

1                                   A bill to be entitled  
2           An act relating to coastal redevelopment hazard  
3           mitigation; providing a popular name; amending  
4           s. 163.3164, F.S.; defining the term "local  
5           hazard mitigation strategy"; amending s.  
6           163.3177, F.S.; providing an additional  
7           requirement in the comprehensive plan  
8           concerning hazard mitigation; amending s.  
9           163.3178, F.S.; revising language with respect  
10          to coastal management; authorizing a  
11          demonstration project in certain counties to  
12          allow for the redevelopment of coastal areas  
13          within the designated coastal high hazard area;  
14          providing conditions; providing for application  
15          by a local government; providing for a written  
16          agreement between the state land planning  
17          agency and the local government; providing for  
18          a progress report; amending ss. 186.515,  
19          288.975, and 369.303, F.S.; correcting  
20          cross-references to conform; amending s.  
21          380.06, F.S.; providing presumptions with  
22          respect to whether an extension of the date of  
23          a buildout or phase in an areawide development  
24          plan constitutes a substantial deviation;  
25          amending s. 163.3174, F.S.; providing local  
26          planning authority for certain municipalities  
27          in certain charter counties; providing an  
28          effective date.

29  
30 Be It Enacted by the Legislature of the State of Florida:  
31

1           Section 1. Popular name.--This act may be cited as the  
2 "Coastal Redevelopment Hazard Mitigation Demonstration Project  
3 Act."

4           Section 2. Section 163.3164, Florida Statutes, is  
5 amended to read:

6           163.3164 Local Government Comprehensive Planning and  
7 Land Development Regulation Act; definitions. As used in this  
8 act:

9           (1) "Administration Commission" means the Governor and  
10 the Cabinet, and for purposes of this chapter the commission  
11 shall act on a simple majority vote, except that for purposes  
12 of imposing the sanctions provided in s. 163.3184(11),  
13 affirmative action shall require the approval of the Governor  
14 and at least three other members of the commission.

15           (2) "Area" or "area of jurisdiction" means the total  
16 area qualifying under the provisions of this act, whether this  
17 be all of the lands lying within the limits of an incorporated  
18 municipality, lands in and adjacent to incorporated  
19 municipalities, all unincorporated lands within a county, or  
20 areas comprising combinations of the lands in incorporated  
21 municipalities and unincorporated areas of counties.

22           (3) "Coastal area" means the 35 coastal counties and  
23 all coastal municipalities within their boundaries designated  
24 coastal by the state land planning agency.

25           (4) "Comprehensive plan" means a plan that meets the  
26 requirements of ss. 163.3177 and 163.3178.

27           (5) "Developer" means any person, including a  
28 governmental agency, undertaking any development as defined in  
29 this act.

30           (6) "Development" has the meaning given it in s.  
31 380.04.

1           (7) "Development order" means any order granting,  
2 denying, or granting with conditions an application for a  
3 development permit.

4           (8) "Development permit" includes any building permit,  
5 zoning permit, subdivision approval, rezoning, certification,  
6 special exception, variance, or any other official action of  
7 local government having the effect of permitting the  
8 development of land.

9           (9) "Governing body" means the board of county  
10 commissioners of a county, the commission or council of an  
11 incorporated municipality, or any other chief governing body  
12 of a unit of local government, however designated, or the  
13 combination of such bodies where joint utilization of the  
14 provisions of this act is accomplished as provided herein.

15           (10) "Governmental agency" means:

16           (a) The United States or any department, commission,  
17 agency, or other instrumentality thereof.

18           (b) This state or any department, commission, agency,  
19 or other instrumentality thereof.

20           (c) Any local government, as defined in this section,  
21 or any department, commission, agency, or other  
22 instrumentality thereof.

23           (d) Any school board or other special district,  
24 authority, or governmental entity.

25           (11) "Land" means the earth, water, and air, above,  
26 below, or on the surface, and includes any improvements or  
27 structures customarily regarded as land.

