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A bill to be entitled  
 An act relating to hazard mitigation for coastal  
 redevelopment; amending s. 163.3164, F.S.; defining the  
 term "local mitigation strategy" for purposes of the Local  
 Government Comprehensive Planning and Land Development  
 Regulation Act; amending s. 163.3177, F.S.; providing an  
 additional requirement for a local government's  
 comprehensive plan concerning hazard mitigation; amending  
 s. 163.3178, F.S.; revising provisions 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 to the Governor and the  
 Legislature; 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:

Section 1. 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

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

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

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

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

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

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

48 |       (7) "Development order" means any order granting, denying,  
 49 | or granting with conditions an application for a development  
 50 | permit.

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

56 |       (9) "Governing body" means the board of county

57 commissioners of a county, the commission or council of an  
 58 incorporated municipality, or any other chief governing body of  
 59 a unit of local government, however designated, or the  
 60 combination of such bodies where joint utilization of the  
 61 provisions of this act is accomplished as provided herein.

62 (10) "Governmental agency" means:

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

65 (b) This state or any department, commission, agency, or  
 66 other instrumentality thereof.

67 (c) Any local government, as defined in this section, or  
 68 any department, commission, agency, or other instrumentality  
 69 thereof.

70 (d) Any school board or other special district, authority,  
 71 or governmental entity.

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

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

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

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

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

88 (15)~~(14)~~ "Local planning agency" means the agency  
 89 designated to prepare the comprehensive plan or plan amendments  
 90 required by this act.

91 (16)~~(15)~~ A "newspaper of general circulation" means a  
 92 newspaper published at least on a weekly basis and printed in  
 93 the language most commonly spoken in the area within which it  
 94 circulates, but does not include a newspaper intended primarily  
 95 for members of a particular professional or occupational group,  
 96 a newspaper whose primary function is to carry legal notices, or  
 97 a newspaper that is given away primarily to distribute  
 98 advertising.

99 (17)~~(16)~~ "Parcel of land" means any quantity of land  
 100 capable of being described with such definiteness that its  
 101 locations and boundaries may be established, which is designated  
 102 by its owner or developer as land to be used, or developed as, a  
 103 unit or which has been used or developed as a unit.

104 (18)~~(17)~~ "Person" means an individual, corporation,  
 105 governmental agency, business trust, estate, trust, partnership,  
 106 association, two or more persons having a joint or common  
 107 interest, or any other legal entity.

108 (19)~~(18)~~ "Public notice" means notice as required by s.  
 109 125.66(2) for a county or by s. 166.041(3)(a) for a  
 110 municipality. The public notice procedures required in this part  
 111 are established as minimum public notice procedures.

112 (20)~~(19)~~ "Regional planning agency" means the agency

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113 designated by the state land planning agency to exercise  
 114 responsibilities under law in a particular region of the state.

115 (21)~~(20)~~ "State land planning agency" means the Department  
 116 of Community Affairs.

117 (22)~~(21)~~ "Structure" has the meaning given it by s.  
 118 380.031(19).

119 (23)~~(22)~~ "Land development regulation commission" means a  
 120 commission designated by a local government to develop and  
 121 recommend, to the local governing body, land development  
 122 regulations which implement the adopted comprehensive plan and  
 123 to review land development regulations, or amendments thereto,  
 124 for consistency with the adopted plan and report to the  
 125 governing body regarding its findings. The responsibilities of  
 126 the land development regulation commission may be performed by  
 127 the local planning agency.

128 (24)~~(23)~~ "Land development regulations" means ordinances  
 129 enacted by governing bodies for the regulation of any aspect of  
 130 development and includes any local government zoning, rezoning,  
 131 subdivision, building construction, or sign regulations or any  
 132 other regulations controlling the development of land, except  
 133 that this definition shall not apply in s. 163.3213.

134 (25)~~(24)~~ "Public facilities" means major capital  
 135 improvements, including, but not limited to, transportation,  
 136 sanitary sewer, solid waste, drainage, potable water,  
 137 educational, parks and recreational, and health systems and  
 138 facilities, and spoil disposal sites for maintenance dredging  
 139 located in the intracoastal waterways, except for spoil disposal  
 140 sites owned or used by ports listed in s. 403.021(9)(b).

141        (26)~~(25)~~ "Downtown revitalization" means the physical and  
 142 economic renewal of a central business district of a community  
 143 as designated by local government, and includes both downtown  
 144 development and redevelopment.

