

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative(s) Rice offered the following:

2

3 **Amendment to Amendment (000417) (with directory and title**  
4 **amendments)**

5 Between lines 4087 and 4088, insert:

6

7 Section 39. Section 163.3164, Florida Statutes, is amended  
8 to read:

9 163.3164 Local Government Comprehensive Planning and Land  
10 Development Regulation Act; definitions.--As used in this act:

11 (1) "Administration Commission" means the Governor and the  
12 Cabinet, and for purposes of this chapter the commission shall  
13 act on a simple majority vote, except that for purposes of  
14 imposing the sanctions provided in s. 163.3184(11), affirmative

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15 action shall require the approval of the Governor and at least  
16 three other members of the commission.

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

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

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

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

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

32 (7) "Development order" means any order granting, denying,  
33 or granting with conditions an application for a development  
34 permit.

35 (8) "Development permit" includes any building permit,  
36 zoning permit, subdivision approval, rezoning, certification,  
37 special exception, variance, or any other official action of  
38 local government having the effect of permitting the development  
39 of land.

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

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

46 (10) "Governmental agency" means:

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

49 (b) This state or any department, commission, agency, or  
50 other instrumentality thereof.

51 (c) Any local government, as defined in this section, or  
52 any department, commission, agency, or other instrumentality  
53 thereof.

54 (d) Any school board or other special district, authority,  
55 or governmental entity.

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

59 (12) "Land use" means the development that has occurred on  
60 the land, the development that is proposed by a developer on the  
61 land, or the use that is permitted or permissible on the land  
62 under an adopted comprehensive plan or element or portion  
63 thereof, land development regulations, or a land development  
64 code, as the context may indicate.

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

66 (14) "Local mitigation strategy" means a local plan  
67 required under Section 322, Mitigation Planning, of the Robert  
68 T. Stafford Disaster Relief and Emergency Assistance Act,

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69 enacted by Section 104 of the Disaster Mitigation Act of 2000  
70 (Pub. L. No. 106-390) to promote hazard mitigation and to manage  
71 disaster redevelopment.

72 ~~(15)~~(14) "Local planning agency" means the agency  
73 designated to prepare the comprehensive plan or plan amendments  
74 required by this act.

75 ~~(16)~~(15) A "newspaper of general circulation" means a  
76 newspaper published at least on a weekly basis and printed in  
77 the language most commonly spoken in the area within which it  
78 circulates, but does not include a newspaper intended primarily  
79 for members of a particular professional or occupational group,  
80 a newspaper whose primary function is to carry legal notices, or  
81 a newspaper that is given away primarily to distribute  
82 advertising.

83 ~~(17)~~(16) "Parcel of land" means any quantity of land  
84 capable of being described with such definiteness that its  
85 locations and boundaries may be established, which is designated  
86 by its owner or developer as land to be used, or developed as, a  
87 unit or which has been used or developed as a unit.

88 ~~(18)~~(17) "Person" means an individual, corporation,  
89 governmental agency, business trust, estate, trust, partnership,  
90 association, two or more persons having a joint or common  
91 interest, or any other legal entity.

92 ~~(19)~~(18) "Public notice" means notice as required by s.  
93 125.66(2) for a county or by s. 166.041(3)(a) for a  
94 municipality. The public notice procedures required in this part  
95 are established as minimum public notice procedures.

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96        (20)~~(19)~~ "Regional planning agency" means the agency  
97        designated by the state land planning agency to exercise  
98        responsibilities under law in a particular region of the state.

99        (21)~~(20)~~ "State land planning agency" means the Department  
100       of Community Affairs.

101       (22)~~(21)~~ "Structure" has the meaning given it by s.  
102       380.031(19).

103       (23)~~(22)~~ "Land development regulation commission" means a  
104       commission designated by a local government to develop and  
105       recommend, to the local governing body, land development  
106       regulations which implement the adopted comprehensive plan and  
107       to review land development regulations, or amendments thereto,  
108       for consistency with the adopted plan and report to the  
109       governing body regarding its findings. The responsibilities of  
110       the land development regulation commission may be performed by  
111       the local planning agency.

112       (24)~~(23)~~ "Land development regulations" means ordinances  
113       enacted by governing bodies for the regulation of any aspect of  
114       development and includes any local government zoning, rezoning,  
115       subdivision, building construction, or sign regulations or any  
116       other regulations controlling the development of land, except  
117       that this definition shall not apply in s. 163.3213.

