

Sec. 1.5: Voluntary Annexation

After January 1, 2025, voluntary annexation of property by a municipality at the request of a property owner or owners may only be approved through one of two methods:

A. A municipality and the county may enter into an interlocal agreement under their home-rule powers or the Florida Interlocal Cooperation Act of 1969 (or its successor). The interlocal agreement could identify by map the specific area or areas the municipality and county agree are appropriate for annexation by the municipality and must provide the process for delivery and fiscal responsibilities for the following Services:

- (1) Water and wastewater.
- (2) Road ownership, construction, and maintenance.
- (3) Fire protection.

The interlocal agreement must also provide the process for the transfer of Services and infrastructure and fiscal compensation, if any, to the county, the municipality, ~~or~~ a special district, **or county utility franchise** for such transfer. In the event a municipality and the county have entered into an interlocal agreement in accordance with the requirements of this section, the county shall be deemed to have waived its right to contest an annexation that complies with the interlocal agreement.

B. If a municipality and the county have not entered into an interlocal agreement under section A, or if a property owner or owners propose annexation of property outside of specific area or areas identified in the interlocal agreement, the following process shall apply:

- (1) The owner or owners of real property contiguous to a municipality and reasonably compact must prepare a written Plan of Services that includes the following:
 - i. An explanation of how the three categories of Services listed in section A will be delivered and the fiscal responsibility for such delivery to the newly annexed area.
 - ii. If any Services are currently provided by or within the service area of a jurisdiction, **such as a county utility franchise** or special district other than the municipality, written letters of availability of such provider on its ability or inability to provide the services after the annexation.
 - iii. If Services will be transferred, when, and to which jurisdiction or special district the Services and/or infrastructure will be transferred and the value and manner of fiscal compensation to be provided to the former and/or new service provider.
- (2) Prior to any municipal public hearings on the annexation ordinance the owner or owners of the real property shall file a copy of the Plan of Services with the municipality and the county and receive approval from the county in accordance with subsection (3).

- (3) Within 45 days after the Plan of Services is filed with the county and found sufficient by staff, county staff shall prepare an analysis and staff report addressing the provision of Services to the property. Within 90 days after the Plan of Services is filed with the county and found sufficient by staff, the Board of County Commissioners shall approve the annexation if the owner or owners of the real property have provided competent substantial evidence in the Plan of Services to demonstrate the delivery of and fiscal responsibility for Services to the property.

OR

- (2) Prior to any municipal public hearings on the annexation ordinance the owner or owners of the real property shall file a copy of the Plan of Services with the municipality and the county. After the Plan of Services is filed with the municipality and found sufficient by staff, municipal staff shall prepare an analysis and staff report addressing the provision of Services to the property. The governing body of the municipality may approve the annexation if the owner or owners of the real property have provided competent substantial evidence in the Plan of Services to demonstrate the delivery of and fiscal responsibility for Services to the property.
- (3) The Board of County Commissioners may file an action in the Circuit Court for Lee County to invalidate the annexation if the owner or owners have not provided competent substantial evidence in the Plan of Services to demonstrate the delivery of and fiscal responsibility for Services to the property.