

By Senator Detert

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1 A bill to be entitled
2 An act relating to growth management; amending s.
3 163.3167, F.S.; revising restrictions on an initiative
4 or referendum process with regard to local
5 comprehensive plan amendments and map amendments;
6 providing an effective date.

7
8 Be It Enacted by the Legislature of the State of Florida:
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10 Section 1. Paragraphs (b) and (c) of subsection (8) of
11 section 163.3167, Florida Statutes, are amended to read:

12 163.3167 Scope of act.—

13 (8)

14 (b) An initiative or referendum process in regard to any
15 local comprehensive plan amendment or map amendment is
16 prohibited unless. ~~However, an initiative or referendum process~~
17 ~~in regard to any local comprehensive plan amendment or map~~
18 ~~amendment that affects more than five parcels of land is allowed~~
19 if it is expressly authorized by specific language in a local
20 government charter that was lawful and in effect on June 1,
21 2011. A general local government charter provision for an
22 initiative or referendum process is not sufficient.

23 (c) It is the intent of the Legislature that initiative and
24 referendum be prohibited in regard to any development order. It
25 is the intent of the Legislature that initiative and referendum
26 be prohibited in regard to any local comprehensive plan
27 amendment or map amendment, except as specifically and narrowly
28 allowed by ~~permitted in paragraph (b) with regard to local~~
29 ~~comprehensive plan amendments that affect more than five parcels~~

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30 ~~of land or map amendments that affect more than five parcels of~~
31 ~~land.~~ Therefore, the prohibition on initiative and referendum
32 stated in paragraphs (a) and (b) is remedial in nature and
33 applies retroactively to any initiative or referendum process
34 commenced after June 1, 2011, and any such initiative or
35 referendum process ~~that has been~~ commenced or completed
36 thereafter is ~~hereby~~ deemed null and void and of no legal force
37 and effect.

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