118       (25)~~(24)~~ "Public facilities" means major capital  
119       improvements, including, but not limited to, transportation,  
120       sanitary sewer, solid waste, drainage, potable water,  
121       educational, parks and recreational, and health systems and  
122       facilities, and spoil disposal sites for maintenance dredging

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123 located in the intracoastal waterways, except for spoil disposal  
124 sites owned or used by ports listed in s. 403.021(9)(b).

125 ~~(26)~~~~(25)~~ "Downtown revitalization" means the physical and  
126 economic renewal of a central business district of a community  
127 as designated by local government, and includes both downtown  
128 development and redevelopment.

129 ~~(27)~~~~(26)~~ "Urban redevelopment" means demolition and  
130 reconstruction or substantial renovation of existing buildings  
131 or infrastructure within urban infill areas or existing urban  
132 service areas.

133 ~~(28)~~~~(27)~~ "Urban infill" means the development of vacant  
134 parcels in otherwise built-up areas where public facilities such  
135 as sewer systems, roads, schools, and recreation areas are  
136 already in place and the average residential density is at least  
137 five dwelling units per acre, the average nonresidential  
138 intensity is at least a floor area ratio of 1.0 and vacant,  
139 developable land does not constitute more than 10 percent of the  
140 area.

141 ~~(29)~~~~(28)~~ "Projects that promote public transportation"  
142 means projects that directly affect the provisions of public  
143 transit, including transit terminals, transit lines and routes,  
144 separate lanes for the exclusive use of public transit services,  
145 transit stops (shelters and stations), office buildings or  
146 projects that include fixed-rail or transit terminals as part of  
147 the building, and projects which are transit oriented and  
148 designed to complement reasonably proximate planned or existing  
149 public facilities.

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150        ~~(30)~~(29) "Existing urban service area" means built-up  
151 areas where public facilities and services such as sewage  
152 treatment systems, roads, schools, and recreation areas are  
153 already in place.

154        ~~(31)~~(30) "Transportation corridor management" means the  
155 coordination of the planning of designated future transportation  
156 corridors with land use planning within and adjacent to the  
157 corridor to promote orderly growth, to meet the concurrency  
158 requirements of this chapter, and to maintain the integrity of  
159 the corridor for transportation purposes.

160        ~~(32)~~(31) "Optional sector plan" means an optional process  
161 authorized by s. 163.3245 in which one or more local governments  
162 by agreement with the state land planning agency are allowed to  
163 address development-of-regional-impact issues within certain  
164 designated geographic areas identified in the local  
165 comprehensive plan as a means of fostering innovative planning  
166 and development strategies in s. 163.3177(11)(a) and (b),  
167 furthering the purposes of this part and part I of chapter 380,  
168 reducing overlapping data and analysis requirements, protecting  
169 regionally significant resources and facilities, and addressing  
170 extrajurisdictional impacts.

171        Section 40. Paragraphs (a) and (g) of subsection (6) of  
172 section 163.3177, Florida Statutes, are amended to read:

173        163.3177 Required and optional elements of comprehensive  
174 plan; studies and surveys.--

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175 (6) In addition to the requirements of subsections (1)-  
176 (5), the comprehensive plan shall include the following  
177 elements:

178 (a) A future land use plan element designating proposed  
179 future general distribution, location, and extent of the uses of  
180 land for residential uses, commercial uses, industry,  
181 agriculture, recreation, conservation, education, public  
182 buildings and grounds, other public facilities, and other  
183 categories of the public and private uses of land. Counties are  
184 encouraged to designate rural land stewardship areas, pursuant  
185 to the provisions of paragraph (11)(d), as overlays on the  
186 future land use map. Each future land use category must be  
187 defined in terms of uses included, and must include standards to  
188 be followed in the control and distribution of population  
189 densities and building and structure intensities. The proposed  
190 distribution, location, and extent of the various categories of  
191 land use shall be shown on a land use map or map series which  
192 shall be supplemented by goals, policies, and measurable  
193 objectives. The future land use plan shall be based upon  
194 surveys, studies, and data regarding the area, including the  
195 amount of land required to accommodate anticipated growth; the  
196 projected population of the area; the character of undeveloped  
197 land; the availability of public services; the vulnerability to  
198 natural hazards and the potential need for hazard mitigation;  
199 the need for redevelopment, including the renewal of blighted  
200 areas and the elimination of nonconforming uses which are  
201 inconsistent with the character of the community; the

