

1 A bill to be entitled

2 An act relating to the Pinellas Planning Council, Pinellas
3 County; codifying, amending, reenacting, and repealing
4 special acts relating to the district; reorganizing the
5 council; setting forth the purpose of the council;
6 providing legislative intent that the countywide plan be
7 broadly defined and policy-based; providing that the
8 primary focus of the council will be land use and
9 transportation planning; providing definitions; providing
10 that the membership of the council shall be the same as
11 that of the Pinellas County Metropolitan Planning
12 Organization; providing for the election of officers,
13 meetings of the council, requirements of a quorum, and
14 member expenses; providing for the powers and duties of
15 the council, including revising the required components of
16 the countywide plan, consistent with the stated
17 legislative intent; providing for countywide staff and
18 committees; providing for a budget and annual independent
19 audit; recognizing the countywide planning authority of
20 the Pinellas County Board of County Commissioners as
21 provided by the Pinellas County Charter; providing for the
22 repeal of the existing countywide plan, adoption of a new
23 countywide plan, future amendment of the plan, and
24 standards and procedures for such actions; providing a
25 timetable for consistency review after adoption of a new

26 | countywide plan; providing for public hearing and notice
27 | requirements; requiring the authority to adopt specific
28 | notice standards in the countywide rules; providing for
29 | compliance with part II of chapter 163, Florida Statutes;
30 | repealing chapters 73-594, 74-584, 74-586, 76-473, 88-464,
31 | and 90-396, Laws of Florida; providing an effective date.
32 |

33 | WHEREAS, Pinellas County is approaching a built-out
34 | condition, and planned redevelopment of the built environment is
35 | critical to maintaining and improving the countywide economy and
36 | quality of life, and

37 | WHEREAS, given the land constraints within the county, it
38 | is recognized that countywide traffic issues cannot be solved by
39 | road building alone, but must be addressed through a multimodal
40 | transportation system, and

41 | WHEREAS, with the Legislature's creation of the Tampa Bay
42 | Area Regional Transportation Authority ("TBARTA") in 2007, the
43 | provision of enhanced public transit within the county has
44 | become a high transportation planning priority, and

45 | WHEREAS, land use patterns are a critical factor in
46 | determining whether multimodal transportation, particularly
47 | transit, is functional and effective, and

48 | WHEREAS, transportation and land use planning do not exist
49 | independently, but have a relationship in which each influences
50 | the other, and

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51 WHEREAS, both the Updated Countywide Plan for Pinellas
52 County and Pinellas by Design: An Economic Development and
53 Redevelopment Plan for the Pinellas Community contain planning
54 strategies that call for increased coordination of the land use
55 and transportation planning activities of the Pinellas Planning
56 Council ("PPC") and the Metropolitan Planning Organization
57 ("MPO"), and

58 WHEREAS, a Joint Land Use and Transportation Committee
59 ("committee"), consisting of three representatives from the PPC,
60 three representatives from the Board of County Commissioners
61 (BCC), and three representatives from the MPO, was convened in
62 April 2010 to study the potential of integrating transportation
63 and future land use planning at the countywide level, and

64 WHEREAS, the committee has recommended that the MPO and PPC
65 functions be more closely aligned on transportation and land use
66 issues to create a more streamlined and integrated process,
67 which should identify and eliminate any redundancies,
68 disconnects, or inefficiencies in the current system, and

69 WHEREAS, the committee recommended that this integrated
70 process include a new Countywide Future Land Use Plan, which
71 establishes a broad, forward-looking land use planning
72 framework, incorporates and guides multimodal transportation
73 planning, and allows sufficient flexibility to accommodate the
74 redevelopment needs of local communities, and

75 WHEREAS, the committee determined that the most effective

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76 way to accomplish these goals would be to unify the membership
77 of the boards of the MPO and the PPC into a single board that
78 would be empowered to carry out the functions of both the MPO
79 and the PPC, and

