

HB 949

2006  
CS

CHAMBER ACTION

1 The Growth Management Committee recommends the following:

2  
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to municipalities; creating s. 163.3172,  
7 F.S.; providing legislative findings; prohibiting effect  
8 or application of certain county provisions within  
9 municipalities unless approved by county and municipal  
10 electors or the municipal governing board; providing for  
11 effect of certain laws or charter county provisions or  
12 ordinances in certain municipalities; providing an  
13 exception; providing for nonapplication to certain  
14 counties, impact fees, laws or charter county provisions  
15 or ordinances, or special districts; providing an  
16 effective date.

17  
18 Be It Enacted by the Legislature of the State of Florida:

19  
20 Section 1. Section 163.3172, Florida Statutes, is created  
21 to read:

22 163.3172 Municipalities; county authority limitations.--

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23       (1) The Legislature finds that municipalities are the  
24 units of local self-government closest to the people they serve  
25 and thereby are best situated to determine the unique needs of  
26 their communities. Municipalities provide their residents a true  
27 voice as to the character and values of their local communities.  
28 The Legislature recognizes there have been increasing and  
29 numerous preemptions of municipal democratic powers by other  
30 forms of local government and concludes that municipalities must  
31 retain the authority to perform the functions that are of most  
32 immediate concern to their citizens.

33       (2) Notwithstanding this chapter or any other law, any  
34 charter county charter provision adopted on or after July 1,  
35 2006, or ordinance adopted pursuant to such charter provision  
36 that affects the authority of a municipality within the charter  
37 county to regulate the use, development, or redevelopment of  
38 land or that affects municipal annexation within a charter  
39 county may not apply to or within the municipality unless such  
40 charter provision or ordinance is approved by a vote of:

41           (a) The municipality's governing body; or

42           (b) The electors of the municipality at a duly called  
43 municipal election.

44       (3) Notwithstanding this chapter or any other law, any law  
45 or charter county provision or ordinance adopted before July 1,  
46 2006, that affects the authority of a municipality within a  
47 charter county to regulate the use, development, or  
48 redevelopment of land or that affects municipal annexation  
49 within a charter county shall be effective within the

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50 municipality on July 1, 2006, subject to modification or repeal  
 51 by ordinance of the municipality.

52 (4) This section shall not apply to:

53 (a) Any county as defined in s. 125.011;

54 (b) Any countywide impact fee for transportation or public  
 55 schools approved by the governing board of a charter county;

56 (c) Any law or charter county provision or ordinance that  
 57 sets minimum standards for protecting the environment through  
 58 the prohibition or regulation of air, water, soil, or property  
 59 contamination; or

60 (d) Any special district created by special act.

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