

By the Committee on Community Affairs and Senators Latvala,
Burt and Bankhead

316-1850-98

1 A bill to be entitled
2 An act relating to coastal redevelopment;
3 amending s. 163.335, F.S.; providing
4 legislative intent for the scope of activities
5 included in community redevelopment; amending
6 s. 163.340, F.S.; redefining the terms
7 "blighted area," "community redevelopment," and
8 "community redevelopment area"; creating s.
9 163.336, F.S.; providing legislative intent;
10 providing for the geographical location of a
11 pilot project; providing for pilot project
12 administration; providing exemptions to certain
13 coastal construction requirements; providing
14 for the scheduled expiration of these
15 provisions; providing an effective date.

16
17 Be It Enacted by the Legislature of the State of Florida:

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19 Section 1. Section 163.335, Florida Statutes, is
20 amended to read:

21 163.335 Findings and declarations of necessity.--

22 (1) It is hereby found and declared that there exist
23 in counties and municipalities of the state slum and blighted
24 areas which constitute a serious and growing menace, injurious
25 to the public health, safety, morals, and welfare of the
26 residents of the state; that the existence of such areas
27 contributes substantially and increasingly to the spread of
28 disease and crime, constitutes an economic and social
29 liability imposing onerous burdens which decrease the tax base
30 and reduce tax revenues, substantially impairs or arrests
31 sound growth, retards the provision of housing accommodations,

1 aggravates traffic problems, and substantially hampers the
2 elimination of traffic hazards and the improvement of traffic
3 facilities; and that the prevention and elimination of slums
4 and blight is a matter of state policy and state concern in
5 order that the state and its counties and municipalities shall
6 not continue to be endangered by areas which are focal centers
7 of disease, promote juvenile delinquency, and consume an
8 excessive proportion of its revenues because of the extra
9 services required for police, fire, accident, hospitalization,
10 and other forms of public protection, services, and
11 facilities.

12 (2) It is further found and declared that certain slum
13 or blighted areas, or portions thereof, may require
14 acquisition, clearance, and disposition subject to use
15 restrictions, as provided in this part, since the prevailing
16 condition of decay may make impracticable the reclamation of
17 the area by conservation or rehabilitation; that other areas
18 or portions thereof may, through the means provided in this
19 part, be susceptible of conservation or rehabilitation in such
20 a manner that the conditions and evils enumerated may be
21 eliminated, remedied, or prevented; and that salvageable slum
22 and blighted areas can be conserved and rehabilitated through
23 appropriate public action as herein authorized and the
24 cooperation and voluntary action of the owners and tenants of
25 property in such areas.

26 (3) It is further found and declared that the powers
27 conferred by this part are for public uses and purposes for
28 which public money may be expended and the power of eminent
29 domain and police power exercised, and the necessity in the
30 public interest for the provisions herein enacted is hereby
31 declared as a matter of legislative determination.

1 (4) It is further found that coastal resort and
2 tourist areas or portions thereof which are deteriorating and
3 economically underutilized due to building density patterns,
4 inadequate transportation and parking facilities, faulty lot
5 layout, or inadequate street layout, could, through the means
6 provided in this part, be revitalized and redeveloped in a
7 manner that will vastly improve the economic and social
8 conditions of the community.

9 (5)~~(4)~~ It is further found and declared that the
10 preservation or enhancement of the tax base from which a
11 taxing authority realizes tax revenues is essential to its
12 existence and financial health; that the preservation and
13 enhancement of such tax base is implicit in the purposes for
14 which a taxing authority is established; that tax increment
15 financing is an effective method of achieving such
16 preservation and enhancement in areas in which such tax base
17 is declining; that community redevelopment in such areas, when
18 complete, will enhance such tax base and provide increased tax
19 revenues to all affected taxing authorities, increasing their
20 ability to accomplish their other respective purposes; and
21 that the preservation and enhancement of the tax base in such
22 areas through tax increment financing and the levying of taxes
23 by such taxing authorities therefor and the appropriation of
24 funds to a redevelopment trust fund bears a substantial
25 relation to the purposes of such taxing authorities and is for
26 their respective purposes and concerns. This subsection does
27 not apply in any jurisdiction where the community
28 redevelopment agency validated bonds as of April 30, 1984.

