

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

BILL: CS/SB 2688

SPONSOR: Comprehensive Planning Committee and Senator Jones

SUBJECT: Coastal Redevelopment Hazard Mitigation

DATE: April 17, 2003      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Herrin	Yeatman	CP	Fav/CS
2.	_____	_____	NR	_____
3.	_____	_____	ATD	_____
4.	_____	_____	AP	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

**I. Summary:**

The bill creates a demonstration project for up to five local governments or a combination of local governments that would allow them to amend their comprehensive plans to allow for redevelopment of coastal areas within designated high hazard areas. The bill sets forth the conditions for eligibility for the demonstration project and gives the state land planning agency authority over the administration of the project.

For the participating local governments, the bill increases the planning requirements on coastal counties and municipalities by requiring the inclusion of additional provisions in the coastal management element of their comprehensive plans. However, the bill provides more flexibility to those local governments to redevelop areas within coastal high hazard areas that would otherwise not be allowed to be redeveloped.

This bill substantially amends the following sections of the Florida Statutes: 163.3164, 163.3177, 163.3178, 186.515, 288.975, and 369.303, F.S.

**II. Present Situation:**

The Local Government Comprehensive Planning and Land Development Regulation Act of 1985, ("Act") ss. 163.3161-163.3244, F.S., establishes a growth management system in Florida which requires each local government (or combination of local governments) to adopt a comprehensive land use plan that includes certain required elements, such as: a future land use plan; capital improvements; and an intergovernmental coordination element. The local government comprehensive plan is intended to be the policy document guiding local governments in their land use decision-making. Under Part II of ch. 163, F.S., each local government is required to adopt a comprehensive plan to guide future development within its

jurisdiction. Section 163.3177, F.S., requires each comprehensive plan to include certain “elements” that address different aspects of growth management.

Those local governments in coastal areas of the state are required to include a “coastal management element.”<sup>1</sup> The coastal management element is required to set forth policies to guide the local governments’ decisions and program implementation with respect to certain listed objectives. Included in the listed objectives is “the protection of human life against the effects of natural disasters.” Each coastal management element is also required to contain a component which outlines strategies for hazard mitigation and protection of human life against the effects of natural disasters.

The coastal management element must outline principles to be used in eliminating inappropriate and unsafe development in coastal areas as the opportunity arises. Further, it must identify public access to beach and shoreline areas and address the need for water-dependent and water-related facilities. This element must identify regulatory and management techniques that a local government will use in order to mitigate the threat to human life and to control proposed development and redevelopment in order to protect the coastal environment considering impacts cumulatively. A coastal local government is also required to include, in its coastal element, the designation of “high-hazard coastal areas,” which consist of category 1 evacuation zones. Under current growth management law, local governments are restricted from allowing development in these areas that would increase the density or intensity of the current land use.

### **III. Effect of Proposed Changes:**

**Section 1** creates the “Coastal Redevelopment Hazard Mitigation Demonstration Project Act.”

**Section 2** amends s. 163.3164, F.S., to define “local hazard mitigation strategy” as a local plan required under the Robert T. Stafford Disaster Relief and Emergency Assistance Act to promote hazard mitigation and to manage disaster redevelopment.

**Section 3** amends s. 163.3177, F.S., to include vulnerability to natural hazards and hazard mitigation as part of the data on which a local government will base its future land use plan. This bill requires a coastal management element to address “the implementation of hazard mitigation strategies,” in addition to the objective of “the protection of human life against the effects of natural disasters.”

**Section 4** amends s. 163.3178, F.S., to require a coastal management element to include a component which not only outlines principles for hazard mitigation and protection of human life, but also principles for the protection of “property” with local hazard mitigation strategies.

The bill provides for a “demonstration project” for up to five local governments or combinations of local governments that would amend their comprehensive plans to allow for the redevelopment of coastal areas within the designated coastal high hazard area. The local government would submit an application for the demonstration project to the Department of Community Affairs (Department) with the participation of the county emergency management

---

<sup>1</sup> S. 163.3177(6)(g), F.S.

agency. To be eligible for the demonstration project the project would have to meet certain conditions, which include:

- The area is part of a comprehensive redevelopment strategy that is incorporated in the comprehensive plan;
- The area is consistent with the definition of “urban infill” or “urban redevelopment;”
- The area is not within an area of critical state concern;
- The comprehensive plan delineates the coastal high hazard area; and
- The county emergency management agency affirms in writing its intent to participate in the project.

