

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1865 CS PCB GM 05-01 Growth Management Incentive Act of 2005
SPONSOR(S): Growth Management Committee
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
Orig. Comm.: Growth Management Committee	9 Y, 0 N	Grayson	Grayson
1) Local Government Council	8 Y, 0 N, w/CS	Camechis	Hamby
2) Transportation & Economic Development Appropriations Committee		McAuliffe	Gordon
3) State Infrastructure Council			
4)			
5)			

SUMMARY ANALYSIS

The bill creates the "Growth Management Incentive Act of 2005." The bill provides the intent of the Growth Management Incentive Act is to use funds appropriated by the Legislature as incentives to encourage regional planning and cooperation to address state infrastructure needs. The bill creates a pilot project which would award funds through a competitive process to five regional planning areas as incentives for the areas to adopt regional solutions and strategies that address statewide or regionally significant infrastructure issues.

The five regional planning areas for the pilot project will be designated by the Governor by October 1, 2005. The bill provides any regional entity may apply to the Governor to have an area designated as one of the five regional planning areas in the pilot project. Once the Governor has selected the five regional planning areas, the planning areas must provide, among other information, a prioritized list of projects to the Regional Planning Area Governing Board. The bill provides the Regional Planning Area Governing Board will consist of the Secretary of Transportation, the Commissioner of Education, the members of the governing board of the Florida Communities Trust, and the Secretary of Community Affairs. The Regional Planning Area Governing Board will review and rank the projects submitted by the regional planning areas, and must award funding for the selected projects by October 15, 2006.

The bill also creates the "Century Commission Act," creating a standing body to help Floridians to envision and plan for Florida's growth 20 to 50 years into the future.

The bill provides \$200,000 in nonrecurring general revenue funds to the Department of Community Affairs for staffing and other costs associated with the pilot project, and \$250,000 from the General Revenue Fund to the Department of Community Affairs for staffing and other assistance in support of the Century Commission. The bill does not provide a specific amount of incentive funding for projects selected by the Regional Planning Area Governing Board.

The bill is effective upon becoming law, except for the appropriations which have effective dates of July 1, 2005.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide Limited Government. The bill provides incentives for collaborative regional public-private efforts to address certain growth management issues. As these collaborative efforts increase the need for governmental programs to address these same issues may be reduced. The bill also creates two governmental bodies, the Regional Planning Area (RPA) Governing Board and the Century Commission.

Safeguard Individual Liberty. The bill provides incentives to private organizations to participate and organize local and regional efforts to address or resolve statewide and regional growth management issues.

B. EFFECT OF PROPOSED CHANGES:

Background

Over the years, a number of blue-ribbon study commissions have examined problems associated with growth management in Florida. In 1972, the Florida Legislature, pursuant to s. 380.09(5), F.S. (1972), created the Florida Environmental Land Management Study Committee, which issued a final report in 1973. Included in its recommendations was a proposal that the Legislature should adopt a "Local Government Comprehensive Planning Act of 1974," requiring each county and local government to adopt a local government comprehensive plan. In 1982, Governor Graham created, by executive order 82-95, the Second Environmental Land Management Study Committee (ELMS II). The ELMS II Committee issued its final report in February 1984 which recommended the adoption of state and regional comprehensive plans and the requirement that local plans must be consistent with these state and regional plans. Many of the recommendations of the ELMS II Committee were enacted into law as part of the Local Government Comprehensive Planning and Land Development Regulation Act of 1985.

In 1991 Governor Chiles created by Executive Order 91-291, the Third Environmental Land Management Study Committee (ELMS III). The ELMS III Committee issued a final report in December 1992 which recommended a number of adjustments to the Local Government Comprehensive Planning and Land Development Regulation Act of 1985. Some of these recommendations included: improving the intergovernmental coordination element of local comprehensive plans as part of eliminating the Development of Regional Impact (DRI) process; the adoption by the state of a strategic growth and development plan; and adjustments to the review process for local comprehensive plan amendments.

