

By the Committees on Rules; and Community Affairs; and Senator Simpson

595-04600-13

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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 for the retroactive repeal of s. 4 of
18 chapter 2012-75, Laws of Florida, relating to a
19 presumption regarding agricultural enclaves; providing
20 an effective date.

21
22 Be It Enacted by the Legislature of the State of Florida:

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

26 163.3167 Scope of act.—

27 (8) (a) An initiative or referendum process in regard to any
28 development order ~~or in regard to any local comprehensive plan~~
29 ~~amendment or map amendment~~ is prohibited. ~~However, any local~~

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30 ~~government charter provision that was in effect as of June 1,~~
31 ~~2011, for an initiative or referendum process in regard to~~
32 ~~development orders or in regard to local comprehensive plan~~
33 ~~amendments or map amendments may be retained and implemented.~~

34 (b) An initiative or referendum process in regard to any
35 local comprehensive plan amendment or map amendment is
36 prohibited. However, an initiative or referendum process in
37 regard to any local comprehensive plan amendment or map
38 amendment that affects more than five parcels of land is allowed
39 if it is expressly authorized by specific language in a local
40 government charter that was lawful and in effect on June 1,
41 2011; a general local government charter provision for an
42 initiative or referendum process is not sufficient.

43 (c) It is the intent of the Legislature that initiative and
44 referendum be prohibited in regard to any development order. It
45 is the intent of the Legislature that initiative and referendum
46 be prohibited in regard to any local comprehensive plan or map
47 amendment, except as specifically and narrowly permitted in
48 subsection (b) with regard to local comprehensive plan or map
49 amendments that affect more than five parcels of land.

50 Therefore, the prohibition on initiative and referendum stated
51 in subsections (a) and (b) is remedial in nature and applies
52 retroactively to any initiative or referendum process commenced
53 after June 1, 2011, and any such initiative or referendum
54 process that has been commenced or completed thereafter is
55 hereby deemed null and void and of no legal force and effect.

56 Section 2. Section 4 of chapter 2012-75, Laws of Florida,
57 is repealed, retroactive to June 30, 2012.

58 Section 3. This act shall take effect upon becoming a law.