



CHAMBER ACTION

The Committee on Natural Resources recommends the following:

Committee Substitute

Remove the entire bill and insert:

A bill to be entitled

An act relating to coastal redevelopment hazard mitigation; providing a popular name; amending s. 163.3164, F.S.; defining the term "local hazard mitigation strategy"; amending s. 163.3177, F.S.; providing an additional requirement in the comprehensive plan concerning hazard mitigation; amending s. 163.3178, F.S.; revising language with respect to coastal management; authorizing a demonstration project in certain counties to allow for the redevelopment of coastal areas within the designated coastal high hazard area; providing conditions; providing for application by a local government; providing for a written agreement between the state land planning agency and the local government; providing for a progress report; amending ss. 186.515, 288.975, and 369.303, F.S.; correcting cross references, to conform; providing an effective date.

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



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Section 1. Popular name.--This act shall be known by the popular name the "Coastal Redevelopment Hazard Mitigation Demonstration Project Act."

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

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

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

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

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

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

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



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57 | (6) "Development" has the meaning given it in s. 380.04.

58 | (7) "Development order" means any order granting, denying,
59 | or granting with conditions an application for a development
60 | permit.

61 | (8) "Development permit" includes any building permit,
62 | zoning permit, subdivision approval, rezoning, certification,
63 | special exception, variance, or any other official action of
64 | local government having the effect of permitting the development
65 | of land.

66 | (9) "Governing body" means the board of county
67 | commissioners of a county, the commission or council of an
68 | incorporated municipality, or any other chief governing body of
69 | a unit of local government, however designated, or the
70 | combination of such bodies where joint utilization of the
71 | provisions of this act is accomplished as provided herein.

72 | (10) "Governmental agency" means:

73 | (a) The United States or any department, commission,
74 | agency, or other instrumentality thereof.

75 | (b) This state or any department, commission, agency, or
76 | other instrumentality thereof.

77 | (c) Any local government, as defined in this section, or
78 | any department, commission, agency, or other instrumentality
79 | thereof.

80 | (d) Any school board or other special district, authority,
81 | or governmental entity.

82 | (11) "Land" means the earth, water, and air, above, below,
83 | or on the surface, and includes any improvements or structures
84 | customarily regarded as land.



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85 (12) "Land use" means the development that has occurred on
86 the land, the development that is proposed by a developer on the
87 land, or the use that is permitted or permissible on the land
88 under an adopted comprehensive plan or element or portion
89 thereof, land development regulations, or a land development
90 code, as the context may indicate.

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

92 (14) "Local hazard mitigation strategy" means a local plan
93 required under Section 322, Mitigation Planning, of the Robert
94 T. Stafford Disaster Relief and Emergency Assistance Act,
95 enacted by Section 104 of the Disaster Mitigation Act of 2000,
96 Pub. L. No. 106-390, to promote hazard mitigation and to manage
97 disaster redevelopment.

98 (15)~~(14)~~ "Local planning agency" means the agency
99 designated to prepare the comprehensive plan or plan amendments
100 required by this act.

101 (16)~~(15)~~ A "newspaper of general circulation" means a
102 newspaper published at least on a weekly basis and printed in
103 the language most commonly spoken in the area within which it
104 circulates, but does not include a newspaper intended primarily
105 for members of a particular professional or occupational group,
106 a newspaper whose primary function is to carry legal notices, or
107 a newspaper that is given away primarily to distribute
108 advertising.

109 (17)~~(16)~~ "Parcel of land" means any quantity of land
110 capable of being described with such definiteness that its
111 locations and boundaries may be established, which is designated



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112 by its owner or developer as land to be used, or developed as, a
113 unit or which has been used or developed as a unit.

114 (18)~~(17)~~ "Person" means an individual, corporation,
115 governmental agency, business trust, estate, trust, partnership,
116 association, two or more persons having a joint or common
117 interest, or any other legal entity.

118 (19)~~(18)~~ "Public notice" means notice as required by s.
119 125.66(2) for a county or by s. 166.041(3)(a) for a
120 municipality. The public notice procedures required in this part
121 are established as minimum public notice procedures.

122 (20)~~(19)~~ "Regional planning agency" means the agency
123 designated by the state land planning agency to exercise
124 responsibilities under law in a particular region of the state.

125 (21)~~(20)~~ "State land planning agency" means the Department
126 of Community Affairs.