28           (12) "Land use" means the development that has  
29 occurred on the land, the development that is proposed by a  
30 developer on the land, or the use that is permitted or  
31 permissible on the land under an adopted comprehensive plan or

1 element or portion thereof, land development regulations, or a  
2 land development code, as the context may indicate.

3 (13) "Local government" means any county or  
4 municipality.

5 (14) "Local hazard mitigation strategy" means a local  
6 plan required under Section 322, Mitigation Planning, of the  
7 Robert T. Stafford Disaster Relief and Emergency Assistance  
8 Act, enacted by Section 104 of the Disaster Mitigation Act of  
9 2000 (Pub. L. No. 106-390) to promote hazard mitigation and to  
10 manage disaster redevelopment.

11 (15)~~(14)~~ "Local planning agency" means the agency  
12 designated to prepare the comprehensive plan or plan  
13 amendments required by this act.

14 (16)~~(15)~~ A "newspaper of general circulation" means a  
15 newspaper published at least on a weekly basis and printed in  
16 the language most commonly spoken in the area within which it  
17 circulates, but does not include a newspaper intended  
18 primarily for members of a particular professional or  
19 occupational group, a newspaper whose primary function is to  
20 carry legal notices, or a newspaper that is given away  
21 primarily to distribute advertising.

22 (17)~~(16)~~ "Parcel of land" means any quantity of land  
23 capable of being described with such definiteness that its  
24 locations and boundaries may be established, which is  
25 designated by its owner or developer as land to be used, or  
26 developed as, a unit or which has been used or developed as a  
27 unit.

28 (18)~~(17)~~ "Person" means an individual, corporation,  
29 governmental agency, business trust, estate, trust,  
30 partnership, association, two or more persons having a joint  
31 or common interest, or any other legal entity.

1        (19)~~(18)~~ "Public notice" means notice as required by  
2 s. 125.66(2) for a county or by s. 166.041(3)(a) for a  
3 municipality. The public notice procedures required in this  
4 part are established as minimum public notice procedures.

5        (20)~~(19)~~ "Regional planning agency" means the agency  
6 designated by the state land planning agency to exercise  
7 responsibilities under law in a particular region of the  
8 state.

9        (21)~~(20)~~ "State land planning agency" means the  
10 Department of Community Affairs.

11        (22)~~(21)~~ "Structure" has the meaning given it by s.  
12 380.031(19).

13        (23)~~(22)~~ "Land development regulation commission"  
14 means a commission designated by a local government to develop  
15 and recommend, to the local governing body, land development  
16 regulations which implement the adopted comprehensive plan and  
17 to review land development regulations, or amendments thereto,  
18 for consistency with the adopted plan and report to the  
19 governing body regarding its findings. The responsibilities of  
20 the land development regulation commission may be performed by  
21 the local planning agency.

22        (24)~~(23)~~ "Land development regulations" means  
23 ordinances enacted by governing bodies for the regulation of  
24 any aspect of development and includes any local government  
25 zoning, rezoning, subdivision, building construction, or sign  
26 regulations or any other regulations controlling the  
27 development of land, except that this definition shall not  
28 apply in s. 163.3213.

29        (25)~~(24)~~ "Public facilities" means major capital  
30 improvements, including, but not limited to, transportation,  
31 sanitary sewer, solid waste, drainage, potable water,

1 educational, parks and recreational, and health systems and  
2 facilities, and spoil disposal sites for maintenance dredging  
3 located in the intracoastal waterways, except for spoil  
4 disposal sites owned or used by ports listed in s.  
5 403.021(9)(b).

6 (26)~~(25)~~ "Downtown revitalization" means the physical  
7 and economic renewal of a central business district of a  
8 community as designated by local government, and includes both  
9 downtown development and redevelopment.

10 (27)~~(26)~~ "Urban redevelopment" means demolition and  
11 reconstruction or substantial renovation of existing buildings  
12 or infrastructure within urban infill areas or existing urban  
13 service areas.

