

By Representative Constantine

1 A bill to be entitled
2 An act relating to growth management; creating
3 the Growth Management Study Commission;
4 providing for appointment and qualification of
5 members; providing duties of the commission;
6 providing for public hearings; providing for an
7 executive director and technical advisory
8 committees; requiring reports; providing duties
9 of the Department of Community Affairs;
10 providing an appropriation; providing an
11 effective date.
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13 WHEREAS, Florida's growth management system is an
14 integral part of this state's governance and planning and
15 should be periodically reviewed in order to assure that it is
16 functioning in a manner that will achieve the objectives of
17 the law and enhance the health and welfare of the citizens of
18 the State of Florida, and
19 WHEREAS, in accordance with section 186.002(1)(d),
20 Florida Statutes, regular evaluation of the state
21 comprehensive plan, including its growth management
22 provisions, is necessary to inform the public whether state
23 goals are being attained, and necessary revisions should be
24 prepared through coordinated action by state and regional
25 agencies and local governments, and
26 WHEREAS, all local governments have comprehensive
27 growth management plans in force and effect, and
28 WHEREAS, the Legislature finds there is a need to
29 reconsider the balance between local and state control over
30 growth management related issues, and
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1 WHEREAS, the Legislature finds there is a need to
2 develop and implement a more effective and efficient process
3 for resolving intergovernmental growth management related
4 disputes, NOW, THEREFORE,

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

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8 Section 1. (1) The Growth Management Study Commission
9 is created. The commission shall be composed of 19 voting
10 members, 7 of whom are to be appointed by the Governor, 6 of
11 whom are to be appointed by the President of the Senate, and 6
12 of whom are to be appointed by the Speaker of the House of
13 Representatives. In addition, the Commissioner of Agriculture,
14 the Secretary of Community Affairs, the secretary of the
15 Department of Environmental Protection, the Secretary of
16 Transportation, and the executive director of the Fish and
17 Wildlife Conservation Commission, or their designees, shall
18 serve as ex officio nonvoting members of the commission. The
19 Governor's appointments must include one appointment from each
20 of the following interest groups:

21 (a) Business interests such as development and real
22 estate.

23 (b) Agricultural interests such as farming, forestry,
24 aquaculture, and silvaculture.

25 (c) Environmental interests such as resource-based
26 conservation and environmental quality and conservation
27 groups.

28 (d) Community representatives such as citizen groups,
29 not-for-profit community associations, citizen planners, and
30 affordable housing groups.

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1 (e) Local and regional governments such as
2 municipalities, counties, special districts, metropolitan
3 planning organizations, and regional planning councils.

4 (f) Growth management and planning specialists such as
5 professional planners, attorneys, engineers, and architects.

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7 The President of the Senate and the Speaker of the House of
8 Representatives shall each select one appointment from each of
9 the six categories listed in paragraphs (a)-(f) and, in
10 addition, shall each appoint two members from their respective
11 houses of the Legislature to serve on the commission as ex
12 officio nonvoting members. Appointments under this subsection
13 shall be made by July 1, 2000, and the first meeting of the
14 commission shall be held no later than August 1, 2000. The
15 chair of the commission shall be elected from the voting
16 members by the majority of the membership at its first
17 meeting. Any vacancy occurring in the membership of the
18 commission shall be filled in the same manner as the original
19 appointment.

20 (2) The voting members of the commission are entitled
21 to one vote, and action of the commission shall require a
22 two-thirds vote of the members present. However, action of the
23 commission may be taken only at a meeting at which a majority
24 of the commission members are present.

25 (3) The commission shall review the operation and
26 implementation of Florida's growth management laws, including
27 chapters 163, 186, 187, and 380, Florida Statutes, for the
28 purpose of formulating specific recommendations relating to
29 the following:

30 (a) Simplification, streamlining, or elimination of
31 the development of regional impact, areawide development of

1 regional impact, and the Florida Quality Developments program,
2 together with applicable amendment processes and procedures,
3 including, without limitation, those pertaining to substantial
4 deviations under s. 380.06(19)(b), Florida Statutes.

5 (b) Increased utilization of intergovernmental
6 coordination for purposes including resolution of interlocal
7 disputes through alternative dispute mechanisms, delivery of
8 services, infrastructure financing and development, and
9 establishing joint-use facilities.

10 (c) Identification of compelling state interests for
11 purposes of state comprehensive planning, as well as for
12 defining the appropriate role of the state in both regulating
13 and facilitating local and regional growth management.

