



931816

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/07/2013	.	
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The Committee on Community Affairs (Simpson) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause and insert:

Section 1. Subsection (8) of section 163.3167, Florida Statutes, is amended to read:

163.3167 Scope of act.-

(8) (a) An initiative or referendum process in regard to any development order ~~or in regard to any local comprehensive plan amendment or map amendment~~ is prohibited. ~~However, any local government charter provision that was in effect as of June 1, 2011, for an initiative or referendum process in regard to~~



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13 ~~development orders or in regard to local comprehensive plan~~  
14 ~~amendments or map amendments may be retained and implemented.~~

15 (b) An initiative or referendum process in regard to any  
16 local comprehensive plan amendment or map amendment is  
17 prohibited. However, an initiative or referendum process in  
18 regard to any local comprehensive plan amendment or map  
19 amendment that affects more than five parcels of land is allowed  
20 if it is expressly authorized by specific language in a local  
21 government charter that was lawful and in effect on June 1,  
22 2011; a general local government charter provision for an  
23 initiative or referendum process is not sufficient.

24 (c) It is the intent of the Legislature that initiative and  
25 referendum be prohibited in regard to any development order. It  
26 is the intent of the Legislature that initiative and referendum  
27 be prohibited in regard to any local comprehensive plan or map  
28 amendment, except as specifically and narrowly permitted in  
29 subsection (b) with regard to local comprehensive plan or map  
30 amendments that affect more than five parcels of land.

31 Therefore, the prohibition on initiative and referendum stated  
32 in subsections (a) and (b) is remedial in nature and applies  
33 retroactively to any initiative or referendum process commenced  
34 after June 1, 2011, and any such initiative or referendum  
35 process that has been commenced or completed thereafter is  
36 hereby deemed null and void and of no legal force and effect.

37 Section 2. This act shall take effect upon becoming a law.  
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40 ===== T I T L E A M E N D M E N T =====

41 And the title is amended as follows:



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42 Delete everything before the enacting clause  
43 and insert:

44 A bill to be entitled

45 An act relating to growth management; amending s. 163.3167,  
46 F.S.; clarifying the prohibition on an initiative or referendum  
47 process in regard to development orders; clarifying the  
48 prohibition on an initiative or referendum process in regard to  
49 comprehensive plan amendments and map amendments; clarifying  
50 that the exception to the prohibition on an initiative or  
51 referendum process in regard to any local comprehensive plan  
52 amendment or map amendment is limited to a local government  
53 charter provision in effect on June 1, 2011, that specifically  
54 authorized an initiative or referendum process for local  
55 comprehensive plan or map amendments that affect more than five  
56 parcels of land; providing legislative intent; providing for  
57 retroactive application; providing an effective date.