

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative Smith offered the following:

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3 **Amendment (with title amendment)**

4 Remove line(s) 35 and insert:

5 Section 2. Subsection (2) of section 163.3171, Florida
6 Statutes, is amended, and subsection (5) is added to said
7 section, to read:

8 163.3171 Areas of authority under this act.--

9 (2) A county shall exercise authority under this act for
10 the total unincorporated area under its jurisdiction or in such
11 unincorporated areas as are not included in any joint agreement
12 with municipalities established under the provisions of
13 subsection (1). ~~In the case of chartered counties, the county
14 may exercise such authority over municipalities or districts
15 within its boundaries as is provided for in its charter.~~

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16 (5) In recognition of the need for municipalities in
17 highly populated urban counties to address their planning issues
18 on an individual basis, municipalities within counties having a
19 population of greater than 1.5 million people shall exercise
20 exclusive planning authority, including, but not limited to,
21 zoning, comprehensive planning, and the issuance of development
22 orders for the area under its municipal jurisdiction; except
23 that a county that operates under a home rule charter adopted
24 pursuant to s. 24, Art. VIII of the Constitution of 1885, as
25 preserved by s. 6(e), Art. VIII of the Constitution of 1968
26 shall exercise planning authority in accordance with its
27 charter. A municipality that has exclusive planning authority
28 pursuant to this subsection may, by resolution of its governing
29 body, delegate planning authority for the area under its
30 municipal jurisdiction to the county in which it is located. A
31 county that does not exercise planning authority within a
32 municipality pursuant to this section may, upon the request of
33 the municipality, provide written comments concerning a proposed
34 land use within the jurisdiction of that municipality or provide
35 planning assistance to that municipality. Municipalities whose
36 land use planning authority becomes exclusive pursuant to this
37 subsection may amend their comprehensive plans one additional
38 time in 2004 or 2005, without regard to the twice a year
39 restriction in s. 163.3187(1), to provide for amendments that
40 municipality determines to be necessary or appropriate for the
41 transition. Development orders issued by a county for property
42 within a municipality, prior to the effective date of this act,
43 shall remain valid for the effective period of the development

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44 order, unless an application for an amendment to the development
 45 order is approved by the municipality in accordance with the
 46 procedures of the municipality for amending development orders.
 47 This subsection shall not affect the authority of a charter
 48 county to adopt and enforce countywide impact fees to the extent
 49 that the charter county had such authority prior to the
 50 effective date of this subsection. Upon this subsection becoming
 51 effective, the level of service for county facilities within
 52 municipalities that obtain exclusive jurisdiction pursuant to
 53 this section shall be the level of service that was applied by
 54 the county on April 1, 2004. Any increase in the level of
 55 service for county facilities within municipalities that obtain
 56 exclusive jurisdiction pursuant to this subsection shall require
 57 the approval of the affected municipality, as evidenced by the
 58 municipality adopting the increased level of service for the
 59 county facilities into the municipality's comprehensive plan.
 60 Counties with populations of less than 1.5 million may exercise
 61 such authority over municipalities or districts within their
 62 boundaries as is provided for in their charters. This subsection
 63 applies notwithstanding any other law.

64 Section 3. This act shall take effect upon becoming a law.

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

67 Remove line(s) 13 and insert:

68 application; amending s. 163.3171, F.S.; providing exclusive
 69 planning authority for certain municipalities in highly
 70 populated urban counties; providing requirements for exercise of
 71 such authority; providing an effective date.