

CHAMBER ACTION

1 The Local Government Council recommends the following:

2
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to growth management incentives; providing
7 for a pilot project on regional growth management
8 strategies and solutions; providing a popular name;
9 providing legislative intent; providing definitions;
10 creating the Regional Planning Area Governing Board;
11 providing for membership; requiring the Legislature to
12 appropriate moneys to the Department of Community Affairs
13 for a pilot project to be used in regional planning areas
14 for certain purposes; providing criteria; providing for
15 designation by the Governor of regional planning areas;
16 providing application requirements and procedures for
17 designation; requiring the Governor to designate by
18 Executive Order five regional planning areas by a time
19 certain; providing requirements; requiring regional task
20 forces to submit a report to the governing board;
21 providing report requirements; requiring the governing
22 board to review and rank project requests and post notice
23 of certain funding awards; requiring approved projects to

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24 | be under contract by a time certain; specifying project
25 | eligibility criteria; providing criteria for priority
26 | incentive funding ranking of projects; requiring the
27 | governing board to submit a report after award of certain
28 | funds for the pilot project; providing report
29 | requirements; providing for abolition of the governing
30 | board; providing an appropriation; creating s. 163.3247,
31 | F.S.; providing a popular name; providing legislative
32 | findings and intent; creating the Century Commission for
33 | certain purposes; providing for appointment of commission
34 | members; providing for terms; providing for meetings and
35 | votes of members; requiring members to serve without
36 | compensation; providing for per diem and travel expenses;
37 | providing powers and duties of the commission; requiring
38 | the creation of a joint select committee of the
39 | Legislature; providing purposes; requiring the Secretary
40 | of Community Affairs to select an executive director of
41 | the commission; requiring the Department of Community
42 | Affairs to provide staff for the commission; providing for
43 | other agency staff support for the commission; providing
44 | an appropriation; providing effective dates.

45 |
46 | WHEREAS, the Legislature finds and declares that the
47 | state's population has increased by approximately 3 million
48 | individuals each decade since 1970 to nearly 16 million
49 | individuals in 2000, and

50 | WHEREAS, increased populations have resulted in greater
51 | density concentrations in many areas around the state and in

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52 | growth issues that increasingly overlap multiple local
53 | government jurisdictional and state agency district boundaries,
54 | and

55 | WHEREAS, consequently, the Legislature determines it is in
56 | the best interests of the people of the state to undertake
57 | action to address these issues in two steps, and

58 | WHEREAS, the Legislature will earmark certain funds in the
59 | 2005-2006 fiscal year to provide incentives for regional growth
60 | management strategies and solutions that look beyond
61 | jurisdictional borders to solve mutual problems addressing
62 | educational infrastructure to support existing development and
63 | projected growth, the adequacy of transportation facilities not
64 | adequately addressed by the Strategic Intermodal System, and
65 | water supply and quality.

66 | WHEREAS, the Legislature will establish a standing
67 | commission tasked with helping Floridians envision and plan
68 | their collective future with an eye towards both 20-year and 50-
69 | year horizons, NOW, THEREFORE,

70 |

71 | Be It Enacted by the Legislature of the State of Florida:

72 |

73 | Section 1. Pilot project on incentives for regional growth
74 | management strategies and solutions.--

75 | (1) POPULAR NAME.--This section may be cited as the
76 | "Growth Management Incentive Act of 2005."

77 | (2) INTENT.--It is the intent of this section to use
78 | certain funds appropriated in the 2005-2006 fiscal year to
79 | provide incentives for regional growth management strategies and

80 solutions that look beyond jurisdictional borders to solve
 81 mutual problems addressing educational infrastructure to support
 82 existing development and projected growth, the adequacy of
 83 transportation facilities not sufficiently addressed by the
 84 Strategic Intermodal System, and water supply and quality.

85 (3) DEFINITIONS.--For purposes of this section, the term:

86 (a) "Decisionmaking board" means the entity responsible
 87 for decisions of the regional entity seeking designation of a
 88 regional planning area.

89 (b) "Governing board" means the Regional Planning Area
 90 Governing Board.

91 (c) "Regional entity" means any multijurisdictional
 92 planning entity or entities collaborating to address
 93 multijurisdictional growth management issues.