80 WHEREAS, it is the recommendation of the committee that the
81 new unified board should continue to consist of elected
82 officials and ensure adequate representation for all local
83 governments within Pinellas County, recognizing that the
84 Pinellas Suncoast Transportation Authority ("PSTA") will also
85 have a seat on the new board, and

86 WHEREAS, it was the consensus of the committee that the new
87 unified board be supported by an independent executive director
88 who serves in that capacity exclusively, with staff chosen by
89 that independent director, but with priority given to current
90 employees of the PPC and MPO, and

91 WHEREAS, the establishment of the new unified board will
92 require reapportionment of the MPO membership, which must be
93 done in conformance with section 339.175, Florida Statutes, and

94 WHEREAS, the establishment of the new unified board will
95 require an amendment to and reenactment of the PPC's charter,
96 NOW, THEREFORE,

97

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

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100 Section 1. (1) The reenactment of existing law in this
101 act shall not be construed as a grant of additional authority to
102 or supersede the authority of any entity pursuant to law.
103 Exceptions to law contained in any special act that are
104 reenacted pursuant to this act shall continue to apply.

105 (2) The reenactment of existing law in this act shall not
106 be construed to modify, amend, or alter any covenants,
107 contracts, or other obligations of the district with respect to
108 bonded indebtedness. Nothing pertaining to the reenactment of
109 existing law in this act shall be construed to affect the
110 ability of the district to levy and collect taxes, assessments,
111 fees, or charges for the purpose of redeeming or servicing
112 bonded indebtedness of the district.

113 Section 2. Chapters 73-594, 74-584, 74-586, 76-473, 88-
114 464, and 90-396, Laws of Florida, are amended, codified,
115 reenacted, and repealed as provided in this act.

116 Section 3. The charter for the Pinellas Planning Council,
117 Pinellas County, a dependent special district, is re-created and
118 reenacted to read:

119 Section 1. County planning council created.—There
120 is hereby created a countywide planning and coordinating
121 council to be known as the "Pinellas Planning Council,"
122 hereinafter referred to as the "council." The council
123 shall have common membership and function as a single,
124 unified board with the Pinellas County Metropolitan

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125 Planning Organization ("MPO").

126 Section 2. Purpose of council; legislative intent.-

127 (1) The Legislature recognizes the social and economic
128 interdependence of the people residing within Pinellas County
129 and the common interest they share in its future development.
130 The Legislature recognizes the value of considering land use and
131 transportation planning issues concurrently and of coordinating
132 and implementing land use and transportation planning functions
133 in an integrated manner. The Legislature also recognizes that
134 individual plans and decisions heretofore made by local
135 governments within the county have affected the welfare of the
136 entire county as well as neighboring jurisdictions, and,
137 therefore, the Legislature intends that the purpose of this act
138 is to provide for:

139 (a) The formulation and execution by the council of the
140 strategies necessary for the orderly growth, development, and
141 environmental protection of Pinellas County as a whole, with the
142 focus on those issues deemed to have an impact countywide.

143 (b) The coordination by the council of planning and
144 development in Pinellas County with regional planning objectives
145 in the Tampa Bay area as developed by such entities as the MPO,
146 the Tampa Bay Regional Planning Council, the Tampa Bay Area
147 Regional Transportation Authority ("TBARTA"), the Pinellas
148 Suncoast Transit Authority ("PSTA"), the Department of
149 Transportation ("DOT"), and the Department of Community Affairs

150 ("DCA").

151 (2) The Legislature further recognizes that the future of
152 Pinellas County, its permanent residents, and the millions of
153 tourists who annually visit the county is dependent upon the way
154 the natural resources of land, air, and water are protected and
155 impacted by the built environment and through the use and reuse
156 of land to accommodate the urban development and redevelopment
157 pattern, the transportation system that serves it, and other
158 development activities that are guided by the countywide
159 planning function.

160 (3) The Legislature intends for the development of a
161 broadly defined, policy-based countywide plan that will focus on
162 countywide issues related to future land use, transportation,
163 and intergovernmental coordination.

