

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,

21
22 Be It Enacted by the Legislature of the State of Florida:

23
24 Section 1. ~~(1)~~ The 2005 Planning and Development
25 Study Commission is created. The commission shall be composed
26 of 15 voting members, five appointed by the Governor, five
27 appointed by the President of the Senate, and five appointed
28 by the Speaker of the House of Representatives. The Governor
29 shall select a chair from his or her appointees, but the chair
30 shall vote only in case of a tie vote. The secretaries of the
31 Department of Transportation, the Department of Community

1 Affairs, and the Department of Environmental Protection, the
2 Commissioner of Agriculture, and the executive director of the
3 Fish and Wildlife Conservation Commission, or their designees,
4 shall serve as nonvoting ex officio members of the commission.

5 In addition, the President of the Senate and the Speaker of
6 the House of Representatives shall each appoint two members
7 from 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) Municipal and county governments;

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

23 (e) Citizen organizations, including community
24 associations, citizen groups, and affordable housing groups.

25
26 The appointments of voting members by the President of the
27 Senate and the Speaker of the House of Representatives must
28 also include one representative from each of the categories in
29 paragraphs (a)-(e).

30 (3) Each commission member is entitled to one vote
31 unless otherwise specified in this section. Action of the

1 commission requires a two-thirds vote of the voting members
2 present. Action may not be taken if fewer than a majority of
3 all voting members are present.

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

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

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

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

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

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

29 (f) Providing coordination, incentives, and funding
30 programs that jointly share, among state, regional, and local
31 government entities, the responsibility for relieving the

1 crowded conditions in the state's schools, easing the
2 congestion on highways in the state, and protecting the
3 state's natural resources;

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

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

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

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

27 (7) The commission may appoint technical advisory
28 committees. Commission members, and the members of any
29 technical advisory committee that is appointed, may not
30 receive remuneration for their services, but members other
31 than public officers and employees are entitled to be

1 reimbursed by the Department of Community Affairs for travel
2 or per diem expenses in accordance with section 112.061,
3 Florida Statutes. Public officers and employees shall be
4 reimbursed by their respective agencies in accordance with
5 section 112.061, Florida Statutes.

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

13 (9) All agencies under the control of the Governor are
14 directed, and all other agencies are requested, to render
15 assistance and cooperation to the commission.

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

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

22 Section 3. This act shall take effect upon becoming a
23 law.

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

28 Changes the name of the commission from the "Smart Growth"
29 Commission to the "Planning and Development" Commission.

30 Reduces the types of governments from which the Governor is to
31 make appointments to the commission from local and regional
governments to municipal and county governments.