14 (28)~~(27)~~ "Urban infill" means the development of  
15 vacant parcels in otherwise built-up areas where public  
16 facilities such as sewer systems, roads, schools, and  
17 recreation areas are already in place and the average  
18 residential density is at least five dwelling units per acre,  
19 the average nonresidential intensity is at least a floor area  
20 ratio of 1.0 and vacant, developable land does not constitute  
21 more than 10 percent of the area.

22 (29)~~(28)~~ "Projects that promote public transportation"  
23 means projects that directly affect the provisions of public  
24 transit, including transit terminals, transit lines and  
25 routes, separate lanes for the exclusive use of public transit  
26 services, transit stops (shelters and stations), office  
27 buildings or projects that include fixed-rail or transit  
28 terminals as part of the building, and projects which are  
29 transit oriented and designed to complement reasonably  
30 proximate planned or existing public facilities.

31

1           ~~(30)~~(29) "Existing urban service area" means built-up  
2 areas where public facilities and services such as sewage  
3 treatment systems, roads, schools, and recreation areas are  
4 already in place.

5           ~~(31)~~(30) "Transportation corridor management" means  
6 the coordination of the planning of designated future  
7 transportation corridors with land use planning within and  
8 adjacent to the corridor to promote orderly growth, to meet  
9 the concurrency requirements of this chapter, and to maintain  
10 the integrity of the corridor for transportation purposes.

11           ~~(32)~~(31) "Optional sector plan" means an optional  
12 process authorized by s. 163.3245 in which one or more local  
13 governments by agreement with the state land planning agency  
14 are allowed to address development-of-regional-impact issues  
15 within certain designated geographic areas identified in the  
16 local comprehensive plan as a means of fostering innovative  
17 planning and development strategies in s. 163.3177(11)(a) and  
18 (b), furthering the purposes of this part and part I of  
19 chapter 380, reducing overlapping data and analysis  
20 requirements, protecting regionally significant resources and  
21 facilities, and addressing extrajurisdictional impacts.

22           Section 3. Paragraphs (a) and (g) of subsection (6) of  
23 section 163.3177, Florida Statutes, are amended to read:

24           163.3177 Required and optional elements of  
25 comprehensive plan; studies and surveys.--

26           (6) In addition to the requirements of subsections  
27 (1)-(5), the comprehensive plan shall include the following  
28 elements:

29           (a) A future land use plan element designating  
30 proposed future general distribution, location, and extent of  
31 the uses of land for residential uses, commercial uses,

1 industry, agriculture, recreation, conservation, education,  
2 public buildings and grounds, other public facilities, and  
3 other categories of the public and private uses of land. Each  
4 future land use category must be defined in terms of uses  
5 included, and must include standards to be followed in the  
6 control and distribution of population densities and building  
7 and structure intensities. The proposed distribution,  
8 location, and extent of the various categories of land use  
9 shall be shown on a land use map or map series which shall be  
10 supplemented by goals, policies, and measurable objectives.  
11 The future land use plan shall be based upon surveys, studies,  
12 and data regarding the area, including the amount of land  
13 required to accommodate anticipated growth; the projected  
14 population of the area; the character of undeveloped land; the  
15 availability of public services; the vulnerability to natural  
16 hazards and hazard mitigation; the need for redevelopment,  
17 including the renewal of blighted areas and the elimination of  
18 nonconforming uses which are inconsistent with the character  
19 of the community; and, in rural communities, the need for job  
20 creation, capital investment, and economic development that  
21 will strengthen and diversify the community's economy. The  
22 future land use plan may designate areas for future planned  
23 development use involving combinations of types of uses for  
24 which special regulations may be necessary to ensure  
25 development in accord with the principles and standards of the  
26 comprehensive plan and this act. In addition, for rural  
27 communities, the amount of land designated for future planned  
28 industrial use shall be based upon surveys and studies that  
29 reflect the need for job creation, capital investment, and the  
30 necessity to strengthen and diversify the local economies, and  
31 shall not be limited solely by the projected population of the