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202 compatibility of uses on lands adjacent to or closely proximate  
203 to military installations; and, in rural communities, the need  
204 for job creation, capital investment, and economic development  
205 that will strengthen and diversify the community's economy. The  
206 future land use plan may designate areas for future planned  
207 development use involving combinations of types of uses for  
208 which special regulations may be necessary to ensure development  
209 in accord with the principles and standards of the comprehensive  
210 plan and this act. The future land use plan element shall  
211 include criteria to be used to achieve the compatibility of  
212 adjacent or closely proximate lands with military installations.  
213 In addition, for rural communities, the amount of land  
214 designated for future planned industrial use shall be based upon  
215 surveys and studies that reflect the need for job creation,  
216 capital investment, and the necessity to strengthen and  
217 diversify the local economies, and shall not be limited solely  
218 by the projected population of the rural community. The future  
219 land use plan of a county may also designate areas for possible  
220 future municipal incorporation. The land use maps or map series  
221 shall generally identify and depict historic district boundaries  
222 and shall designate historically significant properties meriting  
223 protection. The future land use element must clearly identify  
224 the land use categories in which public schools are an allowable  
225 use. When delineating the land use categories in which public  
226 schools are an allowable use, a local government shall include  
227 in the categories sufficient land proximate to residential  
228 development to meet the projected needs for schools in

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229 coordination with public school boards and may establish  
230 differing criteria for schools of different type or size. Each  
231 local government shall include lands contiguous to existing  
232 school sites, to the maximum extent possible, within the land  
233 use categories in which public schools are an allowable use. All  
234 comprehensive plans must comply with the school siting  
235 requirements of this paragraph no later than October 1, 1999.  
236 The failure by a local government to comply with these school  
237 siting requirements by October 1, 1999, will result in the  
238 prohibition of the local government's ability to amend the local  
239 comprehensive plan, except for plan amendments described in s.  
240 163.3187(1)(b), until the school siting requirements are met.  
241 Amendments proposed by a local government for purposes of  
242 identifying the land use categories in which public schools are  
243 an allowable use or for adopting or amending the school-siting  
244 maps pursuant to s. 163.31776(3) are exempt from the limitation  
245 on the frequency of plan amendments contained in s. 163.3187.  
246 The future land use element shall include criteria that  
247 encourage the location of schools proximate to urban residential  
248 areas to the extent possible and shall require that the local  
249 government seek to collocate public facilities, such as parks,  
250 libraries, and community centers, with schools to the extent  
251 possible and to encourage the use of elementary schools as focal  
252 points for neighborhoods. For schools serving predominantly  
253 rural counties, defined as a county with a population of 100,000  
254 or fewer, an agricultural land use category shall be eligible  
255 for the location of public school facilities if the local

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256 comprehensive plan contains school siting criteria and the  
257 location is consistent with such criteria. Local governments  
258 required to update or amend their comprehensive plan to include  
259 criteria and address compatibility of adjacent or closely  
260 proximate lands with existing military installations in their  
261 future land use plan element shall transmit the update or  
262 amendment to the department by June 30, 2006.

263 (g) For those units of local government identified in s.  
264 380.24, a coastal management element, appropriately related to  
265 the particular requirements of paragraphs (d) and (e) and  
266 meeting the requirements of s. 163.3178(2) and (3). The coastal  
267 management element shall set forth the policies that shall guide  
268 the local government's decisions and program implementation with  
269 respect to the following objectives:

270 1. Maintenance, restoration, and enhancement of the  
271 overall quality of the coastal zone environment, including, but  
272 not limited to, its amenities and aesthetic values.

273 2. Continued existence of viable populations of all  
274 species of wildlife and marine life.

275 3. The orderly and balanced utilization and preservation,  
276 consistent with sound conservation principles, of all living and  
277 nonliving coastal zone resources.

278 4. Avoidance of irreversible and irretrievable loss of  
279 coastal zone resources.

280 5. Ecological planning principles and assumptions to be  
281 used in the determination of suitability and extent of permitted  
282 development.

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283 6. Proposed management and regulatory techniques.

284 7. Limitation of public expenditures that subsidize  
285 development in high-hazard coastal areas.

286 8. Protection of human life against the effects of natural  
287 disasters and implementation of hazard-mitigation strategies.

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

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

293 Section 41. Paragraphs (d) and (f) of subsection (2) of  
294 section 163.3178, Florida Statutes, are amended, and subsection  
295 (9) is added to that section, to read:

296 163.3178 Coastal management.--

297 (2) Each coastal management element required by s.  
298 163.3177(6)(g) shall be based on studies, surveys, and data; be  
299 consistent with coastal resource plans prepared and adopted  
300 pursuant to general or special law; and contain:

301 (d) A component that ~~which~~ outlines principles for hazard  
302 mitigation and protection of human life and property against the  
303 effects of natural disaster, including population evacuation and  
304 local mitigation strategies that, ~~which~~ take into consideration  
305 the capability to safely evacuate the density of coastal  
306 population proposed in the future land use plan element in the  
307 event of an impending natural disaster.