164 (4) The Legislature further intends that this act provide
165 for the coordination by the council of the transportation
166 planning functions undertaken by the MPO with the council's land
167 use planning functions, as expressed in this act, in a manner
168 that more fully integrates these two functions in a
169 complementary manner, as well as a means for the integration of
170 the membership of the boards of the council and MPO, such that a
171 single, unified board shall perform the functions of both the
172 council and the MPO.

173 Section 3. Definitions.—As used in this act, the term:

174 (1) "Countywide plan" means materials in such descriptive

175 form, written or graphic, as may be appropriate to the
176 prescription of strategies for the orderly and balanced future
177 development of Pinellas County. The countywide plan is comprised
178 of the countywide plan strategies, the countywide plan map, and
179 the countywide rules in section 6(7).

180 (2) "Countywide plan map" means the future land use map
181 that designates general categories of land use by type and
182 location to guide the future development pattern and use of land
183 throughout the county.

184 (3) "Countywide plan strategies" means an overarching set
185 of policies that identify and set forth a plan of action to
186 address those components set forth in section 6(7) and that are
187 collectively used to administer and guide interpretation of the
188 countywide plan map and countywide rules.

189 (4) "Countywide planning authority" means the board of
190 county commissioners, acting in its capacity as the countywide
191 planning authority, through the exercise of its power under
192 section 2.04(s) of the Pinellas County Charter.

193 (5) "Countywide rules" and the "rules" mean those rules,
194 standards, and procedures that will implement the countywide
195 plan as provided in section 6(7).

196 (6) "Existing countywide plan" means and refers to that
197 countywide plan, inclusive of the countywide plan strategies,
198 countywide plan map, and countywide rules as adopted by Pinellas
199 County Ordinance 89-4, as amended.

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200 (7) "Land development regulation" means an ordinance
201 enacted by a local government for the regulation of any aspect
202 of development and includes any local government zoning,
203 rezoning, subdivision, or building construction regulation or
204 any other regulation controlling the development of land.

205 (8) "Local government" means Pinellas County or any
206 municipality within the county.

207 Section 4. Membership of council.—The council shall be
208 composed of the voting membership of the Pinellas County
209 Metropolitan Planning Organization. The terms of office and
210 appointments to fill vacancies shall be consistent with Florida
211 law governing the MPO.

212 Section 5. Officers; meetings; records; quorum; expenses.—

213 (1) The council shall elect one of its members as
214 chairperson, one of its members as vice chairperson, one of its
215 members as treasurer, and one of its members as secretary, each
216 of whom shall serve for the year or until a successor is
217 elected. No person elected chairperson shall serve more than 2
218 consecutive years in that capacity. Election of officers shall
219 be conducted in concert with the MPO, as provided by Florida law
220 governing the MPO.

221 (2) The council may meet at least once each month, at such
222 place and at such other times in special session as the council,
223 by a majority vote, shall determine, and at any other time at
224 the call of the chairperson. The council shall adopt, by an

225 affirmative vote of a majority of the voting members of the
226 council, operating procedures for the transaction of business
227 and keep a record of its transactions, resolutions, findings,
228 determinations, recommendations, and orders, which record shall
229 be a public record. Subsequent amendment of the operating
230 procedures shall be by an affirmative vote of a majority of the
231 members present and constituting a quorum.

232 (3) At all meetings of the council, a quorum shall consist
233 of a simple majority of the full voting membership. No official
234 business of the council may be transacted unless a quorum is
235 present. No vacancy in the council shall impair the right of a
236 quorum of the council to exercise all the rights and perform all
237 the duties of the council. Except as otherwise provided in this
238 act, all actions of the council shall be by a majority vote of
239 those members present.

240 (4) Members of the council shall be entitled to receive
241 from the council their traveling and other necessary expenses
242 incurred in connection with the business of the council, as
243 provided by law, but they shall draw no salaries or other
244 compensation.

245 Section 6. Powers and duties.—In the performance of its
246 duties and in the execution of its functions under this act, the
247 council has and shall exercise the following powers and duties:

248 (1) To maintain a permanent office at the place or places
249 within Pinellas County as it may designate. Additional

250 suboffices may be maintained at such place or places within
 251 Pinellas County as it may designate.

