

By the Committee on Community Affairs; and Senator Simpson

578-02027-13

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1 A bill to be entitled

2 An act relating to growth management; amending s.  
3 163.3167, F.S.; clarifying the prohibition on an  
4 initiative or referendum process in regard to  
5 development orders; clarifying the prohibition on an  
6 initiative or referendum process in regard to  
7 comprehensive plan amendments and map amendments;  
8 clarifying that the exception to the prohibition on an  
9 initiative or referendum process in regard to any  
10 local comprehensive plan amendment or map amendment is  
11 limited to a local government charter provision in  
12 effect on June 1, 2011, that specifically authorized  
13 an initiative or referendum process for local  
14 comprehensive plan or map amendments that affect more  
15 than five parcels of land; providing legislative  
16 intent; providing for retroactive application;  
17 providing an effective date.

18  
19 Be It Enacted by the Legislature of the State of Florida:

20  
21 Section 1. Subsection (8) of section 163.3167, Florida  
22 Statutes, is amended to read:

23 163.3167 Scope of act.—

24 (8) (a) An initiative or referendum process in regard to any  
25 development order ~~or in regard to any local comprehensive plan~~  
26 ~~amendment or map amendment~~ is prohibited. However, any local  
27 ~~government charter provision that was in effect as of June 1,~~  
28 ~~2011, for an initiative or referendum process in regard to~~  
29 ~~development orders or in regard to local comprehensive plan~~

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30 ~~amendments or map amendments may be retained and implemented.~~

31 (b) An initiative or referendum process in regard to any  
32 local comprehensive plan amendment or map amendment is  
33 prohibited. However, an initiative or referendum process in  
34 regard to any local comprehensive plan amendment or map  
35 amendment that affects more than five parcels of land is allowed  
36 if it is expressly authorized by specific language in a local  
37 government charter that was lawful and in effect on June 1,  
38 2011; a general local government charter provision for an  
39 initiative or referendum process is not sufficient.

40 (c) It is the intent of the Legislature that initiative and  
41 referendum be prohibited in regard to any development order. It  
42 is the intent of the Legislature that initiative and referendum  
43 be prohibited in regard to any local comprehensive plan or map  
44 amendment, except as specifically and narrowly permitted in  
45 subsection (b) with regard to local comprehensive plan or map  
46 amendments that affect more than five parcels of land.  
47 Therefore, the prohibition on initiative and referendum stated  
48 in subsections (a) and (b) is remedial in nature and applies  
49 retroactively to any initiative or referendum process commenced  
50 after June 1, 2011, and any such initiative or referendum  
51 process that has been commenced or completed thereafter is  
52 hereby deemed null and void and of no legal force and effect.

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