

By the Committee on Community Affairs; and Senator Bennett

578-1917-07

1 A bill to be entitled
2 An act relating to the Century Commission for a
3 Sustainable Florida; amending s. 163.3247,
4 F.S.; increasing the membership of the
5 commission; revising provisions governing
6 appointments to the commission by the Governor,
7 the President of the Senate, and the Speaker of
8 the House of Representatives; prohibiting a
9 member of the commission from having certain
10 interests in contracts or benefits awarded by
11 the commission; providing for additional powers
12 and duties of the commission; revising
13 provisions concerning appointment and oversight
14 of the executive director of the commission;
15 transferring the commission to the Office of
16 Legislative Services for administrative
17 purposes; amending s. 201.15, F.S.; increasing
18 the appropriation to the commission of proceeds
19 from the excise tax on documents; providing a
20 continuing appropriation; providing an
21 effective date.

22
23 Be It Enacted by the Legislature of the State of Florida:

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25 Section 1. Subsections (3), (4), and (5) of section
26 163.3247, Florida Statutes, are amended to read:

27 163.3247 Century Commission for a Sustainable
28 Florida.--

29 (3) CENTURY COMMISSION FOR A SUSTAINABLE FLORIDA;
30 CREATION; ORGANIZATION.--The Century Commission for a
31 Sustainable Florida is created as a standing body to help the

1 citizens of this state envision and plan their collective
2 future with an eye towards both 25-year and 50-year horizons.

3 (a) The commission shall consist of 18 ~~15~~ members, 6 ~~5~~
4 appointed by the Governor, 6 ~~5~~ appointed by the President of
5 the Senate, and 6 ~~5~~ appointed by the Speaker of the House of
6 Representatives. ~~Appointments shall be made no later than~~
7 ~~October 1, 2005.~~ The membership must represent local

8 governments, school boards, developers and homebuilders, the
9 business community, the agriculture community, the
10 environmental community, and other appropriate stakeholders.

11 In making the appointments, the Governor, the President of the
12 Senate, and the Speaker of the House of Representatives shall
13 ensure that the membership of the commission reflects the
14 racial, ethnic, and gender diversity, as well as the
15 geographic distribution, of the state's population. One member

16 shall be designated by the Governor as chair of the
17 commission. Any vacancy that occurs on the commission must be
18 filled in the same manner as the original appointment and
19 shall be for the unexpired term of that commission seat.

20 Members shall be appointed to serve 4-year terms, ~~except that,~~
21 ~~initially, to provide for staggered terms, the Governor, the~~
22 ~~President of the Senate, and the Speaker of the House of~~
23 ~~Representatives shall each appoint one member to serve a~~
24 ~~2-year term, two members to serve 3-year terms, and two~~
25 ~~members to serve 4-year terms.~~ All subsequent appointments
26 ~~shall be for 4-year terms.~~ An appointee may not serve more
27 than 8 ~~6~~ years.

28 (b) ~~The first meeting of the commission shall be held~~
29 ~~no later than December 1, 2005, and~~ shall meet at the call of
30 the chair but not less frequently than three times per year in
31 different regions of the state to solicit input from the

1 public or any other individuals offering testimony relevant to
2 the issues to be considered.

3 (c) Each member of the commission is entitled to one
4 vote, and actions of the commission are not binding unless
5 taken by a three-fifths vote of the members present. A
6 majority of the members is required to constitute a quorum,
7 and the affirmative vote of a quorum is required for a binding
8 vote.

9 (d) Members of the commission shall serve without
10 compensation but ~~are shall be~~ entitled to receive per diem and
11 travel expenses in accordance with s. 112.061 while in
12 performance of their duties.

13 (e) A member of the commission may not, in the period
14 commencing with his or her appointment to the commission and
15 continuing for 2 years after termination of such appointment,
16 have an interest, direct or indirect, in any contract or other
17 benefit granted or awarded by the commission.

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

19 (a) ~~Annually~~ Conduct a process through which the
20 commission envisions the future for the state and then
21 develops and recommends policies, plans, action steps, or
22 strategies to assist in achieving the vision.