The Florida Legislature has funded numerous growth management related studies over the years including those by the Environmental Land Management Study Committee and the Growth Management Study Commission (GMSC). The ELMS Committees issued three reports to the Governor and Legislature in December 1973, February 1984, and December 1992. The GMSC issued its report to the Governor in February 2001. These reports have been instrumental in educating the Legislature and the general public on growth management and conservation issues throughout the past thirty years.

Effects of Proposed Changes

GROWTH MANAGEMENT INCENTIVE ACT OF 2005

HB 1865 creates the "Growth Management Incentive Act of 2005." The bill provides the intent of the Growth Management Incentive Act is to use funds appropriated by the Legislature as incentives to encourage regional planning and cooperation to address state infrastructure needs. The bill creates a

pilot project which would award funds through a competitive process to five regional planning areas as incentives for the areas to adopt regional solutions and strategies that address:

- the adequacy of educational infrastructure to support existing development and projected population growth;
- the adequacy of transportation facilities not sufficiently addressed by the Strategic Intermodal System; and
- water supply or quality.

The five regional planning areas for the pilot project will be designated by the Governor by October 1, 2005. The bill provides any regional entity may apply to the Governor to have an area designated as one of the five regional planning areas in the pilot project. One of the designated areas must include the Florida Keys Area, a designated area of critical state concern.

Once the Governor has selected the five regional planning areas, the planning areas must provide, among other information, a prioritized list of projects to the Regional Planning Area Governing Board. The bill provides the Regional Planning Area Governing Board will consist of the Secretary of Transportation, the Commissioner of Education, the members of the governing board of the Florida Communities Trust, and the Secretary of Community Affairs. The bill designates the Secretary of Community Affairs as the Chairman of the Regional Planning Area Governing Board.

The Regional Planning Area Governing Board will review and rank the projects submitted by the regional planning areas, and must award funding for the selected projects by October 15, 2006.

The bill provides that in order for a project to be eligible for incentive funding the project must meet or exceed the following criteria:

- Propose a regional strategy or solution that includes specific actions to resolve a current or prevent a future, problem identified with one or more of the statewide or regionally significant priority issues. The strategy or solution must be based upon current scientific, economic, demographic, and financial information.
- Propose a solution or strategy consistent with or supportive of, the region's character and future vision.
- Provide a financially feasible funding proposal utilizing incentive fixed capital outlay funds and a match of no less than 50 percent from local and private funds.
- Provide an achievable action plan that includes evidence of support from participating individuals or entities.

The bill provides that project requests submitted by the five regional planning areas in the pilot project will receive priority incentive funding consideration by the Regional Planning Area Governing Board to the extent the projects address 14 specific priority ranking criteria as follows:

- Reduces an infrastructure backlog or provides infrastructure to address the statewide or regionally significant issue.
- Promotes efficient land use and use of existing and planned infrastructure.
- Provides an opportunity to correct existing, or avoid future, inefficient land use patterns.
- Provides solutions or strategies to one or more statewide or regionally significant issues in more than one jurisdiction.
- Combines solutions, strategies, and funding requests, across regional boundaries.
- Provides for the implementation, within a reasonable timeframe, of amendments to affected comprehensive plans and land development regulations to effectuate the project.
- Provides an opportunity to address or reduce the level of threat to significant natural resources resulting from growth and development pressures.
- Public participation in the visioning or other processes that led up to the report and incentive funding request submittal.

- Furthers collaborative, innovative, or creative cross jurisdictional efforts to solve statewide or regionally significant issues.
- Integrates, supports, or furthers elements of the affected local or other comprehensive plan or plans.
- Collaboration with relevant federal, state, regional, and local agencies.
- Minimizes stress on water resources.
- Proposes shared use of facilities.
- Utilizes information technology to provide for more efficient and effective data information collection, analysis, utilization, and sharing.