252 (2) To employ and to compensate such personnel,
 253 consultants, and technical and professional assistance as it may
 254 deem necessary.

255 (3) To make and enter into contracts and agreements.

256 (4) To hold public hearings and sponsor public forums.

257 (5) To sue and to be sued in its own name.

258 (6) To contract with, accept and expend funds and grants
 259 from, and accept and use services from:

260 (a) The Federal Government or any agency thereof.

261 (b) The state government or any agency thereof.

262 (c) The county government or any agency thereof, including
 263 the district school board.

264 (d) The several municipalities in Pinellas County or any
 265 agencies thereof.

266 (e) The Tampa Bay Regional Planning Council and other
 267 governmental agencies.

268 (f) Civic groups and nonprofit agencies.

269 (7) To develop for countywide planning authority approval
 270 a countywide plan that shall be broadly defined, policy-based,
 271 and focused on countywide issues and that shall include:

272 (a) The countywide plan map.

273 (b) The countywide rules, which shall establish parameters
 274 that will be used to determine whether local governments' future

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275 land use plans and land development regulations are consistent
276 with the countywide plan map and rules. Each land use category
277 shall, at a minimum, be defined in terms of the types of uses
278 included and specific standards for the density or intensity of
279 use.

280 (c) The countywide plan strategies, which shall provide
281 policy guidance for the countywide plan map and rules and which
282 shall include:

283 1. A countywide future land use component that supports a
284 countywide managed growth perspective.

285 2. A countywide transportation component that supports
286 mass transit and other transportation facilities and that
287 recognizes the responsibilities of the MPO as defined by law and
288 joint agreement.

289 3. A countywide intergovernmental coordination component
290 that supports enhanced integration of local government land use
291 and transportation planning.

292 4. Any other component determined by the council and the
293 countywide planning authority to be necessary to establish
294 effective countywide planning in furtherance of the intent of
295 this act.

296 (8) To coordinate countywide growth management issues and
297 procedures consistent with this act.

298 (9) To review the countywide plan with the local
299 governments in order to ensure coordination with local goals and

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300 policies, identify specific countywide growth management problem
301 areas, and work collaboratively with local governments towards
302 solutions to those identified problems.

303 (10) When processing amendments to the countywide plan
304 map, to consider the countywide plan strategies and the
305 countywide rules.

306 (11) To conduct a strategic planning session with the
307 countywide planning authority on an annual basis or at such
308 other intervals as the council and countywide planning authority
309 shall agree upon.

310 Section 7. Countywide staff and committees.-

311 (1) Pursuant to section 6(2), the council shall appoint an
312 independent executive director, who shall serve at the pleasure
313 of the council. The employment qualifications and standards for
314 the position of executive director shall be established by the
315 council. The executive director may employ such other staff as
316 may be needed and shall have the sole authority to manage the
317 activities of the staff. Nothing in this act shall prevent the
318 executive director and the staff from being classified or exempt
319 employees of the Pinellas County Unified Personnel System.

320 (2) Directors of individual local government land use and
321 planning departments, or their designees, are the members of the
322 planners advisory committee. The planners advisory committee
323 may, at the direction of the council, perform a professional
324 planning review of the council staff recommendations that are to

325 be acted upon by the council. The planners advisory committee
326 may also include a representative from the planning departments
327 maintained by the Pinellas County School Board, the PSTA, the
328 DOT, and other agencies as the council may determine
329 appropriate. In addition to the planners advisory committee, the
330 council may appoint such other committees as it deems necessary,
331 which may be comprised of either elected or nonelected
332 officials. The committees provided for in this section may
333 perform such other duties as assigned by the council but may not
334 be involved in the administration or executive functions of the
335 council.

336 (3) The staff, as recognized in this act, shall prepare
337 all plans or other documents that the council may direct under
338 this act and shall assist any committee and the executive
339 director in day-to-day activities. The staff shall be governed
340 by such operating procedures as may be set forth by the council.