1 rural community. The future land use plan of a county may also  
2 designate areas for possible future municipal incorporation.  
3 The land use maps or map series shall generally identify and  
4 depict historic district boundaries and shall designate  
5 historically significant properties meriting protection. The  
6 future land use element must clearly identify the land use  
7 categories in which public schools are an allowable use. When  
8 delineating the land use categories in which public schools  
9 are an allowable use, a local government shall include in the  
10 categories sufficient land proximate to residential  
11 development to meet the projected needs for schools in  
12 coordination with public school boards and may establish  
13 differing criteria for schools of different type or size. Each  
14 local government shall include lands contiguous to existing  
15 school sites, to the maximum extent possible, within the land  
16 use categories in which public schools are an allowable use.  
17 All comprehensive plans must comply with the school siting  
18 requirements of this paragraph no later than October 1, 1999.  
19 The failure by a local government to comply with these school  
20 siting requirements by October 1, 1999, will result in the  
21 prohibition of the local government's ability to amend the  
22 local comprehensive plan, except for plan amendments described  
23 in s. 163.3187(1)(b), until the school siting requirements are  
24 met. Amendments proposed by a local government for purposes of  
25 identifying the land use categories in which public schools  
26 are an allowable use or for adopting or amending the  
27 school-siting maps pursuant to s. 163.31776(3) are exempt from  
28 the limitation on the frequency of plan amendments contained  
29 in s. 163.3187. The future land use element shall include  
30 criteria that encourage the location of schools proximate to  
31 urban residential areas to the extent possible and shall

1 require that the local government seek to collocate public  
2 facilities, such as parks, libraries, and community centers,  
3 with schools to the extent possible and to encourage the use  
4 of elementary schools as focal points for neighborhoods. For  
5 schools serving predominantly rural counties, defined as a  
6 county with a population of 100,000 or fewer, an agricultural  
7 land use category shall be eligible for the location of public  
8 school facilities if the local comprehensive plan contains  
9 school siting criteria and the location is consistent with  
10 such criteria.

11 (g) For those units of local government identified in  
12 s. 380.24, a coastal management element, appropriately related  
13 to the particular requirements of paragraphs (d) and (e) and  
14 meeting the requirements of s. 163.3178(2) and (3). The  
15 coastal management element shall set forth the policies that  
16 shall guide the local government's decisions and program  
17 implementation with respect to the following objectives:

18 1. Maintenance, restoration, and enhancement of the  
19 overall quality of the coastal zone environment, including,  
20 but not limited to, its amenities and aesthetic values.

21 2. Continued existence of viable populations of all  
22 species of wildlife and marine life.

23 3. The orderly and balanced utilization and  
24 preservation, consistent with sound conservation principles,  
25 of all living and nonliving coastal zone resources.

26 4. Avoidance of irreversible and irretrievable loss of  
27 coastal zone resources.

28 5. Ecological planning principles and assumptions to  
29 be used in the determination of suitability and extent of  
30 permitted development.

31 6. Proposed management and regulatory techniques.

1           7. Limitation of public expenditures that subsidize  
2 development in high-hazard coastal areas.

3           8. Protection of human life against the effects of  
4 natural disasters and implementation of hazard mitigation  
5 strategies.

6           9. The orderly development, maintenance, and use of  
7 ports identified in s. 403.021(9) to facilitate deepwater  
8 commercial navigation and other related activities.

9           10. Preservation, including sensitive adaptive use of  
10 historic and archaeological resources.

