

By the Committee on Community Affairs and Representatives
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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.; providing additional criteria
 10 for approval of a community redevelopment;
 11 creating s. 163.336, F.S.; providing
 12 legislative intent; providing for the
 13 geographical locations of coastal resort area
 14 redevelopment pilot projects; providing for
 15 administration of the pilot projects; providing
 16 exemptions to certain coastal construction
 17 requirements; providing for the scheduled
 18 expiration of these provisions; providing an
 19 effective date.

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

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 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 would 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
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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.
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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
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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~~

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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 projects.--

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 pilot projects 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 pilot projects for redevelopment of economically
27 distressed coastal resort and tourist areas. The pilot
28 projects 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 and the coastal areas of Florida's
31 Gulf of Mexico between St. Andrews Bay and Perdido Bay.

- 1 (2) ADMINISTRATION OF PILOT PROJECTS.--
2 (a) To be eligible to participate in the pilot
3 projects, all or a portion of the area must be within:
4 1. The coastal building zone as defined in s. 161.54;
5 and
6 2. A community redevelopment area, enterprise zone,
7 brownfield area, empowerment zone, or other such economically
8 deprived area as designated by the county or municipality with
9 jurisdiction over the area.
10 (b) Local governments are encouraged to use the full
11 range of economic and tax incentives available to facilitate
12 and promote redevelopment and revitalization within the areas
13 of the pilot projects.
14 (c) The Office of the Governor, the Department of
15 Environmental Protection, and the Department of Community
16 Affairs are directed to provide technical assistance to
17 expedite permitting for redevelopment projects and
18 construction activities within the areas of the pilot
19 projects, consistent with the principles, processes, and
20 timeframes provided in s. 403.973.
21 (d) The Department of Environmental Protection shall
22 exempt construction activities within the areas of the pilot
23 projects in locations seaward of a coastal construction
24 control line and landward of existing armoring from certain
25 siting and design criteria pursuant to s. 161.053. However,
26 such exemption shall not be deemed to exempt property within
27 the areas of the pilot projects from applicable local land
28 development regulations, including, but not limited to,
29 setback, side lot line, and lot coverage requirements. Such
30 exemption shall apply to construction and redevelopment of
31 structures involving the coverage, excavation, and impervious

1 surface criteria of s. 161.053, and related adopted rules, as
2 follows:

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

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

27 3. The review criteria in subparagraph 2. will apply
28 to all construction within the area of the pilot projects
29 lying seaward of the coastal construction control line and
30 landward of an existing viable seawall or rigid coastal
31 armoring structure, if such construction is fronted by a

1 seawall or rigid coastal armoring structure extending at least
2 1,000 feet without any interruptions other than beach access
3 points. For purposes of this section, a viable seawall or
4 rigid coastal armoring structure is a structure that has not
5 deteriorated, dilapidated, or been damaged to such a degree
6 that it no longer provides adequate protection to the upland
7 property when considering criteria including, but not limited
8 to, the following:

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

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

18 c. The armoring must have sufficient continuity or
19 return walls to prevent flooding under the design storm of
20 30-year return storm from impacting the proposed construction.

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

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

1 6. Where there exists a continuous line of viable
2 rigid coastal armoring structure on either side of a nonviable
3 rigid coastal armoring structure, the department shall grant
4 the necessary permits under s. 161.085 to replace such
5 nonviable rigid coastal armoring structure with a viable rigid
6 coastal armoring structure as defined herein. This shall not
7 apply to rigid coastal armoring structures constructed after
8 May 1, 1998, unless such structures have been permitted
9 pursuant to s. 161.085(2).

10 (3) EXPIRATION OF PILOT PROJECTS.--The authorization
11 for the pilot projects and the provisions of this section
12 expire December 31, 2002. The Legislature shall review these
13 requirements before their scheduled expiration.

14 Section 5. This act shall take effect upon becoming a
15 law.

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