

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"; amending s.
9 163.360, F.S.; requiring additional findings
10 before approval of certain community
11 redevelopment plans; creating s. 163.336, F.S.;
12 providing legislative intent; providing for the
13 geographical location of a pilot project;
14 providing for pilot project administration;
15 providing exemptions to certain coastal
16 construction requirements; providing for the
17 scheduled expiration of these provisions;
18 providing an effective date.

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20 Be It Enacted by the Legislature of the State of Florida:

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22 Section 1. Section 163.335, Florida Statutes, is
23 amended to read:

24 163.335 Findings and declarations of necessity.--

25 (1) It is hereby found and declared that there exist
26 in counties and municipalities of the state slum and blighted
27 areas which constitute a serious and growing menace, injurious
28 to the public health, safety, morals, and welfare of the
29 residents of the state; that the existence of such areas
30 contributes substantially and increasingly to the spread of
31 disease and crime, constitutes an economic and social

1 liability imposing onerous burdens which decrease the tax base
2 and reduce tax revenues, substantially impairs or arrests
3 sound growth, retards the provision of housing accommodations,
4 aggravates traffic problems, and substantially hampers the
5 elimination of traffic hazards and the improvement of traffic
6 facilities; and that the prevention and elimination of slums
7 and blight is a matter of state policy and state concern in
8 order that the state and its counties and municipalities shall
9 not continue to be endangered by areas which are focal centers
10 of disease, promote juvenile delinquency, and consume an
11 excessive proportion of its revenues because of the extra
12 services required for police, fire, accident, hospitalization,
13 and other forms of public protection, services, and
14 facilities.

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

29 (3) It is further found and declared that the powers
30 conferred by this part are for public uses and purposes for
31 which public money may be expended and the power of eminent

1 domain and police power exercised, and the necessity in the
2 public interest for the provisions herein enacted is hereby
3 declared as a matter of legislative determination.

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

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

1 ~~(6)~~⁽⁵⁾ It is further found and declared that there
2 exists in counties and municipalities of the state a severe
3 shortage of housing affordable to residents of low or moderate
4 income, including the elderly; that the existence of such
5 condition affects the health, safety, and welfare of the
6 residents of such counties and municipalities and retards
7 their growth and economic and social development; and that the
8 elimination or improvement of such condition is a proper
9 matter of state policy and state concern and is for a valid
10 and desirable public purpose.

11 Section 2. Subsections (8), (9), and (10) of section
12 163.340, Florida Statutes, are amended to read:

13 163.340 Definitions.--The following terms, wherever
14 used or referred to in this part, have the following meanings:

15 (8) "Blighted area" means either:

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

24 1. Predominance of defective or inadequate street
25 layout;

26 2. Faulty lot layout in relation to size, adequacy,
27 accessibility, or usefulness;

28 3. Unsanitary or unsafe conditions;

29 4. Deterioration of site or other improvements;

30 5. Inadequate and outdated building density patterns;

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1 ~~6.5.~~ Tax or special assessment delinquency exceeding
2 the fair value of the land; ~~and~~

3 7. Inadequate transportation and parking facilities;
4 and

5 ~~8.6.~~ Diversity of ownership or defective or unusual
6 conditions of title which prevent the free alienability of
7 land within the deteriorated or hazardous area; or

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

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

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

1 (10) "Community redevelopment area" means a slum area,
2 a blighted area, or an area in which there is a shortage of
3 housing that is affordable to residents of low or moderate
4 income, including the elderly, or a coastal and tourist area
5 that is deteriorating and economically distressed due to
6 outdated building density patterns, inadequate transportation
7 and parking facilities, faulty lot layout or inadequate street
8 layout, or a combination thereof which the governing body
9 designates as appropriate for community redevelopment.

