement, may be annexed by the municipality using a process for annexation consistent with part I of ch. 171, F.S., or using a flexible process established in the interlocal agreement. The flexible process may be used to secure the consent of property owners or registered voters residing in the area proposed for annexation with notice to these individuals. Annexation with the municipal service area must meet the consent requirements in part I of ch. 171, F.S., or the annexation must be consented to by one or more of the following: the filing of a petition for annexation signed by more than 50 percent of the registered voters in the area proposed for annexation, the filing of a petition for annexation signed by more than 50 percent of the property owners in the area proposed for annexation, or upon the approval by a majority of the registered voters in the area proposed for annexation voting in a referendum on the annexation.

If an area to be annexed includes a privately owned solid waste disposal facility which receives municipal solid waste from several local governments, the annexing municipality must show in its plan the impacts of annexation on the facility's users. The plan must also show that the owner of the facility has been contacted in writing about the annexation, that an agreement between the facility and the annexing municipality about the operations of the facility has been approved, and that the owner of the facility does not object to the proposed annexation.

The bill allows the annexation of enclaves consisting of 20 acres or more within a designated municipal service area using a flexible process for securing voter consent, as provided in the interlocal service boundary agreement, with notice to those property owners and residents within the area proposed for annexation. However, the interlocal service boundary agreement may not allow annexation unless the consent requirements of part I of ch. 171, F.S., are met, the provisions of subsection (1) as described above are met, or the municipality receives a petition from one or more property owners who own real property in excess of 50 percent of the total real property in the area proposed for annexation. For enclaves, consisting of less than 20 acres and with fewer than 100 registered voters within a designated municipal service area, those enclaves may be annexed using a flexible process for securing the consent of the voters, as provided in the interlocal service boundary agreement, with notice to the registered voters and property owners in the area to be annexed. The flexible process may include the one or more of the procedures in subsection (1) as described above or a referendum of the registered voters who reside in the area proposed to be annexed.

| <b>Chapter 171, F.S.</b>   | <b>Proposed Alternative to Chapter 171, F.S.</b>   |
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| <i>Character of the Land</i>   |  |
| <p>An area proposed for annexation must be unincorporated, contiguous, and reasonably compact.</p>   | <p>As determined by the interlocal service boundary agreement, a municipality may annex any character of land within a municipal service area if it is urban in character, regardless of whether it is not contiguous or would create an enclave.</p>  |
| <i>Involuntary Annexation</i>  |  |
| <p>Involuntary annexation requires approval by the registered electors in the area proposed for annexation. If more than 70 percent of the property in a proposed area to be annexed is owned by persons that are not registered electors, the owners of more than 50 percent of the land must consent to the annexation. The governing body of the annexing municipality may also submit the ordinance to a vote of the registered electors in the annexing municipality.</p> | <p>Land within a municipal service area may be annexed by a municipality if consent is obtained using a process for annexation consistent with part I of ch. 171, F.S., or a flexible process, as determined by the interlocal service boundary agreement between the county and municipality, that includes one or more of the following:</p> <ul style="list-style-type: none"> <li>• Petition for annexation signed by more than 50 percent of the registered voters in the area proposed for annexation; or</li> <li>• Petition for annexation signed by more than 50 percent of the property owners in the area proposed for annexation; or</li> <li>• Approval by a majority of the registered voters in the area proposed for annexation voting in a referendum on the annexation.</li> </ul> |
| <i>Voluntary Annexation</i>  |  |
| <p>A voluntary annexation occurs when 100 percent of the landowners in an area petition a municipality to be annexed.</p>  | <p>Same procedures as ch. 171, F.S.</p>  |
| <i>Enclaves</i>  |  |
| <p>Same procedures as involuntary annexation.</p>  | <p>Enclaves consisting of 20 acres or more within a designated municipal service area may be annexed using a flexible process for securing voter consent, as provided in the interlocal service boundary agreement with notice to the registered voters and property owners in the area to be annexed. The agreement may not allow annexation unless the consent requirements of part I of ch. 171, F.S., are met, one or more of the provisions for annexing land within a municipal service area are met, or the municipality receives a petition from one or more property owners who own real property in excess of 50 percent of the total real property in the area proposed for annexation.</p>   |

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| <i>Small Enclaves</i>  |   |
| <p>Cities may annex enclaves of 10 acres or less by interlocal agreement with the county, or by municipal ordinance if there are fewer than 25 registered voters living in the enclave and at least 60 percent of those voters approve the annexation in a referendum.</p> | <p>Enclaves consisting of less than 20 acres and with fewer than 100 registered voters within a designated municipal service area, may be annexed using a flexible process for securing the consent of the voters, as provided in the interlocal service boundary agreement. No voter approval is required.</p> |