145        (27)~~(26)~~ "Urban redevelopment" means demolition and  
 146 reconstruction or substantial renovation of existing buildings  
 147 or infrastructure within urban infill areas or existing urban  
 148 service areas.

149        (28)~~(27)~~ "Urban infill" means the development of vacant  
 150 parcels in otherwise built-up areas where public facilities such  
 151 as sewer systems, roads, schools, and recreation areas are  
 152 already in place and the average residential density is at least  
 153 five dwelling units per acre, the average nonresidential  
 154 intensity is at least a floor area ratio of 1.0 and vacant,  
 155 developable land does not constitute more than 10 percent of the  
 156 area.

157        (29)~~(28)~~ "Projects that promote public transportation"  
 158 means projects that directly affect the provisions of public  
 159 transit, including transit terminals, transit lines and routes,  
 160 separate lanes for the exclusive use of public transit services,  
 161 transit stops (shelters and stations), office buildings or  
 162 projects that include fixed-rail or transit terminals as part of  
 163 the building, and projects which are transit oriented and  
 164 designed to complement reasonably proximate planned or existing  
 165 public facilities.

166        (30)~~(29)~~ "Existing urban service area" means built-up  
 167 areas where public facilities and services such as sewage  
 168 treatment systems, roads, schools, and recreation areas are

169 already in place.

170 (31)~~(30)~~ "Transportation corridor management" means the  
 171 coordination of the planning of designated future transportation  
 172 corridors with land use planning within and adjacent to the  
 173 corridor to promote orderly growth, to meet the concurrency  
 174 requirements of this chapter, and to maintain the integrity of  
 175 the corridor for transportation purposes.

176 (32)~~(31)~~ "Optional sector plan" means an optional process  
 177 authorized by s. 163.3245 in which one or more local governments  
 178 by agreement with the state land planning agency are allowed to  
 179 address development-of-regional-impact issues within certain  
 180 designated geographic areas identified in the local  
 181 comprehensive plan as a means of fostering innovative planning  
 182 and development strategies in s. 163.3177(11)(a) and (b),  
 183 furthering the purposes of this part and part I of chapter 380,  
 184 reducing overlapping data and analysis requirements, protecting  
 185 regionally significant resources and facilities, and addressing  
 186 extrajurisdictional impacts.

187 Section 2. Paragraphs (a) and (g) of subsection (6) of  
 188 section 163.3177, Florida Statutes, are amended to read:

189 163.3177 Required and optional elements of comprehensive  
 190 plan; studies and surveys.--

191 (6) In addition to the requirements of subsections (1)-  
 192 (5), the comprehensive plan shall include the following  
 193 elements:

194 (a) A future land use plan element designating proposed  
 195 future general distribution, location, and extent of the uses of  
 196 land for residential uses, commercial uses, industry,

197 agriculture, recreation, conservation, education, public  
198 buildings and grounds, other public facilities, and other  
199 categories of the public and private uses of land. Counties are  
200 encouraged to designate rural land stewardship areas, pursuant  
201 to the provisions of paragraph (11)(d), as overlays on the  
202 future land use map. Each future land use category must be  
203 defined in terms of uses included, and must include standards to  
204 be followed in the control and distribution of population  
205 densities and building and structure intensities. The proposed  
206 distribution, location, and extent of the various categories of  
207 land use shall be shown on a land use map or map series which  
208 shall be supplemented by goals, policies, and measurable  
209 objectives. The future land use plan shall be based upon  
210 surveys, studies, and data regarding the area, including the  
211 amount of land required to accommodate anticipated growth; the  
212 projected population of the area; the character of undeveloped  
213 land; the availability of public services; the vulnerability to  
214 natural hazards and the potential need for hazard mitigation;  
215 the need for redevelopment, including the renewal of blighted  
216 areas and the elimination of nonconforming uses which are  
217 inconsistent with the character of the community; the  
218 compatibility of uses on lands adjacent to or closely proximate  
219 to military installations; and, in rural communities, the need  
220 for job creation, capital investment, and economic development  
221 that will strengthen and diversify the community's economy. The  
222 future land use plan may designate areas for future planned  
223 development use involving combinations of types of uses for  
224 which special regulations may be necessary to ensure development