29 (6)~~(5)~~ It is further found and declared that there
30 exists in counties and municipalities of the state a severe
31 shortage of housing affordable to residents of low or moderate

1 income, including the elderly; that the existence of such
2 condition affects the health, safety, and welfare of the
3 residents of such counties and municipalities and retards
4 their growth and economic and social development; and that the
5 elimination or improvement of such condition is a proper
6 matter of state policy and state concern and is for a valid
7 and desirable public purpose.

8 Section 2. Subsections (8), (9), and (10) of section
9 163.340, Florida Statutes, are amended to read:

10 163.340 Definitions.--The following terms, wherever
11 used or referred to in this part, have the following meanings:

12 (8) "Blighted area" means either:

13 (a) An area in which there are a substantial number of
14 slum, deteriorated, or deteriorating structures and conditions
15 that lead to economic underutilization or ~~which~~ endanger life
16 or property by fire or other causes or one or more of the
17 following factors that ~~which~~ substantially impairs or arrests
18 the sound growth of a county or municipality and is a menace
19 to the public health, safety, morals, or welfare in its
20 present condition and use:

21 1. Predominance of defective or inadequate street
22 layout;

23 2. Faulty lot layout in relation to size, adequacy,
24 accessibility, or usefulness;

25 3. Unsanitary or unsafe conditions;

26 4. Deterioration of site or other improvements;

27 5. Inadequate and outdated building density patterns;

28 6.5. ~~6.5.~~ Tax or special assessment delinquency exceeding
29 the fair value of the land; ~~and~~

30 7. Inadequate transportation and parking facilities;

31 and

1 ~~8.6.~~ Diversity of ownership or defective or unusual
2 conditions of title which prevent the free alienability of
3 land within the deteriorated or hazardous area; or

4 (b) An area in which there exists faulty or inadequate
5 street layout; inadequate parking facilities; or roadways,
6 bridges, or public transportation facilities incapable of
7 handling the volume of traffic flow into or through the area,
8 either at present or following proposed construction.

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10 However, for purposes of qualifying for the tax credits
11 authorized in chapter 220, "blighted area" means an area
12 described in paragraph (a).

13 (9) "Community redevelopment" or "redevelopment" means
14 undertakings, activities, or projects of a county,
15 municipality, or community redevelopment agency in a community
16 redevelopment area for the elimination and prevention of the
17 development or spread of slums and blight or for the provision
18 of affordable housing, whether for rent or for sale, to
19 residents of low or moderate income, including the elderly,
20 and may include slum clearance and redevelopment in a
21 community redevelopment area or rehabilitation and
22 revitalization of coastal resort and tourist areas that are
23 deteriorating and economically underutilized, or
24 rehabilitation or conservation in a community redevelopment
25 area, or any combination or part thereof, in accordance with a
26 community redevelopment plan and may include the preparation
27 of such a plan.

28 (10) "Community redevelopment area" means a slum area,
29 a blighted area, or an area in which there is a shortage of
30 housing that is affordable to residents of low or moderate
31 income, including the elderly, or a coastal and tourist area

1 that is deteriorating and economically underutilized due to
2 outdated building density patterns, inadequate transportation
3 and parking facilities, faulty lot layout or inadequate street
4 layout, or a combination thereof which the governing body
5 designates as appropriate for community redevelopment.

6 Section 3. Section 163.336, Florida Statutes, is
7 created to read:

8 163.336 Coastal resort area redevelopment pilot
9 project.--

10 (1) LEGISLATIVE INTENT.--

11 (a) The Legislature recognizes that some coastal
12 resort and tourist areas are deteriorating and declining as
13 recreation and tourist centers. It is appropriate to undertake
14 a pilot project to determine the feasibility of encouraging
15 redevelopment of economically underutilized coastal properties
16 to allow full utilization of existing urban infrastructure
17 such as roads and utility lines. Such activities can have a
18 beneficial impact on local and state economies and provide job
19 opportunities and revitalization of urban areas.

20 (b) The Department of Environmental Protection shall
21 administer a pilot project for redevelopment of economically
22 distressed coastal resort and tourist areas. Such a pilot
23 project shall be administered in the coastal areas of
24 Florida's Atlantic Coast between the St. Johns River entrance
25 and Ponce de Leon Inlet.

26 (2) PILOT PROJECT ADMINISTRATION.--

27 (a) To be eligible to participate in this pilot
28 project, all or a portion of the area must be within:

29 1. The coastal building zone as defined in s. 161.54;
30 and

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1 2. A community redevelopment area, enterprise zone,
2 brownfield area, empowerment zone, or other such economically
3 deprived areas as designated by the county or municipality
4 with jurisdiction over the area.