*Effect of Interlocal Service Boundary Agreement*

Section 171.206, F.S., provides that an interlocal service boundary agreement is binding on the parties. Section 171.207, F.S., provides that part II of ch. 171, F.S., is an alternative provision allowing for the transfer of power resulting from the interlocal service boundary agreement as authorized by s. 4, Art. VIII of the State Constitution. Section 171.208, F.S., authorizes a municipality to exercise extraterritorial powers, including the authority to provide services and facilities within the unincorporated area as provided for in the interlocal service boundary agreement. Similarly, s. 171.209, F.S., authorizes a county to provide services and facilities within a municipality according to the terms of the interlocal service boundary agreement. Section 171.21, F.S., provides for the effect of an interlocal service boundary agreement on a county charter. It provides that local governments within a charter county may use the provisions of this part if the interlocal agreement is consistent with the approved charter or the charter provision is repealed or modified. Section 171.211, F.S., provides that an interlocal service boundary agreement is presumed valid and binding and places the burden of proving the agreement’s invalidity on the challenger. Section 171.212, F.S., requires local governments to use ch. 164, F.S., to resolve disputes regarding the construction and effect of an interlocal service boundary agreement under this part. If the procedures in ch. 164, F.S., do not result in resolution of the conflict, a local government may file an action in circuit court not later than 30 days following the conclusion of those procedures.

**Section 2** amends s. 171.042, F.S., to require that an ordinance notice for annexation be provided to the county where the municipality is located not fewer than 15 days prior to commencing annexation procedures under s. 171.0413, F.S. Failure to provide such notice may be the basis for a cause of action invalidating the annexation. The municipality is also required to provide notice to affected residents within the area proposed for annexation.

**Section 3** amends s. 171.044, F.S., to require a municipality to send a copy of the ordinance notice for a voluntary annexation to the county where the municipality is located not fewer than 10 days prior to publishing or posting the notice. Failure to comply with this notice provision may be the basis for an action invalidating the annexation.

**Section 4** creates s. 171.094, F.S., to provide that an interlocal service boundary agreement entered into pursuant to part II of ch. 171, F.S., is binding on the parties. A party may not take any action that violates the interlocal service boundary agreement without the consent of the county or an invited municipality.

**Section 5** amends s. 171.081, F.S., to provide a time limit for initiating an appeal on annexation or contraction. The appeal may be initiated within 30 days following passage of the annexation or contraction ordinance or within 30 days following the dispute resolution process provided for in this section. Under this provision, the dispute resolution process under ch. 164, F.S., is applicable if the party affected is a governmental entity. Such governmental entity must initiate conflict resolution procedures within 30 days following the passage of an annexation or contraction ordinance. The prevailing party is entitled to reasonable costs and attorney's fees.

**Section 6** amends s. 163.01, F.S., to allow parties to an interlocal agreement that are located in multiple counties, and the agreement provides for a separate legal or administrative entity to administer the agreement, the interlocal agreement and any amendments to it may be filed with the clerk in the county where the legal or administrative entity maintains its principle place of business.

**Section 7** amends s. 164.1058, F.S., to provide that a primary disputing governmental entity that fails to participate in good faith in the conflict assessment meeting, mediation, or other remedies provided for in the Florida Governmental Conflict Resolution Act, shall be required to pay the attorney's fees and costs for that proceeding.

**Section 8** requests the Division of Statutory Revision to designate ss. 171.011-171.094, F.S., as part I of ch. 171, F.S., and ss. 171.20-171.212, F.S., created in this bill, as part II of ch. 171, F.S.

**Section 9** provides that the Secretary of the DCA may establish regional impact planning committees for each geographical area in which two or more developments of regional impact occur within a 3 year period, are located within a five mile radius of each other, and are located outside the existing urban area. Each committee must develop an action plan and seek regional solutions relating to various planning issues. The Governor must appoint the members, who are entitled to reimbursement for travel expenses pursuant to law. The regional planning councils are responsible for administrative support of the committees.

**Section 10** provides the bill shall take effect upon becoming a law.

### III. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

**D. Other Constitutional Issues:**

Section 4, Art. VIII of the State Constitution, states:

By law or by resolution of the governing bodies of each of the governments affected, any function or power of a county, municipality or special district may be transferred to or contracted to be performed by another county, municipality or special district, after approval by vote of the electors of the transferor and approval by vote of the electors of the transferee, or as otherwise provided by law.

Section 171.207, F.S., declares that the provisions created in the bill are an alternative provision otherwise provided by law as authorized by s. 4, Art. VIII of the State Constitution.

**IV. Economic Impact and Fiscal Note:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

None.

**V. Technical Deficiencies:**

None.

**VI. Related Issues:**

None.

## **VII. Summary of Amendments:**

None.

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This Senate staff analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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