308 (f) A redevelopment component that ~~which~~ outlines the  
309 principles to ~~which shall~~ be used to eliminate inappropriate and

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310 unsafe development in the coastal areas when opportunities  
311 arise. In recognition of the need to balance redevelopment, the  
312 protection of human life and property, and public investment in  
313 infrastructure, as a demonstration project, up to five local  
314 governments or a combination of local governments may amend  
315 their comprehensive plans to allow for the redevelopment of  
316 coastal areas within the designated coastal high-hazard area.  
317 The application must include the participation of the county  
318 emergency management agency, as provided in s. 252.38, of the  
319 county or counties in which the local government or local  
320 governments are located.

321 1. To be eligible for the coastal redevelopment  
322 demonstration project, the following conditions must be met: the  
323 comprehensive plan delineates the Flood Insurance Rate Map  
324 zones, the Coastal Construction Control Line, and the Coastal  
325 Barrier Resources System Area (COBRA) units for the area subject  
326 to the coastal redevelopment strategy; the area is part of a  
327 comprehensive redevelopment strategy that will be incorporated  
328 into the comprehensive plan; the area has been designated in the  
329 comprehensive plan as an urban infill and redevelopment area  
330 under s. 163.2517 or an adopted community redevelopment plan  
331 under s. 163.360 which is incorporated as a component of the  
332 comprehensive plan; 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.

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337       2. The local government or combination of local  
338 governments, authorized by agreement pursuant to paragraph  
339 (9)(b) to pursue the demonstration project, shall adopt into the  
340 comprehensive plan a redevelopment strategy, consistent with the  
341 requirements of s. 163.3177(6)(a) and local mitigation  
342 strategies, which includes, at a minimum, the following  
343 components:

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

347       b. Measures to reduce exposure of infrastructure to  
348 hazards, including relocation and structural modification of  
349 threatened coastal infrastructure;

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

355       d. If the county hurricane evacuation clearance times  
356 exceed 16 hours for a Category 3 storm event, measures to ensure  
357 that the redevelopment strategy reduces the county shelter  
358 deficit and hurricane clearance times to adequate levels below  
359 16 hours within the planning timeframe;

360       e. Measures that provide for county evacuation shelter  
361 space to ensure that development authorized within the  
362 redevelopment area provides mitigation proportional to its

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363 impact to offset the increased demand on evacuation clearance  
364 times and public shelter space;

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

372 g. Measures that commit to planning and regulatory  
373 standards that exceed minimum National Flood Insurance  
374 Standards, including participation in the Community Rating  
375 System of the National Flood Insurance Program;

376 h. Measures to ensure protection of coastal resources,  
377 including beach and dune systems, and provision for public  
378 access to the beach and shoreline consistent with estimated  
379 public needs;

380 i. Data and analysis, including existing damage potential  
381 and the proportionate potential costs of damage to structures,  
382 property, and infrastructure under the redevelopment strategy,  
383 which would need to be less than that proportionately expected  
384 without the redevelopment strategy;

385 j. Data and analysis forecasting the effects on shelter  
386 capacity and hurricane evacuation clearance times, based on the  
387 population anticipated by the redevelopment strategy; and

388 k. The execution of an interlocal agreement, as supporting  
389 data and analysis, between the local government or a combination

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390 of local governments participating in the demonstration project,  
391 together with their respective county emergency management  
392 agency and any affected municipalities, as needed, to implement  
393 mitigation strategies to reduce hurricane evacuation clearance  
394 times and deficits in public shelters.

395

396 The redevelopment strategy must establish the preferred  
397 character of the community and how that will be achieved.

398 (9)(a) A local government seeking to implement the coastal  
399 redevelopment demonstration project pursuant to paragraph (2)(f)  
400 must submit an application to the state land planning agency  
401 demonstrating that the project meets the conditions of  
402 subparagraph (2)(f)1. The application must include copies of the  
403 local government comprehensive plan and other relevant  
404 information supporting the proposed demonstration project. The  
405 state land planning agency may adopt procedural rules governing  
406 the submission, review, and selection of applications and may  
407 establish a phased schedule for reviewing applications. The  
408 department shall begin accepting applications no later than July  
409 1, 2006. The state land planning agency shall provide the  
410 Federal Emergency Management Agency and the Division of  
411 Emergency Management with an opportunity to comment on the  
412 application.

