

Bill No. SB 1608

Barcode 281366

CHAMBER ACTION

Senate

House

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The Committee on Judiciary (Baker) recommended the following  
~~substitute for~~ amendment ~~(391588)~~:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause

and insert:

Section 1. Section 163.3172, Florida Statutes, is  
created to read:

163.3172 Land use governance in charter counties.--

(1)(a) In a county charter established on or after  
July 1, 2006, any charter provision that governs the use,  
development, or redevelopment of land is not effective within  
the boundaries of, and will not apply to, any municipality in  
the county unless:

1. The charter provision that governs the use,  
development, or redevelopment of land is presented as a  
separate ballot question; or

2. The county charter coordinates the use,  
development, or redevelopment of land through a separate land  
use council comprised of county and municipal elected

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1 officials and other residents of the county and the  
2 municipalities appointed by each respective governing body. At  
3 least one member of the council must be an elected member of  
4 the county school board.

5 (b)1. The land use council must include one county  
6 commissioner, one elected municipal official appointed by each  
7 county commissioner from his or her district, one resident  
8 appointed by each county commissioner from his or her  
9 district, and one elected member of the county school board  
10 who is appointed by the school board.

11 2. The charter provision establishing the land use  
12 council must provide a conflict resolution procedure for  
13 resolving land use disputes arising from the separate actions  
14 taken by local governments within the county.

15 3. The charter provision must also address terms of  
16 office of members; filling of vacancies; and powers and  
17 functions of the council, including reviewing land use plans  
18 for conformity with the county land use plan, providing  
19 technical assistance to local governments within the county,  
20 and adopting rules and regulations covering certification,  
21 appeals, and amendments to the county land use plan.

22 (2) In charter counties created on or after July 1,  
23 2006, the electors may petition for a land use governance  
24 review commission to be established.

25 (a) Within 30 days after the submission of a petition  
26 to the governing body of a charter county, signed by at least  
27 15 percent of the qualified electors of the county, requesting  
28 that a land use governance review commission be established, a  
29 land use governance review commission shall be appointed.

30 (b) The land use governance review commission shall be  
31 comprised of no fewer than 11 members or more than 15 members.

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1 The members shall be appointed by the governing body of the  
 2 county or, if so directed in the initiative petition, by the  
 3 legislative delegation. A member of the Legislature or  
 4 governing body of the county may not be a member of the  
 5 commission. Vacancies shall be filled within 30 days in the  
 6 same manner as the original appointments.

7       (c) The commission shall conduct a study of the use,  
 8 development, or redevelopment of land within the county.  
 9 Within 18 months after its initial meeting, unless the time is  
 10 extended by resolution of the governing body of the county,  
 11 the commission may propose a charter amendment relating to the  
 12 use, development, or redevelopment of land, notwithstanding  
 13 any law to the contrary. Before the commission proposes a  
 14 charter amendment, it must hold three public hearings at  
 15 intervals of not less than 10 days or more than 20 days. At  
 16 the final hearing, the commission shall incorporate any  
 17 revisions it deems desirable, shall vote upon any proposed  
 18 charter amendment, and shall forward it to the governing body  
 19 of the county for it to hold a referendum election.

20       (d) Upon receipt of the charter amendment by the  
 21 governing body of the county from the commission, the  
 22 governing body shall call a special election to be held not  
 23 more than 90 days or less than 45 days after receipt of the  
 24 proposed charter amendment, at which special election a  
 25 referendum of the qualified electors in the county shall be  
 26 held to determine whether the proposed amendment shall be  
 27 adopted. Notice of the election on the proposed charter  
 28 amendment shall be published in a newspaper of general  
 29 circulation in the county not less than 30 days nor more than  
 30 45 days before the election.

31       (e) If a majority of those voting on the question

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1 favor the adoption of the charter amendment, it shall become  
2 effective on January 1, of the succeeding year or at such  
3 other time as the amendment provides. The charter amendment  
4 may be amended only by the electors of the county.

5 (f) If a majority of the voters do not approve the  
6 proposed charter amendment, a new referendum may not be held  
7 for 2 years after the date of such disapproval.

8 (g) This subsection is not effective in a county that  
9 adopted a charter prior to July 1, 2006.

10 (3) This section does not apply to any county as  
11 defined in s. 125.011(1).

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

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

16 And the title is amended as follows:

17 Delete everything before the enacting clause

19 and insert:

20 A bill to be entitled

21 An act relating to land use regulation;  
22 creating s. 163.3172, F.S.; providing  
23 requirements for certain county charters that  
24 regulate the use of land; establishing  
25 requirements for county charters that establish  
26 land use councils; providing for the creation  
27 of land use governance review commissions in  
28 charter counties created after July 1, 2006;  
29 providing membership requirements and powers  
30 and duties; requiring a study; providing  
31 requirements for certain charter amendments;

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1 providing for application; providing an  
2 effective date.  
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