94 (d) "Regional planning area" means one of five areas so
 95 designated by a detailed boundary description in an executive
 96 order creating such an area pursuant to this act.

97 (e) "Regional task force" means the entity designated in
 98 an executive order designating a regional planning area.

99 (f) "Statewide or regionally significant issues" means
 100 those issues that transcend jurisdictional boundaries and are
 101 most appropriately addressed, protected, and promoted at a
 102 regional level.

103 (4) REGIONAL PLANNING AREA GOVERNING BOARD.--The Regional
 104 Planning Area Governing Board is created and shall consist of
 105 the Secretary of Transportation, the Commissioner of Education,
 106 and the members of the governing board of the Florida
 107 Communities Trust, as created in s. 380.508, Florida Statutes.

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108 The Secretary of Community Affairs shall serve as the chair of
 109 the Regional Planning Area Governing Board.

110 (5) PILOT PROJECT.--The Legislature shall appropriate to
 111 the Department of Community Affairs, by earmarking as incentive
 112 funds for a pilot project, fixed capital outlay from funds in
 113 the fiscal year 2005-2006 General Appropriations Act to be used
 114 in five regional planning areas to provide incentives for
 115 regional solutions and strategies addressing statewide or
 116 regionally significant issues regarding one or more of the
 117 following:

118 (a) Educational infrastructure to support existing
 119 development and projected population growth;

120 (b) The adequacy of transportation facilities not
 121 sufficiently addressed by the Strategic Intermodal System; or

122 (c) Water supply or quality.

123
 124 These incentive funds shall be awarded through a competitive
 125 process based upon a priority ranking determined by the
 126 governing board pursuant to criteria specified in this section.
 127 All communications to the governing board regarding any request
 128 under consideration shall be in writing mailed or delivered to
 129 the director of the Division of Housing and Community
 130 Development of the Department of Community Affairs for
 131 distribution to all governing board members.

132 (6) REGIONAL PLANNING AREA DESIGNATION REQUEST.--Any
 133 regional entity may apply to the Governor to have an area
 134 designated as a regional planning area by August 1, 2005. The
 135 application shall include:

136 (a) A detailed boundary description for the proposed
137 regional planning area.

138 (b) A detailed description of the specific statewide or
139 regionally significant issue or issues to be addressed within
140 the proposed regional planning area. The description should
141 include as much detail and supporting information as necessary
142 to assist in the understanding of the issue, the issue's
143 importance to the region or state, the issue's potential for
144 resolution, and the likelihood of creating regional, solution-
145 based, partnerships.

146 (c) Identification of the coalition partners represented
147 by the regional entity, with contact names and information.

148 (d) Identification of the decisionmaking board of the
149 regional entity, including names and contact information of the
150 board members. This information should also include
151 qualifications and background of the board members.

152 (e) The charter purpose of the regional entity and
153 supporting information to assist in understanding how the
154 regional entity addresses and is involved with the statewide or
155 regionally significant issue. A regional planning council, as
156 created under chapter 186, Florida Statutes, shall not be
157 required to include a charter purpose, but shall include any
158 other information required herein.

159 (f) Identification of entities and individuals, including
160 contact names and information, that will need to participate and
161 coordinate in the generation of proposed regional solutions or
162 strategies to ensure successful implementation.

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163 (g) Other descriptions or information as necessary to
 164 support the request for designation.

165 (h) Any other relevant information requested by the
 166 Executive Office of the Governor during consideration of the
 167 request.

168 (7) DESIGNATION BY THE GOVERNOR.--By Executive Order, the
 169 Governor shall designate five regional planning areas by October
 170 1, 2005, giving due consideration to the equitable distribution
 171 of these areas throughout the state. One regional planning area
 172 shall include the Florida Keys Area, which is designated as an
 173 area of critical state concern pursuant to s. 380.0552, Florida
 174 Statutes. Each executive order shall include the following
 175 details:

176 (a) The name and a detailed boundary description of the
 177 specific regional planning area as included in the regional
 178 entity's request.

179 (b) A detailed listing of the specific issues which are to
 180 be addressed by the regional planning area.

181 (c) Designation of the regional task force as proposed in
 182 the request for designation as the entity responsible for
 183 submitting the report and funding requests as provided in this
 184 section.