413 (b) If a selected local government meets the conditions of  
414 subparagraph (2)(f)1., the state land planning agency and the  
415 local government shall execute a written agreement that is a  
416 final agency action subject to challenge under s. 120.569. The

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417 written agreement must identify the area subject to the increase  
418 in development potential, including residential and transient  
419 residential development; state the amount of such increase;  
420 identify the most vulnerable areas not subject to increases in  
421 development; and describe how the conditions of subparagraph  
422 (2)(f)2. are to be met. The state land planning agency shall  
423 coordinate the review of hazard mitigation strategies with the  
424 Federal Emergency Management Agency and the Division of  
425 Emergency Management and include in the written agreement  
426 conditions necessary to be addressed in the comprehensive plan  
427 to meet the requirements of hurricane evacuation, shelter, and  
428 hazard mitigation. The agreement must specify procedures for  
429 public participation and intergovernmental coordination with the  
430 county emergency management agency and any affected  
431 municipalities regarding hurricane evacuation and shelter  
432 requirements. The local governments shall provide an opportunity  
433 for public comment at a public hearing before execution of the  
434 agreement. Upon execution of the written agreement, the local  
435 government may propose plan amendments that are authorized by  
436 the agreement; however, such plan amendments may not be adopted  
437 until the completion of any challenges to an agreement under s.  
438 120.569.

439 (c) The state land planning agency shall provide a  
440 progress report on the demonstration project to the Governor,  
441 the President of the Senate, and the Speaker of the House of  
442 Representatives by February 1, 2007. In its report, the state  
443 land planning agency shall assess whether the program has

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444 successfully implemented mitigation strategies and whether the  
445 program should continue or be expanded to include additional  
446 communities.

447 Section 42. Section 186.515, Florida Statutes, is amended  
448 to read:

449 186.515 Creation of regional planning councils under  
450 chapter 163.--Nothing in ss. 186.501-186.507, 186.513, and this  
451 section 186.515 is intended to repeal or limit the provisions of  
452 chapter 163; however, the local general-purpose governments  
453 serving as voting members of the governing body of a regional  
454 planning council created pursuant to ss. 186.501-186.507,  
455 186.513, and this section 186.515 are not authorized to create a  
456 regional planning council pursuant to chapter 163 unless an  
457 agency, other than a regional planning council created pursuant  
458 to ss. 186.501-186.507, 186.513, and this section 186.515, is  
459 designated to exercise the powers and duties in any one or more  
460 of ss. 163.3164(20) ~~163.3164(19)~~ and 380.031(15); in which case,  
461 such a regional planning council is also without authority to  
462 exercise the powers and duties in s. 163.3164(20) ~~s.~~  
463 ~~163.3164(19)~~ or s. 380.031(15).

464 Section 43. Paragraph (a) of subsection (2) of section  
465 288.975, Florida Statutes, is amended to read:

466 288.975 Military base reuse plans.--

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

468 (a) "Affected local government" means a local government  
469 adjoining the host local government and any other unit of local  
470 government that is not a host local government but that is

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471 identified in a proposed military base reuse plan as providing,  
472 operating, or maintaining one or more public facilities as  
473 defined in s. 163.3164(25) ~~s. 163.3164(24)~~ on lands within or  
474 serving a military base designated for closure by the Federal  
475 Government.

476 Section 44. Subsection (5) of section 369.303, Florida  
477 Statutes, is amended to read:

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

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

482  
483 ===== T I T L E A M E N D M E N T =====

484 Remove line 4358 and insert:

485  
486 certain staffing purposes; amending s. 163.3164, F.S.;  
487 defining the term "local mitigation strategy" for purposes  
488 of the Local Government Comprehensive Planning and Land  
489 Development Regulation Act; amending s. 163.3177, F.S.;  
490 providing an additional requirement for a local  
491 government's comprehensive plan concerning hazard  
492 mitigation; amending s. 163.3178, F.S.; revising  
493 provisions with respect to coastal management; authorizing  
494 a demonstration project in certain counties to allow for  
495 the redevelopment of coastal areas within the designated  
496 coastal high hazard area; providing conditions; providing  
497 for application by a local government; providing for a

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498 | written agreement between the state land planning agency  
499 | and the local government; providing for a progress report  
500 | to the Governor and the Legislature; amending ss. 186.515,  
501 | 288.975, and 369.303, F.S.; correcting cross references to  
502 | conform; providing an effective date.

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