

HB 1509

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1 A bill to be entitled

2 An act relating to smart growth; creating the 2005 Smart  
3 Growth Study Commission; providing for appointment,  
4 duties, and qualification of members; providing for public  
5 involvement; providing for staff and advisory committees;  
6 providing for duties of the Department of Community  
7 Affairs; providing an appropriation; providing an  
8 effective date.

9  
10 WHEREAS, the management of population and economic growth  
11 is critical to the quality of life and protection of Florida's  
12 irreplaceable natural resources that are of great importance to  
13 all citizens, and

14 WHEREAS, the Florida Legislature has enacted laws in 1972,  
15 1975, and 1985 to effectively manage growth and development, and

16 WHEREAS, current growth patterns have resulted in crowded  
17 schools and roads, inadequate funds to provide for needed  
18 infrastructure, and an increase in threats and damage to our  
19 unique natural areas, and

20 WHEREAS, the valuable and necessary role of the public in  
21 working with elected and appointed bodies to manage growth has  
22 become increasingly more difficult due to time, costs, and legal  
23 complexities, and

24 WHEREAS, the Legislature has regularly convened study  
25 commissions to review, examine, and make recommendations to  
26 improve the effectiveness of growth management programs at  
27 local, state, and regional levels of government, and

28 WHEREAS, the Legislature is not satisfied to continue the  
29 pattern of piecemeal revisions to existing growth management

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30 programs and believes a new direction for managing growth must  
31 be in place as Florida assumes its position as the nation's  
32 third largest state within the next 15 years, and

33 WHEREAS, the Legislature finds a need to convene an  
34 informed body to comprehensively review alternatives to better  
35 manage our projected growth while effectively addressing the  
36 impacts of excising development not currently being addressed,  
37 NOW, THEREFORE,

38  
39 Be It Enacted by the Legislature of the State of Florida:

40  
41 Section 1. The 2005 Smart Growth Study Commission.--

42 (1) The 2005 Smart Growth Study Commission is hereby  
43 created. The commission shall be composed of 15 voting members,  
44 5 of whom are appointed by the Governor, 5 of whom are appointed  
45 by the President of the Senate, and 5 of whom are appointed by  
46 the Speaker of the House of Representatives. The Governor shall  
47 select a chair from his appointees; however, the chair will only  
48 vote in case of a tie vote. The Secretary of Transportation, the  
49 Secretary of Community Affairs, the Secretary of Environmental  
50 Protection, and the Commissioner of Agriculture, or their  
51 designees, shall serve as ex officio nonvoting members of the  
52 commission. The Governor's appointees shall include one  
53 appointee from each of the following groups:

54 (a) Business interests, including development and real  
55 estate.

56 (b) Agricultural interests, including farming,  
57 aquaculture, ranching, and forestry.

58 (c) Local and regional governments.

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59       (d) Environmental interests, including conservation and  
60 resource-based nonprofit organizations.

61       (e) Citizen organizations, including community  
62 associations, citizen groups, and affordable housing groups.

63  
64 The President of the Senate and the Speaker of the House of  
65 Representatives shall also make their appointments from the  
66 categories listed in paragraphs (a)-(e). In addition, the  
67 President of the Senate and the Speaker of the House of  
68 Representatives shall each appoint two members from their  
69 respective chambers to serve on the commission as nonvoting ex  
70 officio members. Appointments made under this subsection shall  
71 occur no later than July 1, 2004, and the first meeting of the  
72 commission shall be held no later than September 1, 2004. Any  
73 vacancy shall be filled in the same manner as the original  
74 appointment.

75       (2) Each member of the commission is entitled to one vote  
76 unless otherwise stated and actions of the commission require a  
77 two-thirds vote of the members present. No action may be taken  
78 when less than a majority of all members are present.

79       (3) The commission shall review the implementation of the  
80 state's growth management programs and laws, including, but not  
81 limited to, chapters 163, 186, 187, and 380, Florida Statutes,  
82 for the purpose of making specific recommendations relating to  
83 the following:

84       (a) Methods for substantially improving, modifying, or  
85 replacing the current system of growth controls and incentives  
86 with alternatives that have a higher likelihood for  
87 significantly improving the management of growth.

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88        (b) Programs that provide necessary incentives, including  
89 financial incentives, to promote and encourage the  
90 redevelopment, improvement, and, where appropriate, infill of  
91 existing developed areas.

92        (c) Determining the most appropriate agency, combination  
93 of agencies, or creation of a new agency for effectively  
94 implementing a partnership and appropriate oversight role with  
95 local and regional governments.

96        (d) Enhancing the ability of citizens to more easily and  
97 at less cost participate at all levels of growth management.

98        (e) Providing development interests with necessary  
99 certainty regarding where, when, and how development will be  
100 encouraged and promoted.

101        (f) Providing coordination, incentive, and funding  
102 programs that jointly share the responsibility with local and  
103 regional governments for relieving the crowded conditions in  
104 schools and congestion on our highways and the protection of  
105 natural resources.

106        (g) Maintenance of existing private property rights in a  
107 growing economy so that all sectors of our economy share in the  
108 quality of life we all seek.

109        (4) At least eight public hearings conducted every 60  
110 days, shall be held by the commission at different locations  
111 throughout the state in order to solicit input from the public  
112 and interest groups, with particular attention being paid to  
113 suggestions for how local, state, and regional agencies and  
114 governments can better coordinate growth management programs.

115        (5) By December 1, 2005, the commission shall provide to  
116 the President of the Senate, Speaker of the House of

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117 Representatives, and the Governor a report with specific  
118 recommendations for all issues specified in subsection (3). The  
119 Department of Community Affairs shall prepare legislative  
120 recommendations consistent with the commission report for  
121 consideration by the 2006 Legislature.

122 (6) The commission may appoint technical advisory  
123 committees. Such committee members are entitled to be reimbursed  
124 by the Department of Community Affairs for travel and per diem  
125 expenses as provided in s. 112.061, Florida Statutes.

126 (7) The commission may appoint an executive director who  
127 shall report to the commission and serve at its pleasure. The  
128 executive director shall receive staff assistance from the  
129 Department of Community Affairs and the department may provide  
130 consultants upon request of the commission when the cost of such  
131 consultants can be paid from the appropriation provided for in  
132 this act.

133 (8) Commission members shall receive per diem and travel  
134 expenses as provided in s. 112.061, Florida Statutes, while  
135 acting on behalf of the commission.

136 Section 2. The sum of \$300,000 is appropriated from the  
137 General Revenue Fund to the Department of Community Affairs to  
138 be used for the purpose of implementing this act.

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