

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  
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

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57 strategies that call for increased coordination of the land use  
58 and transportation planning activities of the Pinellas Planning  
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  
 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,

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

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

(2) The reenactment of existing law in this act shall not be construed to modify, amend, or alter any covenants, contracts, or other obligations of the district with respect to bonded indebtedness. Nothing pertaining to the reenactment of 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-  
 117 464, and 90-396, Laws of Florida, are amended, codified,  
 118 reenacted, 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  
 123 is created a countywide planning and coordinating  
 124 council to be known as the "Pinellas Planning Council,"  
 125 hereinafter referred to as the "council." The council  
 126 shall have common membership and function as a single,  
 127 unified board with the Pinellas County Metropolitan  
 128 Planning Organization ("MPO").

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

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

141 is to provide for:

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

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

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

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

167 (4) The Legislature further intends that this act provide  
168 for the coordination by the council of the transportation

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169 planning functions undertaken by the MPO with the council's land  
170 use planning functions, as expressed in this act, in a manner  
171 that more fully integrates these two functions in a  
172 complementary manner, as well as a means for the integration of  
173 the membership of the boards of the council and MPO, such that a  
174 single, unified board shall perform the functions of both the  
175 council and the MPO.

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

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

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

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

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

196 (5) "Countywide rules" and the "rules" mean those rules,

197 standards, and procedures that will implement the countywide  
 198 plan as provided in section 6(7).

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

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

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

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

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

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

224 (2) The council may meet at least once each month, at such



225 place and at such other times in special session as the council,  
226 by a majority vote, shall determine, and at any other time at  
227 the call of the chairperson. The council shall adopt, by an  
228 affirmative vote of a majority of the voting members of the  
229 council, operating procedures for the transaction of business  
230 and keep a record of its transactions, resolutions, findings,  
231 determinations, recommendations, and orders, which record shall  
232 be a public record. Subsequent amendment of the operating  
233 procedures shall be by an affirmative vote of a majority of the  
234 members present and constituting a quorum.

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

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

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

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

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

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

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

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

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

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

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

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

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

267 (d) The several municipalities in Pinellas County or any  
 268 agencies thereof.

269 (e) The Tampa Bay Regional Planning Council and other  
 270 governmental agencies.

271 (f) Civic groups and nonprofit agencies.

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

275 (a) The countywide plan map.

276 (b) The countywide rules, which shall establish parameters  
 277 that will be used to determine whether local governments' future  
 278 land use plans and land development regulations are consistent  
 279 with the countywide plan map and rules. Each land use category  
 280 shall, at a minimum, be defined in terms of the types of uses

281 included and specific standards for the density or intensity of  
282 use.

283 (c) The countywide plan strategies, which shall provide  
284 policy guidance for the countywide plan map and rules and which  
285 shall include:

286 1. A countywide future land use component that supports a  
287 countywide managed growth perspective.

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

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

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

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

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

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

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

313        Section 7. Countywide staff and committees.-

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

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

337 be involved in the administration or executive functions of the  
 338 council.

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

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

346 (1) The executive director of the council shall annually  
 347 prepare the budget of the council. The budget shall be kept  
 348 within the limit of funds annually available to the council, and  
 349 each item in the budget shall be fully explained. The council  
 350 shall approve and adopt the annual millage rate and budget, and  
 351 all deliberations on the millage rate and budget by the council  
 352 shall be done at meetings open to the public. The fiscal year of  
 353 the council shall be the same as the fiscal year of the Board of  
 354 County Commissioners of Pinellas County. Notwithstanding the  
 355 above, the Board of County Commissioners of Pinellas County  
 356 shall have the right to review the millage rate and budget,  
 357 raising or reducing either as it deems necessary. In its review  
 358 of the millage rate and budget, the board of county  
 359 commissioners shall ensure that the council is funded, at a  
 360 minimum, at a level that supports the council's powers and  
 361 duties set forth in section 6.

362 (2) The Tax Collector of Pinellas County shall remit  
 363 directly to the council, from the total taxes collected from the  
 364 millage certified by the Board of County Commissioners of

365 Pinellas County for county purposes, an amount equal to the  
 366 annual budget but not to exceed one-sixth of a mill on each  
 367 dollar of the assessed valuation of taxable property made  
 368 annually by the Property Appraiser of Pinellas County. The funds  
 369 collected pursuant to this subsection shall only be expended for  
 370 council purposes.

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

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

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

382 (1) COUNTYWIDE PLAN AND RULES.—

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

393 countywide plan, the existing countywide plan shall remain in  
394 full force and effect.

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

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

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

421 required to make any subsequent amendment to the countywide plan  
422 as recommended for adoption by the council.

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

430 (2) CONSISTENCY REVIEW.—

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

443 1. Simultaneously with the next scheduled amendment, after  
444 January 1, 2016, of the local future land use plan and land  
445 development regulations pursuant to the evaluation and appraisal  
446 review, as required for local plans under part II of chapter  
447 163, Florida Statutes; or

448 2. Within 3 years after the adoption of the revised



449 countywide plan map and rules.

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

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

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

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

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

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

473 (3) COUNTYWIDE PLAN MAP AMENDMENTS.—

474 (a) Amendments to the adopted countywide plan map relating  
 475 to a land use designation for a particular parcel of property  
 476 may be initiated by the local government that has jurisdiction

477 over the subject property. Amendments to any standard, policy,  
478 or objective of the countywide plan strategies or the rules may  
479 be initiated by the council or any local government.

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

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

496 (d) After action by the countywide planning authority, any  
497 substantially affected person, the council, or the local  
498 government that initiated the plan amendment may seek a hearing  
499 pursuant to chapter 120, Florida Statutes. Any substantially  
500 affected person may participate in the hearing. At the  
501 conclusion of the hearing, the hearing officer's recommended  
502 order shall be forwarded to and considered by the countywide  
503 planning authority in a final hearing. The basis for the  
504 countywide planning authority's final decision approving or

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505 denying the proposed amendment is limited to the findings of  
506 fact of the hearing officer. This paragraph shall only apply to  
507 amendments to the countywide plan map.

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

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

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

524 Section 11. Public hearing and notice requirements.—

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

531 (2) PUBLIC HEARING BEFORE THE COUNTYWIDE PLANNING  
532 AUTHORITY.—An ordinance adopted by the countywide planning

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533 authority that adopts or amends the provisions of the countywide  
534 plan shall be enacted or amended pursuant to the following  
535 procedure:

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

540 (b) For an adoption of or amendment to the countywide plan  
541 strategies or the countywide rules, for an amendment to the  
542 adopted countywide plan map relating to the change in a land use  
543 designation for property involving 5 percent or more of the area  
544 of the county, or for an adoption of the countywide plan map  
545 initiated by the council pursuant to section 10(1)(b), the  
546 countywide planning authority shall hold two advertised public  
547 hearings on the proposed ordinance. At least one of the hearings  
548 shall be held after 5 p.m. on a weekday, and the second hearing  
549 shall be held at least 2 weeks after the first hearing.

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

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

558 Section 13. Part II of chapter 163, Florida Statutes.—  
559 Nothing in this act shall be construed to allow the county or  
560 any municipality in the county to adopt a local government

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

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