

1                                   A bill to be entitled  
 2           An act relating to growth management; amending s.  
 3           163.3167, F.S.; providing that an initiative or  
 4           referendum process for any development order is  
 5           prohibited; providing that an initiative or referendum  
 6           process for any local comprehensive plan amendments  
 7           and map amendments is prohibited; providing an  
 8           exception for an initiative or referendum process  
 9           specifically authorized by local government charter  
 10          provision in effect as of June 1, 2011, for certain  
 11          local comprehensive plan amendments and map  
 12          amendments; providing that certain charter provisions  
 13          for an initiative or referendum process are not  
 14          sufficient; providing legislative intent; providing  
 15          that certain prohibitions apply retroactively;  
 16          providing an effective date.

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

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

22           163.3167   Scope of act.—

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

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

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

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

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