

Bill No. CS for CS for SB 162

Amendment No. \_\_\_\_ Barcode 315616

CHAMBER ACTION

Senate

House

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Senator Geller moved the following amendment:

**Senate Amendment (with title amendment)**

On page 2, between lines 2 and 3,

insert:

Section 2. Paragraphs (c) and (d) are added to subsection (1) of section 163.3174, Florida Statutes, to read:

163.3174 Local planning agency.--

(1) The governing body of each local government, individually or in combination as provided in s. 163.3171, shall designate and by ordinance establish a "local planning agency," unless the agency is otherwise established by law. Notwithstanding any special act to the contrary, all local planning agencies or equivalent agencies that first review rezoning and comprehensive plan amendments in each municipality and county shall include a representative of the school district appointed by the school board as a nonvoting member of the local planning agency or equivalent agency to attend those meetings at which the agency considers comprehensive plan amendments and rezonings that would, if

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1 approved, increase residential density on the property that is  
2 the subject of the application. However, this subsection does  
3 not prevent the governing body of the local government from  
4 granting voting status to the school board member. The  
5 governing body may designate itself as the local planning  
6 agency pursuant to this subsection with the addition of a  
7 nonvoting school board representative. The governing body  
8 shall notify the state land planning agency of the  
9 establishment of its local planning agency. All local planning  
10 agencies shall provide opportunities for involvement by  
11 applicable community college boards, which may be accomplished  
12 by formal representation, membership on technical advisory  
13 committees, or other appropriate means. The local planning  
14 agency shall prepare the comprehensive plan or plan amendment  
15 after hearings to be held after public notice and shall make  
16 recommendations to the governing body regarding the adoption  
17 or amendment of the plan. The agency may be a local planning  
18 commission, the planning department of the local government,  
19 or other instrumentality, including a countywide planning  
20 entity established by special act or a council of local  
21 government officials created pursuant to s. 163.02, provided  
22 the composition of the council is fairly representative of all  
23 the governing bodies in the county or planning area; however:  
24       (a) If a joint planning entity is in existence on the  
25 effective date of this act which authorizes the governing  
26 bodies to adopt and enforce a land use plan effective  
27 throughout the joint planning area, that entity shall be the  
28 agency for those local governments until such time as the  
29 authority of the joint planning entity is modified by law.  
30       (b) In the case of chartered counties, the planning  
31 responsibility between the county and the several

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1 municipalities therein shall be as stipulated in the charter.  
2       (c) In recognition of the need to allow municipalities  
3 in highly populated urban counties in which most of the  
4 population of the county is located within municipalities to  
5 address land use planning issues on a municipal basis, in  
6 charter counties that have populations greater than 1.5  
7 million people and have less than 10 percent of the countywide  
8 population within the unincorporated area of the county, the  
9 municipalities within such counties shall, except as otherwise  
10 expressly provided in this paragraph, have the option to  
11 exercise exclusive land use planning authority. This exclusive  
12 land use planning authority includes, platting, zoning, the  
13 adoption and amendment of comprehensive plans in accordance  
14 with this act and the issuance of development orders for the  
15 area under municipal jurisdiction. the exercise of this option  
16 shall require the municipality to adopt a resolution approving  
17 the exercise of exclusive land use planning authority and  
18 submit to the electorate of the municipality a ballot question  
19 which states, "Shall the (Name of Municipality) exercise  
20 exclusive land use planning authority within (Name of  
21 Municipality) for platting, zoning, the adoption and amendment  
22 of comprehensive plans and the issuance of development order".  
23 If the ballot question is approved by a majority of those  
24 casting a vote on the question, the municipality shall have  
25 exclusive land use planning authority effective ninety (90)  
26 days following voter approval. Municipalities whose land use  
27 planning authority becomes exclusive pursuant to this  
28 paragraph may amend their comprehensive plans one additional  
29 time in the year in which its land use planning authority  
30 becomes exclusive or in the following year, without regard to  
31 the twice-a-year restriction in s. 163.3187(1), to provide for

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1 amendments the municipality determines to be necessary or  
2 appropriate for the transition. Development orders issued by a  
3 charter county within a municipality prior to the municipality  
4 assuming exclusive land use planning authority shall remain  
5 valid for the effective period of the development order unless  
6 an application for an amendment to the development order is  
7 approved by the municipality in accordance with the procedures  
8 of the municipality for amending development orders. This  
9 paragraph does not affect the authority of a charter county  
10 subject to this paragraph to adopt and enforce countywide  
11 impact fees. Effective upon a municipality obtaining exclusive  
12 land use planning authority pursuant to this provision, the  
13 level of service for county facilities in the municipalities  
14 shall be the level of service that was applied by the county  
15 on the date that the municipality adopted the resolution  
16 approving the exercise of exclusive land use planning  
17 authority and submitting the ballot question to the electorate  
18 of the municipality. In order for any future change in level  
19 of service for county facilities to become effective within a  
20 municipality that obtains exclusive land use planning  
21 authority pursuant to this provision, the change in the level  
22 of service shall require the approval of both the affected  
23 municipality and the county, as evidenced by both the  
24 municipality and county adopting the amended level of service  
25 for the county facilities into their respective comprehensive  
26 plans. In municipalities that obtain exclusive land use  
27 planning authority, the county shall, if requested by the  
28 municipality, and upon the payment of a reasonable fee, review  
29 and advise the municipality as to whether proposed mitigation  
30 of traffic impacts that are to be provided by improvements to  
31 county roadways meet the county's permit criteria for

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1 improvements to county roadways. Nothing in this paragraph  
2 shall be interpreted to affect a county's permit authority  
3 with respect to county roadways. This paragraph applies  
4 notwithstanding any other law.

5 (d) A charter county that is not subject to paragraph  
6 (c) may exercise such authority over municipalities and  
7 districts within its boundaries as is provided for in its  
8 charter.

9  
10 (Redesignate subsequent sections.)

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12  
13 ===== T I T L E A M E N D M E N T =====

14 And the title is amended as follows:

15 On page 1, line 10, after the semicolon,

16

17 insert:

18 amending s. 163.3174, F.S.; allowing  
19 municipalities in highly populated urban  
20 charter counties with a population greater than  
21 a specified number to have the option to  
22 exercise exclusive land use planning authority,  
23 including over the unincorporated area of the  
24 county; providing that the land use authority  
25 includes platting, zoning, and the adoption and  
26 amendment of comprehensive plan; requiring the  
27 municipality to adopt a resolution approving  
28 the exercise of exclusive land use planning  
29 authority and to submit to a ballot question to  
30 the electorate;

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