

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 appropriations; providing an
19 effective date.

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

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

25 163.335 Findings and declarations of necessity.--

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

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

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

30 (3) It is further found and declared that the powers
31 conferred by this part are for public uses and purposes for

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

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

13 ~~(5)(4)~~ It is further found and declared that the
14 preservation or enhancement of the tax base from which a
15 taxing authority realizes tax revenues is essential to its
16 existence and financial health; that the preservation and
17 enhancement of such tax base is implicit in the purposes for
18 which a taxing authority is established; that tax increment
19 financing is an effective method of achieving such
20 preservation and enhancement in areas in which such tax base
21 is declining; that community redevelopment in such areas, when
22 complete, will enhance such tax base and provide increased tax
23 revenues to all affected taxing authorities, increasing their
24 ability to accomplish their other respective purposes; and
25 that the preservation and enhancement of the tax base in such
26 areas through tax increment financing and the levying of taxes
27 by such taxing authorities therefor and the appropriation of
28 funds to a redevelopment trust fund bears a substantial
29 relation to the purposes of such taxing authorities and is for
30 their respective purposes and concerns. This subsection does
31

1 not apply in any jurisdiction where the community
2 redevelopment agency validated bonds as of April 30, 1984.

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

13 Section 2. Subsections (8), (9), and (10) of section
14 163.340, Florida Statutes, are amended to read:

15 163.340 Definitions.--The following terms, wherever
16 used or referred to in this part, have the following meanings:

17 (8) "Blighted area" means either:

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

26 1. Predominance of defective or inadequate street
27 layout;

28 2. Faulty lot layout in relation to size, adequacy,
29 accessibility, or usefulness;

30 3. Unsanitary or unsafe conditions;

31 4. Deterioration of site or other improvements;

1 5. Inadequate and outdated building density patterns;
2 ~~6.5.~~ Tax or special assessment delinquency exceeding
3 the fair value of the land; ~~and~~

4 7. Inadequate transportation and parking facilities;
5 and

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

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

14

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

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

31

1 redevelopment plan and may include the preparation of such a
2 plan.

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

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

14 163.360 Community redevelopment plans.--

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

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

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

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

31

1 (d) The community redevelopment plan will afford
2 maximum opportunity, consistent with the sound needs of the
3 county or municipality as a whole, for the rehabilitation or
4 redevelopment of the community redevelopment area by private
5 enterprise; ~~and-~~

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

11 Section 4. Section 163.336, Florida Statutes, is
12 created to read:

13 163.336 Coastal resort area redevelopment pilot
14 project.--

15 (1) LEGISLATIVE INTENT.--

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

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

31 (2) PILOT PROJECT ADMINISTRATION.--

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

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

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

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

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

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

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

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

25 3. The review criteria in subparagraph 2. will apply
26 to all construction within the pilot project area lying
27 seaward of the coastal construction control line and landward
28 of an existing viable seawall or rigid coastal armoring
29 structure, if such construction is fronted by a seawall or
30 rigid coastal armoring structure extending at least 1,000 feet
31 without any interruptions other than beach access points. For

1 purposes of this section, a viable seawall or rigid coastal
2 armoring structure is a structure that has not deteriorated,
3 dilapidated, or been damaged to such a degree that it no
4 longer provides adequate protection to the upland property
5 when considering the following criteria, including, but not
6 limited to:

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

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

16 c. The armoring must have sufficient continuity or
17 return walls to prevent flooding under the design storm of
18 30-year return storm from impacting the proposed construction.

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

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

30 6. Where there exists a continuous line of viable
31 rigid coastal armoring structure on either side of a nonviable

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

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

12 Section 5. Effective July 1, 1998, there is hereby
13 appropriated an additional \$500,000 from the Grants and
14 Donations Trust Fund for the purposes contained in Specific
15 Appropriation 1258 of the Conference Report on HB 4201, 1998.
16 Effective July 1, 1998, an additional \$2,000,000 is
17 appropriated from the Grants and Donations Trust Fund for the
18 purposes contained in Specific Appropriation 1230 of the
19 Conference Report on HB 4201, 1998. The \$2,000,000 reflects
20 the transfer of mitigation funds from the Florida Hurricane
21 Catastrophe Fund pursuant to section 215.555(7)(c), Florida
22 Statutes.

23 Section 6. Notwithstanding the provisions of section
24 376.11, Florida Statutes, there is hereby appropriated from
25 the Coastal Protection Trust Fund to the Department of
26 Environmental Protection for fiscal year 1998-1999 the
27 additional sum of \$1 million. These funds shall be used by the
28 department to provide grants to increase the knowledge of
29 factors that control harmful algal blooms, including red tide,
30 and to gain knowledge to be used for the early detection of
31 factors precipitating harmful algal blooms; for accurate

1 prediction of the extent and seriousness of harmful algal
2 blooms; and for undertaking successful efforts to control and
3 mitigate the effects of harmful algal blooms. The program
4 shall foster partnerships through contracts between the state
5 and universities, nonprofit organizations, and citizens
6 groups.

7 Section 7. This act shall take effect upon becoming a
8 law.

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31