225 | in accord with the principles and standards of the comprehensive  
226 | plan and this act. The future land use plan element shall  
227 | include criteria to be used to achieve the compatibility of  
228 | adjacent or closely proximate lands with military installations.  
229 | In addition, for rural communities, the amount of land  
230 | designated for future planned industrial use shall be based upon  
231 | surveys and studies that reflect the need for job creation,  
232 | capital investment, and the necessity to strengthen and  
233 | diversify the local economies, and shall not be limited solely  
234 | by the projected population of the rural community. The future  
235 | land use plan of a county may also designate areas for possible  
236 | future municipal incorporation. The land use maps or map series  
237 | shall generally identify and depict historic district boundaries  
238 | and shall designate historically significant properties meriting  
239 | protection. The future land use element must clearly identify  
240 | the land use categories in which public schools are an allowable  
241 | use. When delineating the land use categories in which public  
242 | schools are an allowable use, a local government shall include  
243 | in the categories sufficient land proximate to residential  
244 | development to meet the projected needs for schools in  
245 | coordination with public school boards and may establish  
246 | differing criteria for schools of different type or size. Each  
247 | local government shall include lands contiguous to existing  
248 | school sites, to the maximum extent possible, within the land  
249 | use categories in which public schools are an allowable use. All  
250 | comprehensive plans must comply with the school siting  
251 | requirements of this paragraph no later than October 1, 1999.  
252 | The failure by a local government to comply with these school

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253 siting requirements by October 1, 1999, will result in the  
254 prohibition of the local government's ability to amend the local  
255 comprehensive plan, except for plan amendments described in s.  
256 163.3187(1)(b), until the school siting requirements are met.  
257 Amendments proposed by a local government for purposes of  
258 identifying the land use categories in which public schools are  
259 an allowable use or for adopting or amending the school-siting  
260 maps pursuant to s. 163.31776(3) are exempt from the limitation  
261 on the frequency of plan amendments contained in s. 163.3187.  
262 The future land use element shall include criteria that  
263 encourage the location of schools proximate to urban residential  
264 areas to the extent possible and shall require that the local  
265 government seek to collocate public facilities, such as parks,  
266 libraries, and community centers, with schools to the extent  
267 possible and to encourage the use of elementary schools as focal  
268 points for neighborhoods. For schools serving predominantly  
269 rural counties, defined as a county with a population of 100,000  
270 or fewer, an agricultural land use category shall be eligible  
271 for the location of public school facilities if the local  
272 comprehensive plan contains school siting criteria and the  
273 location is consistent with such criteria. Local governments  
274 required to update or amend their comprehensive plan to include  
275 criteria and address compatibility of adjacent or closely  
276 proximate lands with existing military installations in their  
277 future land use plan element shall transmit the update or  
278 amendment to the department by June 30, 2006.

279 (g) For those units of local government identified in s.  
280 380.24, a coastal management element, appropriately related to

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

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

289 2. Continued existence of viable populations of all  
290 species of wildlife and marine life.

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

294 4. Avoidance of irreversible and irretrievable loss of  
295 coastal zone resources.

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

299 6. Proposed management and regulatory techniques.

300 7. Limitation of public expenditures that subsidize  
301 development in high-hazard coastal areas.

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

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

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

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309 Section 3. Paragraphs (d) and (f) of subsection (2) of  
 310 section 163.3178, Florida Statutes, are amended, and subsection  
 311 (9) is added to that section, to read:

312 163.3178 Coastal management.--

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

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

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

337 1. To be eligible for the coastal redevelopment  
338 demonstration project, the following conditions must be met: the  
339 comprehensive plan delineates the Flood Insurance Rate Map  
340 zones, the Coastal Construction Control Line, and the Coastal  
341 Barrier Resources System Area (COBRA) units for the area subject  
342 to the coastal redevelopment strategy; the area is part of a  
343 comprehensive redevelopment strategy that will be incorporated  
344 into the comprehensive plan; the area has been designated in the  
345 comprehensive plan as an urban infill and redevelopment area  
346 pursuant to s. 163.2517; the area is not within a designated  
347 area of critical state concern; the comprehensive plan  
348 delineates the coastal high-hazard area consistent with this  
349 part; and the county emergency management agency affirms in  
350 writing its intent to participate in the demonstration project.