14 (d) Simplification and streamlining of the processes
15 and procedures for enforcement of local comprehensive plans,
16 plan amendments, development orders, and land development
17 regulations.

18 (e) Identification of the appropriate role of the
19 state in local and regional growth management, including,
20 without limitation, the review of local comprehensive plans,
21 plan amendments, and evaluation and appraisal reports, as well
22 as provision of further financial and technical assistance to
23 local governments and regional entities to facilitate the
24 development and implementation of local and regional growth
25 management planning.

26 (f) Identification of the appropriate role of regional
27 planning councils and metropolitan planning organizations in
28 both regulating and facilitating local or regional growth
29 management.

30 (g) Simplification and streamlining of optional sector
31 planning, to include, without limitation, increasing the

- 1 number of allowable optional sector plans and eliminating
2 minimum acreage requirements.
- 3 (h) Protection of agricultural and other working
4 lands.
- 5 (i) Review of the effectiveness of state growth
6 management pilot projects such as the sustainable communities
7 program, sector planning, and small scale amendments.
- 8 (j) Citizen participation and challenges to local
9 government comprehensive plans, plan amendments, development
10 orders, and land development regulations.
- 11 (k) Consolidation of the 30-day preliminary review
12 period with the 30-day commenting period set forth in s.
13 163.3184(4), Florida Statutes, and elimination of the
14 requirement for publication of notice of compliance set forth
15 in s. 163.3184(8)(b), Florida Statutes.
- 16 (l) Consideration of the sufficiency of existing
17 concurrency requirements and the need for the inclusion of
18 school siting as a component of comprehensive planning.
- 19 (m) Replacement of development-of-regional-impact
20 review of airports with a process that implements Federal
21 Aviation Authority planning and local comprehensive planning.
- 22 (n) Elimination of marinas and petroleum storage
23 facilities from development-of-regional-impact review
24 conditioned on impacts being otherwise adequately addressed.
- 25 (o) Identification of the appropriate role of state
26 and local acquisition of and compensation for private property
27 rights and easements in the growth management process.
- 28 (p) Simplification and streamlining of annexation
29 procedures and consideration of the appropriate relationship
30 between annexation and the growth management process.
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1 (4) At least six public hearings must be held by the
2 commission in different regions of the state to solicit input
3 from the public on how they want the state, regional agencies,
4 and their municipalities and counties to manage growth.

5 (5) The commission shall, by February 1, 2001, provide
6 to the President of the Senate, the Speaker of the House of
7 Representatives, and the Governor an interim written report of
8 all specific recommendations, including legislative
9 recommendations, which it has then formulated. A final
10 written report shall be likewise provided to the same officers
11 by February 1, 2002.

12 (6) The commission may establish and appoint any
13 necessary technical advisory committees. Commission members,
14 and the members of any technical advisory committees that are
15 appointed, shall not receive remuneration for their services,
16 but members other than public officers and employees shall be
17 entitled to be reimbursed by the Department of Community
18 Affairs for travel or per diem expenses in accordance with
19 chapter 112, Florida Statutes. Public officers and employees
20 shall be reimbursed by their respective agencies in accordance
21 with chapter 112, Florida Statutes.

22 (7) The commission may select an executive director
23 who shall report to the commission and serve at its pleasure.
24 The Department of Community Affairs shall provide other staff
25 and consultants after consultation with the commission.
26 Funding for these expenses shall be provided through the
27 Department of Community Affairs.

28 (8) All agencies under the control of the Governor are
29 directed, and all other agencies are requested, to render
30 assistance and cooperation to the commission.

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1 (9) The commission shall continue in existence until
 2 its objectives are achieved, but not later than February 1,
 3 2002.

4 Section 2. The sum of \$250,000 is appropriated from
 5 the General Revenue Fund to the Department of Community
 6 Affairs' Division of Community Planning Grants and Donations
 7 Trust Fund to implement the provisions of this act.

8 Section 3. This act shall take effect upon becoming a
 9 law.

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12 HOUSE SUMMARY

13 Creates a Growth Management Study Commission to review
 14 the operation and implementation of Florida's growth
 15 management statutes and formulate recommendations in
 16 specified areas. Requires reports to the Legislature and
 Governor by February 1, 2001, and February 1, 2002.
 17 Provides an appropriation to the Department of Community
 Affairs.

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.