

By Senator Jones

13-00254A-11

20111446

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

13-00254A-11

20111446

30 specific notice standards in the countywide rules;
31 providing for compliance with part II of chapter 163,
32 Florida Statutes; repealing chapters 73-594, 74-584,
33 74-586, 76-473, 88-464, and 90-396, Laws of Florida;
34 providing an effective date.

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

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

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

48 WHEREAS, land use patterns are a critical factor in
49 determining whether multimodal transportation, particularly
50 transit, is functional and effective, and

51 WHEREAS, transportation and land use planning do not exist
52 independently, but have a relationship in which each influences
53 the other, and

54 WHEREAS, both the Updated Countywide Plan for Pinellas
55 County and Pinellas by Design: An Economic Development and
56 Redevelopment Plan for the Pinellas Community contain planning
57 strategies that call for increased coordination of the land use
58 and transportation planning activities of the Pinellas Planning

13-00254A-11

20111446

59 Council ("PPC") and the Metropolitan Planning Organization
60 ("MPO"), and

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

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

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

78 WHEREAS, the committee determined that the most effective
79 way to accomplish these goals would be to unify the membership
80 of the boards of the MPO and the PPC into a single board that
81 would be empowered to carry out the functions of both the MPO
82 and the PPC, and

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

13-00254A-11

20111446

88 have a seat on the new board, and

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

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

97 WHEREAS, the establishment of the new unified board will
98 require an amendment to and reenactment of the PPC's charter,
99 NOW, THEREFORE,

100

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

102

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

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

116 Section 2. Chapters 73-594, 74-584, 74-586, 76-473, 88-464,

13-00254A-11

20111446

117 and 90-396, Laws of Florida, are amended, codified, reenacted,
118 and repealed as provided in this act.

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

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

128 Section 2. Purpose of council; legislative intent.—

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

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

145 (b) The coordination by the council of planning and

13-00254A-11

20111446

146 development in Pinellas County with regional planning objectives
147 in the Tampa Bay area as developed by such entities as the MPO,
148 the Tampa Bay Regional Planning Council, the Tampa Bay Area
149 Regional Transportation Authority ("TBARTA"), the Pinellas
150 Suncoast Transit Authority ("PSTA"), the Department of
151 Transportation ("DOT"), and the Department of Community Affairs
152 ("DCA").

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

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

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

13-00254A-11

20111446

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

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

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

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

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

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

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

202 (7) "Land development regulation" means an ordinance
203 enacted by a local government for the regulation of any aspect

13-00254A-11

20111446

204 of development and includes any local government zoning,
205 rezoning, subdivision, or building construction regulation or
206 any other regulation controlling the development of land.

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

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

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

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

223 (2) The council may meet at least once each month, at such
224 place and at such other times in special session as the council,
225 by a majority vote, shall determine, and at any other time at
226 the call of the chairperson. The council shall adopt, by an
227 affirmative vote of a majority of the voting members of the
228 council, operating procedures for the transaction of business
229 and keep a record of its transactions, resolutions, findings,
230 determinations, recommendations, and orders, which record shall
231 be a public record. Subsequent amendment of the operating
232 procedures shall be by an affirmative vote of a majority of the

13-00254A-11

20111446

233 members present and constituting a quorum.

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

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

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

250 (1) To maintain a permanent office at the place or places
251 within Pinellas County as it may designate. Additional
252 suboffices may be maintained at such place or places within
253 Pinellas County as it may designate.

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

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

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

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

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

13-00254A-11

20111446

- 262 (a) The Federal Government or any agency thereof.
- 263 (b) The state government or any agency thereof.
- 264 (c) The county government or any agency thereof, including
265 the district school board.
- 266 (d) The several municipalities in Pinellas County or any
267 agencies thereof.
- 268 (e) The Tampa Bay Regional Planning Council and other
269 governmental agencies.
- 270 (f) Civic groups and nonprofit agencies.
- 271 (7) To develop for countywide planning authority approval a
272 countywide plan that shall be broadly defined, policy-based, and
273 focused on countywide issues and that shall include:
- 274 (a) The countywide plan map.
- 275 (b) The countywide rules, which shall establish parameters
276 that will be used to determine whether local governments' future
277 land use plans and land development regulations are consistent
278 with the countywide plan map and rules. Each land use category
279 shall, at a minimum, be defined in terms of the types of uses
280 included and specific standards for the density or intensity of
281 use.
- 282 (c) The countywide plan strategies, which shall provide
283 policy guidance for the countywide plan map and rules and which
284 shall include:
- 285 1. A countywide future land use component that supports a
286 countywide managed growth perspective.
- 287 2. A countywide transportation component that supports mass
288 transit and other transportation facilities and that recognizes
289 the responsibilities of the MPO as defined by law and joint
290 agreement.

13-00254A-11

20111446

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

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

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

300 (9) To review the countywide plan with the local
301 governments in order to ensure coordination with local goals and
302 policies, identify specific countywide growth management problem
303 areas, and work collaboratively with local governments towards
304 solutions to those identified problems.