351 2. In order to allow for redevelopment within the coastal  
352 high-hazard area beyond that provided in the existing approved  
353 comprehensive plan, the local government or combination of local  
354 governments, authorized by agreement pursuant to paragraph  
355 (9)(b) to pursue the demonstration project, shall adopt into the  
356 comprehensive plan a redevelopment strategy, consistent with the  
357 requirements of s. 163.3177(6)(a) and local mitigation  
358 strategies, that includes, at a minimum, the following  
359 components:

360 a. Measures to reduce, replace, or eliminate unsafe  
361 structures and properties subject to repetitive damage from  
362 coastal storms and floods;

363 b. Measures to reduce exposure of infrastructure to  
364 hazards, including relocation and structural modification of

365 threatened coastal infrastructure;

366 c. Operational and capacity improvements to ensure that  
367 the redevelopment strategy maintains or reduces throughout the  
368 planning timeframe the county hurricane evacuation clearance  
369 times as established in the most recent hurricane evacuation  
370 study or transportation analysis;

371 d. If the county hurricane evacuation clearance times  
372 exceed 16 hours for a Category 3 storm event, measures to ensure  
373 that the redevelopment strategy reduces the county shelter  
374 deficit and hurricane clearance times to adequate levels below  
375 16 hours within the planning timeframe;

376 e. Measures that provide for county evacuation shelter  
377 space to ensure that development authorized within the  
378 redevelopment area provides mitigation proportional to its  
379 impact to offset the increased demand on evacuation clearance  
380 times and public shelter space;

381 f. Measures to ensure that public expenditures that  
382 subsidize development in the most vulnerable areas of the  
383 coastal high-hazard area are limited to those expenditures  
384 needed to provide for public access to the beach and shoreline,  
385 restore beaches and dunes and other natural systems, correct  
386 existing hurricane evacuation deficiencies, or make facilities  
387 more disaster resistant;

388 g. Measures that commit to planning and regulatory  
389 standards that exceed minimum National Flood Insurance  
390 Standards, including participation in the Community Rating  
391 System of the National Flood Insurance Program;

392 h. Measures to ensure protection of coastal resources,

393 including beach and dune systems, and provision for public  
394 access to the beach and shoreline consistent with estimated  
395 public needs;

396 i. Data and analysis, including existing damage potential  
397 and the potential costs of damage to structures, property, and  
398 infrastructure under the redevelopment strategy, which would  
399 need to be less than that expected without the redevelopment  
400 strategy;

401 j. Data and analysis forecasting the effects on shelter  
402 capacity and hurricane evacuation clearance times, based on the  
403 population anticipated by the redevelopment strategy; and

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

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

414 (9)(a) A local government seeking to implement the coastal  
415 redevelopment demonstration project pursuant to paragraph (2)(f)  
416 must submit an application to the state land planning agency  
417 demonstrating that the project meets the conditions of  
418 subparagraph (2)(f)1. The application must include copies of the  
419 local government comprehensive plan and other relevant  
420 information supporting the proposed demonstration project. The

421 state land planning agency may adopt procedural rules governing  
422 the submission and reviewing of applications and may establish a  
423 phased schedule for reviewing applications. The state land  
424 planning agency shall provide the Federal Emergency Management  
425 Agency and the Division of Emergency Management with an  
426 opportunity to comment on the application.

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



449 government may propose plan amendments that are authorized by  
 450 the agreement; however, such plan amendments may not be adopted  
 451 until the completion of any challenges to an agreement under s.  
 452 120.569.

453 (c) The state land planning agency shall provide a  
 454 progress report on the demonstration project to the Governor,  
 455 the President of the Senate, and the Speaker of the House of  
 456 Representatives by February 1, 2007. In its report, the state  
 457 land planning agency shall assess whether the program has  
 458 successfully implemented mitigation strategies and whether the  
 459 program should continue or be expanded to include additional  
 460 communities.

461 Section 4. Section 186.515, Florida Statutes, is amended  
 462 to read:

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

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477 ~~163.3164(19)~~ or s. 380.031(15).

478 Section 5. Paragraph (a) of subsection (2) of section  
479 288.975, Florida Statutes, is amended to read:

480 288.975 Military base reuse plans.--

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

482 (a) "Affected local government" means a local government  
483 adjoining the host local government and any other unit of local  
484 government that is not a host local government but that is  
485 identified in a proposed military base reuse plan as providing,  
486 operating, or maintaining one or more public facilities as  
487 defined in s. 163.3164(25) ~~s. 163.3164(24)~~ on lands within or  
488 serving a military base designated for closure by the Federal  
489 Government.

490 Section 6. Subsection (5) of section 369.303, Florida  
491 Statutes, is amended to read:

492 369.303 Definitions.--As used in this part:

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

496 Section 7. This act shall take effect upon becoming a law.