

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Community Affairs Committee

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BILL: SB 232

INTRODUCER: Senator Bennett

SUBJECT: Century Commission for a Sustainable Florida

DATE: January 17, 2011

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Wolfgang	Yeatman	CA	<b>Favorable</b>
2.			GO	
3.			BC	
4.				
5.				
6.				

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**I. Summary:**

This bill adds new members to the Century Commission, redirects the Century Commission's focus toward creating a state plan for growth, and sunsets the commission in 2013.

This bill substantially amends section 163.3247 of the Florida Statutes.

**II. Present Situation:**

Florida's growth management structure has been reviewed, analyzed, and revised for over thirty years in an effort to ensure that Florida can support growth and manage its resources.<sup>1</sup> Florida has utilized a series of task forces and committees to evaluate growth problems and recommend appropriate legislative responses. Periodically reviewing and evaluating Florida's growth problems and the effectiveness of legislative responses, these commissions have produced a series of reports and recommendations for establishing and fine-tuning Florida's growth management systems.<sup>2</sup>

**Century Commission**

The Century Commission was created in 2005 as a standing body charged with helping the state to envision and plan for the future using a 25-year and a 50-year planning horizon.<sup>3</sup> The Century Commission must submit an annual report containing specific recommendations for addressing growth management in the state. The report, which must be submitted to the Governor, the

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<sup>1</sup> TIMOTHY S. CHAPIN, CHARLES E. CONNERLY, & HARRISON T. HIGGINS, GROWTH MANAGEMENT IN FLORIDA: PLANNING FOR PARADISE, 7, 12 (2007).

<sup>2</sup> *Id.*

<sup>3</sup> Section 163.3247, F.S.

President of the Senate, and the Speaker of the House of Representatives, must also contain discussions regarding the need for intergovernmental cooperation and the balancing of environmental protection with future development, as well as recommendations regarding dedicated funding sources for sewer facilities, water supply and quality, transportation facilities, and educational infrastructure.

The Century Commission has presented a number of reports to the Governor and Legislature on the future of growth in Florida. Additionally, they have facilitated a dialog on oil spill issues and created research projects on topics such as:

- Critical Lands & Waters Identification Project (CLIP), and the Cooperative Conservation Blueprint initiative.
- Citizen Visioning, Values, and Indicators for Growth Planning.
- Sustainability Science, including Energy and Climate Change.
- Sustainable Water Supply Planning.

The Century Commission consists of 15 members representing local governments, school boards, developers, homebuilders, the business, agriculture, environmental communities and other appropriate stakeholders. The membership is appointed as follows:

- 5 by the Governor,
- 5 by the President of the Senate, and
- 5 by the Speaker of the House of Representatives.

The commissioners serve without compensation, but, with the exception of FY 2010-11,<sup>4</sup> may receive reimbursement for per diem and travel expenses while in performance of their duties. Meetings of the commission are held at least three times a year in different regions of the state to collect public input and the Department of Community Affairs provides staff and other resources necessary for the Century Commission to accomplish its goals. The Century Commission was not funded for FY 2010-11.

### **State Comprehensive Plan**

Chapter 187 of the Florida Statutes sets out the State Comprehensive Plan. The State Comprehensive Plan was intended to be a direction-setting document that would provide long-range policy guidance for the orderly social, economic, and physical growth of the state. The State Comprehensive Plan contains specific goals and policies with regard to: education, children, families, the elderly, housing, health, public safety, water resources, coastal and marine resources, natural systems and recreational lands, air quality, energy, hazardous and nonhazardous materials and waste, mining, property rights, land use, urban and downtown revitalization, public facilities, cultural and historical resources, transportation, governmental efficiency, the economy, agriculture, tourism, employment, and plan implementation.<sup>5</sup> There are provisions in the law requiring the plan to be reviewed and revised biennially,<sup>6</sup> but the State Comprehensive Plan has been largely ignored from a planning perspective.<sup>7</sup>

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<sup>4</sup> Chapter 2010-153, L.O.F.

<sup>5</sup> Section 187.201, F.S.

<sup>6</sup> Section 186.008, F.S.

<sup>7</sup> CHAPIN, *supra* note 1, at 12.

### III. Effect of Proposed Changes:

The bill amends s. 163.3247, F.S., relating to the Century Commission for a Sustainable Florida.

The bill provides a statement that the Legislature finds that it is imperative that the state have a specific strategic plan addressing its growth management system.

