

By the Committee on Comprehensive Planning, Local and Military Affairs; and Senators Lee, Latvala, Carlton and Sebesta

316-1108-00

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A bill to be entitled
An act relating to growth management; creating
the Grow Smart Florida Study Commission;
providing for commission membership and
purpose; providing an appropriation; providing
an effective date.

WHEREAS, the protection of Florida's land and water
resources 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 Grow Smart Florida Study
7 Commission is created. The commission shall be composed of 25
8 members, 10 of whom are to be appointed by the Governor, 7 of
9 whom are to be appointed by the President of the Senate, and 7
10 of whom are to be appointed by the Speaker of the House of
11 Representatives. In addition, the Secretary of the Department
12 of Community Affairs shall serve as a voting member of the
13 commission and the secretaries of the Department of
14 Environmental Protection and the Department of Transportation
15 and the Executive Director of the Fish and Wildlife
16 Conservation Commission shall serve as ex-officio nonvoting
17 members of the commission. The Governor's appointments must
18 include two appointments from each of the following groups of
19 interests:

20 (a) Business interests including, but not limited to,
21 development, agriculture, real estate, and
22 forestry/silviculture.

23 (b) Environmental interests including, but not limited
24 to, environmental justice groups, resource-based conservation
25 and outdoor conservation groups, and environmental quality and
26 conservation groups.

27 (c) Community participants including, but not limited
28 to, citizen groups, not-for-profit community associations,
29 citizen planners, and affordable housing groups.

30 (d) Local and regional governments including, but not
31 limited to, municipalities, counties, special districts,

1 metropolitan planning organizations, and regional planning
2 councils.

3 (e) Growth management and planning specialists
4 including, but not limited to, professional planners,
5 attorneys, engineers, and architects.

6
7 The Senate President and the Speaker of the House of
8 Representatives shall each select one appointment from each of
9 the five categories listed above and shall also appoint two
10 members from their respective houses of the Legislature to
11 serve on the commission. The appointments must be made by July
12 1, 2000, and the first meeting of the commission shall be held
13 no later than August 1, 2000. The chairman of the commission
14 shall be elected by the majority of the membership at its
15 first meeting. Any vacancy occurring in the membership of the
16 commission is to be filled in the same manner as the original
17 appointment.

18 (2) The members of the commission are entitled to one
19 vote, and action of the commission is not binding unless taken
20 by a two-thirds vote of the members present. However, action
21 of the commission may be taken only at a meeting at which a
22 majority of the commission members are present.

23 (3) The commission shall review the operation and
24 implementation of Florida's growth-management statutes,
25 including chapter 380, chapter 163, chapter 187, and chapter
26 186, Florida Statutes, and shall make recommendations for
27 improving the state's system for managing growth. It may also
28 establish and appoint any necessary technical advisory
29 committees. The commission is requested, to the extent
30 practicable, to specifically address and, if appropriate, make
31 recommendations for improving the growth-management system

1 with respect to the following issues, including, but not
2 limited to:

3 (a) Identification of the goals and desired outcomes
4 of state, regional, and local comprehensive planning.

5 (b) Identification of compelling state interests as
6 part of the State Comprehensive Plan.

7 (c) Enforcement of local plan provisions.

8 (d) The appropriate relationship between
9 infrastructure funding and comprehensive planning.

10 (e) The appropriate role of the
11 development-of-regional-impact process in the context of
12 implementing local comprehensive planning.

13 (f) The role and character of regional units of
14 government and metropolitan planning organizations and their
15 relationships to state and local governments.

16 (g) Methods of accomplishing intergovernmental
17 coordination.

18 (h) The relationship between local government
19 comprehensive plans, annexations, and joint planning
20 agreements between cities and counties.

21 (i) Assuring concurrency in an efficient, predictable,
22 and reasonable manner.

23 (j) The content requirements for Evaluation and
24 Appraisal Reports and recommended procedures for their review
25 by the Department of Community Affairs.

26 (k) Review of the effectiveness of state pilot
27 projects such as the Sustainable Communities Program, Sector
28 Planning, and Small-Scale Amendments.

29 (l) Citizen participation and challenges to
30 local-government comprehensive plans, plan amendments,
31 development orders, and land development regulations.

1 (m) State review and approval of local-government
2 comprehensive plan amendments.

3 (n) The process of appealing development order and
4 comprehensive plan amendment decisions, including the
5 appropriate role of the Governor and Cabinet.

6 (o) Development of a growth management rural policy.

7 (4) At least six public hearings must be held by the
8 commission in different regions of the state to solicit input
9 from the public on how they want the state, regional agencies,
10 and their municipalities and counties to manage growth.

11 (5) The commission shall, by February 1, 2001, provide
12 to the President of the Senate, the Speaker of the House of
13 Representatives, and the Governor a written report containing
14 specific recommendations, including legislative
15 recommendations, for improving the state's ability to better
16 manage Florida's growth in the Twenty-First Century.

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

26 (7) An executive director must be selected by the
27 Governor, subject to the approval of the commission. The
28 executive director serves at the pleasure of and reports to
29 the commission. The Department of Community Affairs shall
30 provide other staff and consultants after consultation with
31 the commission. Funding for these expenses will be provided

1 through the Department of Community Affairs. The commission
2 shall receive supplemental financial and other assistance from
3 other agencies under the Governor's direct supervision and
4 such additional assistance as is appropriate from the
5 Executive Office of the Governor.

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

9 (9) The commission shall continue in existence until
10 its objectives are achieved, but not later than February 1,
11 2001.

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

16 Section 3. This act shall take effect upon becoming a
17 law.

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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 SB 758

4 Changes the name of the panel to study growth management
5 issues from the Growth Management Advisory Committee to the
6 Grow Smart Florida Study Commission.

7 Increases the membership of the commission from 20 to 25
8 members. Membership includes 10 members appointed by the
9 Governor, 7 members appointed by the Senate President, 7
10 members appointed by the Speaker of the House, and the
11 Secretary of the Department of Community Affairs.

12 Adds the Secretaries of Departments of Environmental
13 Protection & Transportation and the Executive Director of the
14 Fish & Wildlife Conservation Commission as ex-officio
15 nonvoting members of the commission.

16 Creates five specific groupings of interests to be represented
17 in the appointments to the commission: business interests;
18 environmental interests; community participants; local and
19 regional governments & growth management and planning
20 consultants. The Governor selects two appointments from each
21 group and the Senate President and the Speaker of the House
22 select one appointment from each group, in addition to
23 selecting two members from their respective membership.

24 Changes the chair of the commission from the Secretary of DCA
25 to a chair elected by the membership of the commission.

26 Provides that action of the commission requires a two-thirds
27 vote of members present.

28 Expands the charge of the commission to include:
29 identification of goals and desired outcomes of comprehensive
30 planning; identification of important state interests in the
31 comprehensive plan; the development of a rural growth
management policy; and the relationship between comprehensive
plans, annexations and joint planning agreements between
cities and counties.

Specifies that appointments to the commission must be made by
July 1, 2000, and the first meeting held by August 1, 2000.

Changes the due date of the final report from January 15, 2001
to February 1, 2001.

Requires the Governor, rather than the Secretary of DCA to
select, subject to the approval of the commission, an
Executive Director.