5 (b) Local governments are encouraged to use the full
6 range of economic and tax incentives available to facilitate
7 and promote redevelopment and revitalization within the pilot
8 project areas.

9 (c) The Office of the Governor, Department of
10 Environmental Protection, and the Department of Community
11 Affairs are directed to provide technical assistance to
12 expedite permitting for redevelopment projects and
13 construction activities within the pilot project areas. Where
14 appropriate, the provisions of s. 403.973 should be followed
15 to expedite the permitting process.

16 (d) The Department of Environmental Protection shall
17 exempt construction activities within the pilot project area
18 in locations seaward of a coastal construction control line
19 and landward of existing armoring from certain siting and
20 design criteria pursuant to s. 161.053. However, such
21 exemption shall not be deemed to exempt property within the
22 pilot project area from applicable local land development
23 regulations, including but not limited to, set back, side lot
24 line, and lot coverage requirements. Such exemption shall
25 apply to construction and redevelopment of structures
26 involving the coverage, excavation, and impervious surface
27 criteria of s. 161.053, and related adopted rules, as follows:

28 1. This review by the department of applications for
29 permits for coastal construction within the pilot project area
30 must apply to construction and redevelopment of structures
31 subject to the coverage, excavation, and impervious surface

1 criteria of s. 161.053, and related adopted rules. It is the
2 intent of these provisions that the pilot project area be
3 enabled to redevelop in a manner which meets the economic
4 needs of the area while preserving public safety and existing
5 resources, including natural resources.

6 2. The criteria for review under s. 161.053 is
7 applicable within the pilot project area, except that the
8 structures are allowed to exceed 60-percent shore parallel
9 coverage and 50-percent impervious surface. Structures are
10 also not bound by the restrictions on excavation unless the
11 construction will adversely affect the integrity of the
12 existing seawall or rigid coastal armoring structure or
13 stability of the existing beach and dune system. It is
14 specifically contemplated that underground structures,
15 including garages, will be permitted. All beach-compatible
16 material excavated under this subparagraph must be maintained
17 on site seaward of the coastal construction control line.

18 3. The review criteria in subparagraph 2. will apply
19 to all construction within the pilot project area lying
20 seaward of the coastal construction control line and landward
21 of an existing viable seawall or rigid coastal armoring
22 structure, if such construction is fronted by a seawall or
23 rigid coastal armoring structure extending at least 1,000 feet
24 without any interruptions other than beach access points. For
25 purposes of this section, a viable seawall or rigid coastal
26 armoring structure is a structure that has not deteriorated,
27 dilapidated, or been damaged to such a degree that it no
28 longer provides adequate protection to the upland property
29 when considering the following criteria, including, but not
30 limited to:

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1 a. The top must be at or above the still-water level,
2 including setup, for the design storm of 30-year return storm
3 plus the breaking wave calculated at its highest achievable
4 level based on the maximum eroded beach profile and highest
5 surge level combination, and must be high enough to preclude
6 runup overtopping;

7 b. The armoring must be stable under the design storm
8 of 30-year return storm including maximum localized scour,
9 with adequate penetration; and

10 c. The armoring must have sufficient continuity or
11 return walls to prevent flooding under the design storm of
12 30-year return storm from impacting the proposed construction.

13 4. Where there exists a continuous line of rigid
14 coastal armoring structure on either side of unarmored
15 property and the adjacent line of rigid coastal armoring
16 structures are having an adverse effect on or threaten the
17 unarmored property, and the gap does not exceed 100 feet, the
18 department may grant the necessary permits under s. 161.085 to
19 close the gap.

20 5. Where there exists a continuous line of viable
21 rigid coastal armoring structure on either side of nonviable
22 rigid coastal armoring structure, the department shall grant
23 the necessary permits under s. 161.085 to replace such
24 nonviable rigid coastal armoring structure with a viable rigid
25 coastal armoring structure as defined in this section.

26 (3) PILOT PROJECT EXPIRATION.--The authorization for
27 the pilot project and the provisions of this section expire
28 December 31, 2002. The Legislature shall review these
29 requirements before their scheduled expiration.

30 Section 4. This act shall take effect upon becoming a
31 law.

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 1458

Deletes a requirement that the pilot project administered by
DEP "facilitate and demonstrate techniques" for redevelopment.

Limits to 100 feet the extent of unarmored property which may
be armored if adjacent armorings threaten said property.

Requires the DEP to issue permits to replace non-viable
armorings in certain circumstances.