The bill reorganizes the commission to consist of 18 members as follows:

- Decrease the number of members appointed by the Governor to 2;
- Include the chairs of the legislative growth management committees;<sup>8</sup>
- Include the Secretaries of:
  - The Department of Community Affairs,
  - The Department of Environmental Protection, and
  - The Department of Transportation.
- Include the director of the Office of Tourism, Trade, and Economic Development.

There will be two vacancies on the commission, and Senator Bennett, the chair of the Senate growth management committee, is already a member. Therefore, adding the three Secretaries, a Florida House member, and the director of OTTED, will result in a committee that has 18 members.

The bill revises the way the chair of the commission is selected. Rather than being appointed by the Governor, the members elect the chair. However, the chairs of the legislative growth management committees, the Secretaries of the designated state agencies, and the director of OTTED may not serve as chair.

The bill removes language that set up staggered terms for the members and provides for a 4-year term for each of the members. However, members who are appointed on or before January 1, 2011, shall have their terms automatically extended to June 30, 2013, to ensure continuity during the development of the strategic plan.

The bill provides that the fiscal year for the commission begins July 1 each year and ends June 30 of the following year. The commission meets at least 6 times per fiscal year (an increase from the 3 meetings required under current law). The bill specifies how the commission shall set its meeting calendar.

The bill removes many of the duties of the Century Commission. Specifically, the bill removes the following responsibilities. The obligation to:

- Conduct a process through which the commission envisions the future for the state and then develops and recommends policies, plans, action steps, or strategies to assist in achieving the vision.
- Review and consider existing growth management schemes in its inquiry of how the state can best accommodate projected increased populations while maintaining the natural, historical, cultural, and manmade life qualities that best represent the state.

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<sup>8</sup> The Florida Senate Committee on Community Affairs and the House Committee on Economic Affairs or the House Subcommittee on Community and Military Affairs.

- Serve as a repository of good community-building ideas and as a source to recommend strategies and practices to assist others in working collaboratively to problem solve on issues relating to growth management.
- Annually present to the Governor and Legislature a report containing specific recommendations for addressing growth management in the state and the issues to be addressed in the report (instead the commission will submit by Nov. 15, 2012, its strategic plan).

Instead, the commission would focus on the goal of bringing together people representing varied interests to develop a shared image of the state and its developed and natural areas. The process should involve exploring the impact of the estimated population increase and other emerging trends and issues; creating a vision for the future; and developing a strategic action plan to achieve that vision using 10-year, 25-year, and 50-year intermediate planning timeframes. The plan would:

- focus on essential state interests, defined as those interests that transcend local or regional boundaries and are most appropriately conserved, protected, and promoted at the state level;
- accommodate the projections for an increase in population while maintaining the state's natural, historical, cultural, and manmade life qualities; and
- be developed through a coordinated, integrated, and comprehensive effort across agencies, local governments, and nongovernmental stakeholders.

Under the bill, the executive director of the commission shall be appointed by the Secretary of Community Affairs and ratified by the commission. The executive director will serve at the pleasure of the commission under the direction of the chair.

The bill limits the requirement that the Department of Community Affairs provide the Century Commission with staff and other resources to only providing that assistance for completion of the strategic plan. The bill expressly allows the department to obtain additional money for grants. The bill requires the department to provide a specific line item in its annual legislative budget to fund the commission for the period beginning July 1, 2011, through June 30, 2013.

The bill sunsets the Century Commission on June 30, 2013.

The bill has an effective date of July 1, 2011.

#### **IV. Constitutional Issues:**

##### **A. Municipality/County Mandates Restrictions:**

None.

##### **B. Public Records/Open Meetings Issues:**

None.

C. Trust Funds Restrictions:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

There would be a cost to the state associated with developing a state plan. However, there may be long-term cost savings if the commission (1) recommended a workable plan for guiding growth in the state while minimizing the impact to state fiscal and natural resources and (2) the plan was implemented.

**VI. Technical Deficiencies:**

The bill requires the department to provide a specific line item in its annual legislative budget to fund the commission for the period beginning July 1, 2011, through June 30, 2013. This requirement is somewhat problematic in that it places a requirement on the Department of Community Affairs to place a request for funds to the Governor to present to the Legislature prior to the effective date of this act. It would not be a problem for the 2012-2013, fiscal year. However, a line item request for an undefined amount is not a guarantee of funding.

**VII. Related Issues:**

None.

**VIII. Additional Information:**

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.