

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

.
.
.
.



1 Representative Bogdanoff offered the following:

2

3 **Amendment (with title amendment)**

4 Remove line(s) 33-91 and insert:

5 Section 2. Paragraphs (c) and (d) are added to subsection
6 (1) of section 163.3174, Florida Statutes, to read:

7 163.3174 Local planning agency.--

8 (1) The governing body of each local government,
9 individually or in combination as provided in s. 163.3171, shall
10 designate and by ordinance establish a "local planning agency,"
11 unless the agency is otherwise established by law.

12 Notwithstanding any special act to the contrary, all local
13 planning agencies or equivalent agencies that first review
14 rezoning and comprehensive plan amendments in each municipality
15 and county shall include a representative of the school district
16 appointed by the school board as a nonvoting member of the local

529967

Amendment No. (for drafter's use only)

17 | planning agency or equivalent agency to attend those meetings at
18 | which the agency considers comprehensive plan amendments and
19 | rezonings that would, if approved, increase residential density
20 | on the property that is the subject of the application. However,
21 | this subsection does not prevent the governing body of the local
22 | government from granting voting status to the school board
23 | member. The governing body may designate itself as the local
24 | planning agency pursuant to this subsection with the addition of
25 | a nonvoting school board representative. The governing body
26 | shall notify the state land planning agency of the establishment
27 | of its local planning agency. All local planning agencies shall
28 | provide opportunities for involvement by applicable community
29 | college boards, which may be accomplished by formal
30 | representation, membership on technical advisory committees, or
31 | other appropriate means. The local planning agency shall prepare
32 | the comprehensive plan or plan amendment after hearings to be
33 | held after public notice and shall make recommendations to the
34 | governing body regarding the adoption or amendment of the plan.
35 | The agency may be a local planning commission, the planning
36 | department of the local government, or other instrumentality,
37 | including a countywide planning entity established by special
38 | act or a council of local government officials created pursuant
39 | to s. 163.02, provided the composition of the council is fairly
40 | representative of all the governing bodies in the county or
41 | planning area; however:

42 | (c) In recognition of the need to allow municipalities in
43 | highly populated urban counties in which most of the population
44 | of the county is located within municipalities to address land

529967

Amendment No. (for drafter's use only)

45 use planning issues on a municipal basis, in a charter county
46 that has a population greater than 1.5 million people and has
47 less than 10 percent of the countywide population within the
48 unincorporated area of the county, the municipalities within
49 such county shall, except as otherwise expressly provided in
50 this paragraph, have the option to exercise exclusive land use
51 planning authority. This exclusive land use planning authority
52 includes platting, zoning, the adoption and amendment of
53 comprehensive plans in accordance with this act, and the
54 issuance of development orders for the area under municipal
55 jurisdiction. The exercise of this option shall require the
56 municipality to adopt a resolution approving the exercise of
57 exclusive land use planning authority and submit to the
58 electorate of the municipality a ballot question which states:
59 "Shall the (Name of Municipality) exercise exclusive land use
60 planning authority within (Name of Municipality) for platting,
61 zoning, the adoption and amendment of comprehensive plans, and
62 the issuance of development orders?" If the ballot question is
63 approved by a majority of those qualified voters casting a vote
64 on the question, the municipality shall have exclusive land use
65 planning authority effective 90 days following voter approval. A
66 municipality whose land use planning authority becomes exclusive
67 pursuant to this paragraph may amend its comprehensive plan one
68 additional time in the year in which its land use planning
69 authority becomes exclusive or in the following year, without
70 regard to the twice-a-year restriction in s. 163.3187(1), to
71 provide for amendments the municipality determines to be
72 necessary or appropriate for the transition. Development orders

529967

Amendment No. (for drafter's use only)

73 | issued by a charter county within a municipality prior to the
74 | municipality's assuming exclusive land use planning authority
75 | shall remain valid for the effective period of the development
76 | order unless an application for an amendment to the development
77 | order is approved by the municipality in accordance with the
78 | procedures of the municipality for amending development orders.
79 | This paragraph does not affect the authority of a charter county
80 | subject to this paragraph to adopt and enforce countywide impact
81 | fees. Effective upon a municipality's obtaining exclusive land
82 | use planning authority pursuant to this provision, the level of
83 | service for county facilities in the municipality shall be the
84 | level of service that was applied by the county on the date that
85 | the municipality adopted the resolution approving the exercise
86 | of exclusive land use planning authority and submitting the
87 | ballot question to the electorate of the municipality. In order
88 | for any future change in level of service for county facilities
89 | to become effective within a municipality that obtains exclusive
90 | land use planning authority pursuant to this paragraph, the
91 | change in the level of service shall require the approval of
92 | both the affected municipality and the county, as evidenced by
93 | both the municipality and county's adopting the amended level of
94 | service for the county facilities into their respective
95 | comprehensive plans. In a municipality that obtains exclusive
96 | land use planning authority, the county shall, if requested by
97 | the municipality and upon the payment of a reasonable fee,
98 | review and advise the municipality as to whether proposed
99 | mitigation of traffic impacts that are to be provided by
100 | improvements to county roadways meet the county's permit

529967

Amendment No. (for drafter's use only)

101 criteria for improvements to county roadways. Nothing in this
102 paragraph shall be interpreted to affect a county's permit
103 authority with respect to county roadways. This paragraph
104 applies notwithstanding any other law.

105 (d) A charter county that is not subject to paragraph (c)
106 may exercise such authority over municipalities and districts
107 within its boundaries as provided for in its charter.

109 ===== T I T L E A M E N D M E N T =====

110 Remove lines 7-10 and insert:
111 providing for retroactive application; amending s. 163.3174,
112 F.S.; providing procedures for certain municipalities to
113 exercise exclusive land use planning authority on a municipal
114 basis; providing for a referendum; providing for additional
115 amendment of a municipality's comprehensive plan; providing for
116 continuation of development orders issued by a charter county;
117 providing conditions for future changes in level of service;
118 providing for application; providing an