127 (22)~~(21)~~ "Structure" has the meaning given it by s.
128 380.031(19).

129 (23)~~(22)~~ "Land development regulation commission" means a
130 commission designated by a local government to develop and
131 recommend, to the local governing body, land development
132 regulations which implement the adopted comprehensive plan and
133 to review land development regulations, or amendments thereto,
134 for consistency with the adopted plan and report to the
135 governing body regarding its findings. The responsibilities of
136 the land development regulation commission may be performed by
137 the local planning agency.

138 (24)~~(23)~~ "Land development regulations" means ordinances
139 enacted by governing bodies for the regulation of any aspect of



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140 development and includes any local government zoning, rezoning,
141 subdivision, building construction, or sign regulations or any
142 other regulations controlling the development of land, except
143 that this definition shall not apply in s. 163.3213.

144 (25)~~(24)~~ "Public facilities" means major capital
145 improvements, including, but not limited to, transportation,
146 sanitary sewer, solid waste, drainage, potable water,
147 educational, parks and recreational, and health systems and
148 facilities, and spoil disposal sites for maintenance dredging
149 located in the intracoastal waterways, except for spoil disposal
150 sites owned or used by ports listed in s. 403.021(9)(b).

151 (26)~~(25)~~ "Downtown revitalization" means the physical and
152 economic renewal of a central business district of a community
153 as designated by local government, and includes both downtown
154 development and redevelopment.

155 (27)~~(26)~~ "Urban redevelopment" means demolition and
156 reconstruction or substantial renovation of existing buildings
157 or infrastructure within urban infill areas or existing urban
158 service areas.

159 (28)~~(27)~~ "Urban infill" means the development of vacant
160 parcels in otherwise built-up areas where public facilities such
161 as sewer systems, roads, schools, and recreation areas are
162 already in place and the average residential density is at least
163 five dwelling units per acre, the average nonresidential
164 intensity is at least a floor area ratio of 1.0 and vacant,
165 developable land does not constitute more than 10 percent of the
166 area.



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167 | (29)~~(28)~~ "Projects that promote public transportation"
168 | means projects that directly affect the provisions of public
169 | transit, including transit terminals, transit lines and routes,
170 | separate lanes for the exclusive use of public transit services,
171 | transit stops (shelters and stations), office buildings or
172 | projects that include fixed-rail or transit terminals as part of
173 | the building, and projects which are transit oriented and
174 | designed to complement reasonably proximate planned or existing
175 | public facilities.

176 | (30)~~(29)~~ "Existing urban service area" means built-up
177 | areas where public facilities and services such as sewage
178 | treatment systems, roads, schools, and recreation areas are
179 | already in place.

180 | (31)~~(30)~~ "Transportation corridor management" means the
181 | coordination of the planning of designated future transportation
182 | corridors with land use planning within and adjacent to the
183 | corridor to promote orderly growth, to meet the concurrency
184 | requirements of this chapter, and to maintain the integrity of
185 | the corridor for transportation purposes.

186 | (32)~~(31)~~ "Optional sector plan" means an optional process
187 | authorized by s. 163.3245 in which one or more local governments
188 | by agreement with the state land planning agency are allowed to
189 | address development-of-regional-impact issues within certain
190 | designated geographic areas identified in the local
191 | comprehensive plan as a means of fostering innovative planning
192 | and development strategies in s. 163.3177(11)(a) and (b),
193 | furthering the purposes of this part and part I of chapter 380,
194 | reducing overlapping data and analysis requirements, protecting



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195 regionally significant resources and facilities, and addressing
196 extrajurisdictional impacts.

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

199 163.3177 Required and optional elements of comprehensive
200 plan; studies and surveys.--

201 (6) In addition to the requirements of subsections (1)-
202 (5), the comprehensive plan shall include the following
203 elements:

204 (a) A future land use plan element designating proposed
205 future general distribution, location, and extent of the uses of
206 land for residential uses, commercial uses, industry,
207 agriculture, recreation, conservation, education, public
208 buildings and grounds, other public facilities, and other
209 categories of the public and private uses of land. Each future
210 land use category must be defined in terms of uses included, and
211 must include standards to be followed in the control and
212 distribution of population densities and building and structure
213 intensities. The proposed distribution, location, and extent of
214 the various categories of land use shall be shown on a land use
215 map or map series which shall be supplemented by goals,
216 policies, and measurable objectives. The future land use plan
217 shall be based upon surveys, studies, and data regarding the
218 area, including the amount of land required to accommodate
219 anticipated growth; the projected population of the area; the
220 character of undeveloped land; the availability of public
221 services; the vulnerability to natural hazards and hazard
222 mitigation; the need for redevelopment, including the renewal of



