

By Senator Bennett

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A bill to be entitled

An act relating to land use decisions; creating s. 163.3172, F.S.; providing that a county charter, ordinance, regulation, or special act governing the use or development of land, or providing an exclusive method of municipal annexation, is not effective within or applicable to a municipality within that county unless the charter provision, ordinance, regulation, or special act is approved by a majority of the electors of the county and the municipality or is approved by a majority of the municipality's governing board; exempting certain charter counties from application of the act; providing an effective date.

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

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

163.3172 Municipal authority.--

(1) The Legislature finds that a municipality is the unit of local self-government which is closest to the people it serves and thereby is best situated to determine the unique needs of the community. A municipality provides residents a true voice concerning the character and values of the local community. The Legislature recognizes that there have been numerous and increasing preemptions of municipal democratic powers by other forms of local government, and concludes that municipalities must retain the authority to perform the

1 functions that are of most immediate concern to their
2 residents.

3 (2) Notwithstanding chapter 125, this chapter, or s.
4 171.044(4), any county charter, county ordinance, county land
5 development regulation, or countywide special act governing
6 the use, development, or redevelopment of land, or providing
7 an exclusive method of municipal annexation, which is in
8 effect before July 1, 2006, or adopted on or after July 1,
9 2006, is not effective within or applicable to any
10 municipality within that county unless the charter provision,
11 ordinance, land development regulation, or special act is
12 approved by a majority vote of the electors within the county
13 and a majority vote of the electors within the municipality
14 voting in a municipal election, or is approved by a majority
15 vote of the governing board of the municipality.

16 (3) This section does not apply to a county as defined
17 in s. 125.011.

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

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21 SENATE SUMMARY

22 Vacates the application within a municipality of a
23 provision of a county charter, ordinance, land
24 development regulation, or special act concerning land
25 use, or establishing an exclusive method of annexation,
26 unless adopted by a majority of the municipality's
27 governing board or the electors of the county and
28 municipality. Exempts certain charter counties from
29 application of the act.
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