

By Senator Geller

31-1880-04

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

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20 WHEREAS, the management of population and economic
21 growth is critical to the quality and life and protection of
22 Florida's irreplaceable natural resources, which are of great
23 importance to all residents, and

24 WHEREAS, the Florida Legislature enacted laws in 1972,
25 1975, and 1985 to effectively manage growth and development,
26 and

27 WHEREAS, current growth patterns have resulted in
28 crowded schools and roads, inadequate funds to provide for
29 needed infrastructure, and increasing threats and damage to
30 our unique natural areas, and

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

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

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

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

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

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

1 as nonvoting ex officio members of the commission. In
2 addition, the President of the Senate and the Speaker of the
3 House of Representatives shall each appoint two members from
4 their respective chambers to serve on the commission as
5 nonvoting ex officio members.

6 (2) Initial appointments shall be made by July 1,
7 2004, and the first meeting of the commission shall be held by
8 September 1, 2004. Any vacancy shall be filled in the same
9 manner as the original appointment. The Governor's
10 appointments shall include one representative from each of the
11 following categories:

12 (a) Business interests, including development and real
13 estate;

14 (b) Agricultural interests, including farming,
15 aquaculture, ranching, and forestry;

16 (c) Local and regional governments;

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

20 (e) Citizen organizations, including community
21 associations, citizen groups, and affordable housing groups.

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

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

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

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

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

15 (c) Determining the most appropriate agency,
16 combination of agencies, or the creation of a new agency to
17 effectively implement a partnership and appropriate oversight
18 role with local and regional governments;

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

22 (e) Providing development interests with necessary
23 certainty regarding where, when, and how development will be
24 encouraged and promoted;

25 (f) Providing coordination, incentives, and funding
26 programs that jointly share, among state, regional, and local
27 government entities, the responsibility for relieving the
28 crowded conditions in the state's schools, easing the
29 congestion on highways in the state, and protecting the
30 state's natural resources; and

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1 (g) Maintaining existing private property rights in a
2 growing economy so that all sectors of the state's economy
3 share in an improved quality of life.

4 (5) The commission shall hold at least eight public
5 hearings, conducted every 60 days, at different locations
6 throughout the state. At each hearing the commission shall
7 solicit and receive input from the public and interest groups,
8 with particular attention to suggestions for how local, state,
9 and regional agencies and governments can better coordinate
10 growth-management programs.

11 (6) By December 1, 2005, the commission shall provide
12 to the Governor, the President of the Senate, and the Speaker
13 of the House of Representatives, a report with specific
14 recommendations concerning all issues identified in paragraphs
15 (4)(a)-(g). The Department of Community Affairs shall prepare
16 legislative recommendations consistent with the commission's
17 report for consideration by the 2006 Legislature.

18 (7) The commission may appoint technical advisory
19 committees. Committee members are entitled to reimbursement
20 for per diem and travel expenses as provided in section
21 112.061, Florida Statutes.

22 (8) The commission may appoint an executive director,
23 who shall report to the commission and serve at its pleasure.
24 The Department of Community Affairs shall provide the
25 commission and the executive director with staff assistance.
26 The department may, upon the request of the commission,
27 reimburse consultants if such costs can be funded from the
28 appropriation provided for in this act.

29 (9) Commission members are entitled to reimbursement
30 for per diem and travel expenses, as provided in section
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1 112.061, Florida Statutes, while acting on behalf of the
2 commission.

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

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

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SENATE SUMMARY

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Creates the 2005 Smart Growth Management Commission.
Specifies membership, duties, voting, and staffing.
Provides for appointments by the Governor, the President
of the Senate, the Speaker of the House of
Representatives, the Secretary of Transportation, the
Secretary of Community Affairs, the Secretary of
Environmental Protection, and the Commissioner of
Agriculture. Requires public hearings. Requires the
Department of Community Affairs to provide staff support
and prepare legislative recommendations consistent with
the commission's report.