

By Representative Merchant

1                                   A bill to be entitled  
2           An act relating to growth management; creating  
3           the Growth-Management Advisory Committee;  
4           providing for committee membership and purpose;  
5           providing an appropriation; providing an  
6           effective date.

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8           WHEREAS, the protection of Florida's land and water  
9           resources is essential to the existence of our residents'  
10          quality of life and a strong economy, and

11          WHEREAS, Florida's extreme population growth continues  
12          to stress the state's natural resources and to degrade the  
13          state's public infrastructure, and

14          WHEREAS, in 1972, in an effort to provide for adequate  
15          planning and guidance for growth and new development within  
16          the state, the Florida Legislature enacted chapter 380,  
17          Florida Statutes, the Florida Environmental Land and Water  
18          Management Act of 1972, and

19          WHEREAS, as part of chapter 380, the Legislature  
20          created an Environmental Land Management Study Committee to  
21          recommend necessary changes in legislation, draft model  
22          development ordinances, and review and comment upon the status  
23          and effectiveness of agencies involved in land and water  
24          management, and

25          WHEREAS, in 1982, Governor Graham established the  
26          second Environmental Land Management Study Committee in order  
27          to review the need for growth-management legislation to  
28          balance environmental protection and economic concerns, and

29          WHEREAS, in 1984, the Legislature revised chapters 186  
30          and 187, Florida Statutes, the State and Regional Planning Act

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1 of 1984, in an effort to guide state and regional planning  
2 activities, and

3           WHEREAS, in 1985, in an effort to improve planning for  
4 growth and new development within the state, the Florida  
5 Legislature enacted chapter 163, part II, Florida Statutes,  
6 the Local Government Comprehensive Planning and Land  
7 Development Regulation Act, commonly referred to as the Growth  
8 Management Act, and

9           WHEREAS, in 1991, Governor Chiles established the third  
10 Environmental Land Management Study Committee to review the  
11 challenges that growth will continue to create for the state,  
12 and

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 ensure that it is  
16 functioning in a manner that will achieve the objectives of  
17 the law, and

18           WHEREAS, all local comprehensive plans required by the  
19 act have now been filed with the Department of Community  
20 Affairs and a substantial majority of those plans have been  
21 determined to be in compliance with the applicable statutes  
22 and rules, and

23           WHEREAS, the state is at a critical phase in the  
24 implementation of the Growth Management Act, and now is the  
25 appropriate time to assess the current status of the system  
26 and to determine what, if any, adjustments are needed to  
27 ensure that the next phases in the growth-management system  
28 will guide the state into a vibrant future, and

29           WHEREAS, cooperation and consensus are appropriate to  
30 the goals and purposes of the growth-management system in  
31 order to ensure that the benefits that growth offers are

1 maximized while negative effects are minimized, NOW,  
2 THEREFORE,

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

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6 Section 1. (1) The Growth-Management Advisory  
7 Committee is created. The committee shall be composed of 20  
8 members, 10 of whom are to be appointed by the Governor, 5 of  
9 whom are to be appointed by the President of the Senate, and 5  
10 of whom are to be appointed by the Speaker of the House of  
11 Representatives. Membership of the committee must consist of  
12 persons from the public sector and the private sector and  
13 represent the broad range of interests covered by  
14 comprehensive planning, including individuals from the  
15 business, agricultural, development, environmental, real  
16 estate, and planning communities, as well as state, regional,  
17 and local governments. The appointments must be made by July  
18 15, 2000, and the Secretary of Community Affairs is to serve  
19 as the chair of the committee. Any vacancy occurring in the  
20 membership of the committee is to be filled in the same manner  
21 as the original appointment.

22 (2) The members of the committee are entitled to one  
23 vote, and action of the committee is not binding unless taken  
24 at a meeting at which a majority of the total number of votes  
25 are cast in favor thereof. Action of the committee may be  
26 taken only at a meeting at which a majority of the committee  
27 members is present.

28 (3) The committee shall review the operation and  
29 implementation of Florida's growth-management statutes,  
30 including chapters 380, 163, 187, and 186, Florida Statutes,  
31 and shall make recommendations for improving the state's

- 1 system for managing growth. It may also establish and appoint  
2 any necessary technical advisory committees. The committee is  
3 requested, to the extent practicable, to specifically address  
4 and, if appropriate, make recommendations for improving the  
5 growth-management system with respect to the following issues:  
6 (a) The roles and adequacy of the State Comprehensive  
7 Plan.  
8 (b) Adequacy of provisions related to enforcement of  
9 local plans.  
10 (c) Funding public infrastructure.  
11 (d) The appropriate role of the  
12 development-of-regional-impact process in the context of  
13 implementing local comprehensive planning.  
14 (e) The role and character of regional units of  
15 government and metropolitan planning organizations and their  
16 relationships to state and local governments.  
17 (f) Ensuring concurrency in an efficient, predictable,  
18 and reasonable manner.  
19 (g) The content requirements for evaluation and  
20 appraisal reports and recommended procedures for their review  
21 by the Department of Community Affairs.  
22 (h) Reviewing the effectiveness of state pilot  
23 projects such as the Sustainable Communities Program, Sector  
24 Planning, and Small-Scale Amendments.  
25 (i) Challenges to local-government comprehensive plan  
26 development orders, land development regulations, and local  
27 plan amendments.  
28 (j) State review and approval of local-government  
29 comprehensive plan amendments.  
30 (k) Citizen-participation process and access to the  
31 growth-management system.

- 1           (1) The role of the Governor and Cabinet.  
2           (4) At least three public hearings must be held by the  
3 committee to solicit input from the public on how they want  
4 their municipalities and counties to manage growth.  
5           (5) The committee shall, by January 15, 2001, provide  
6 to the President of the Senate, the Speaker of the House of  
7 Representatives, and the Governor a written report containing  
8 specific recommendations for improving the state's  
9 implementation of its land and water resource management and  
10 programs, and a written report containing final legislative  
11 recommendations to improve land and water resource management  
12 and growth-management programs.  
13           (6) Committee members, and the members of any  
14 technical advisory committee that is appointed, shall not  
15 receive remuneration for their services, but members other  
16 than public officers and employees shall be entitled to  
17 reimbursement by the Department of Community Affairs for  
18 travel or per diem expenses in accordance with chapter 112,  
19 Florida Statutes. Public officers and employees shall be  
20 reimbursed by their respective agencies in accordance with  
21 chapter 112, Florida Statutes.  
22           (7) An executive director may be employed, and the  
23 Department of Community Affairs shall provide other staff and  
24 consultants after consultation with the committee. Funding for  
25 these expenses shall be provided through the Department of  
26 Community Affairs. The committee shall receive supplemental  
27 financial and other assistance from other agencies under the  
28 Governor's direct supervision and such additional assistance  
29 as is appropriate from the Executive Office of the Governor.  
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1       (8) All agencies under the control of the Governor are  
2 directed, and all other agencies are requested, to render  
3 assistance and cooperation to the committee.

4       (9) The committee shall continue in existence until  
5 its objectives are achieved, but not later than January 31,  
6 2001.

7       Section 2. The sum of \$250,000 is appropriated from  
8 the General Revenue Fund to the Department of Community  
9 Affairs' Operating Trust Fund to implement the provisions of  
10 this act.

11       Section 3. This act shall take effect upon becoming a  
12 law.

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15                                   LEGISLATIVE SUMMARY

16       Creates the Growth-Management Advisory Committee for the  
17       purpose of making specific recommendations to the  
18       Legislature and the Governor for improving the  
19       administration of land and water resource management laws  
20       and programs.

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