

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

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

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

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

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

22 (6) "Development" has the meaning given it in s.
23 380.04.

24 (7) "Development order" means any order granting,
25 denying, or granting with conditions an application for a
26 development permit.

27 (8) "Development permit" includes any building permit,
28 zoning permit, subdivision approval, rezoning, certification,
29 special exception, variance, or any other official action of
30 local government having the effect of permitting the
31 development of land.

1 (9) "Governing body" means the board of county
2 commissioners of a county, the commission or council of an
3 incorporated municipality, or any other chief governing body
4 of a unit of local government, however designated, or the
5 combination of such bodies where joint utilization of the
6 provisions of this act is accomplished as provided herein.

7 (10) "Governmental agency" means:

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

10 (b) This state or any department, commission, agency,
11 or other instrumentality thereof.

12 (c) Any local government, as defined in this section,
13 or any department, commission, agency, or other
14 instrumentality thereof.

15 (d) Any school board or other special district,
16 authority, or governmental entity.

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

20 (12) "Land use" means the development that has
21 occurred on the land, the development that is proposed by a
22 developer on the land, or the use that is permitted or
23 permissible on the land under an adopted comprehensive plan or
24 element or portion thereof, land development regulations, or a
25 land development code, as the context may indicate.

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

28 (14) "Local mitigation strategy" means a local plan
29 required under Section 322, Mitigation Planning, of the Robert
30 T. Stafford Disaster Relief and Emergency Assistance Act,
31 enacted by Section 104 of the Disaster Mitigation Act of 2000

1 (Pub. L. No. 106-390) to promote hazard mitigation and to
2 manage disaster redevelopment.

3 ~~(15)~~~~(14)~~ "Local planning agency" means the agency
4 designated to prepare the comprehensive plan or plan
5 amendments required by this act.

6 ~~(16)~~~~(15)~~ A "newspaper of general circulation" means a
7 newspaper published at least on a weekly basis and printed in
8 the language most commonly spoken in the area within which it
9 circulates, but does not include a newspaper intended
10 primarily for members of a particular professional or
11 occupational group, a newspaper whose primary function is to
12 carry legal notices, or a newspaper that is given away
13 primarily to distribute advertising.

14 ~~(17)~~~~(16)~~ "Parcel of land" means any quantity of land
15 capable of being described with such definiteness that its
16 locations and boundaries may be established, which is
17 designated by its owner or developer as land to be used, or
18 developed as, a unit or which has been used or developed as a
19 unit.

20 ~~(18)~~~~(17)~~ "Person" means an individual, corporation,
21 governmental agency, business trust, estate, trust,
22 partnership, association, two or more persons having a joint
23 or common interest, or any other legal entity.

24 ~~(19)~~~~(18)~~ "Public notice" means notice as required by
25 s. 125.66(2) for a county or by s. 166.041(3)(a) for a
26 municipality. The public notice procedures required in this
27 part are established as minimum public notice procedures.

28 ~~(20)~~~~(19)~~ "Regional planning agency" means the agency
29 designated by the state land planning agency to exercise
30 responsibilities under law in a particular region of the
31 state.

1 ~~(21)~~(20) "State land planning agency" means the
2 Department of Community Affairs.
3 ~~(22)~~(21) "Structure" has the meaning given it by s.
4 380.031(19).
5 ~~(23)~~(22) "Land development regulation commission"
6 means a commission designated by a local government to develop
7 and recommend, to the local governing body, land development
8 regulations which implement the adopted comprehensive plan and
9 to review land development regulations, or amendments thereto,
10 for consistency with the adopted plan and report to the
11 governing body regarding its findings. The responsibilities of
12 the land development regulation commission may be performed by
13 the local planning agency.
14 ~~(24)~~(23) "Land development regulations" means
15 ordinances enacted by governing bodies for the regulation of
16 any aspect of development and includes any local government
17 zoning, rezoning, subdivision, building construction, or sign
18 regulations or any other regulations controlling the
19 development of land, except that this definition shall not
20 apply in s. 163.3213.
21 ~~(25)~~(24) "Public facilities" means major capital
22 improvements, including, but not limited to, transportation,
23 sanitary sewer, solid waste, drainage, potable water,
24 educational, parks and recreational, and health systems and
25 facilities, and spoil disposal sites for maintenance dredging
26 located in the intracoastal waterways, except for spoil
27 disposal sites owned or used by ports listed in s.
28 403.021(9)(b).
29 ~~(26)~~(25) "Downtown revitalization" means the physical
30 and economic renewal of a central business district of a
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1 community as designated by local government, and includes both
2 downtown development and redevelopment.

