

By the Committees on Natural Resources; Comprehensive Planning; and Senators Bennett and Lynn

312-2493-04

1 A bill to be entitled
2 An act relating to the 2005 Smart Growth Study
3 Commission; creating the commission; providing
4 for its membership and requirements for voting;
5 providing for appointments by the Governor, the
6 President of the Senate, and the Speaker of the
7 House of Representatives; requiring the
8 Secretary of Transportation, the Secretary of
9 Community Affairs, the Secretary of
10 Environmental Protection, the Commissioner of
11 Agriculture, and the executive director of the
12 Fish and Wildlife Conservation Commission, or
13 their designees, to serve as ex officio
14 nonvoting members; requiring the commission to
15 review the state's growth management programs
16 and laws and make recommendations; requiring
17 public hearings; requiring the Department of
18 Community Affairs to provide staff support;
19 providing for expiration of the commission;
20 providing an appropriation; providing an
21 effective date.

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23 WHEREAS, economic growth is critical to Florida's
24 residents' quality of life and protection of Florida's
25 irreplaceable natural resources is of great importance to all
26 residents, and

27 WHEREAS, the Florida Legislature enacted laws in 1972,
28 1975, 1984, and 1985 to effectively manage growth and
29 development, and

30 WHEREAS, current growth patterns have resulted in
31 crowded schools and roads, inadequate funds to provide for

1 needed infrastructure, and increasing threats and damage to
2 our unique natural areas, and

3 WHEREAS, the valuable and necessary role of the public
4 in working with elected and appointed bodies to manage growth
5 has become increasingly more difficult due to time
6 constraints, costs, and legal complexities, and

7 WHEREAS, the Legislature has regularly convened study
8 commissions to review, examine, and make recommendations for
9 improving the effectiveness of growth management programs at
10 local, state, and regional levels of government, and

11 WHEREAS, the Legislature is not satisfied to continue
12 the pattern of piecemeal revisions to existing growth
13 management programs and believes a new direction for managing
14 growth must be in place as Florida assumes its position as the
15 nation's third-largest state within the next 15 years, and

16 WHEREAS, the Legislature sees a need to convene an
17 informed body to comprehensively review alternatives to better
18 manage the state's projected growth while effectively
19 addressing the impacts of existing development not currently
20 being addressed, NOW, THEREFORE,

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

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24 Section 1. (1) The 2005 Smart Growth Study Commission
25 is created. The commission shall be composed of 15 voting
26 members, five appointed by the Governor, five appointed by the
27 President of the Senate, and five appointed by the Speaker of
28 the House of Representatives. The Governor shall select a
29 chair from his or her appointees, but the chair shall vote
30 only in case of a tie vote. The secretaries of the Department
31 of Transportation, the Department of Community Affairs, and

1 the Department of Environmental Protection, the Commissioner
2 of Agriculture, and the executive director of the Fish and
3 Wildlife Conservation Commission, or their designees, shall
4 serve as nonvoting ex officio members of the commission. In
5 addition, the President of the Senate and the Speaker of the
6 House of Representatives shall each appoint two members from
7 their respective chambers to serve on the commission as
8 nonvoting ex officio members.

9 (2) Initial appointments shall be made by July 1,
10 2004, and the first meeting of the commission shall be held by
11 September 1, 2004. Any vacancy shall be filled in the same
12 manner as the original appointment. The Governor's
13 appointments shall include one representative from each of the
14 following categories:

15 (a) Business interests, including development and real
16 estate;

17 (b) Agricultural interests, including farming,
18 aquaculture, ranching, and forestry;

19 (c) Local and regional governments, including
20 municipalities, counties, special districts, metropolitan
21 planning organizations, and regional planning councils;

22 (d) Environmental interests, including nonprofit
23 organizations that promote conservation or protection of
24 natural resources; and

25 (e) Citizen organizations, including community
26 associations, citizen groups, and affordable housing groups.

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28 The appointments of voting members by the President of the
29 Senate and the Speaker of the House of Representatives must
30 also include one representative from each of the categories in
31 paragraphs (a)-(e).

1 (3) Each commission member is entitled to one vote
2 unless otherwise specified in this section. Action of the
3 commission requires a two-thirds vote of the voting members
4 present. Action may not be taken if fewer than a majority of
5 all voting members are present.