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223 | blighted areas and the elimination of nonconforming uses which
224 | are inconsistent with the character of the community; and, in
225 | rural communities, the need for job creation, capital
226 | investment, and economic development that will strengthen and
227 | diversify the community's economy. The future land use plan may
228 | designate areas for future planned development use involving
229 | combinations of types of uses for which special regulations may
230 | be necessary to ensure development in accord with the principles
231 | and standards of the comprehensive plan and this act. In
232 | addition, for rural communities, the amount of land designated
233 | for future planned industrial use shall be based upon surveys
234 | and studies that reflect the need for job creation, capital
235 | investment, and the necessity to strengthen and diversify the
236 | local economies, and shall not be limited solely by the
237 | projected population of the rural community. The future land use
238 | plan of a county may also designate areas for possible future
239 | municipal incorporation. The land use maps or map series shall
240 | generally identify and depict historic district boundaries and
241 | shall designate historically significant properties meriting
242 | protection. The future land use element must clearly identify
243 | the land use categories in which public schools are an allowable
244 | use. When delineating the land use categories in which public
245 | schools are an allowable use, a local government shall include
246 | in the categories sufficient land proximate to residential
247 | development to meet the projected needs for schools in
248 | coordination with public school boards and may establish
249 | differing criteria for schools of different type or size. Each
250 | local government shall include lands contiguous to existing



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251 school sites, to the maximum extent possible, within the land
252 use categories in which public schools are an allowable use. All
253 comprehensive plans must comply with the school siting
254 requirements of this paragraph no later than October 1, 1999.
255 The failure by a local government to comply with these school
256 siting requirements by October 1, 1999, will result in the
257 prohibition of the local government's ability to amend the local
258 comprehensive plan, except for plan amendments described in s.
259 163.3187(1)(b), until the school siting requirements are met.
260 Amendments proposed by a local government for purposes of
261 identifying the land use categories in which public schools are
262 an allowable use or for adopting or amending the school-siting
263 maps pursuant to s. 163.31776(3) are exempt from the limitation
264 on the frequency of plan amendments contained in s. 163.3187.
265 The future land use element shall include criteria that
266 encourage the location of schools proximate to urban residential
267 areas to the extent possible and shall require that the local
268 government seek to collocate public facilities, such as parks,
269 libraries, and community centers, with schools to the extent
270 possible and to encourage the use of elementary schools as focal
271 points for neighborhoods. For schools serving predominantly
272 rural counties, defined as a county with a population of 100,000
273 or fewer, an agricultural land use category shall be eligible
274 for the location of public school facilities if the local
275 comprehensive plan contains school siting criteria and the
276 location is consistent with such criteria.

277 (g) For those units of local government identified in s.
278 380.24, a coastal management element, appropriately related to



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279 the particular requirements of paragraphs (d) and (e) and
280 meeting the requirements of s. 163.3178(2) and (3). The coastal
281 management element shall set forth the policies that shall guide
282 the local government's decisions and program implementation with
283 respect to the following objectives:

284 1. Maintenance, restoration, and enhancement of the
285 overall quality of the coastal zone environment, including, but
286 not limited to, its amenities and aesthetic values.

287 2. Continued existence of viable populations of all
288 species of wildlife and marine life.

289 3. The orderly and balanced utilization and preservation,
290 consistent with sound conservation principles, of all living and
291 nonliving coastal zone resources.

292 4. Avoidance of irreversible and irretrievable loss of
293 coastal zone resources.

294 5. Ecological planning principles and assumptions to be
295 used in the determination of suitability and extent of permitted
296 development.

297 6. Proposed management and regulatory techniques.

298 7. Limitation of public expenditures that subsidize
299 development in high-hazard coastal areas.

300 8. Protection of human life against the effects of natural
301 disasters and implementation of hazard mitigation strategies.

