

By Senator Smith

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1 A bill to be entitled
2 An act relating to public participation plans;
3 creating s. 163.31815, F.S.; providing legislative
4 findings and intent; requiring applications for
5 comprehensive plan amendments or development orders to
6 include a public participation plan; specifying a
7 required time for implementation of the plan;
8 specifying plan purposes; specifying required plan
9 information; specifying requirements for a target area
10 for notification; specifying that certain notice
11 requirements are in addition to other notice
12 requirements of law; providing applicant authority for
13 plan implementation; requiring applicants to provide a
14 written report of public participation efforts;
15 specifying report requirements; providing requirements
16 to be incorporated into certain local government
17 ordinances; providing for continuing effect of certain
18 local government ordinances; providing an effective
19 date.

20
21 Be It Enacted by the Legislature of the State of Florida:

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23 Section 1. Section 163.31815, Florida Statutes, is created
24 to read:

25 163.31815 Public participation plans required for local
26 government comprehensive planning and development order
27 applications.-

28 (1) The Legislature finds that:

29 (a) Public participation in planning and land use decisions

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30 is a critical component of growth management.

31 (b) Members of the public are increasingly frustrated over
32 both perceived and real obstacles to meaningful involvement in
33 the decisionmaking process for land use and comprehensive
34 planning matters.

35 (c) Public frustration is evidenced by various proposed
36 constitutional and local government charter campaigns that offer
37 draconian, reactive, and polarizing solutions rather than
38 bringing communities together to achieve progressive planning
39 objectives.

40 (d) Applicants for plan amendments and development orders
41 are increasingly frustrated by the spread of misinformation and
42 inflammatory campaigns against new developments, causing
43 unnecessary delay and driving up costs.

44 (2) It is the intent of the Legislature that the
45 municipalities and counties of this state balance the competing
46 interests of all community constituents in a manner that is
47 open, fair to all parties, cost-effective, and consistent with
48 the local government's overall community planning objectives and
49 this part. It is the intent of the Legislature to require
50 applicants for plan amendments and development orders to engage
51 the public before an official application is filed in order to
52 increase opportunities for meaningful public participation early
53 in the process, eliminate misinformation, minimize polarization
54 and conflict, and provide a mechanism for early and more cost-
55 effective conflict resolution.

56 (3) Every application for a comprehensive plan amendment or
57 development order must include a public participation plan that
58 must be implemented prior to the initial public hearing by the

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59 local government on the development order or plan amendment.

60 (a) The purpose of the public participation plan is to:

61 1. Ensure that applicants pursue early and effective
62 citizen participation in conjunction with their applications,
63 giving applicants the opportunity to understand and mitigate any
64 real or perceived impacts their application may have on the
65 community.

66 2. Ensure that the citizens or property owners in a
67 community have an adequate opportunity to learn about
68 applications that may affect them and to work with applicants to
69 resolve concerns at an early stage of the process.

70 3. Facilitate ongoing communication between the applicant,
71 interested residents and property owners, local government
72 staff, and elected officials throughout the application review
73 process.

74 (b) The public participation plan need not produce complete
75 consensus on all applications or create new substantive rights
76 for any person, but is intended to encourage applicants and
77 citizens to be good neighbors and to allow for informed
78 decisionmaking.

79 (c) At a minimum, the public participation plan shall
80 include the following information:

81 1. Which residents, property owners, interested parties,
82 political jurisdictions, and public agencies may be affected by
83 the application.

84 2. How those interested in and potentially affected by an
85 application will be notified that an application has been made.

86 3. How those interested in and parties potentially affected
87 by the change will be informed of the substance of the amendment

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88 or development proposed by the application.

89 4. How those affected or otherwise interested will be
90 provided an opportunity to discuss the applicant's proposal with
91 the applicant and express any concerns, issues, or problems they
92 may have with the proposal in advance of the public hearing.

93 5. The applicant's schedule for completion of the public
94 participation plan.

95 6. How the applicant will keep the local government
96 informed on the status of the applicant's public participation
97 efforts.

98 (d) The level of public interest and area of involvement
99 may vary depending on the nature of the application and the
100 location of the site. The target area for early notification may
101 be determined by the applicant after consultation with the local
102 government. At a minimum, the target area shall include the
103 following:

104 1. Property owners within any public hearing notice area
105 required by local ordinance.

106 2. The head of any homeowners' association or registered
107 neighborhood association within any public notice area that may
108 be required by local ordinance.

109 3. Other interested parties who have requested that they be
110 placed on an interested parties notification list that may be
111 maintained by the local government.

112 (e) The requirements of this subsection are in addition to
113 any notice provisions required by law.

114 (f) The applicant may submit a public participation plan
115 and begin implementation prior to formal application at the
116 applicant's discretion but not until after the required

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117 preapplication meeting and consultation with the local
118 government.

119 (4) The applicant shall provide a written report on the
120 results of its public participation effort prior to the notice
121 of the initial public hearing on the plan amendment or
122 development order. This report shall be attached to the local
123 government staff's report on the application. At a minimum, the
124 public participation report shall include the following
125 information:

126 (a) Details of techniques the applicant used to involve the
127 public, including:

128 1. Dates and locations of all meetings where members of the
129 public were invited to discuss the applicant's proposal.

130 2. Content, dates mailed, and numbers of mailings,
131 including letters, meeting notices, newsletters, and other
132 publications.

133 3. Where residents, property owners, and interested parties
134 receiving notices, newsletters, or other written materials are
135 located.

136 4. The number of people that participated in the process.

137 (b) A summary of concerns, issues, and problems expressed
138 during the process, including:

139 1. The substance of the concerns, issues, and problems.

140 2. How the applicant has addressed or intends to address
141 concerns, issues, and problems expressed during the process.

142 3. Concerns, issues, and problems the applicant is
143 unwilling or unable to address and why.

144 (5) The requirements of this section are minimum criteria
145 for public participation on development orders and plan

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146 amendment applications and shall be incorporated into local
147 government land development regulations. A local government
148 public participation ordinance adopted on or prior to the
149 effective date of this section shall remain in effect until such
150 ordinance is amended or modified consistent with this section.

151 Section 2. This act shall take effect upon becoming a law.