23 (b) Continuously review and consider statutory and
24 regulatory provisions, governmental processes, and societal
25 and economic trends in its inquiry of how state, regional, and
26 local governments and entities and citizens of this state can
27 best accommodate projected increased populations while
28 maintaining the natural, historical, cultural, and manmade
29 life qualities that best represent the state.

30 (c) Bring together people representing varied
31 interests to develop a shared image of the state and its

1 developed and natural areas. The process should involve
2 exploring the impact of the estimated population increase and
3 other emerging trends and issues; creating a vision for the
4 future; and developing a strategic action plan to achieve that
5 vision using 25-year and 50-year intermediate planning
6 timeframes.

7 (d) Focus on essential state interests, defined as
8 those interests that transcend local or regional boundaries
9 and are most appropriately conserved, protected, and promoted
10 at the state level.

11 (e) Serve as an objective, nonpartisan repository of
12 exemplary community-building ideas and as a source to
13 recommend strategies and practices to assist others in working
14 collaboratively to problem solve on issues relating to growth
15 management.

16 (f) Annually, on ~~beginning~~ January 16, 2007, ~~and every~~
17 ~~year thereafter on the same date,~~ provide to the Governor, the
18 President of the Senate, and the Speaker of the House of
19 Representatives a written report containing specific
20 recommendations for addressing growth management in the state,
21 including executive and legislative recommendations. Further,
22 the report must ~~shall~~ contain discussions regarding the need
23 for intergovernmental cooperation and the balancing of
24 environmental protection and future development and
25 recommendations on issues, including, but not limited to,
26 recommendations regarding dedicated sources of funding for
27 sewer facilities, water supply and quality, transportation
28 facilities that are not adequately addressed by the Strategic
29 Intermodal System, and educational infrastructure to support
30 existing development and projected population growth.

31

1 (g) Create and dissolve advisory committees or similar
2 organizations as necessary in order to carry out the mission
3 of the commission.

4 (h) Enter into contracts to receive and accept grants
5 and contributions from any source, which shall be used to
6 further the mission of the commission.

7 (i) Prepare and submit a budget under chapter 216.

8 ~~(g)~~

9
10 Beginning with the 2007 Regular Session of the Legislature,
11 the President of the Senate and the Speaker of the House of
12 Representatives shall create a joint select committee, the
13 task of which shall be to review the findings and
14 recommendations of the Century Commission for a Sustainable
15 Florida for potential action.

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

17 (a) The commission shall appoint an executive director
18 who shall serve under the direction, supervision, and control
19 of the commission. The commission shall have complete
20 authority for fixing the salary of the executive director. The
21 commission is assigned to the Office of Legislative Services
22 for purposes of administration and fiscal accountability, but
23 the commission shall otherwise function independently. The
24 executive director, with the consent of the commission and
25 within budgetary limitations, shall employ staff as necessary
26 to adequately perform the functions of the commission. The
27 ~~Secretary of Community Affairs shall select an executive~~
28 ~~director of the commission, and the executive director shall~~
29 ~~serve at the pleasure of the secretary under the supervision~~
30 ~~and control of the commission.~~

1 (b) ~~The Office of Legislative Services Department of~~
2 ~~Community Affairs~~ shall provide staff and other resources
3 necessary to accomplish the goals of the commission based upon
4 recommendations of the Legislature ~~Governor~~.

5 (c) All agencies ~~under the control of the Governor are~~
6 ~~directed, and all other agencies~~ are requested, to render
7 assistance to, and cooperate with, the commission.

8 Section 2. The three additional appointments to the
9 Century Commission for a Sustainable Florida required by
10 section 1 of this act shall be made by October 1, 2007.

