



CS/CS/HB 537, Engrossed 1

2013

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:

23  
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  
28 any development order ~~or in regard to any local comprehensive~~



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29 ~~plan amendment or map amendment is prohibited. However, any~~  
30 ~~local government charter provision that was in effect as of June~~  
31 ~~1, 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  
44 and referendum be prohibited in regard to any development order.  
45 It is the intent of the Legislature that initiative and  
46 referendum be prohibited in regard to any local comprehensive  
47 plan or map amendment, except as specifically and narrowly  
48 permitted in paragraph (b) with regard to local comprehensive  
49 plan or map amendments that affect more than five parcels of  
50 land. Therefore, the prohibition on initiative and referendum  
51 stated in paragraphs (a) and (b) is remedial in nature and  
52 applies retroactively to any initiative or referendum process  
53 commenced after June 1, 2011, and any such initiative or  
54 referendum process that has been commenced or completed  
55 thereafter is hereby deemed null and void and of no legal force  
56 and effect.



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58 | is repealed, retroactive to June 30, 2012.

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