11           Section 4. Paragraphs (d) and (f) of subsection (2) of  
12 section 163.3178, Florida Statutes, are amended, and  
13 subsection (9) is added to that section, to read:

14           163.3178 Coastal management.--

15           (2) Each coastal management element required by s.  
16 163.3177(6)(g) shall be based on studies, surveys, and data;  
17 be consistent with coastal resource plans prepared and adopted  
18 pursuant to general or special law; and contain:

19           (d) A component which outlines principles for hazard  
20 mitigation and protection of human life and property against  
21 the effects of natural disaster, including population  
22 evacuation and local hazard mitigation strategies, which take  
23 into consideration the capability to safely evacuate the  
24 density of coastal population proposed in the future land use  
25 plan element in the event of an impending natural disaster.

26           (f) A redevelopment component which outlines the  
27 principles which shall be used to eliminate inappropriate and  
28 unsafe development in the coastal areas when opportunities  
29 arise. In recognition of the need to balance redevelopment,  
30 the protection of human life and property, and public  
31 investment in infrastructure, as a demonstration project up to

1 five local governments or a combination of local governments  
2 may amend their comprehensive plans to allow for the  
3 redevelopment of coastal areas within the designated coastal  
4 high hazard area. The application must include the  
5 participation of the county emergency management agency, as  
6 provided in s. 252.38, in which the local government or local  
7 governments are located.

8 1. To be eligible for the coastal redevelopment  
9 demonstration project, the following conditions must be met:  
10 the area is part of a comprehensive redevelopment strategy  
11 that will be incorporated into the comprehensive plan; the  
12 area is consistent with the definition of "urban infill" or  
13 "urban redevelopment"; the area is not within a designated  
14 area of critical state concern; the comprehensive plan  
15 delineates the coastal high hazard area consistent with this  
16 part; and the county emergency management agency affirms in  
17 writing its intent to participate in the demonstration  
18 project.

19 2. In order to allow for redevelopment within the  
20 coastal high hazard area beyond that provided in the existing  
21 approved comprehensive plan, the local government or  
22 combination of local governments, authorized by agreement  
23 pursuant to paragraph (9)(b) to pursue the demonstration  
24 project, shall adopt into the comprehensive plan a  
25 redevelopment strategy consistent with the requirements of  
26 paragraph (6)(a), and local hazard mitigation strategies, that  
27 include, at a minimum, the following components:

28 a. Measures to reduce, replace, or eliminate unsafe  
29 structures and properties subject to repetitive damage from  
30 coastal storms and floods;  
31

1           b. Measures to reduce exposure of infrastructure to  
2 hazards, including relocation and structural modification of  
3 threatened coastal infrastructure;

4           c. Operational and capacity improvements to ensure  
5 that the redevelopment strategy maintains, or reduces,  
6 throughout the planning timeframe the county hurricane  
7 evacuation clearance times as established in the most recent  
8 hurricane evacuation study or transportation analysis;

9           d. Where the county hurricane evacuation clearance  
10 times exceed 16 hours for a Category 3 storm event, measures  
11 to ensure that the redevelopment strategy reduces the county  
12 shelter deficit and hurricane clearance times to adequate  
13 levels below 16 hours within the planning timeframe;

14           e. Measures that provide for county evacuation shelter  
15 space to ensure that development authorized within the  
16 redevelopment area provides mitigation proportional to its  
17 impact to offset the increased demand on evacuation clearance  
18 times and public shelter space;

19           f. Measures to ensure that public expenditures that  
20 subsidize development in the most vulnerable areas of the  
21 coastal high hazard area are limited, except for that needed  
22 to provide for public access to the beach and shoreline,  
23 restore beaches and dunes and other natural systems, correct  
24 existing hurricane evacuation deficiencies, or to make  
25 facilities more disaster resistant;

26           g. Measures that commit to planning and regulatory  
27 standards that exceed minimum National Flood Insurance  
28 Standards, including participation in the Community Rating  
29 System of the National Flood Insurance Program;

30           h. Measures to ensure that the redevelopment strategy  
31 does not allow increases in development, including residential