341 Section 8. Budget, fiscal year, appropriations,
342 contributions; annual audits and reports.-

343 (1) The executive director of the council shall annually
344 prepare the budget of the council. The budget shall be kept
345 within the limit of funds annually available to the council, and
346 each item in the budget shall be fully explained. The council
347 shall approve and adopt the annual millage rate and budget, and
348 all deliberations on the millage rate and budget by the council
349 shall be done at meetings open to the public. The fiscal year of

350 the council shall be the same as the fiscal year of the Board of
351 County Commissioners of Pinellas County. Notwithstanding the
352 above, the Board of County Commissioners of Pinellas County
353 shall have the right to review the millage rate and budget,
354 raising or reducing either as it deems necessary. In its review
355 of the millage rate and budget, the board of county
356 commissioners shall ensure that the council is funded, at a
357 minimum, at a level that supports the council's powers and
358 duties set forth in section 6.

359 (2) The Tax Collector of Pinellas County shall remit
360 directly to the council, from the total taxes collected from the
361 millage certified by the Board of County Commissioners of
362 Pinellas County for county purposes, an amount equal to the
363 annual budget but not to exceed one-sixth of a mill on each
364 dollar of the assessed valuation of taxable property made
365 annually by the Property Appraiser of Pinellas County. The funds
366 collected pursuant to this subsection shall only be expended for
367 council purposes.

368 (3) The council shall cause an annual independent audit to
369 be performed, to be paid for by the council. The council shall
370 also prepare an annual report on its activities as a whole.

371 Section 9. Countywide planning authority of the board of
372 county commissioners.—The Board of County Commissioners of
373 Pinellas County is vested with countywide planning authority by
374 section 2.04(s) of the Pinellas County Charter. Such authority

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375 is limited to the authority provided for in the county charter
376 and as provided in this act.

377 Section 10. Countywide plan repeal, readoption, and
378 amendment.—

379 (1) COUNTYWIDE PLAN AND RULES.—

380 (a) The existing countywide plan is to be repealed and
381 replaced by the adoption of a new, broadly defined, and policy-
382 based countywide plan that conforms to the intent of this act.
383 It is specifically intended that a new countywide plan provide
384 for fewer land use categories than the existing countywide plan.
385 The new countywide plan shall be prepared in collaboration with
386 the member local governments pursuant to a process and timetable
387 established by the council and countywide planning authority.
388 Council staff shall use best efforts to develop a new countywide
389 plan as expeditiously as possible. Before the adoption of a new
390 countywide plan, the existing countywide plan shall remain in
391 full force and effect.

392 (b) An amendment to the countywide plan map may be
393 initiated by the council only in order to implement the new
394 countywide plan that conforms to the intent of this act.
395 Pursuant to this one-time grant of authority which is intended
396 to repeal and replace the existing countywide plan map, the
397 council may initiate an amendment to the countywide plan map to
398 place any new plan map categories designated under a new
399 countywide plan on particular parcels of property, as

400 applicable. Such amendment to the countywide plan map initiated
401 by the council shall be sent to the local government with
402 jurisdiction over the subject parcel for comment and review a
403 minimum of 60 days before council action. The manner in which
404 comment, review, and adoption by the local government, if
405 applicable, shall take place shall be set forth in the
406 countywide rules.

407 (c) The recommendation to repeal and replace the existing
408 countywide plan shall be by an affirmative vote of a majority of
409 the voting members of the council. Any recommendation to
410 subsequently amend the countywide plan shall be by an
411 affirmative vote of a majority of the voting members present and
412 constituting a quorum.

413 (d) The countywide planning authority action to repeal and
414 replace the existing countywide plan as recommended by the
415 council shall be by a majority vote of the entire countywide
416 planning authority. A majority vote of the members present and
417 constituting a quorum of the countywide planning authority is
418 required to make any subsequent amendment to the countywide plan
419 as recommended for adoption by the council.

420 (e) Upon adoption by the countywide planning authority,
421 the countywide plan shall have the full force and effect of law
422 countywide. All local governments' future land use plans and
423 land development regulations shall be consistent with the
424 countywide plan map and rules. The countywide planning authority

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425 shall have the authority to enforce the countywide plan map and
426 rules.