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

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



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307 Section 4. Paragraphs (d) and (f) of subsection (2) of
308 section 163.3178, Florida Statutes, are amended, and subsection
309 (9) is added to said section, to read:

310 163.3178 Coastal management.--

311 (2) Each coastal management element required by s.
312 163.3177(6)(g) shall be based on studies, surveys, and data; be
313 consistent with coastal resource plans prepared and adopted
314 pursuant to general or special law; and contain:

315 (d) A component which outlines principles for hazard
316 mitigation and protection of human life and property against the
317 effects of natural disaster, including population evacuation and
318 local hazard mitigation strategies, which take into
319 consideration the capability to safely evacuate the density of
320 coastal population proposed in the future land use plan element
321 in the event of an impending natural disaster.

322 (f) A redevelopment component which outlines the
323 principles which shall be used to eliminate inappropriate and
324 unsafe development in the coastal areas when opportunities
325 arise. In recognition of the need to balance redevelopment, the
326 protection of human life and property, and public investment in
327 infrastructure, as a demonstration project up to five local
328 governments or a combination of local governments may amend
329 their comprehensive plans to allow for the redevelopment of
330 coastal areas within the designated coastal high hazard area.
331 The application must include the participation of the county
332 emergency management agency, as provided in s. 252.38, in which
333 the local government or local governments are located.



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334 1. To be eligible for the coastal redevelopment
335 demonstration project, the following conditions must be met: the
336 area is part of a comprehensive redevelopment strategy that will
337 be incorporated into the comprehensive plan; the area is
338 consistent with the definition of "urban infill" or "urban
339 redevelopment"; the area is not within a designated area of
340 critical state concern; the comprehensive plan delineates the
341 coastal high hazard area consistent with this part; and the
342 county emergency management agency affirms in writing its intent
343 to participate in the demonstration project.

344 2. In order to allow for redevelopment within the coastal
345 high hazard area beyond that provided for in the existing
346 approved comprehensive plan, the local government or combination
347 of local governments, authorized by agreement pursuant to
348 paragraph (9)(b) to pursue the demonstration project, shall
349 adopt into the comprehensive plan a redevelopment strategy
350 consistent with the requirements of paragraph (6)(a), and local
351 hazard mitigation strategies that include, at a minimum, the
352 following components:

353 a. Measures to reduce, replace, or eliminate unsafe
354 structures and properties subject to repetitive damage from
355 coastal storms and floods.

356 b. Measures to reduce exposure of infrastructure to
357 hazards, including relocation and structural modification of
358 threatened coastal infrastructure.

359 c. Operational and capacity improvements to ensure that
360 the redevelopment strategy maintains or reduces, throughout the
361 planning timeframe, the county hurricane evacuation clearance



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362 times as established in the most recent hurricane evacuation
363 study or transportation analysis.

364 d. Where the county hurricane evacuation clearance times
365 exceed 16 hours for a Category 3 storm event, measures to ensure
366 that the redevelopment strategy reduces the county shelter
367 deficit and hurricane clearance times to adequate levels below
368 16 hours within the planning timeframe.

369 e. Measures that provide for county evacuation shelter
370 space to ensure that development authorized within the
371 redevelopment area provides mitigation proportional to its
372 impact to offset the increased demand on evacuation clearance
373 times and public shelter space.

374 f. Measures to ensure that public expenditures which
375 subsidize development in the most vulnerable areas of the
376 coastal high hazard area are limited, except for that needed to
377 provide for public access to the beach and shoreline, restore
378 beaches and dunes and other natural systems, correct existing
379 hurricane evacuation deficiencies or that needed to make
380 facilities more disaster resistant.

381 g. Measures which commit to planning and regulatory
382 standards which exceed minimum National Flood Insurance
383 Standards, including participation in the Community Rating
384 System of the National Flood Insurance Program.

385 h. Measures to ensure that the redevelopment strategy does
386 not allow increases in development, including residential and
387 transient residential development such as hotels, motels,
388 timeshares, and vacation rentals, within the most vulnerable
389 areas of the coastal high hazard area, including the Flood



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390 Insurance Rate Map (FIRM) velocity zones and areas subject to
391 coastal erosion, including lands seaward of the coastal
392 construction control line.

393 i. Measures to ensure protection of coastal resources,
394 including beach and dune systems, and to provide for public
395 access to the beach and shoreline consistent with estimated
396 public needs.

397 j. Data and analysis, including the potential costs of
398 damage to structures, property, and infrastructure that would be
399 less than that expected without the redevelopment strategy.

400 k. Data and analysis forecasting the impacts on clearance
401 times based on the population anticipated by the redevelopment
402 strategy.