The bill provides that after all incentive funds appropriated for the pilot project have been awarded, the Regional Planning Governing Board must submit a final report to the Governor, President of the Senate, and the Speaker of the House of Representatives. The report must include a description of the project proposals received, and the process used by the Regional Planning Areas Governing Board to review and rank the projects proposed by the five regional planning area's in the pilot program. The report must also include recommendations regarding intergovernmental cooperation, dedicated sources of funding for infrastructure, and the need for balancing environmental protection with future growth.

The bill provides that the RPA Governing Board is abolished after the delivery of the required report.

The bill provides a \$200,000 nonrecurring appropriation from general revenue funds to the Department of Community Affairs for staffing and other costs associated with the pilot project.

CENTURY COMMISSION ACT

The bill also creates the "Century Commission Act," creating the Century Commission to help Floridians to envision and plan for Florida's growth 20 to 50 years into the future.

The bill provides that the Century Commission will consist of nine members three appointed by the Governor three appointed by the President of the Senate; and three appointed by the Speaker of the House of Representatives. The Governor will designate the chair of the Commission. Each member will serve a four-year term, except initially, three of the members, one from each of the appointing authorities, will serve only two-year terms; three will serve four-year terms; and three will serve six-year terms to allow for staggered future terms. Appointments must be made by October 1, 2005. Members may serve a maximum of six years. A quorum consists of a majority of the voting members. Members each represent one vote; and the binding action of the commission is by a three-fifths vote of the members present.

The bill provides that the first meeting will be held no later than December 1, 2005, and that the commission will meet at the call of the chair, but at least three times a year thereafter in different regions of the state to solicit public and other input on issues to be considered. The bill provides that members shall serve without compensation but are entitled to receive per diem and travel expenses in accordance with s. 212.061, F.S., while performing their duties.

The bill provides for the Commission's power and duties are to:

- Conduct an annual process focused on envisioning the state's future; and developing and recommending policies, plans, action steps, or other strategies to assist in achieving the vision.
- Review and consider, continuously, statutory and regulatory provisions, governmental processes, and societal and economic trends, in relation to its inquiry into how the state, regional and local governments and entities, and citizens, can best accommodate increased populations while maintaining natural, historical, cultural and manmade life qualities that best represent Florida.

- Bring diversely representative people together to develop a shared image of the state and its developed and natural areas. This effort includes the matters addressed above and focuses on 20-year and 50-year horizons.
- Focus on essential state interests as defined in the act.
- Serve as an objective, non-partisan repository of exemplary community building ideas, and as a source to recommend strategies and practices for collaborative work on problem solving growth management issues.

The bill requires an annual written report be delivered to the Governor, the President of the Senate, and the Speaker of the House of Representatives, in addition to a verbal report to a Joint Session of the Legislature, beginning January 15, 2007. The Commission must address certain issues in its annual report, including recommendations regarding intergovernmental cooperation, dedicated sources of funding for infrastructure, and the need for balancing environmental protection with future growth.

The bill requires the President of the Senate, and the Speaker of the House of Representatives to create a joint select committee tasked with reviewing, for potential action, the annual findings and recommendations of the Commission.

The bill authorizes the Secretary of the Department of Community Affairs (DCA) to select an executive director for the Commission, who will serve at the pleasure of the Secretary and under the supervision and control of the Commission. Further, the bill provides that the DCA will provide necessary staff and other resources, upon recommendation of the Governor, to accomplish the Commission's five goals. Finally, the bill requires the Governor's agencies, and encourages other agencies, to render assistance and cooperate with the Commission.

The bill provides a \$250,000 appropriation from the General Revenue Fund to DCA for staffing and other assistance to the Commission.

C. SECTION DIRECTORY:

Section 1. Creates the Growth Management Incentive Act of 2005, creating a pilot project to provide incentives to encourage regional solutions to certain growth management issues.