427 (2) CONSISTENCY REVIEW.—

428 (a) As of the effective date of this act, it is
429 acknowledged that the council has recently reviewed each local
430 government's future land use plan and land development
431 regulations for consistency with the existing countywide plan
432 map and rules and has determined each such future land use plan
433 and land development regulation to be consistent with the
434 existing countywide plan map and rules or has outlined the
435 actions necessary to establish such consistency. After a new
436 countywide plan map and rules that conform to the intent of this
437 act are adopted, it is specifically intended that the local
438 governments' individual plans be made consistent with the new
439 countywide plan map and rules, if necessary, either:

440 1. Simultaneously with the next scheduled amendment, after
441 the effective date of this act, of the local future land use
442 plan and land development regulations pursuant to the Evaluation
443 and Appraisal Report (EAR), as required for local plans under
444 part II of chapter 163, Florida Statutes, and Rule 9J-42,
445 Florida Administrative Code; or

446 2. If the date provided in subparagraph 1. is less than 2
447 years after the adoption of the revised countywide plan map and
448 rules or is no longer applicable to the local government, within
449 2 years after the adoption of the revised countywide plan map

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450 and rules.

451 (b) Local governments' land use categories and
452 corresponding regulations shall be considered to be consistent
453 with the countywide plan map and rules if the local governments'
454 land use categories provide for:

455 1. Maximum densities and intensities that are equal to or
456 less than the maximum densities and intensities provided by the
457 corresponding countywide plan map categories as set forth in the
458 rules.

459 2. Some or all of the same permitted uses as enumerated in
460 the corresponding countywide plan map categories.

461 3. Such other standards, rules, or procedures contained in
462 the countywide rules as are applicable.

463 (c) If a local government's future land use plan and land
464 development regulations have been determined to be consistent
465 with the countywide plan map and rules, the local future land
466 use plan and land development regulations shall regulate
467 development for the subject property.

468 (d) It is the intent of this act that land uses, lots, and
469 structures existing on the effective date of this act that may
470 be rendered nonconforming by the adoption of a new countywide
471 plan shall be permitted to continue until such nonconformities
472 are removed or ceased. Such nonconformities shall be
473 administered by the local government with jurisdiction.

474 (3) COUNTYWIDE PLAN MAP AMENDMENTS.—

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475 (a) Amendments to the adopted countywide plan map relating
476 to a land use designation for a particular parcel of property
477 may be initiated by the local government that has jurisdiction
478 over the subject property. Amendments to any standard, policy,
479 or objective of the countywide plan strategies or the rules may
480 be initiated by the council or any local government.

481 (b) The council shall have 60 days after the day an
482 application is filed with the council to act on that amendment
483 and forward the recommendation to the countywide planning
484 authority. Action by the council may include recommendation for
485 approval, denial, continuation, or an alternative compromise
486 amendment, any of which shall constitute action by the council
487 within the stipulated 60-day period. Provision for the council
488 to make a recommendation for an alternative compromise amendment
489 shall be as approved and set forth in the rules.

490 (c) All amendments shall be transmitted to the countywide
491 planning authority with a recommendation by the council. A vote
492 of a majority plus one of the entire countywide planning
493 authority is required to take any action on the proposed
494 amendment that is contrary to the council's recommendation. A
495 recommendation shall be received by the countywide planning
496 authority prior to its taking action on an amendment.

497 (d) After action by the countywide planning authority, any
498 substantially affected person, the council, or the local
499 government that initiated the plan amendment may seek a hearing

500 pursuant to chapter 120, Florida Statutes. Any substantially
501 affected person may participate in the hearing. At the
502 conclusion of the hearing, the hearing officer's recommended
503 order shall be forwarded to and considered by the countywide
504 planning authority in a final hearing. The basis for the
505 countywide planning authority's final decision approving or
506 denying the proposed amendment is limited to the findings of
507 fact of the hearing officer. This paragraph shall only apply to
508 amendments to the countywide plan map.

