

By Senators Lee, Latvala, Carlton and Sebesta

23-641-00

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

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

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

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

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

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

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

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 assure 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 assure 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 assure 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 to be appointed by the Governor, 5 of whom
9 are to be appointed by the President of the Senate, and 5 of
10 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, agriculture, 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 are present.

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

1 improving the state's system for managing growth. It may also
2 establish and appoint any necessary technical advisory
3 committees. The committee is requested, to the extent
4 practicable, to specifically address and, if appropriate, make
5 recommendations for improving the growth-management system
6 with respect to the following issues:

7 (a) The roles and adequacy of the State Comprehensive
8 Plan.

9 (b) Adequacy of provisions related to enforcement of
10 local plans.

11 (c) Funding public infrastructure.

12 (d) The appropriate role of the
13 development-of-regional-impact process in the context of
14 implementing local comprehensive planning.

15 (e) The role and character of regional units of
16 government and metropolitan planning organizations and their
17 relationships to state and local governments.

18 (f) Assuring concurrency in an efficient, predictable,
19 and reasonable manner.

20 (g) The content requirements for Evaluation and
21 Appraisal Reports and recommended procedures for their review
22 by the Department of Community Affairs.

23 (h) Reviewing the effectiveness of state pilot
24 projects such as the Sustainable Communities Program, Sector
25 Planning, and Small-Scale Amendments.

26 (i) Challenges to local-government comprehensive plan
27 development orders, land development regulations and local
28 plan amendments.

29 (j) State review and approval of local-government
30 comprehensive plan amendments.

31

1 (k) Citizen-participation process and access to the
2 growth-management system.

3 (1) The role of the Governor and Cabinet.

4 (4) At least three public hearings must be held by the
5 committee to solicit input from the public on how they want
6 their municipalities and counties to manage growth.

7 (5) The committee shall, by January 15, 2001, provide
8 to the President of the Senate, the Speaker of the House of
9 Representatives, and the Governor a written report containing
10 specific recommendations for improving the state's
11 implementation of its land and water resource management and
12 programs, and a written report containing final legislative
13 recommendations to improve land and water resource management
14 and growth-management programs.

15 (6) Committee members, and the members of any
16 technical advisory committee that is appointed, shall not
17 receive remuneration for their services, but members other
18 than public officers and employees shall be entitled to be
19 reimbursed by the Department of Community Affairs for travel
20 or per diem expenses in accordance with chapter 112, Florida
21 Statutes. Public officers and employees shall be reimbursed by
22 their respective agencies in accordance with chapter 112,
23 Florida Statutes.

24 (7) An executive director may be employed, and the
25 Department of Community Affairs shall provide other staff and
26 consultants after consultation with the committee. Funding for
27 these expenses will be provided through the Department of
28 Community Affairs. The committee shall receive supplemental
29 financial and other assistance from other agencies under the
30 Governor's direct supervision and such additional assistance
31 as is appropriate from the Executive Office of the Governor.

