

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

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

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

24           163.31815   Public participation plans required for local  
 25   government comprehensive planning and development order  
 26   applications.-

27           (1)   The Legislature finds that:

28           (a)   Public participation in planning and land use

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29 decisions is a critical component of growth management.

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

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

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

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

55 (3) Every application for a comprehensive plan amendment  
56 or development order must include a public participation plan

57 that must be implemented prior to the initial public hearing by  
 58 the local government on the development order or plan amendment.

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

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

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

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

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

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

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

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

84 3. How those interested in and parties potentially

85 affected by the change will be informed of the substance of the  
 86 amendment or development proposed by the application.

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

91 5. The applicant's schedule for completion of the public  
 92 participation plan.

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

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

102 1. Property owners within any public hearing notice area  
 103 required by local ordinance.

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

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

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

112 (f) The applicant may submit a public participation plan

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113 and begin implementation prior to formal application at the  
114 applicant's discretion but not until after the required  
115 preapplication meeting and consultation with the local  
116 government.

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

124 (a) Details of techniques the applicant used to involve  
125 the public, including:

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

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

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

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

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

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

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

140 3. Concerns, issues, and problems the applicant is

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141 unwilling or unable to address and why.

142 (5) The requirements of this section are minimum criteria  
143 for public participation on development orders and plan  
144 amendment applications and shall be incorporated into local  
145 government land development regulations. A local government  
146 public participation ordinance adopted on or prior to the  
147 effective date of this section shall remain in effect until such  
148 ordinance is amended or modified consistent with this section.

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