185 (8) REPORT OF THE REGIONAL PLANNING AREAS AND REQUEST TO
 186 THE GOVERNING BOARD.--

187 (a) By August 31, 2006, each regional task force of the
 188 designated regional planning areas shall deliver to the
 189 governing board a report detailing the process and results of
 190 research and other efforts relating to solutions or strategies

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191 to address or resolve the statewide or regionally significant
 192 issues designated in the Executive Order. The report delivered
 193 to the governing board shall be accompanied by all supporting
 194 materials and information that the regional task force wishes
 195 the governing board to consider in relation to the funding
 196 requests.

197 (b) The report must, in addition to the information
 198 required in paragraph (a), include:

199 1. A prioritized listing of projects for which incentive
 200 funding is being requested. Project requests for funding
 201 consideration may be bundled or requested individually and
 202 should be identified as such in the request. All projects must
 203 provide solutions or strategies to the specific statewide or
 204 regionally significant issues detailed in the executive order
 205 that include:

206 a. Identification of the problem to be solved.

207 b. A proposed solution to the problem.

208 c. The potential cost of the solution, including
 209 identification of the matching funds. The proposed solution and
 210 cost estimates shall be financially feasible and based upon
 211 current scientific, economic, demographic, and financial
 212 information.

213 2. An action plan that lists and describes all actions
 214 necessary to implement each prioritized project.

215 3. A detailed description of how each prioritized project
 216 meets or exceeds the eligibility requirements.

217 4. A detailed description of how each prioritized project
 218 addresses each of the relevant priority ranking criteria and a

219 detailed explanation of how or why a particular ranking
 220 criterion does not apply.

221 (9) GOVERNING BOARD REVIEW, RANKING, AND AWARD.--The
 222 governing board shall review and rank, pursuant to the criteria
 223 provided in this section, the project requests and post a notice
 224 for award of the regional planning area funds by October 15,
 225 2006. All actions of the governing board shall be by majority
 226 vote of the members.

227 (10) CONTRACTING.--All regional planning area projects
 228 approved for funding shall be under contract by January 31,
 229 2007, duly executed between the Department of Community Affairs
 230 and the regional task force of the regional entity.

231 (11) ELIGIBILITY CRITERIA.--Eligible projects shall meet
 232 or exceed the following criteria which shall be described in
 233 detail in the report:

234 (a) Propose a regional strategy or solution, based upon
 235 current scientific, economic, demographic, and financial
 236 information that includes specific actions to resolve current,
 237 or prevent future, problems identified with one or more of the
 238 statewide or regionally significant priority issues.

239 (b) Propose a solution or strategy that is consistent with
 240 or supports the region's character and future vision.

241 (c) Provide a funding proposal that includes the
 242 appropriate use of state fixed capital outlay funds pursuant to
 243 chapter 216, Florida Statutes, and a match of not less than 50
 244 percent from local and private funds. The funding proposal
 245 should be financially feasible and include sufficient evidence
 246 of available matching funds.

247 (d) Provide an achievable action plan including evidence
 248 of support or commitment from participating individuals or
 249 entities.

250 (12) PRIORITY RANKING CRITERIA.--An eligible regional
 251 strategy or solution shall receive priority incentive funding
 252 consideration by the governing board to the extent the strategy
 253 or solution:

254 (a) Reduces an infrastructure backlog or provides
 255 infrastructure to address one or more of the statewide or
 256 regionally significant priority issues.

257 (b) Promotes efficient land use and use of existing and
 258 planned infrastructure.

259 (c) Provides an opportunity to correct existing, or avoid
 260 future, inefficient land use patterns.

261 (d) Provides solutions or strategies to one or more of the
 262 statewide or regionally significant priority issues in more than
 263 one jurisdiction.

264 (e) Combines solutions, strategies, and funding requests
 265 across regional boundaries.

266 (f) Provides for the implementation of amendments to
 267 affected comprehensive plans and land development regulations
 268 necessary to effectuate the project within a reasonable
 269 timeframe.

270 (g) Provides an opportunity to address or reduce the level
 271 of threat to significant natural resources resulting from growth
 272 and development pressures.

273 (h) Provides for public participation in the visioning or
 274 other processes that led up to the submittal of the report and
 275 project incentive funding requests.