403 l. The execution of an interlocal agreement, as supporting
404 data and analysis, between the local government or a combination
405 of local governments participating in the demonstration project
406 together with their respective county emergency management
407 agency, and any affected municipalities as needed, to implement
408 mitigation strategies to reduce hurricane evacuation clearance
409 times and public shelter deficit.

410

411 The redevelopment strategy shall establish the preferred
412 character of the community and how that will be achieved.

413 (9)(a) A local government seeking to implement the coastal
414 redevelopment demonstration project pursuant to paragraph (2)(f)
415 must first submit an application to the state land planning
416 agency demonstrating that the project meets the conditions of
417 subparagraph (2)(f)1. The application shall include copies of



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418 the local government comprehensive plan and other relevant
419 information supporting the proposed demonstration project. The
420 state land planning agency may adopt procedural rules governing
421 the submission and review of applications, and may establish a
422 phased schedule for review of applications. The state land
423 planning agency shall provide the Federal Emergency Management
424 Agency and the Division of Emergency Management an opportunity
425 to comment on the application.

426 (b) If the local government meets the conditions of
427 subparagraph (2)(f)1., the state land planning agency and the
428 local government shall execute a written agreement that shall be
429 considered final agency action subject to challenge under s.
430 120.569. The written agreement shall identify the area subject
431 to the increase in development potential, including residential
432 and transient residential development, state the amount of such
433 increase; the most vulnerable areas not subject to increases in
434 development; and describe how the conditions of subparagraph
435 (2)(f)2. are to be met. The state land planning agency shall
436 coordinate the review of hazard mitigation strategies with the
437 Federal Emergency Management Agency and the Division of
438 Emergency Management and include in the written agreement
439 conditions necessary to be addressed in the comprehensive plan
440 to meet the requirements of hurricane evacuation, shelter, and
441 hazard mitigation. The agreement shall specify procedures for
442 public participation and intergovernmental coordination with the
443 county emergency management agency and any affected
444 municipalities regarding hurricane evacuation and shelter
445 requirements. The local governments shall provide an opportunity



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446 for public comment at a public hearing before execution of the
447 agreement. Upon execution of the written agreement, the local
448 government may propose plan amendments that are authorized by
449 the agreement; provided that no such plan amendment may be
450 adopted until the completion of any challenges to an agreement
451 under s. 120.569.

452 (c) The state land planning agency shall provide a
453 progress report on this demonstration project to the Governor,
454 the President of the Senate, and the Speaker of the House of
455 Representatives by February 1, 2005.

456 Section 5. Section 186.515, Florida Statutes, is amended
457 to read:

458 186.515 Creation of regional planning councils under
459 chapter 163.--Nothing in ss. 186.501-186.507, 186.513, and
460 186.515 is intended to repeal or limit the provisions of chapter
461 163; however, the local general-purpose governments serving as
462 voting members of the governing body of a regional planning
463 council created pursuant to ss. 186.501-186.507, 186.513, and
464 186.515 are not authorized to create a regional planning council
465 pursuant to chapter 163 unless an agency, other than a regional
466 planning council created pursuant to ss. 186.501-186.507,
467 186.513, and 186.515, is designated to exercise the powers and
468 duties in any one or more of ss. 163.3164~~(19)~~(20) and
469 380.031(15); in which case, such a regional planning council is
470 also without authority to exercise the powers and duties in s.
471 163.3164~~(19)~~(20) or s. 380.031(15).

472 Section 6. Paragraph (a) of subsection (2) of section
473 288.975, Florida Statutes, is amended to read:



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474 | 288.975 Military base reuse plans.--

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

476 | (a) "Affected local government" means a local government
477 | adjoining the host local government and any other unit of local
478 | government that is not a host local government but that is
479 | identified in a proposed military base reuse plan as providing,
480 | operating, or maintaining one or more public facilities as
481 | defined in s. 163.3164(25)(~~24~~) on lands within or serving a
482 | military base designated for closure by the Federal Government.

483 | Section 7. Subsection (5) of section 369.303, Florida
484 | Statutes, is amended to read:

485 | 369.303 Definitions.--As used in this part:

486 | (5) "Land development regulation" means a regulation
487 | covered by the definition in s. 163.3164(24)(~~23~~) and any of the
488 | types of regulations described in s. 163.3202.

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

490 |