

1 A bill to be entitled
2 An act relating to the 2005 Planning and
3 Development Study Commission; creating the
4 commission; providing for its membership and
5 requirements for voting; providing for
6 appointments by the Governor, the President of
7 the Senate, and the Speaker of the House of
8 Representatives; requiring the Secretary of
9 Transportation, the Secretary of Community
10 Affairs, the Secretary of Environmental
11 Protection, the Commissioner of Agriculture,
12 and the executive director of the Fish and
13 Wildlife Conservation Commission, or their
14 designees, to serve as ex officio nonvoting
15 members; requiring the commission to review the
16 state's growth management programs and laws and
17 make recommendations; requiring public
18 hearings; requiring the Department of Community
19 Affairs to provide staff support; providing for
20 expiration of the commission; 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 Planning and Development
25 Study Commission is created. The commission shall be composed
26 of 19 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. In addition,
29 the President of the Senate and the Speaker of the House of
30 Representatives shall each appoint two members from their
31 respective chambers to serve as voting members of the

1 commission. The Governor shall select a chair from his or her
2 appointees. The secretaries of the Department of
3 Transportation, the Department of Community Affairs, and the
4 Department of Environmental Protection, the Commissioner of
5 Agriculture, and the executive director of the Fish and
6 Wildlife Conservation Commission, or their designees, shall
7 serve as nonvoting ex officio members of the commission.

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

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

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

18 (c) Municipal and county governments;

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

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

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

29 (3) Each commission member is entitled to one vote
30 unless otherwise specified in this section. Action of the
31 commission requires a two-thirds vote of the voting members

1 present. Action may not be taken if fewer than a majority of
2 all voting members are present.

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

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

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

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

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

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

28 (f) Providing coordination, incentives, and funding
29 programs that jointly share, among state, regional, and local
30 government entities, the responsibility for relieving the
31 crowded conditions in the state's schools, easing the

1 congestion on highways in the state, and protecting the
2 state's natural resources;

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

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

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

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

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

1 or per diem expenses in accordance with section 112.061,
2 Florida Statutes. Public officers and employees shall be
3 reimbursed by their respective agencies in accordance with
4 section 112.061, Florida Statutes.

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

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

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

18 Section 2. This act shall take effect upon becoming a
19 law.

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