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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 for construction of the act in pari materia with laws enacted during the 2003 Regular Session or 2003 Special Session A of the Legislature; providing an effective date.

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

Section 1. Popular name.--This act shall be known by the popular name of 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



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31 Cabinet, and for purposes of this chapter the commission shall
32 act on a simple majority vote, except that for purposes of
33 imposing the sanctions provided in s. 163.3184(11), affirmative
34 action shall require the approval of the Governor and at least
35 three other members of the commission.

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

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

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

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

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

51 (7) "Development order" means any order granting, denying,
52 or granting with conditions an application for a development
53 permit.

54 (8) "Development permit" includes any building permit,
55 zoning permit, subdivision approval, rezoning, certification,
56 special exception, variance, or any other official action of
57 local government having the effect of permitting the development
58 of land.

59 (9) "Governing body" means the board of county
60 commissioners of a county, the commission or council of an



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61 incorporated municipality, or any other chief governing body of
 62 a unit of local government, however designated, or the
 63 combination of such bodies where joint utilization of the
 64 provisions of this act is accomplished as provided herein.

65 (10) "Governmental agency" means:

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

68 (b) This state or any department, commission, agency, or
 69 other instrumentality thereof.

70 (c) Any local government, as defined in this section, or
 71 any department, commission, agency, or other instrumentality
 72 thereof.

73 (d) Any school board or other special district, authority,
 74 or governmental entity.

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

78 (12) "Land use" means the development that has occurred on
 79 the land, the development that is proposed by a developer on the
 80 land, or the use that is permitted or permissible on the land
 81 under an adopted comprehensive plan or element or portion
 82 thereof, land development regulations, or a land development
 83 code, as the context may indicate.

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

85 (14) "Local hazard mitigation strategy" means a local plan
 86 required under Section 322, Mitigation Planning, of the Robert
 87 T. Stafford Disaster Relief and Emergency Assistance Act,
 88 enacted by Section 104 of the Disaster Mitigation Act of 2000,
 89 Pub. L. No. 106-390, to promote hazard mitigation and to manage
 90 disaster redevelopment.



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91 (15)~~(14)~~ "Local planning agency" means the agency
92 designated to prepare the comprehensive plan or plan amendments
93 required by this act.

94 (16)~~(15)~~ A "newspaper of general circulation" means a
95 newspaper published at least on a weekly basis and printed in
96 the language most commonly spoken in the area within which it
97 circulates, but does not include a newspaper intended primarily
98 for members of a particular professional or occupational group,
99 a newspaper whose primary function is to carry legal notices, or
100 a newspaper that is given away primarily to distribute
101 advertising.

102 (17)~~(16)~~ "Parcel of land" means any quantity of land
103 capable of being described with such definiteness that its
104 locations and boundaries may be established, which is designated
105 by its owner or developer as land to be used, or developed as, a
106 unit or which has been used or developed as a unit.

107 (18)~~(17)~~ "Person" means an individual, corporation,
108 governmental agency, business trust, estate, trust, partnership,
109 association, two or more persons having a joint or common
110 interest, or any other legal entity.

111 (19)~~(18)~~ "Public notice" means notice as required by s.
112 125.66(2) for a county or by s. 166.041(3)(a) for a
113 municipality. The public notice procedures required in this part
114 are established as minimum public notice procedures.

115 (20)~~(19)~~ "Regional planning agency" means the agency
116 designated by the state land planning agency to exercise
117 responsibilities under law in a particular region of the state.

118 (21)~~(20)~~ "State land planning agency" means the Department
119 of Community Affairs.

120 (22)~~(21)~~ "Structure" has the meaning given it by s.



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121 380.031(19).

122 (23)~~(22)~~ "Land development regulation commission" means a
123 commission designated by a local government to develop and
124 recommend, to the local governing body, land development
125 regulations which implement the adopted comprehensive plan and
126 to review land development regulations, or amendments thereto,
127 for consistency with the adopted plan and report to the
128 governing body regarding its findings. The responsibilities of
129 the land development regulation commission may be performed by
130 the local planning agency.

131 (24)~~(23)~~ "Land development regulations" means ordinances
132 enacted by governing bodies for the regulation of any aspect of
133 development and includes any local government zoning, rezoning,
134 subdivision, building construction, or sign regulations or any
135 other regulations controlling the development of land, except
136 that this definition shall not apply in s. 163.3213.

