

1 A bill to be entitled
 2 An act relating to municipalities in charter counties;
 3 creating s. 163.3172, F.S.; providing legislative
 4 findings; prohibiting effect of certain charter amendments
 5 within municipalities unless approved by municipal and
 6 charter county electors; providing an exception for
 7 certain interlocal agreements; providing applicability;
 8 amending s. 163.3171, F.S.; eliminating the authority of
 9 chartered counties over municipalities and districts
 10 within the county for comprehensive planning and land
 11 development regulation; amending s. 163.3174, F.S.;
 12 eliminating the authority of chartered counties to
 13 determine local planning responsibility between counties
 14 and municipalities; amending s. 171.044, F.S.; limiting
 15 applicability with respect to voluntary annexation;
 16 providing an effective date.

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

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

22 163.3172 Municipalities in charter counties; county
 23 authority limitations.--

24 (1) The Legislature finds that citizens vote voluntarily
 25 to create municipalities specifically to serve the unique needs
 26 of the citizens and their communities. The Legislature further
 27 finds that charter counties, through amendments to their
 28 charters, have increasingly sought to divest municipalities of

29 the governmental, corporate, and proprietary powers granted to
30 municipalities by their citizens. The Legislature concludes the
31 involuntary divestiture or limitation through county charter
32 amendments of municipal authority to conduct municipal
33 government, perform municipal functions, and render municipal
34 services undermines the will of citizens who elect to
35 incorporate. It is the intent of the Legislature that
36 municipalities located within charter counties shall have all
37 governmental, corporate, and proprietary powers to enable them
38 to conduct municipal government, perform municipal functions,
39 and render municipal services, and to remove all county charter
40 limitations, judicially imposed or otherwise, on the exercise of
41 municipal home rule powers.

42 (2) An amendment to the charter of a county that transfers
43 or restricts a governmental, corporate, or proprietary power of
44 a municipality located within the county shall not be effective
45 in the municipality unless the amendment is approved by a vote
46 of the electors of the municipality and approved by a vote of
47 the electors of the charter county.

48 (3) This section shall not apply to interlocal agreements
49 between municipalities and counties to temporarily transfer a
50 municipality's governmental, corporate, or proprietary power to
51 a county.

52 (4) The requirements of this section shall apply to Miami-
53 Dade County and its municipalities to the extent permitted by
54 the home rule charter established pursuant to s. 6(e), Art. VIII
55 of the State Constitution.

56 Section 2. Subsection (2) of section 163.3171, Florida
 57 Statutes, is amended to read:

58 163.3171 Areas of authority under this act.--

59 (2) A county shall exercise authority under this act for
 60 the total unincorporated area under its jurisdiction or in such
 61 unincorporated areas as are not included in any joint agreement
 62 with municipalities established under the provisions of
 63 subsection (1). ~~In the case of chartered counties, the county~~
 64 ~~may exercise such authority over municipalities or districts~~
 65 ~~within its boundaries as is provided for in its charter.~~

66 Section 3. Subsection (1) of section 163.3174, Florida
 67 Statutes, is amended to read:

68 163.3174 Local planning agency.--

69 (1) The governing body of each local government,
 70 individually or in combination as provided in s. 163.3171, shall
 71 designate and by ordinance establish a "local planning agency,"
 72 unless the agency is otherwise established by law.

73 Notwithstanding any special act to the contrary, all local
 74 planning agencies or equivalent agencies that first review
 75 rezoning and comprehensive plan amendments in each municipality
 76 and county shall include a representative of the school district
 77 appointed by the school board as a nonvoting member of the local
 78 planning agency or equivalent agency to attend those meetings at
 79 which the agency considers comprehensive plan amendments and
 80 rezonings that would, if approved, increase residential density
 81 on the property that is the subject of the application. However,
 82 this subsection does not prevent the governing body of the local
 83 government from granting voting status to the school board

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84 member. The governing body may designate itself as the local
85 planning agency pursuant to this subsection with the addition of
86 a nonvoting school board representative. The governing body
87 shall notify the state land planning agency of the establishment
88 of its local planning agency. All local planning agencies shall
89 provide opportunities for involvement by applicable community
90 college boards, which may be accomplished by formal
91 representation, membership on technical advisory committees, or
92 other appropriate means. The local planning agency shall prepare
93 the comprehensive plan or plan amendment after hearings to be
94 held after public notice and shall make recommendations to the
95 governing body regarding the adoption or amendment of the plan.
96 The agency may be a local planning commission, the planning
97 department of the local government, or other instrumentality,
98 including a countywide planning entity established by special
99 act or a council of local government officials created pursuant
100 to s. 163.02, provided the composition of the council is fairly
101 representative of all the governing bodies in the county or
102 planning area; however, +

103 (a) if a joint planning entity is in existence on the
104 effective date of this act which authorizes the governing bodies
105 to adopt and enforce a land use plan effective throughout the
106 joint planning area, that entity shall be the agency for those
107 local governments until such time as the authority of the joint
108 planning entity is modified by law.

109 ~~(b) In the case of chartered counties, the planning~~
110 ~~responsibility between the county and the several municipalities~~
111 ~~therein shall be as stipulated in the charter.~~

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112 Section 4. Subsection (4) of section 171.044, Florida
113 Statutes, is amended to read:

114 171.044 Voluntary annexation.--

115 (4) The method of annexation provided by this section
116 shall be supplemental to any other procedure provided by general
117 or special law, except that this section shall not apply to
118 municipalities in counties, as defined in s. 125.011, with
119 charters that ~~which~~ provide for an exclusive method of municipal
120 annexation.

121 Section 5. This act shall take effect July 1, 2007.