10 Section 3. Subsection (6) of section 163.360, Florida
11 Statutes, is amended to read:

12 163.360 Community redevelopment plans.--

13 (6) Following such hearing, the governing body may
14 approve the community redevelopment and the plan therefor if
15 it finds that:

16 (a) A feasible method exists for the location of
17 families who will be displaced from the community
18 redevelopment area in decent, safe, and sanitary dwelling
19 accommodations within their means and without undue hardship
20 to such families;

21 (b) The community redevelopment plan conforms to the
22 general plan of the county or municipality as a whole;

23 (c) The community redevelopment plan gives due
24 consideration to the provision of adequate park and
25 recreational areas and facilities that may be desirable for
26 neighborhood improvement, with special consideration for the
27 health, safety, and welfare of children residing in the
28 general vicinity of the site covered by the plans; ~~and~~

29 (d) The community redevelopment plan will afford
30 maximum opportunity, consistent with the sound needs of the
31 county or municipality as a whole, for the rehabilitation or

1 redevelopment of the community redevelopment area by private
2 enterprise; ~~and~~;

3 (e) The community redevelopment plan and resulting
4 revitalization and redevelopment for a coastal tourist area
5 that is deteriorating and economically distressed will reduce
6 or maintain evacuation time, as appropriate, and ensure
7 protection for property against exposure to natural disasters.

8 Section 4. Section 163.336, Florida Statutes, is
9 created to read:

10 163.336 Coastal resort area redevelopment pilot
11 project.--

12 (1) LEGISLATIVE INTENT.--

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

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

28 (2) PILOT PROJECT ADMINISTRATION.--

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

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

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

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

11 (c) The Office of the Governor, Department of
12 Environmental Protection, and the Department of Community
13 Affairs are directed to provide technical assistance to
14 expedite permitting for redevelopment projects and
15 construction activities within the pilot project areas
16 consistent with the principles, processes, and time frames
17 provided in s. 403.973.

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

30 1. This review by the department of applications for
31 permits for coastal construction within the pilot project area

1 must apply to construction and redevelopment of structures
2 subject to the coverage, excavation, and impervious surface
3 criteria of s. 161.053, and related adopted rules. It is the
4 intent of these provisions that the pilot project area be
5 enabled to redevelop in a manner which meets the economic
6 needs of the area while preserving public safety and existing
7 resources, including natural resources.

8 2. The criteria for review under s. 161.053 are
9 applicable within the pilot project area, except that the
10 structures within the pilot project area shall not be subject
11 to specific shore parallel coverage requirements and are
12 allowed to exceed the 50 percent impervious surface
13 requirement. In no case shall stormwater discharge be allowed
14 onto, or seaward of, the frontal dune. Structures are also not
15 bound by the restrictions on excavation unless the
16 construction will adversely affect the integrity of the
17 existing seawall or rigid coastal armoring structure or
18 stability of the existing beach and dune system. It is
19 specifically contemplated that underground structures,
20 including garages, will be permitted. All beach-compatible
21 material excavated under this subparagraph must be maintained
22 on site seaward of the coastal construction control line.

23 3. The review criteria in subparagraph 2. will apply
24 to all construction within the pilot project area lying
25 seaward of the coastal construction control line and landward
26 of an existing viable seawall or rigid coastal armoring
27 structure, if such construction is fronted by a seawall or
28 rigid coastal armoring structure extending at least 1,000 feet
29 without any interruptions other than beach access points. For
30 purposes of this section, a viable seawall or rigid coastal
31 armoring structure is a structure that has not deteriorated,

1 dilapidated, or been damaged to such a degree that it no
2 longer provides adequate protection to the upland property
3 when considering the following criteria, including, but not
4 limited to:

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

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

14 c. The armoring must have sufficient continuity or
15 return walls to prevent flooding under the design storm of
16 30-year return storm from impacting the proposed construction.

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

24 5. Structures approved pursuant to this section shall
25 not cause flooding of or result in adverse impacts to existing
26 upland structures or properties and shall comply with all
27 other requirements of s. 161.053 and its implementing rules.

28 6. Where there exists a continuous line of viable
29 rigid coastal armoring structure on either side of a nonviable
30 rigid coastal armoring structure, the department shall grant
31 the necessary permits under s. 161.085 to replace such

1 nonviable rigid coastal armoring structure with a viable rigid
2 coastal armoring structure as defined in this section. This
3 shall not apply to rigid coastal armoring structures
4 constructed after May 1, 1998, unless such structures have
5 been permitted pursuant to s. 161.085(2).

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

10 Section 5. This act shall take effect upon becoming a
11 law.

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