3 ~~(27)~~~~(26)~~ "Urban redevelopment" means demolition and
4 reconstruction or substantial renovation of existing buildings
5 or infrastructure within urban infill areas or existing urban
6 service areas.

7 ~~(28)~~~~(27)~~ "Urban infill" means the development of
8 vacant parcels in otherwise built-up areas where public
9 facilities such as sewer systems, roads, schools, and
10 recreation areas are already in place and the average
11 residential density is at least five dwelling units per acre,
12 the average nonresidential intensity is at least a floor area
13 ratio of 1.0 and vacant, developable land does not constitute
14 more than 10 percent of the area.

15 ~~(29)~~~~(28)~~ "Projects that promote public transportation"
16 means projects that directly affect the provisions of public
17 transit, including transit terminals, transit lines and
18 routes, separate lanes for the exclusive use of public transit
19 services, transit stops (shelters and stations), office
20 buildings or projects that include fixed-rail or transit
21 terminals as part of the building, and projects which are
22 transit oriented and designed to complement reasonably
23 proximate planned or existing public facilities.

24 ~~(30)~~~~(29)~~ "Existing urban service area" means built-up
25 areas where public facilities and services such as sewage
26 treatment systems, roads, schools, and recreation areas are
27 already in place.

28 ~~(31)~~~~(30)~~ "Transportation corridor management" means
29 the coordination of the planning of designated future
30 transportation corridors with land use planning within and
31 adjacent to the corridor to promote orderly growth, to meet

1 the concurrency requirements of this chapter, and to maintain
2 the integrity of the corridor for transportation purposes.

3 ~~(32)~~~~(31)~~ "Optional sector plan" means an optional
4 process authorized by s. 163.3245 in which one or more local
5 governments by agreement with the state land planning agency
6 are allowed to address development-of-regional-impact issues
7 within certain designated geographic areas identified in the
8 local comprehensive plan as a means of fostering innovative
9 planning and development strategies in s. 163.3177(11)(a) and
10 (b), furthering the purposes of this part and part I of
11 chapter 380, reducing overlapping data and analysis
12 requirements, protecting regionally significant resources and
13 facilities, and addressing extrajurisdictional impacts.

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

16 163.3177 Required and optional elements of
17 comprehensive plan; studies and surveys.--

18 (6) In addition to the requirements of subsections
19 (1)-(5), the comprehensive plan shall include the following
20 elements:

21 (a) A future land use plan element designating
22 proposed future general distribution, location, and extent of
23 the uses of land for residential uses, commercial uses,
24 industry, agriculture, recreation, conservation, education,
25 public buildings and grounds, other public facilities, and
26 other categories of the public and private uses of land.
27 Counties are encouraged to designate rural land stewardship
28 areas, pursuant to the provisions of paragraph (11)(d), as
29 overlays on the future land use map. Each future land use
30 category must be defined in terms of uses included, and must
31 include standards to be followed in the control and