6 (4) The commission shall review the operation and
7 implementation of the state's growth management programs and
8 laws, including, but not limited to, chapters 163, 186, 187
9 and 380, Florida Statutes, for the purpose of making specific
10 recommendations relating to:

11 (a) Determining methods to substantially improve,
12 modify, or replace the current system of controls and
13 incentives for managing growth with alternatives that have a
14 higher likelihood of significantly improving the
15 growth-management system;

16 (b) Implementing programs that provide necessary
17 incentives, including financial incentives, to promote and
18 encourage the redevelopment, improvement and, where
19 appropriate, infill of existing developed areas;

20 (c) Determining the most appropriate agency,
21 combination of agencies, or the creation of a new agency to
22 effectively implement a partnership and appropriate oversight
23 role with local and regional governments for growth
24 management;

25 (d) Enhancing the ability of state residents to more
26 readily and at less cost participate at all levels of
27 decisionmaking involving growth management;

28 (e) Providing development interests with necessary
29 certainty regarding where, when, and how development will be
30 encouraged and promoted;

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1 (f) Providing coordination, incentives, and funding
2 programs that jointly share, among state, regional, and local
3 government entities, the responsibility for relieving the
4 crowded conditions in the state's schools, easing the
5 congestion on highways in the state, and protecting the
6 state's natural resources;

7 (g) Revising the development-of-regional-impact
8 process to streamline and reduce duplication in the
9 application for development approval and to make any necessary
10 changes to the criteria used in determining whether a proposed
11 change constitutes a substantial deviation requiring further
12 review; and

13 (h) Maintaining existing private property rights in a
14 growing economy so that all sectors of the state's economy
15 share in an improved quality of life.

16 (5) The commission shall hold at least eight public
17 hearings, conducted every 60 days, at different locations
18 throughout the state. At each hearing the commission shall
19 solicit input from the public on the effectiveness of
20 Florida's growth-management system, with particular attention
21 to suggestions for how local, state, and regional agencies and
22 governments can better coordinate growth-management programs.

23 (6) By January 1, 2006, the commission shall provide
24 to the Governor, the President of the Senate, and the Speaker
25 of the House of Representatives, a report with specific
26 recommendations concerning all issues identified in paragraphs
27 (4)(a)-(h). The Department of Community Affairs shall prepare
28 legislative recommendations consistent with the commission's
29 report for consideration by the 2006 Legislature.

30 (7) The commission may appoint technical advisory
31 committees. Commission members, and the members of any

1 technical advisory committee that is appointed, may not
2 receive remuneration for their services, but members other
3 than public officers and employees are entitled to be
4 reimbursed by the Department of Community Affairs for travel
5 or per diem expenses in accordance with section 112.061,
6 Florida Statutes. Public officers and employees shall be
7 reimbursed by their respective agencies in accordance with
8 section 112.061, Florida Statutes.

9 (8) The commission may appoint an executive director,
10 who shall report to the commission and serve at its pleasure.
11 The Department of Community Affairs shall provide the
12 commission and the executive director with staff assistance.
13 The department may, upon the request of the commission,
14 reimburse consultants if such costs can be funded from the
15 appropriation provided for in this act.

16 (9) All agencies under the control of the Governor are
17 directed, and all other agencies are requested, to render
18 assistance and cooperation to the commission.

19 (10) The commission shall continue in existence until
20 its public hearings and written report are complete, but not
21 later than January 1, 2006.

22 Section 2. The sum of \$300,000 is appropriated from
23 the General Revenue Fund to the Department of Community
24 Affairs for the purpose of implementing this act.

25 Section 3. This act shall take effect upon becoming a
26 law.

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
CS/SB 1174

The committee substitute creates the 2005 Smart Growth Study Commission consisting of 15 voting members. The commission is to review the implementation of the state's growth management programs and make recommendations relating to certain specified issues. The commission is required to hold at least eight public hearings to solicit input regarding better coordination of state and local growth management programs. The committee substitute allows for the appointment of an executive director and technical advisory committees. The Department of Community Affairs (DCA) must provide staff assistance to the executive director and the commission. By January 1, 2006, the commission must submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives. Based on the report, the DCA is required to prepare legislative recommendations for consideration by the 2006 Legislature. The committee substitute appropriates \$300,000 from the General Revenue Fund to DCA for the implementation of the committee substitute.