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

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

312 Section 7. Countywide staff and committees.-

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

13-00254A-11

20111446

320 executive director and the staff from being classified or exempt
321 employees of the Pinellas County Unified Personnel System.

322 (2) Directors of individual local government land use and
323 planning departments, or their designees, are the members of the
324 planners advisory committee. The planners advisory committee
325 may, at the direction of the council, perform a professional
326 planning review of the council staff recommendations that are to
327 be acted upon by the council. The planners advisory committee
328 may also include a representative from the planning departments
329 maintained by the Pinellas County School Board, the PSTA, the
330 DOT, and other agencies as the council may determine
331 appropriate. In addition to the planners advisory committee, the
332 council may appoint such other committees as it deems necessary,
333 which may be comprised of either elected or nonelected
334 officials. The committees provided for in this section may
335 perform such other duties as assigned by the council but may not
336 be involved in the administration or executive functions of the
337 council.

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

343 Section 8. Budget, fiscal year, appropriations,
344 contributions; annual audits and reports.-

345 (1) The executive director of the council shall annually
346 prepare the budget of the council. The budget shall be kept
347 within the limit of funds annually available to the council, and
348 each item in the budget shall be fully explained. The council

13-00254A-11

20111446

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

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

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

373 Section 9. Countywide planning authority of the board of
374 county commissioners.—The Board of County Commissioners of
375 Pinellas County is vested with countywide planning authority by
376 section 2.04(s) of the Pinellas County Charter. Such authority
377 is limited to the authority provided for in the county charter

13-00254A-11

20111446

378 and as provided in this act.

379 Section 10. Countywide plan repeal, readoption, and
380 amendment.—

381 (1) COUNTYWIDE PLAN AND RULES.—

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

394 (b) An amendment to the countywide plan map may be
395 initiated by the council only in order to implement the new
396 countywide plan that conforms to the intent of this act.
397 Pursuant to this one-time grant of authority which is intended
398 to repeal and replace the existing countywide plan map, the
399 council may initiate an amendment to the countywide plan map to
400 place any new plan map categories designated under a new
401 countywide plan on particular parcels of property, as
402 applicable. Such amendment to the countywide plan map initiated
403 by the council shall be sent to the local government with
404 jurisdiction over the subject parcel for comment and review a
405 minimum of 60 days before council action. The manner in which
406 comment, review, and adoption by the local government, if

13-00254A-11

20111446

407 applicable, shall take place shall be set forth in the
408 countywide rules.

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

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

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

429 (2) CONSISTENCY REVIEW.—

430 (a) As of the effective date of this act, it is
431 acknowledged that the council has recently reviewed each local
432 government's future land use plan and land development
433 regulations for consistency with the existing countywide plan
434 map and rules and has determined each such future land use plan
435 and land development regulation to be consistent with the

13-00254A-11

20111446

436 existing countywide plan map and rules or has outlined the
437 actions necessary to establish such consistency. After a new
438 countywide plan map and rules that conform to the intent of this
439 act are adopted, it is specifically intended that the local
440 governments' individual plans be made consistent with the new
441 countywide plan map and rules, if necessary, either:

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

448 2. If the date provided in subparagraph 1. is less than 2
449 years after the adoption of the revised countywide plan map and
450 rules or is no longer applicable to the local government, within
451 2 years after the adoption of the revised countywide plan map
452 and rules.

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

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

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

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

13-00254A-11

20111446

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

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

476 (3) COUNTYWIDE PLAN MAP AMENDMENTS.—

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

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

492 (c) All amendments shall be transmitted to the countywide
493 planning authority with a recommendation by the council. A vote

13-00254A-11

20111446

494 of a majority plus one of the entire countywide planning
495 authority is required to take any action on the proposed
496 amendment that is contrary to the council's recommendation. A
497 recommendation shall be received by the countywide planning
498 authority prior to its taking action on an amendment.

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

511 (e) The council may contract with the Division of
512 Administrative Hearings to provide the hearing officers required
513 by this act. The council shall be responsible for compensating
514 the division for costs incurred by the division in the hearing
515 process. Except as provided in paragraph (d), the council and
516 the countywide planning authority are not subject to chapter
517 120, Florida Statutes.

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

13-00254A-11

20111446

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

527 Section 11. Public hearing and notice requirements.-

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

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

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

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

13-00254A-11

20111446

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

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

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

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

576 Section 4. Chapters 73-594, 74-584, 74-586, 76-473, 88-464,
577 and 90-396, Laws of Florida, are repealed.

578 Section 5. This act shall take effect upon becoming a law
579 or upon the final approval of the Pinellas County Metropolitan
580 Planning Organization's reapportionment plan increasing its

13-00254A-11

20111446__

581 membership from 11 to 13 members ("the MPO reapportionment
582 plan"), whichever occurs later. The terms of the existing
583 members of the Pinellas Planning Council shall continue until
584 the MPO reapportionment plan becomes effective and the new
585 members are appointed to the council.