1 and transient residential development such as hotels, motels,  
2 timeshares, and vacation rentals, within the most vulnerable  
3 areas of the coastal high hazard area, including the Flood  
4 Insurance Rate Map velocity zones, and areas subject to  
5 coastal erosion, including lands seaward of the coastal  
6 construction control line;

7 i. Measures to ensure protection of coastal resources,  
8 including beach and dune systems, and provide for public  
9 access to the beach and shoreline consistent with estimated  
10 public needs;

11 j. Data and analysis, including the potential costs of  
12 damage to structures, property, and infrastructure which would  
13 be less than that expected without the redevelopment strategy;

14 k. Data and analysis forecasting the impacts on  
15 shelter capacity and hurricane evacuation clearance times,  
16 based on the population anticipated by the redevelopment  
17 strategy; and

18 l. The execution of an interlocal agreement, as  
19 supporting data and analysis, between the local government or  
20 a combination of local governments participating in the  
21 demonstration project, together with their respective county  
22 emergency management agency, and any affected municipalities  
23 as needed, to implement mitigation strategies to reduce  
24 hurricane evacuation clearance times and public shelter  
25 deficit.

26  
27 The redevelopment strategy shall establish the preferred  
28 character of the community and how that will be achieved.

29 (9)(a) A local government seeking to implement the  
30 coastal redevelopment demonstration project pursuant to  
31 paragraph (2)(f) must submit an application to the state land

1 planning agency demonstrating that the project meets the  
2 conditions of subparagraph (2)(f)1. The application shall  
3 include copies of the local government comprehensive plan and  
4 other relevant information supporting the proposed  
5 demonstration project. The state land planning agency may  
6 adopt procedural rules governing the submission and review of  
7 applications and may establish a phased schedule for review of  
8 applications. The state land planning agency shall provide the  
9 Federal Emergency Planning Agency and the Division of  
10 Emergency Management with an opportunity to comment on the  
11 application.

12 (b) If the local government meets the conditions of  
13 subparagraph (2)(f)1., the state land planning agency and the  
14 local government shall execute a written agreement that shall  
15 be considered final agency action subject to challenge under  
16 s. 120.569. The written agreement shall identify the area  
17 subject to the increase in development potential, including  
18 residential and transient residential development, state the  
19 amount of such increase; identify the most vulnerable areas  
20 not subject to increases in development; and describe how the  
21 conditions of subparagraph (2)(f)2. are to be met. The state  
22 land planning agency shall coordinate the review of hazard  
23 mitigation strategies with the Federal Emergency Management  
24 Agency and the Division of Emergency Management and include in  
25 the written agreement conditions necessary to be addressed in  
26 the comprehensive plan to meet the requirements of hurricane  
27 evacuation, shelter, and hazard mitigation. The agreement  
28 shall specify procedures for public participation and  
29 intergovernmental coordination with the county emergency  
30 management agency and any affected municipalities regarding  
31 hurricane evacuation and shelter requirements. The local

1 governments shall provide an opportunity for public comment at  
2 a public hearing before execution of the agreement. Upon  
3 execution of the written agreement, the local government may  
4 propose plan amendments that are authorized by the agreement;  
5 provided that no such plan amendment may be adopted until the  
6 completion of any challenges to an agreement under s. 120.569.

7 (c) The state land planning agency shall provide a  
8 progress report on the demonstration project to the Governor,  
9 the President of the Senate, and the Speaker of the House of  
10 Representatives by February 1, 2005.

11 Section 5. Section 186.515, Florida Statutes, is  
12 amended to read:

13 186.515 Creation of regional planning councils under  
14 chapter 163.--Nothing in ss. 186.501-186.507, 186.513, and  
15 186.515 is intended to repeal or limit the provisions of  
16 chapter 163; however, the local general-purpose governments  
17 serving as voting members of the governing body of a regional  
18 planning council created pursuant to ss. 186.501-186.507,  
19 186.513, and 186.515 are not authorized to create a regional  
20 planning council pursuant to chapter 163 unless an agency,  
21 other than a regional planning council created pursuant to ss.  
22 186.501-186.507, 186.513, and 186.515, is designated to  
23 exercise the powers and duties in any one or more of ss.  
24 163.3164(20)~~(19)~~ and 380.031(15); in which case, such a  
25 regional planning council is also without authority to  
26 exercise the powers and duties in s. 163.3164(20)~~(19)~~ or s.  
27 380.031(15).