137 (25)~~(24)~~ "Public facilities" means major capital
138 improvements, including, but not limited to, transportation,
139 sanitary sewer, solid waste, drainage, potable water,
140 educational, parks and recreational, and health systems and
141 facilities, and spoil disposal sites for maintenance dredging
142 located in the intracoastal waterways, except for spoil disposal
143 sites owned or used by ports listed in s. 403.021(9)(b).

144 (26)~~(25)~~ "Downtown revitalization" means the physical and
145 economic renewal of a central business district of a community
146 as designated by local government, and includes both downtown
147 development and redevelopment.

148 (27)~~(26)~~ "Urban redevelopment" means demolition and
149 reconstruction or substantial renovation of existing buildings
150 or infrastructure within urban infill areas or existing urban



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151 service areas.

152 (28)~~(27)~~ "Urban infill" means the development of vacant
 153 parcels in otherwise built-up areas where public facilities such
 154 as sewer systems, roads, schools, and recreation areas are
 155 already in place and the average residential density is at least
 156 five dwelling units per acre, the average nonresidential
 157 intensity is at least a floor area ratio of 1.0 and vacant,
 158 developable land does not constitute more than 10 percent of the
 159 area.

160 (29)~~(28)~~ "Projects that promote public transportation"
 161 means projects that directly affect the provisions of public
 162 transit, including transit terminals, transit lines and routes,
 163 separate lanes for the exclusive use of public transit services,
 164 transit stops (shelters and stations), office buildings or
 165 projects that include fixed-rail or transit terminals as part of
 166 the building, and projects which are transit oriented and
 167 designed to complement reasonably proximate planned or existing
 168 public facilities.

169 (30)~~(29)~~ "Existing urban service area" means built-up
 170 areas where public facilities and services such as sewage
 171 treatment systems, roads, schools, and recreation areas are
 172 already in place.

173 (31)~~(30)~~ "Transportation corridor management" means the
 174 coordination of the planning of designated future transportation
 175 corridors with land use planning within and adjacent to the
 176 corridor to promote orderly growth, to meet the concurrency
 177 requirements of this chapter, and to maintain the integrity of
 178 the corridor for transportation purposes.

179 (32)~~(31)~~ "Optional sector plan" means an optional process
 180 authorized by s. 163.3245 in which one or more local governments



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181 by agreement with the state land planning agency are allowed to
182 address development-of-regional-impact issues within certain
183 designated geographic areas identified in the local
184 comprehensive plan as a means of fostering innovative planning
185 and development strategies in s. 163.3177(11)(a) and (b),
186 furthering the purposes of this part and part I of chapter 380,
187 reducing overlapping data and analysis requirements, protecting
188 regionally significant resources and facilities, and addressing
189 extrajurisdictional impacts.

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

192 163.3177 Required and optional elements of comprehensive
193 plan; studies and surveys.--

194 (6) In addition to the requirements of subsections (1)-
195 (5), the comprehensive plan shall include the following
196 elements:

197 (a) A future land use plan element designating proposed
198 future general distribution, location, and extent of the uses of
199 land for residential uses, commercial uses, industry,
200 agriculture, recreation, conservation, education, public
201 buildings and grounds, other public facilities, and other
202 categories of the public and private uses of land. Each future
203 land use category must be defined in terms of uses included, and
204 must include standards to be followed in the control and
205 distribution of population densities and building and structure
206 intensities. The proposed distribution, location, and extent of
207 the various categories of land use shall be shown on a land use
208 map or map series which shall be supplemented by goals,
209 policies, and measurable objectives. The future land use plan
210 shall be based upon surveys, studies, and data regarding the



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211 area, including the amount of land required to accommodate
212 anticipated growth; the projected population of the area; the
213 character of undeveloped land; the availability of public
214 services; the vulnerability to natural hazards and hazard
215 mitigation; the need for redevelopment, including the renewal of
216 blighted areas and the elimination of nonconforming uses which
217 are inconsistent with the character of the community; and, in
218 rural communities, the need for job creation, capital
219 investment, and economic development that will strengthen and
220 diversify the community's economy. The future land use plan may
221 designate areas for future planned development use involving
222 combinations of types of uses for which special regulations may
223 be necessary to ensure development in accord with the principles
224 and standards of the comprehensive plan and this act. In
225 addition, for rural communities, the amount of land designated
226 for future planned industrial use shall be based upon surveys
227 and studies that reflect the need for job creation, capital
228 investment, and the necessity to strengthen and diversify the
229 local economies, and shall not be limited solely by the
230 projected population of the rural community. The future land use
231 plan of a county may also designate areas for possible future
232 municipal incorporation. The land use maps or map series shall
233 generally identify and depict historic district boundaries and
234 shall designate historically significant properties meriting
235 protection. The future land use element must clearly identify
236 the land use categories in which public schools are an allowable
237 use. When delineating the land use categories in which public
238 schools are an allowable use, a local government shall include
239 in the categories sufficient land proximate to residential
240 development to meet the projected needs for schools in



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

270 (g) For those units of local government identified in s.



