



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  
31

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.  
31

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 under s. 163.2517 or an adopted community  
24 redevelopemnt 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.

1           2. The local government or combination of local  
2 governments, authorized by agreement pursuant to paragraph  
3 (9)(b) to pursue the demonstration project, shall adopt into  
4 the comprehensive plan a redevelopment strategy, consistent  
5 with the requirements of s. 163.3177(6)(a) and local  
6 mitigation strategies, which includes, at a minimum, the  
7 following components:  
8           a. Measures to reduce, replace, or eliminate unsafe  
9 structures and properties subject to repetitive damage from  
10 coastal storms and floods;  
11           b. Measures to reduce exposure of infrastructure to  
12 hazards, including relocation and structural modification of  
13 threatened coastal infrastructure;  
14           c. Operational and capacity improvements to ensure  
15 that the redevelopment strategy maintains or reduces  
16 throughout the planning timeframe the county hurricane  
17 evacuation clearance times as established in the most recent  
18 hurricane evacuation study or transportation analysis;  
19           d. If the county hurricane evacuation clearance times  
20 exceed 16 hours for a Category 3 storm event, measures to  
21 ensure that the redevelopment strategy reduces the county  
22 shelter deficit and hurricane clearance times to adequate  
23 levels below 16 hours within the planning timeframe;  
24           e. Measures that provide for county evacuation shelter  
25 space to ensure that development authorized within the  
26 redevelopment area provides mitigation proportional to its  
27 impact to offset the increased demand on evacuation clearance  
28 times and public shelter space;  
29           f. Measures to ensure that public expenditures that  
30 subsidize development in the most vulnerable areas of the  
31 coastal high hazard area are limited to those expenditures

1 needed to provide for public access to the beach and  
2 shoreline, restore beaches and dunes and other natural  
3 systems, correct existing hurricane evacuation deficiencies,  
4 or to make facilities more disaster resistant;

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

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

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

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

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

30  
31

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

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

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

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

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

21 Section 4. Section 186.515, Florida Statutes, is  
22 amended to read:

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



1 council created pursuant to ss. 186.501-186.507, 186.513, and  
2 this section ~~186.515~~, is designated to exercise the powers and  
3 duties in any one or more of ss. 163.3164(20) ~~163.3164(19)~~ and  
4 380.031(15); in which case, such a regional planning council  
5 is also without authority to exercise the powers and duties in  
6 s. 163.3164(20) ~~s. 163.3164(19)~~ or s. 380.031(15).

7 Section 5. Paragraph (a) of subsection (2) of section  
8 288.975, Florida Statutes, is amended to read:

9 288.975 Military base reuse plans.--

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

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

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

21 369.303 Definitions.--As used in this part:

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

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

27  
28 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
29 COMMITTEE SUBSTITUTE FOR  
30 Senate Bill 976

31 The committee substitute makes several changes, none of which  
are substantive.