28 Section 6. Paragraph (a) of subsection (2) of section  
29 288.975, Florida Statutes, is amended to read:

30 288.975 Military base reuse plans.--

31 (2) As used in this section, the term:



1           (a) "Affected local government" means a local  
 2 government adjoining the host local government and any other  
 3 unit of local government that is not a host local government  
 4 but that is identified in a proposed military base reuse plan  
 5 as providing, operating, or maintaining one or more public  
 6 facilities as defined in s. 163.3164~~(25)~~~~(24)~~ on lands within  
 7 or serving a military base designated for closure by the  
 8 Federal Government.

9           Section 7. Subsection (5) of section 369.303, Florida  
 10 Statutes, is amended to read:

11           369.303 Definitions.--As used in this part:

12           (5) "Land development regulation" means a regulation  
 13 covered by the definition in s. 163.3164~~(24)~~~~(23)~~ and any of  
 14 the types of regulations described in s. 163.3202.

15           Section 8. Paragraph (n) of subsection (25) of section  
 16 380.06, Florida Statutes, is amended to read:

17           380.06 Developments of regional impact.--

18           (25) AREAWIDE DEVELOPMENT OF REGIONAL IMPACT.--

19           (n) After a development order approving an areawide  
 20 development plan is received, changes shall be subject to the  
 21 provisions of subsection (19), except that the percentages and  
 22 numerical criteria shall be double those listed in paragraph  
 23 (19)(b) and the extension of the date of buildout of a  
 24 development, or any phase thereof, by 5 years or more but less  
 25 than 10 years shall be presumed not to create a substantial  
 26 deviation where the areawide DRI remains consistent with the  
 27 local comprehensive planning except for transportation  
 28 concurrency provisions. However, the areawide DRI must remain  
 29 in compliance with the transportation mitigation plan of the  
 30 local government development order.

31

1           Section 9. Paragraph (c) of subsection (1) of section  
2 163.3174, Florida Statutes, is created to read:

3           163.3174 Local planning agency.--

4           (1)

5           (c) The Legislature recognizes that many larger  
6 municipalities within charter counties have the technical  
7 planning staff to effectively implement and enforce a  
8 comprehensive plan and develop and achieve a community vision  
9 within their boundaries. Notwithstanding paragraph (b) or any  
10 other provision of law to the contrary, each municipality with  
11 a population greater than 10,000, located in a charter county,  
12 not operating under a home rule charter adopted pursuant to  
13 ss. 10, 11, and 24, Art. VIII of the Constitution of 1885, as  
14 preserved by s. 6(e), Art. VIII of the Constitution of 1968  
15 with a population greater than 1,500,000 and more than 25  
16 municipalities, shall have exclusive planning authority,  
17 including, but not limited to, development order approval and  
18 zoning and comprehensive planning for the area under its  
19 municipal jurisdiction. However, a municipality located in  
20 such a county may delegate planning authority for the area  
21 under its municipal jurisdiction to the county if the  
22 governing body of the municipality adopts a resolution  
23 approving the delegation to the county. A charter county, as  
24 described in this paragraph, may provide written comments on a  
25 proposed land use change within a municipality's jurisdiction  
26 and provide planning assistance if requested by the  
27 municipality.

28           Section 10. If any provision of this act or the  
29 application thereof to any person or circumstance is held  
30 invalid, the invalidity does not affect other provisions or  
31 applications of this act which can be given effect without the

1 invalid provision or application, and to this end the  
2 provisions of this act are declared severable.

3           Section 11. This act shall take effect upon becoming a  
4 law.

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