509 (e) The council may contract with the Division of
510 Administrative Hearings to provide the hearing officers required
511 by this act. The council shall be responsible for compensating
512 the division for costs incurred by the division in the hearing
513 process. Except as provided in paragraph (d), the council and
514 the countywide planning authority are not subject to chapter
515 120, Florida Statutes.

516 (f) An administrative hearing under paragraph (d) is
517 limited to a review of the facts pertaining to the subject
518 property, the countywide plan map, and the rules applicable
519 thereto. An administrative hearing is not the appropriate forum
520 for a constitutional challenge.

521 (g) Decisions by the countywide planning authority, acting
522 in its capacity under this act, are legislative in nature.
523 Decisions made by the countywide planning authority may be
524 challenged in a court of competent jurisdiction.

525 Section 11. Public hearing and notice requirements.-

526 (1) PUBLIC HEARING BEFORE THE COUNCIL.-The council shall
527 hold at least one public hearing to consider recommending the
528 adoption of or an amendment to the countywide plan. More than
529 one public hearing may be held at the discretion of the council.
530 The location of public hearings shall be determined by the
531 council.

532 (2) PUBLIC HEARING BEFORE THE COUNTYWIDE PLANNING
533 AUTHORITY.-An ordinance adopted by the countywide planning
534 authority that adopts or amends the provisions of the countywide
535 plan shall be enacted or amended pursuant to the following
536 procedure:

537 (a) For an amendment to the adopted countywide plan map
538 relating to property involving less than 5 percent of the area
539 of the county, the countywide planning authority shall hold a
540 public hearing on the proposed ordinance.

541 (b) For an adoption of or amendment to the countywide plan
542 strategies or the countywide rules, for an amendment to the
543 adopted countywide plan map relating to the change in a land use
544 designation for property involving 5 percent or more of the area
545 of the county, or for an adoption of the countywide plan map
546 initiated by the council pursuant to section 10(1)(b), the
547 countywide planning authority shall hold two advertised public
548 hearings on the proposed ordinance. At least one of the hearings
549 shall be held after 5 p.m. on a weekday, and the second hearing

550 shall be held at least 2 weeks after the first hearing.

551 (3) FORM OF NOTICE.—Notice shall be provided for in
552 accordance with applicable Florida law and as provided for in
553 the rules.

554 Section 12. Severability.—It is declared to be the intent
555 of the Legislature that if any section, subsection, sentence,
556 clause, or provision of this act is held invalid by any court of
557 competent jurisdiction, the remainder of the act shall not be
558 affected.

559 Section 13. Part II of chapter 163, Florida Statutes.—
560 Nothing in this act shall be construed to allow the county or
561 any municipality in the county to adopt a local government
562 comprehensive plan required by part II of chapter 163, Florida
563 Statutes, or any amendment to such plan, that does not comply
564 with part II of chapter 163, Florida Statutes, or any applicable
565 rule or regulation adopted by the Department of Community
566 Affairs to implement part II of chapter 163, Florida Statutes.
567 In addition, nothing in this act shall be construed to allow any
568 development order, as defined in section 163.3164, Florida
569 Statutes, to be issued by the county or any municipality in the
570 county that is not consistent with the plans adopted pursuant to
571 part II of chapter 163, Florida Statutes, and any applicable
572 rule or regulation adopted by the Department of Community
573 Affairs to implement part II of chapter 163, Florida Statutes.

574 Section 4. Chapters 73-594, 74-584, 74-586, 76-473, 88-

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575 | 464, and 90-396, Laws of Florida, are repealed.

576 | Section 5. This act shall take effect upon becoming a law
577 | or upon the final approval of the Pinellas County Metropolitan
578 | Planning Organization's reapportionment plan increasing its
579 | membership from 11 to 13 members ("the MPO reapportionment
580 | plan"), whichever occurs later. The terms of the existing
581 | members of the Pinellas Planning Council shall continue until
582 | the MPO reapportionment plan becomes effective and the new
583 | members are appointed to the council.