

By Senator Bennett

21-1754-04

1                                   A bill to be entitled  
2           An act relating to comprehensive planning by  
3           large municipalities in certain charter  
4           counties; amending s. 163.3174, F.S.; granting  
5           exclusive planning authority to municipalities  
6           having a population greater than 10,000 which  
7           are located within specified charter counties;  
8           authorizing the delegation of municipal  
9           planning authority to the county; authorizing  
10          the county, upon request of the municipality,  
11          to comment on proposed land use within the  
12          municipality or to provide planning assistance  
13          to the municipality; providing an effective  
14          date.

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16 Be It Enacted by the Legislature of the State of Florida:

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18           Section 1. Paragraph (c) is added to subsection (1) of  
19 section 163.3174, Florida Statutes, to read:

20           163.3174 Local planning agency.--

21           (1) The governing body of each local government,  
22 individually or in combination as provided in s. 163.3171,  
23 shall designate and by ordinance establish a "local planning  
24 agency," unless the agency is otherwise established by law.  
25 Notwithstanding any special act to the contrary, all local  
26 planning agencies or equivalent agencies that first review  
27 rezoning and comprehensive plan amendments in each  
28 municipality and county shall include a representative of the  
29 school district appointed by the school board as a nonvoting  
30 member of the local planning agency or equivalent agency to  
31 attend those meetings at which the agency considers

1 comprehensive plan amendments and rezonings that would, if  
2 approved, increase residential density on the property that is  
3 the subject of the application. However, this subsection does  
4 not prevent the governing body of the local government from  
5 granting voting status to the school board member. The  
6 governing body may designate itself as the local planning  
7 agency pursuant to this subsection with the addition of a  
8 nonvoting school board representative. The governing body  
9 shall notify the state land planning agency of the  
10 establishment of its local planning agency. All local planning  
11 agencies shall provide opportunities for involvement by  
12 applicable community college boards, which may be accomplished  
13 by formal representation, membership on technical advisory  
14 committees, or other appropriate means. The local planning  
15 agency shall prepare the comprehensive plan or plan amendment  
16 after hearings to be held after public notice and shall make  
17 recommendations to the governing body regarding the adoption  
18 or amendment of the plan. The agency may be a local planning  
19 commission, the planning department of the local government,  
20 or other instrumentality, including a countywide planning  
21 entity established by special act or a council of local  
22 government officials created pursuant to s. 163.02, provided  
23 the composition of the council is fairly representative of all  
24 the governing bodies in the county or planning area; however:

25 (c) In recognition that many larger municipalities  
26 have sufficient technical staff to effectively implement and  
27 enforce a comprehensive plan and develop and achieve a  
28 community vision within the municipal boundaries, a  
29 municipality having a population greater than 10,000 may  
30 exercise exclusive planning authority, including, but not  
31 limited to, development approval and zoning and comprehensive

1 planning for the area under its municipal jurisdiction if it  
2 is located within a charter county having a population greater  
3 than 1,500,000 which does not operate under a home rule  
4 charter adopted pursuant to ss. 10, 11, and 24, Art. VIII of  
5 the Constitution of 1885, as preserved by s. 6(e), Art. VIII  
6 of the Constitution of 1968. Such a municipality may, by  
7 resolution of its governing board, delegate planning authority  
8 for the area under its municipal jurisdiction to the county  
9 wherein it is located. A charter county as described in this  
10 paragraph may, upon the request of the municipality, provide  
11 written comments concerning a proposed land use within the  
12 jurisdiction of that municipality or provide planning  
13 assistance to that municipality. This paragraph applies  
14 notwithstanding any other law.

15 Section 2. This act shall take effect July 1, 2004.

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18 SENATE SUMMARY

19 Grants exclusive planning authority to certain larger  
20 municipalities in specified charter counties. Authorizes  
21 delegation of such municipal planning authority to the  
22 county. Authorizes such county to, upon request, comment  
23 on proposed land use within the municipality or provide  
24 planning assistance to the municipality.  
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