276 (i) Furthers collaborative, innovative, or creative cross
 277 jurisdictional efforts to solve statewide or regionally
 278 significant issues.

279 (j) Integrates, supports, or furthers elements of the
 280 affected local or other comprehensive plan or plans.

281 (k) Provides for collaboration with relevant federal,
 282 state, regional, and local agencies.

283 (l) Minimizes stress on water resources.

284 (m) Proposes shared use of facilities.

285 (n) Uses information technology to provide for more
 286 efficient and effective data information collection, analysis,
 287 utilization, and sharing.

288 (13) REPORTING.--Following the award of all incentive
 289 funds appropriated for the pilot project, the governing board
 290 shall deliver a final report to the Governor, the President of
 291 the Senate, and the Speaker of the House of Representatives. The
 292 final report shall include a description of the process used in
 293 reviewing and ranking the proposed projects; a description of
 294 the proposals received and selected and any other information
 295 that would assist in the understanding of how this phase of the
 296 pilot program functioned; and constructive ideas or comments on
 297 how the program could be improved if continued. Further, where
 298 appropriate, the final report shall include discussions
 299 regarding the need for intergovernmental cooperation and the
 300 balancing of environmental protection and future development and

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301 recommendations regarding dedicated sources of funding for sewer
 302 facilities, water supply and quality, transportation facilities
 303 that are not adequately addressed by the Strategic Intermodal
 304 System, and educational infrastructure to support existing
 305 development and projected population growth. Additionally, the
 306 regional task force of each regional planning area shall deliver
 307 a final report to the Governor, the President of the Senate, the
 308 Speaker of the House of Representatives, and the Secretary of
 309 the Department of Community Affairs detailing the specific
 310 projects funded, their completion, challenges and successes, and
 311 any recommendations for future efforts of this type.

312 (14) ABOLITION.--The governing board is abolished and this
 313 section expires after the delivery of the last report required
 314 in subsection (13).

315 Section 2. Effective July 1, 2005, the sum of \$200,000 is
 316 appropriated to the Department of Community Affairs in
 317 nonrecurring General Revenue to fund the staffing and other
 318 costs associated with the pilot project created in section 1 of
 319 this act.

320 Section 3. Section 163.3247, Florida Statutes, is created
 321 to read:

322 163.3247 Century Commission.--

323 (1) POPULAR NAME.--This section may be cited as the
 324 "Century Commission Act."

325 (2) FINDINGS AND INTENT.--The Legislature finds and
 326 declares that the population of this state is expected to more
 327 than double over the next 100 years, with commensurate impacts
 328 to the state's natural resources and public infrastructure.

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329 Consequently, it is in the best interests of the people of the
 330 state to ensure sound planning for the proper placement of this
 331 growth and protection of the state's land, water, and other
 332 natural resources since such resources are essential to our
 333 collective quality of life and a strong economy. The state's
 334 growth management system should foster economic stability
 335 through regional solutions and strategies, urban renewal and
 336 infill, and the continued viability of agricultural economies,
 337 while allowing for rural economic development and protecting the
 338 unique characteristics of rural areas, and should reduce the
 339 complexity of the regulatory process while carrying out the
 340 intent of the laws and encouraging greater citizen
 341 participation.

342 (3) CENTURY COMMISSION; CREATION; ORGANIZATION.--The
 343 Century Commission is created as a standing body to help the
 344 citizens of this state envision and plan their collective future
 345 with an eye towards both 20-year and 50-year horizons.

346 (a) The commission shall consist of nine members, three
 347 appointed by the Governor, three appointed by the President of
 348 the Senate, and three appointed by the Speaker of the House of
 349 Representatives. Appointments shall be made no later than
 350 October 1, 2005. One member shall be designated by the Governor
 351 as chair of the commission. Any vacancy that occurs on the
 352 commission must be filled in the same manner as the original
 353 appointment and shall be for the unexpired term of that
 354 commission seat. Members shall serve 4-year terms, except that,
 355 initially, to provide for staggered terms, three of the
 356 appointees, one each by the Governor, the President of the

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357 Senate, and the Speaker of the House of Representatives, shall
 358 serve 2-year terms, three shall serve 3-year terms, and three
 359 shall serve 4-year terms. All subsequent appointments shall be
 360 for 4-year terms. An appointee may not serve more than 6 years.