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271 380.24, a coastal management element, appropriately related to
272 the particular requirements of paragraphs (d) and (e) and
273 meeting the requirements of s. 163.3178(2) and (3). The coastal
274 management element shall set forth the policies that shall guide
275 the local government's decisions and program implementation with
276 respect to the following objectives:

277 1. Maintenance, restoration, and enhancement of the
278 overall quality of the coastal zone environment, including, but
279 not limited to, its amenities and aesthetic values.

280 2. Continued existence of viable populations of all
281 species of wildlife and marine life.

282 3. The orderly and balanced utilization and preservation,
283 consistent with sound conservation principles, of all living and
284 nonliving coastal zone resources.

285 4. Avoidance of irreversible and irretrievable loss of
286 coastal zone resources.

287 5. Ecological planning principles and assumptions to be
288 used in the determination of suitability and extent of permitted
289 development.

290 6. Proposed management and regulatory techniques.

291 7. Limitation of public expenditures that subsidize
292 development in high-hazard coastal areas.

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

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

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

300 Section 4. Paragraphs (d) and (f) of subsection (2) of



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301 section 163.3178, Florida Statutes, are amended, and subsection
 302 (9) is added to said section, to read:

303 163.3178 Coastal management.--

304 (2) Each coastal management element required by s.
 305 163.3177(6)(g) shall be based on studies, surveys, and data; be
 306 consistent with coastal resource plans prepared and adopted
 307 pursuant to general or special law; and contain:

308 (d) A component which outlines principles for hazard
 309 mitigation and protection of human life and property against the
 310 effects of natural disaster, including population evacuation and
 311 local hazard mitigation strategies, which take into
 312 consideration the capability to safely evacuate the density of
 313 coastal population proposed in the future land use plan element
 314 in the event of an impending natural disaster.

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

327 1. To be eligible for the coastal redevelopment
 328 demonstration project, the following conditions must be met: the
 329 area is part of a comprehensive redevelopment strategy that will
 330 be incorporated into the comprehensive plan; the area is



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331 consistent with the definition of "urban infill" or "urban
332 redevelopment"; the area is not within a designated area of
333 critical state concern; the comprehensive plan delineates the
334 coastal high hazard area consistent with this part; and the
335 county emergency management agency affirms in writing its intent
336 to participate in the demonstration project.

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

346 a. Measures to reduce, replace, or eliminate unsafe
347 structures and properties subject to repetitive damage from
348 coastal storms and floods.

349 b. Measures to reduce exposure of infrastructure to
350 hazards, including relocation and structural modification of
351 threatened coastal infrastructure.

352 c. Operational and capacity improvements to ensure that
353 the redevelopment strategy maintains or reduces, throughout the
354 planning timeframe, the county hurricane evacuation clearance
355 times as established in the most recent hurricane evacuation
356 study or transportation analysis.

357 d. Where the county hurricane evacuation clearance times
358 exceed 16 hours for a Category 3 storm event, measures to ensure
359 that the redevelopment strategy reduces the county shelter



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360 deficit and hurricane clearance times to adequate levels below
361 16 hours within the planning timeframe.

362 e. Measures that provide for county evacuation shelter
363 space to ensure that development authorized within the
364 redevelopment area provides mitigation proportional to its
365 impact to offset the increased demand on evacuation clearance
366 times and public shelter space.

367 f. Measures to ensure that public expenditures which
368 subsidize development in the most vulnerable areas of the
369 coastal high hazard area are limited, except for that needed to
370 provide for public access to the beach and shoreline, restore
371 beaches and dunes and other natural systems, correct existing
372 hurricane evacuation deficiencies or that needed to make
373 facilities more disaster resistant.

374 g. Measures which commit to planning and regulatory
375 standards which exceed minimum National Flood Insurance
376 Standards, including participation in the Community Rating
377 System of the National Flood Insurance Program.

378 h. Measures to ensure that the redevelopment strategy does
379 not allow increases in development, including residential and
380 transient residential development such as hotels, motels,
381 timeshares, and vacation rentals, within the most vulnerable
382 areas of the coastal high hazard area, including the Flood
383 Insurance Rate Map (FIRM) velocity zones and areas subject to
384 coastal erosion, including lands seaward of the coastal
385 construction control line.