In order to allow for redevelopment within the coastal high hazard area beyond what is allowed in the comprehensive plan, the local government would be required to adopt into the plan a redevelopment strategy and local hazard mitigation strategies that include the following components:

- Measures to reduce, replace or eliminate unsafe structures and properties subject to repetitive damage;
- Measures to reduce exposure of infrastructure to hazards including relocation or structural modifications to threatened coastal infrastructure;
- Operational and capacity improvements to maintain hurricane evacuation clearance times as established in the most recent hurricane evacuation study or transportation analysis;
- For counties where the hurricane evacuation clearance times exceed 16 hours for a Category 3 storm event, measures to ensure the redevelopment strategy reduces county shelter deficit and hurricane clearance times to adequate levels below 16 hours;
- Measures that provide for county evacuation shelter space to ensure that development authorized within the areas provides for mitigation is proportional to its impact to offset the increased demand on evacuation and public shelter space; and
- Measures to ensure that public expenditures which subsidize development in the most vulnerable areas of the coastal high hazard area are limited, except for that needed to provide for public access to the beach and shoreline, restore beaches and dunes and other natural systems, correct existing hurricane evacuation deficiencies or to make facilities more disaster resistant;
- Measures that commit to planning and regulatory standards which exceed minimum National Flood Insurance Standards;
- Measures to ensure that the redevelopment strategy does not allow increases in development, including residential and transient residential development, within the most vulnerable areas of the coastal high hazard area;
- Measures to ensure the protection of coastal resources, including beach and dune systems, and to provide for public access to the beach and shoreline consistent with estimated public needs;
- Data and analysis that show what costs, including the potential costs of the damage to structures, property and infrastructure, would be less than without the redevelopment strategy;

- Data and analysis forecasting the impacts of the redevelopment on clearance times based on the population anticipated by the redevelopment strategy; and
- Execution of an interlocal agreement between the local governments participating in the demonstration project to implement mitigation strategies that reduce hurricane evacuation clearance times and public shelter deficit.

The state land planning agency is given authority to adopt procedural rules governing the submission and review of the applications. The agency must give the Federal Emergency Management Agency (FEMA) and the Division of Emergency Management an opportunity to comment on the application.

A local government that meets the required conditions must enter into a written agreement with the agency. The agreement must: (1) delineate the area that will be subject to the increase in development potential and state the amount of the increase; (2) identify the most vulnerable areas of the coastal high hazard area not subject to increases in development; and (3) describe how all the required conditions are met.

The agency is to coordinate the review of hazard mitigation strategies with FEMA and the Division of Emergency Management and include in the agreement the conditions necessary to meet the requirements of hurricane evacuation, shelter and hazard mitigation. Also, the agreement must specify procedures for public participation and intergovernmental coordination with the county emergency management agency and any affected municipalities. The bill requires a public hearing prior to execution of the agreement. Once the agreement is executed, the local government may propose such amendments to its comprehensive plan as are authorized by the agreement.

The agency is required to file a progress report on the demonstration project with the Governor, the President of the Senate, and the Speaker of the House of Representatives by February 1, 2005.

**Section 5** amends s. 186.515, F.S., to conform a cross-reference with the provisions of this bill.

**Section 6** amends s. 288.975, F.S., to conform a cross-reference with the provisions of this bill.

**Section 7** amends s. 369.303, F.S., to conform a cross-reference with the provisions of this bill.

**Section 8** provides the act shall take effect upon becoming a law.

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

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

None.

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

None.

C. Trust Funds Restrictions:

None.

**V. Economic Impact and Fiscal Note:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The redevelopment of properties in coastal areas may have a significant positive fiscal impact on property owners and developers in those areas.

C. Government Sector Impact:

The redevelopment of properties in coastal areas could have a significant positive impact on local government property tax revenues as a result of increases in property values.

The bill requires the state land planning agency to review applications for the demonstration project and review comprehensive plan amendments resulting from project itself.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Amendments:**

None.