- (1) Creates a popular name.
- (2) Creates intent.
- (3) Provides definitions.
- (4) Creates the Regional Planning Area Governing Board.
- (5) Creates a pilot project.
- (6) Provides for regional entities to request the Governor to designate an area as one of five regional planning areas.
- (7) Provides for the designation of five regional planning areas and regional task forces by the Governor.
- (8) Provides for the five designated regional task forces to deliver a report to the governing board along with prioritized requests for award of incentive funds.
- (9) Provides for the report and funding request review, ranking, and award of incentive funds.
- (10) Provides for contracting related to the incentive funds.
- (11) Provides eligibility criteria.
- (12) Provides priority ranking criteria.
- (13) Provides for after-action reporting by both the governing board and each of the regional task forces.
- (14) Provides for subsequent abolition of the governing board.

Section 2. Provides, effective July 1, 2005, for a nonrecurring appropriation from the General Revenue Fund to fund the pilot project.

Section 3. Creates s. 163.3247, F.S., creating the "Century Commission Act."

- (1) Creates a popular name.
- (2) Provides findings and intent.
- (3) Creates the Century Commission and provides for its organization.
- (4) Provides for the powers and duties of the Century Commission.
- (5) Provides for an executive director, staffing and other assistance.

Section 4. Provides, effective July 1, 2005, an appropriation from the General Revenue Fund to the Department of Community Affairs for staffing and other assistance to the Century Commission.

Section 5. Provides for an effective date of upon becoming a law, except for the appropriations which have effective dates of July 1, 2005.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The bill provides \$200,000 in nonrecurring general revenue funds to the Department of Community Affairs for staffing and other costs associated with the pilot project, and \$250,000 from the General Revenue Fund to the Department of Community Affairs for staffing and other assistance in support of the Century Commission. The bill does not provide a specific amount of incentive funding for projects selected by the Regional Planning Area Governing Board.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

Indeterminate at this time. Regional planning areas selected for the pilot project may receive state funds for infrastructure projects.

2. Expenditures:

The designated regional planning areas will likely include local funding match which is indeterminate at this time.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill has a potential positive impact on the private sector by virtue of the activities surrounding the pilot project.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not require counties or municipalities to spend funds or to take an action requiring the expenditure of funds. The bill does not reduce the percentage of a state tax shared with counties or municipalities. The bill does not reduce the authority that municipalities have to raise revenue.

3. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Drafting Issues:

None.

Other Comments:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

On March 29, 2005, the Growth Management Committee adopted five amendments to the PCB as described below:

- Amendment No. 1. Amended the language of s. 1(4), lines 68 through 71, that contained typographical errors in the name of the board; did not adequately identify the Department of Transportation; and did not specify a chair for the governing board.
- Amendment No. 2. Amended the language of s. 1(11), lines 203 through 205, delete a redundant provision, specifically subsection (11)(e).
- Amendment No. 3. Amended the language of s. 2, lines 264 through 265, to clarify that the appropriation was to the Department of Community Affairs for staffing and others costs associated with the pilot project.
- Amendment No. 4. Amended the language of s. 2(3)(a), line 302, to provide for the staggering of all nine members of the commission, three every two years following appointment of the initial board.
- Amendment No. 5. Amends line 360 to delete a redundant phrase.

On April 6, 2005, the Local Government Council adopted five amendments to the bill as described below:

- Amendment No. 1. This amendment corrects the provision establishing staggered terms for board members of the Century Commission.
- Amendment No. 2. This amendment makes a technical correction.
- Amendment No. 3. This amendment requires a regional planning area to include the Florida Keys Area, a designated area of critical state concern.

- Amendment No. 4. This amendment requires the Regional Planning Area Governing Board to address certain issues in its final report, as appropriate, including recommendations regarding intergovernmental cooperation, dedicated sources of funding for infrastructure, and the need for balancing environmental protection with future growth.
- Amendment No. 5. This amendment requires the Century Commission to include similar discussions and recommendations in its annual report.