11 Section 3. Paragraph (d) of subsection (1) of section
12 201.15, Florida Statutes, as amended by section 22 of chapter
13 2006-1, section 2 of chapter 2006-185, and section 2 of
14 chapter 2006-231, Laws of Florida, is amended to read:

15 201.15 Distribution of taxes collected.--All taxes
16 collected under this chapter shall be distributed as follows
17 and shall be subject to the service charge imposed in s.
18 215.20(1), except that such service charge shall not be levied
19 against any portion of taxes pledged to debt service on bonds
20 to the extent that the amount of the service charge is
21 required to pay any amounts relating to the bonds:

22 (1) Sixty-two and sixty-three hundredths percent of
23 the remaining taxes collected under this chapter shall be used
24 for the following purposes:

25 (d) The remainder of the moneys distributed under this
26 subsection, after the required payments under paragraphs (a),
27 (b), and (c), shall be paid into the State Treasury to the
28 credit of:

29 1. The State Transportation Trust Fund in the
30 Department of Transportation in the amount of \$541.75 million
31 in each fiscal year, to be paid in quarterly installments and

1 used for the following specified purposes, notwithstanding any
2 other law to the contrary:

3 a. For the purposes of capital funding for the New
4 Starts Transit Program, authorized by Title 49, U.S.C. s. 5309
5 and specified in s. 341.051, 10 percent of these funds;

6 b. For the purposes of the Small County Outreach
7 Program specified in s. 339.2818, 5 percent of these funds;

8 c. For the purposes of the Strategic Intermodal System
9 specified in ss. 339.61, 339.62, 339.63, and 339.64, 75
10 percent of these funds after allocating for the New Starts
11 Transit Program described in sub-subparagraph a. and the Small
12 County Outreach Program described in sub-subparagraph b.; and

13 d. For the purposes of the Transportation Regional
14 Incentive Program specified in s. 339.2819, 25 percent of
15 these funds after allocating for the New Starts Transit
16 Program described in sub-subparagraph a. and the Small County
17 Outreach Program described in sub-subparagraph b.

18 2. The Water Protection and Sustainability Program
19 Trust Fund in the Department of Environmental Protection in
20 the amount of \$100 million in each fiscal year, to be paid in
21 quarterly installments and used as required by s. 403.890.

22 3. The Public Education Capital Outlay and Debt
23 Service Trust Fund in the Department of Education in the
24 amount of \$105 million in each fiscal year, to be paid in
25 monthly installments with \$75 million used to fund the
26 Classrooms for Kids Program created in s. 1013.735, and \$30
27 million to be used to fund the High Growth County District
28 Capital Outlay Assistance Grant Program created in s.
29 1013.738. If required, new facilities constructed under the
30 Classrooms for Kids Program must meet the requirements of s.
31 1013.372.

1 4. The Grants and Donations Trust Fund in the
2 Department of Community Affairs in the amount of ~~\$3.55~~~~\$3.25~~
3 million in each fiscal year to be paid in monthly
4 installments, with \$3 million to be used to fund technical
5 assistance to local governments and school boards on the
6 requirements and implementation of this act and \$550,000
7 ~~\$250,000~~ to be used to fund the Century Commission established
8 in s. 163.3247.

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10 Moneys distributed pursuant to this paragraph may not be
11 pledged for debt service unless such pledge is approved by
12 referendum of the voters.

13 Section 4. The sum of \$300,000 in recurring funds is
14 appropriated to the Century Commission for a Sustainable
15 Florida for the purpose of paying salaries and other
16 administrative expenses of the commission which are necessary
17 to carry out the provisions of s. 163.3247, Florida Statutes,
18 as amended by this act, during the 2007-2008 fiscal year.

19 Section 5. This act shall take effect July 1, 2007.
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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 318

The committee substitute (CS) deletes the term "corporate body" when referring to the Century Commission for a Sustainable Florida (commission). It assigns the commission to the Office of Legislative Services, instead of the Executive Office of the Governor. The Office of Legislative Services will provide staff and other resources to the commission based on the recommendations of the Legislature. The CS deletes an exemption from ch. 110, F.S., which governs state employment, for employees of the commission.

This CS also revises the amount of recurring funds appropriated to the commission from \$550,000 to \$300,000. It provides for the distribution of \$550,000 in recurring funds to the Grants and Donations Trust Fund in the Department of Community Affairs to be used to fund the commission. This \$550,000 reflects the \$250,000 in recurring funding the commission received last year and the additional \$300,000 appropriated in this CS.