1 | distribution of population densities and building and
2 | structure intensities. The proposed distribution, location,
3 | and extent of the various categories of land use shall be
4 | shown on a land use map or map series which shall be
5 | supplemented by goals, policies, and measurable objectives.
6 | The future land use plan shall be based upon surveys, studies,
7 | and data regarding the area, including the amount of land
8 | required to accommodate anticipated growth; the projected
9 | population of the area; the character of undeveloped land; the
10 | availability of public services; the vulnerability to natural
11 | hazards and the potential need for hazard mitigation; the need
12 | for redevelopment, including the renewal of blighted areas and
13 | the elimination of nonconforming uses which are inconsistent
14 | with the character of the community; the compatibility of uses
15 | on lands adjacent to or closely proximate to military
16 | installations; and, in rural communities, the need for job
17 | creation, capital investment, and economic development that
18 | will strengthen and diversify the community's economy. The
19 | future land use plan may designate areas for future planned
20 | development use involving combinations of types of uses for
21 | which special regulations may be necessary to ensure
22 | development in accord with the principles and standards of the
23 | comprehensive plan and this act. The future land use plan
24 | element shall include criteria to be used to achieve the
25 | compatibility of adjacent or closely proximate lands with
26 | military installations. In addition, for rural communities,
27 | the amount of land designated for future planned industrial
28 | use shall be based upon surveys and studies that reflect the
29 | need for job creation, capital investment, and the necessity
30 | to strengthen and diversify the local economies, and shall not
31 | be limited solely by the projected population of the rural

1 | community. The future land use plan of a county may also
2 | designate areas for possible future municipal incorporation.
3 | The land use maps or map series shall generally identify and
4 | depict historic district boundaries and shall designate
5 | historically significant properties meriting protection. The
6 | future land use element must clearly identify the land use
7 | categories in which public schools are an allowable use. When
8 | delineating the land use categories in which public schools
9 | are an allowable use, a local government shall include in the
10 | categories sufficient land proximate to residential
11 | development to meet the projected needs for schools in
12 | coordination with public school boards and may establish
13 | differing criteria for schools of different type or size.
14 | Each local government shall include lands contiguous to
15 | existing school sites, to the maximum extent possible, within
16 | the land use categories in which public schools are an
17 | allowable use. All comprehensive plans must comply with the
18 | school siting requirements of this paragraph no later than
19 | October 1, 1999. The failure by a local government to comply
20 | with these school siting requirements by October 1, 1999, will
21 | result in the prohibition of the local government's ability to
22 | amend the local comprehensive plan, except for plan amendments
23 | described in s. 163.3187(1)(b), until the school siting
24 | requirements are met. Amendments proposed by a local
25 | government for purposes of identifying the land use categories
26 | in which public schools are an allowable use or for adopting
27 | or amending the school-siting maps pursuant to s. 163.31776(3)
28 | are exempt from the limitation on the frequency of plan
29 | amendments contained in s. 163.3187. The future land use
30 | element shall include criteria that encourage the location of
31 | schools proximate to urban residential areas to the extent

1 possible and shall require that the local government seek to
2 collocate public facilities, such as parks, libraries, and
3 community centers, with schools to the extent possible and to
4 encourage the use of elementary schools as focal points for
5 neighborhoods. For schools serving predominantly rural
6 counties, defined as a county with a population of 100,000 or
7 fewer, an agricultural land use category shall be eligible for
8 the location of public school facilities if the local
9 comprehensive plan contains school siting criteria and the
10 location is consistent with such criteria. Local governments
11 required to update or amend their comprehensive plan to
12 include criteria and address compatibility of adjacent or
13 closely proximate lands with existing military installations
14 in their future land use plan element shall transmit the
15 update or amendment to the department by June 30, 2006.

16 (g) For those units of local government identified in
17 s. 380.24, a coastal management element, appropriately related
18 to the particular requirements of paragraphs (d) and (e) and
19 meeting the requirements of s. 163.3178(2) and (3). The
20 coastal management element shall set forth the policies that
21 shall guide the local government's decisions and program
22 implementation with respect to the following objectives:

23 1. Maintenance, restoration, and enhancement of the
24 overall quality of the coastal zone environment, including,
25 but not limited to, its amenities and aesthetic values.

