

By Senator Miller

18-321-06

1 A bill to be entitled
 2 An act relating to public notice and hearing
 3 regarding commercial development; creating s.
 4 288.1075, F.S.; requiring a county or
 5 municipality to conduct a public hearing
 6 regarding a proposed commercial development
 7 that has the potential to emit harmful or
 8 noxious odors or pollutants; providing for
 9 notice of the hearing; defining the term
 10 "residential area" for purposes of the act;
 11 providing an effective date.

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

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 15 Section 1. Section 288.1075, Florida Statutes, is
 16 created to read:

17 Section 288.1075 Public notice requirements for
 18 certain commercial developments.--When a commercial,
 19 manufacturing, or industrial business that has the potential
 20 to emit harmful or noxious odors or pollutants or to otherwise
 21 create unhealthful or unpleasant living conditions in the
 22 surrounding community proposes to locate within 3 miles of a
 23 residential area, each county or municipality having
 24 jurisdiction over the proposed location must conduct a public
 25 hearing on the potential effect of the proposed commercial,
 26 manufacturing, or industrial business on the health of persons
 27 who live or work in the surrounding community. A county and
 28 municipality that share jurisdiction may conduct separate
 29 hearings or jointly conduct a single hearing. At least 15 days
 30 before the hearing, the county or municipality conducting the
 31 hearing shall mail a notice of the hearing to each local media

1 outlet and to each person who owns property, owns or operates
2 a business, or resides within a 3-mile radius of the proposed
3 business, and shall publish a notice of the hearing in a
4 newspaper of general circulation serving the area within that
5 radius. As used in this section the term "residential area"
6 means the area designated for residential use under the future
7 land use map of the comprehensive plan or the land use
8 development regulations adopted by the county or municipality
9 pursuant to chapter 163.

10 Section 2. This act shall take effect July 1, 2006.

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SENATE SUMMARY

Requires a county or municipality to conduct a public hearing regarding a proposed commercial development having the potential to emit harmful or noxious pollutants. Provides for notice of the hearing.