361 (b) The first meeting of the commission shall be held no
 362 later than December 1, 2005, and shall meet at the call of the
 363 chair but not less frequently than three times per year in
 364 different regions of the state to solicit input from the public
 365 or any other individuals offering testimony relevant to the
 366 issues to be considered.

367 (c) Each member of the commission is entitled to one vote
 368 and action of the commission is not binding unless taken by a
 369 three-fifths vote of the members present. A majority of the
 370 members is required to constitute a quorum, and the affirmative
 371 vote of a quorum is required for a binding vote.

372 (d) Members of the commission shall serve without
 373 compensation but shall be entitled to receive per diem and
 374 travel expenses in accordance with s. 112.061 while in
 375 performance of their duties.

376 (4) POWERS AND DUTIES.--The commission shall:

377 (a) Annually conduct a process through which the
 378 commission envisions the future for the state, and then develops
 379 and recommends policies, plans, action steps, or strategies to
 380 assist in achieving the vision.

381 (b) Continuously review and consider statutory and
 382 regulatory provisions, governmental processes, and societal and
 383 economic trends in its inquiry of how state, regional, and local
 384 governments and entities and citizens of this state can best

385 accommodate projected increased populations while maintaining
 386 the natural, historical, cultural, and manmade life qualities
 387 that best represent the state.

388 (c) Bring together people representing varied interests to
 389 develop a shared image of the state and its developed and
 390 natural areas. The process should involve exploring the impact
 391 of the estimated population increase and other emerging trends
 392 and issues; creating a vision for the future; and developing a
 393 strategic action plan to achieve that vision using 20-year and
 394 50-year intermediate planning timeframes.

395 (d) Focus on essential state interests, defined as those
 396 interests that transcend local or regional boundaries and are
 397 most appropriately conserved, protected, and promoted at the
 398 state level.

399 (e) Serve as an objective, nonpartisan repository of
 400 exemplary community-building ideas and as a source to recommend
 401 strategies and practices to assist others in working
 402 collaboratively to problem solve on issues relating to growth
 403 management.

404 (f) Annually, beginning January 15, 2007, and every year
 405 thereafter on the same date, provide to the Governor, the
 406 President of the Senate, and the Speaker of the House of
 407 Representatives a written report containing specific
 408 recommendations for addressing growth management in the state,
 409 including executive and legislative recommendations. Further,
 410 the report shall contain discussions regarding the need for
 411 intergovernmental cooperation and the balancing of environmental
 412 protection and future development and recommendations on issues,

413 including, but not limited to, recommendations regarding
 414 dedicated sources of funding for sewer facilities, water supply
 415 and quality, transportation facilities that are not adequately
 416 addressed by the Strategic Intermodal System, and educational
 417 infrastructure to support existing development and projected
 418 population growth. This report shall be verbally presented to a
 419 joint session of both houses annually as scheduled by the
 420 President of the Senate and the Speaker of the House of
 421 Representatives.

422 (g) Beginning with the 2007 Regular Session of the
 423 Legislature, the President of the Senate and Speaker of the
 424 House of Representatives shall create a joint select committee,
 425 the task of which shall be to review the findings and
 426 recommendations of the Century Commission for potential action.

427 (5) EXECUTIVE DIRECTOR; STAFF AND OTHER ASSISTANCE.--

428 (a) The Secretary of Community Affairs shall select an
 429 executive director of the commission, and the executive director
 430 shall serve at the pleasure of the secretary under the
 431 supervision and control of the commission.

432 (b) The Department of Community Affairs shall provide
 433 staff and other resources necessary to accomplish the goals of
 434 the commission based upon recommendations of the Governor.

435 (c) All agencies under the control of the Governor are
 436 directed, and all other agencies are requested, to render
 437 assistance to, and cooperate with, the commission.

438 Section 4. Effective July 1, 2005, the sum of \$250,000 is
 439 appropriated from the General Revenue Fund to the Department of
 440 Community Affairs to provide the necessary staff and other

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441 | assistance to the Century Commission required by s. 163.3247,
442 | Florida Statutes, as created by this act.

443 | Section 5. Except as otherwise provided herein, this act
444 | shall take effect upon becoming a law.