386 i. Measures to ensure protection of coastal resources,
387 including beach and dune systems, and to provide for public
388 access to the beach and shoreline consistent with estimated
389 public needs.



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

393 k. Data and analysis forecasting the impacts on clearance
394 times based on the population anticipated by the redevelopment
395 strategy.

396 l. The execution of an interlocal agreement, as supporting
397 data and analysis, between the local government or a combination
398 of local governments participating in the demonstration project
399 together with their respective county emergency management
400 agency, and any affected municipalities as needed, to implement
401 mitigation strategies to reduce hurricane evacuation clearance
402 times and public shelter deficit.

403
404 The redevelopment strategy shall establish the preferred
405 character of the community and how that will be achieved.

406 (9)(a) A local government seeking to implement the coastal
407 redevelopment demonstration project pursuant to paragraph (2)(f)
408 must first submit an application to the state land planning
409 agency demonstrating that the project meets the conditions of
410 subparagraph (2)(f)1. The application shall include copies of
411 the local government comprehensive plan and other relevant
412 information supporting the proposed demonstration project. The
413 state land planning agency may adopt procedural rules governing
414 the submission and review of applications, and may establish a
415 phased schedule for review of applications. The state land
416 planning agency shall provide the Federal Emergency Management
417 Agency and the Division of Emergency Management an opportunity
418 to comment on the application.



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419 (b) If the local government meets the conditions of
420 subparagraph (2)(f)1., the state land planning agency and the
421 local government shall execute a written agreement that shall be
422 considered final agency action subject to challenge under s.
423 120.569. The written agreement shall identify the area subject
424 to the increase in development potential, including residential
425 and transient residential development, state the amount of such
426 increase; the most vulnerable areas not subject to increases in
427 development; and describe how the conditions of subparagraph
428 (2)(f)2. are to be met. The state land planning agency shall
429 coordinate the review of hazard mitigation strategies with the
430 Federal Emergency Management Agency and the Division of
431 Emergency Management and include in the written agreement
432 conditions necessary to be addressed in the comprehensive plan
433 to meet the requirements of hurricane evacuation, shelter, and
434 hazard mitigation. The agreement shall specify procedures for
435 public participation and intergovernmental coordination with the
436 county emergency management agency and any affected
437 municipalities regarding hurricane evacuation and shelter
438 requirements. The local governments shall provide an opportunity
439 for public comment at a public hearing before execution of the
440 agreement. Upon execution of the written agreement, the local
441 government may propose plan amendments that are authorized by
442 the agreement; provided that no such plan amendment may be
443 adopted until the completion of any challenges to an agreement
444 under s. 120.569.

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



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449 Section 5. Section 186.515, Florida Statutes, is amended
450 to read:

451 186.515 Creation of regional planning councils under
452 chapter 163.--Nothing in ss. 186.501-186.507, 186.513, and
453 186.515 is intended to repeal or limit the provisions of chapter
454 163; however, the local general-purpose governments serving as
455 voting members of the governing body of a regional planning
456 council created pursuant to ss. 186.501-186.507, 186.513, and
457 186.515 are not authorized to create a regional planning council
458 pursuant to chapter 163 unless an agency, other than a regional
459 planning council created pursuant to ss. 186.501-186.507,
460 186.513, and 186.515, is designated to exercise the powers and
461 duties in any one or more of ss. 163.3164~~(19)~~(20) and
462 380.031(15); in which case, such a regional planning council is
463 also without authority to exercise the powers and duties in s.
464 163.3164~~(19)~~(20) or s. 380.031(15).

465 Section 6. Paragraph (a) of subsection (2) of section
466 288.975, Florida Statutes, is amended to read:

467 288.975 Military base reuse plans.--

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

469 (a) "Affected local government" means a local government
470 adjoining the host local government and any other unit of local
471 government that is not a host local government but that is
472 identified in a proposed military base reuse plan as providing,
473 operating, or maintaining one or more public facilities as
474 defined in s. 163.3164~~(24)~~(25) on lands within or serving a
475 military base designated for closure by the Federal Government.

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

478 369.303 Definitions.--As used in this part:



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

482 Section 8. If any law amended by this act was also amended
483 by a law enacted at the 2003 Regular Session or the 2003 Special
484 Session A of the Legislature, such laws shall be construed as if
485 they had been enacted at the same session of the Legislature,
486 and full effect shall be given to each if possible.

487 Section 9. This act shall take effect upon becoming a law.