26 2. Continued existence of viable populations of all
27 species of wildlife and marine life.

28 3. The orderly and balanced utilization and
29 preservation, consistent with sound conservation principles,
30 of all living and nonliving coastal zone resources.

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1 4. Avoidance of irreversible and irretrievable loss of
2 coastal zone resources.

3 5. Ecological planning principles and assumptions to
4 be used in the determination of suitability and extent of
5 permitted development.

6 6. Proposed management and regulatory techniques.

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

9 8. Protection of human life against the effects of
10 natural disasters and implementation of hazard-mitigation
11 strategies.

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

15 10. Preservation, including sensitive adaptive use of
16 historic and archaeological resources.

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

20 163.3178 Coastal management.--

21 (2) Each coastal management element required by s.
22 163.3177(6)(g) shall be based on studies, surveys, and data;
23 be consistent with coastal resource plans prepared and adopted
24 pursuant to general or special law; and contain:

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

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 pursuant to s. 163.2517; the area is not
24 within a designated area of critical state concern; the
25 comprehensive plan delineates the coastal high-hazard area
26 consistent with this part; and the county emergency management
27 agency affirms in writing its intent to participate in the
28 demonstration project.

29 2. In order to allow for redevelopment within the
30 coastal high-hazard area beyond that provided in the existing
31 approved comprehensive plan, the local government or

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

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 potential costs of damage to structures,
14 property, and infrastructure under the redevelopment strategy,
15 which would need to be less than that expected without the
16 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.

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 and reviewing
10 applications and may establish a phased schedule for reviewing
11 applications. The state land planning agency shall provide the
12 Federal Emergency Management Agency and the Division of
13 Emergency Management with an opportunity to comment on the
14 application.

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

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

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

18 Section 4. Section 186.515, Florida Statutes, is
19 amended to read:

20 186.515 Creation of regional planning councils under
21 chapter 163.--Nothing in ss. 186.501-186.507, 186.513, and
22 this section 186.515 is intended to repeal or limit the
23 provisions of chapter 163; however, the local general-purpose
24 governments serving as voting members of the governing body of
25 a regional planning council created pursuant to ss.
26 186.501-186.507, 186.513, and this section 186.515 are not
27 authorized to create a regional planning council pursuant to
28 chapter 163 unless an agency, other than a regional planning
29 council created pursuant to ss. 186.501-186.507, 186.513, and
30 this section 186.515, is designated to exercise the powers and
31 duties in any one or more of ss. 163.3164(20) ~~163.3164(19)~~ and

1 380.031(15); in which case, such a regional planning council
2 is also without authority to exercise the powers and duties in
3 s. 163.3164(20) ~~s. 163.3164(19)~~ or s. 380.031(15).

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

6 288.975 Military base reuse plans.--

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

8 (a) "Affected local government" means a local
9 government adjoining the host local government and any other
10 unit of local government that is not a host local government
11 but that is identified in a proposed military base reuse plan
12 as providing, operating, or maintaining one or more public
13 facilities as defined in s. 163.3164(25) ~~s. 163.3164(24)~~ on
14 lands within or serving a military base designated for closure
15 by the Federal Government.

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

18 369.303 Definitions.--As used in this part:

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

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

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SENATE SUMMARY

Requires the future land use element of a local comprehensive plan to include certain provisions concerning hazard mitigation. Requires the coastal management element to include mitigation strategies. Authorizes five local governments to amend their comprehensive plans to allow for the redevelopment of coastal areas within designated coastal high-hazard areas. Specifies requirements for the coastal redevelopment demonstration projects. Requires a written agreement between the state land planning agency and the local government. Requires a public hearing. Requires a progress report to the Governor and the Legislature.