

Bill No. CS for CS for CS for SB 360

Barcode 283352

CHAMBER ACTION

Senate

House

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Senator Jones moved the following amendment:

Senate Amendment (with title amendment)

On page 134, between lines 11 and 12,

insert:

Section 31. Paragraphs (d) and (f) of subsection (2) of section 163.3178, Florida Statutes, are amended, and subsection (9) is added to that section, to read:

163.3178 Coastal management.--

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

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

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1 (f) A redevelopment component that ~~which~~ outlines the
 2 principles to ~~which shall~~ be used to eliminate inappropriate
 3 and unsafe development in the coastal areas when opportunities
 4 arise. In recognition of the need to balance redevelopment,
 5 the protection of human life and property, and public
 6 investment in infrastructure, as a demonstration project, up
 7 to five local governments or a combination of local
 8 governments may amend their comprehensive plans to allow for
 9 the redevelopment of coastal areas within the designated
 10 coastal high-hazard area. The application must include the
 11 participation of the county emergency management agency, as
 12 provided in s. 252.38, in which the local government or local
 13 governments are located.

14 1. To be eligible for the coastal redevelopment
 15 demonstration project, the following conditions must be met:
 16 the comprehensive plan delineates the Flood Insurance Rate Map
 17 zones, the Coastal Construction Control Line, and the Coastal
 18 Barrier Resources System Area (COBRA) units for the area
 19 subject to the coastal redevelopment strategy; the area is
 20 part of a comprehensive redevelopment strategy that will be
 21 incorporated into the comprehensive plan; the area has been
 22 designated in the comprehensive plan as an urban infill and
 23 redevelopment area under s. 163.2517 or an adopted community
 24 redevelopment plan under s. 163.360 which is incorporated as a
 25 component of the comprehensive plan; the area is not within a
 26 designated area of critical state concern; the comprehensive
 27 plan delineates the coastal high-hazard area consistent with
 28 this part; and the county emergency management agency affirms
 29 in writing its intent to participate in the demonstration
 30 project.

31 2. The local government or combination of local

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1 governments, authorized by agreement pursuant to paragraph
2 (9)(b) to pursue the demonstration project, shall adopt into
3 the comprehensive plan a redevelopment strategy, consistent
4 with the requirements of s. 163.3177(6)(a) and local
5 mitigation strategies, which includes, at a minimum, the
6 following components:

7 a. Measures to reduce, replace, or eliminate unsafe
8 structures and properties subject to repetitive damage from
9 coastal storms and floods;

10 b. Measures to reduce exposure of infrastructure to
11 hazards, including relocation and structural modification of
12 threatened coastal infrastructure;

13 c. Operational and capacity improvements to ensure
14 that the redevelopment strategy maintains or reduces
15 throughout the planning timeframe the county hurricane
16 evacuation clearance times as established in the most recent
17 hurricane evacuation study or transportation analysis;

18 d. If the county hurricane evacuation clearance times
19 exceed 16 hours for a Category 3 storm event, measures to
20 ensure that the redevelopment strategy reduces the county
21 shelter deficit and hurricane clearance times to adequate
22 levels below 16 hours within the planning timeframe;

23 e. Measures that provide for county evacuation shelter
24 space to ensure that development authorized within the
25 redevelopment area provides mitigation proportional to its
26 impact to offset the increased demand on evacuation clearance
27 times and public shelter space;

28 f. Measures to ensure that public expenditures that
29 subsidize development in the most vulnerable areas of the
30 coastal high hazard area are limited to those expenditures
31 needed to provide for public access to the beach and

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1 shoreline, restore beaches and dunes and other natural
2 systems, correct existing hurricane evacuation deficiencies,
3 or to make facilities more disaster resistant;

4 g. Measures that commit to planning and regulatory
5 standards that exceed minimum National Flood Insurance
6 Standards, including participation in the Community Rating
7 System of the National Flood Insurance Program;

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

12 i. Data and analysis, including existing damage
13 potential and the proportionate potential costs of damage to
14 structures, property, and infrastructure under the
15 redevelopment strategy, which would need to be less than that
16 proportionately expected without the redevelopment strategy;

17 j. Data and analysis forecasting the effects on
18 shelter capacity and hurricane evacuation clearance times,
19 based on the population anticipated by the redevelopment
20 strategy; and

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

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

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1 (9)(a) A local government seeking to implement the
2 coastal redevelopment demonstration project pursuant to
3 paragraph (2)(f) must submit an application to the state land
4 planning agency demonstrating that the project meets the
5 conditions of subparagraph (2)(f)1. The application must
6 include copies of the local government comprehensive plan and
7 other relevant information supporting the proposed
8 demonstration project. The state land planning agency may
9 adopt procedural rules governing the submission, review, and
10 selection of applications and may establish a phased schedule
11 for reviewing applications. The department shall begin
12 accepting applications no later than July 1, 2006. The state
13 land planning agency shall provide the Federal Emergency
14 Management Agency and the Division of Emergency Management
15 with an opportunity to comment on the application.

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

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1 specify procedures for public participation and
 2 intergovernmental coordination with the county emergency
 3 management agency and any affected municipalities regarding
 4 hurricane evacuation and shelter requirements. The local
 5 governments shall provide an opportunity for public comment at
 6 a public hearing before execution of the agreement. Upon
 7 execution of the written agreement, the local government may
 8 propose plan amendments that are authorized by the agreement;
 9 however, such plan amendments may not be adopted until the
 10 completion of any challenges to an agreement under s. 120.569.

11 (c) The state land planning agency shall provide a
 12 progress report on the demonstration project to the Governor,
 13 the President of the Senate, and the Speaker of the House of
 14 Representatives by February 1, 2007. In its report, the state
 15 land planning agency shall assess whether the program has
 16 successfully implemented mitigation strategies and whether the
 17 program should continue or be expanded to include additional
 18 communities.

19
20 (Redesignate subsequent sections.)

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22
23 ===== T I T L E A M E N D M E N T =====

24 And the title is amended as follows:

25 On page 6, line 13, after the semicolon,

26
27 insert:

28 amending s. 163.3178, F.S.; revising provisions
 29 with respect to coastal management; authorizing
 30 a demonstration project in certain counties to
 31 allow for the redevelopment of coastal areas

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1 within the designated coastal high-hazard area;
2 providing conditions; providing for application
3 by a local government; providing for a written
4 agreement between the state land planning
5 agency and the local government; providing for
6 a progress report to the Governor and the
7 Legislature;

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