

STORAGE NAME: h1717z.ca
DATE: May 22, 2000

****AS PASSED BY THE LEGISLATURE****
CHAPTER #: 00-469, Laws of Florida

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
COMMUNITY AFFAIRS
FINAL ANALYSIS - LOCAL LEGISLATION**

BILL #: HB 1717
RELATING TO: City of Pensacola
SPONSOR(S): Representative J. Miller and others
TIED BILL(S): None

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) COMMUNITY AFFAIRS (PRC) YEAS 10 NAYS 0
 - (2)
 - (3)
 - (4)
 - (5)
-

I. SUMMARY:

This bill repeals obsolete provisions relating to the City of Pensacola's Planning Board formed in 1931 by authority of the City's charter.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|------------------------------|-----------------------------|---|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. PRESENT SITUATION:

City Charter's Planning Board Provision

Pensacola's City Planning Board was created in 1931 and can be found as section 61 of the City's Charter. As subsequently amended, this board has seven members, one member being designated by the City Manager, while the other six members are appointed by the City Council on the basis of their knowledge of City Planning. Board members must be residents of Pensacola. Board duties include making studies and recommendations for improvements, considering highways, bridges, etc. as it relates to new or altered subdivisions, and considering public utilities and services for both within the city and within a radius of 50 miles from the city. Each year, the Board is required to file an annual report with the City Council summarizing its activities and recommendations.

Actions by the City Council or other branch of city government that affect the city plan must be submitted to the Board for report and recommendations. In addition, the Board may also report to the City Council on any matter that it feels effects the city plan. Matters referred to the Board by the City Council must be acted upon within thirty days of referral, unless a shorter response is requested.

The Board is authorized to appoint a secretary and city planners. The city planner must be approved by the City Council. The city's engineer is the chief engineer of the Board with one of its duties being recommending a comprehensive plan and engineering works. In addition, the city's executive health officer advises the Board on any improvements that would improve the healthfulness of the city. Finally, the Board is authorized to call upon any branch of city government for information.

City Land Development Code's Planning Board Provision

The planning board created under section 12-13-2 of the Local Code Development Code consists of seven members. Six of the members are appointed by the City council and one member is appointed by the City manager. One of the appointees is required to be a licensed Florida architect. In addition, members may not be a paid employee or elected official of the City. Members serve for two year terms. Four members of the planning board constitute a quorum, and the affirmative vote of the majority of a quorum is necessary to take any action.

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The planning board is authorized to appoint a secretary who has experience in city planning. The city's engineer is the chief engineer of the planning board. Finally, the planning board is authorized to call upon any branch of city government for information and advice.

The planning board's authority and duties include advising the City council concerning the city's comprehensive plan and plan amendments; reviewing and recommending council ordinances that promote development according to the comprehensive plan; hearing and submitting recommendations on land use matters, such as zoning changes and subdivision plats; initiating studies on the location and adequacy of specific facilities; and scheduling and conducting public meetings and hearings pertaining to land development.

C. EFFECT OF PROPOSED CHANGES:

This bill repeals obsolete provisions from Pensacola's City Charter relating to the City's planning board. These provisions are obsolete and do not conform with the modern practices of the City's planning board. Currently, a planning board is provided for in the City's land development code. This code sets forth modern standards of operation for the City Council appointed planning board. The planning board created under the City's land development code is not effected by this repeal and will continue to operate under the standards sets forth by the City Council.

D. SECTION-BY-SECTION ANALYSIS:

Section 1: Repeals section 61 of chapter 15425, Laws of Florida, 1931, chapter 23474, Laws of Florida, 1945, and chapter 79-552, Laws of Florida.

Section 2: Provides effective date of upon becoming a law.

III. NOTICE/REFERENDUM AND OTHER REQUIREMENTS:

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? January 29, 2000

WHERE? Pensacola News Journal; Pensacola, Escambia County

B. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes, attached No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached No

IV. COMMENTS:

A. CONSTITUTIONAL ISSUES:

N/A

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B. RULE-MAKING AUTHORITY:

N/A

C. OTHER COMMENTS:

None

V. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

None

VI. SIGNATURES:

COMMITTEE ON COMMUNITY AFFAIRS:

Prepared by:

Staff Director:

Laura L. Jacobs, Esq.

Joan Highsmith-Smith

FINAL ANALYSIS PREPARED BY THE COMMITTEE ON COMMUNITY AFFAIRS:

Prepared by:

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