

By Senator Simpson

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1 A bill to be entitled
2 An act relating to the Community Planning Act;
3 amending s. 163.3167, F.S.; authorizing a local
4 government to retain an existing initiative or
5 referendum process relating to a local comprehensive
6 plan amendment or map amendment in certain
7 circumstances; providing legislative intent; providing
8 for retroactive application; providing an effective
9 date.

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

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

15 163.3167 Scope of act.—

16 (8) An initiative or referendum process relating to a ~~in~~
17 ~~regard to any~~ development order or a ~~in regard to any~~ local
18 comprehensive plan amendment or map amendment is prohibited.
19 However, an initiative or referendum process relating to a local
20 comprehensive plan amendment or map amendment is allowed if it
21 was in effect before June 2, 2011, affects six or more parcels
22 of land, and is expressly authorized by specific language in a
23 local government charter ~~any local government charter provision~~
24 ~~that was in effect as of June 1, 2011, for an initiative or~~
25 ~~referendum process in regard to development orders or in regard~~
26 ~~to local comprehensive plan amendments or map amendments may be~~
27 ~~retained and implemented.~~

28 Section 2. The Legislature intended that s. 7, chapter
29 2011-139, Laws of Florida, apply only to a local government

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30 charter provision created on or after its effective date, not to
31 a provision created before the effective date. In enacting s. 1,
32 chapter 2012-99, Laws of Florida, the Legislature intended to
33 clarify s. 7, chapter 2011-139, Laws of Florida, by
34 grandfathering applicable charter provisions created before June
35 2, 2011. The amendment to s. 163.3167, Florida Statutes, made by
36 this act is intended to clarify s. 1, chapter 2012-99, Laws of
37 Florida, is remedial in nature, and applies retroactively to
38 June 2, 2011. Any initiative or referendum process contrary to
39 this section is void and of no legal effect.

40 Section 3. Except as otherwise expressly provided in
41 section 2., this act shall take effect upon becoming a law.