PLANNING BOARD MEETING
CITY OF ST. PETE BEACH
COMMISSION CHAMBERS

155 Corey Avenue
St. Pete Beach, FL 33706

Monday, June 16, 2025
4:00 PM

Call to Order
Pledge of Allegiance
Roll Call

REGULAR MEETING

1. Approval of the Agenda -

   Action Request: Motion to approve the June 16, 2025 agenda.

2. Audience Comments -
   Comments shall be limited to 3 minutes for general and agenda items. Public comment on agenda items will be allowed when that item is called. Please complete and submit a comment card to the Clerk.

3. Approval of Minutes

   a. May 19, 2025 Planning Board Minutes

4. Action Items -

5. Discussion Items

   a. Community Redevelopment Agencies
   Discussing the purpose of community redevelopment agencies and statutes pertaining to them.

   b. Florida Model Lighting Ordinance for Sea Turtle Protection
   Providing an introduction to the State of Florida marine turtle lighting ordinance, including elements that may be appropriate for update of the City's existing 2007 ordinance.

6. Adjournment -

APPEAL: In accordance with 286.0105, Florida Statute (Notices of meetings and hearings must advise that a record is required to appeal), if a person decides to appeal any decision made by this committee, board, agency, or commission with respect to any matter considered at this meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

AMERICANS WITH DISABILITIES ACT (ADA): In accordance with the Americans with Disabilities Act and Florida Statutes, if any person with a disability defined by the ADA needs special accommodation to participate in this proceeding, then not later than two business days prior to the proceeding, he or she should contact City Hall at (727) 367-2735.

The public is cordially invited to attend this meeting.
All agenda material is available for review at City Hall or www.stpetebeach.org.

DRAFT PLANNING BOARD MEETING MINUTES

May 19, 2025 4:00PM

MEMBERS PRESENT:	David Hubbard, Chair Sam Angelides, Jr., Vice Chair Terri Grocott, Member Cindy Perry, Member Shawn Rae, Member
STAFF PRESENT:	Brandon Berry, Senior Planner Ralf Brookes, Interim City Attorney Ginny Bodkin, Deputy City Clerk

Chair Hubbard called the meeting to order at 4:00 PM, followed by the Pledge of Allegiance.

1. Approval of the Agenda –
Chair Hubbard asked to add a discussion item on an upcoming webinar regarding a conditional use permit and Member Perry asked to add a comment about the last City Commission meeting.

Motion: Member Rae moved, and Vice Chair Angelides seconded, to approve the May 19, 2025 agenda as amended; the motion carried unanimously.

2. Audience Comments – There were no comments.

3. Approval of Minutes – April 21, 2025 Meeting

Motion: Member Grocott moved, and Member Perry seconded, to approve the April 21, 2025 minutes as presented; the motion carried unanimously.

4. Action Items – None.

5. Discussion Items

a. SB 180 and its impacts on land development regulations

Senior Planner Brandon Berry provided a presentation regarding Senate Bill 180, enrolled by the Florida Legislature on May 5, 2025, and awaiting the Governor's signature. SB 180 is the Hurricane Helene and Milton version of SB 250 (from 2023), which applied to areas directly affected by Hurricane Ian. The Bill will activate significant preemption on local planning through September 2027. His presentation is part of the meeting record.

Mr. Berry reviewed the non-planning requirements of SB 180 – it prohibits building fee increases for 180 days following a state of emergency declaration, prohibits impact fees for replacement structures not changing use or intensity regardless of age, requires municipalities to reopen permitting departments to 40 hours a week as soon as practicable after a hurricane, and prohibits cumulative substantial improvement, which was repealed by St. Pete Beach in 2024. Member Hubbard asked what would happen if FEMA required cumulative substantial improvement now that the state has prohibited it – and Mr. Berry suggested that there would probably be a state application for exemption if it were a minimum requirement of NFIP.

Mr. Berry went on to review SB 180 effects on moratoriums and amendments if passed as written – which states that retroactive to August 2024 and until October 2027, and for one year following a state of emergency, cities in the declaration zone cannot prohibit moratorium on construction, reconstruction or redevelopment, cannot pass any more burdensome amendment to a Comp Plan or LDC (cannot put up any more barriers to applying or approving a development permit; i.e. can't make it more arduous to apply for a site plan) , and cannot make it more restrictive or burdensome to review, approve, or issue a development permit. This does not apply if a developer sponsors the change/application and the change applies solely to them (if they own all property within a zone). A 'development permit' is expansive by definition and includes virtually all zoning and planning review of building permits, zoning permits (signs and use), subdivision plats, variances, site plans, and CUPs. Cities cannot make it more burdensome or arduous to obtain any of those approvals.

Mr. Berry explained that SB 180 will prohibit placement of greater burdens on virtually any project that is submitted for planning review until October 2027. It is unclear if regulation was intended to be so encompassing in scope, as it affects almost all of Florida and the regulations appear to prohibit minor items like fence height reduction or stricter standards on sign placement in addition to more essential elements of development like density, intensity and use.

The law requires challengers to provide the municipality 14 days to revoke or void a more 'burdensome amendment'. If the action moves to court, plaintiffs are entitled to attorneys' fees and costs if the plaintiff prevails. Any amendment or administrative decision found contrary is void back to adoption and cannot apply to other developments. Staff is exploring adopting a procedure for declaring and demonstrating a burden to be able to reasonably evaluate any claims made. It would be adopted by code (brought before the Planning Board).

Staff spoke with the city attorney's office and reviewed any current pending ordinances and found that no necessary changes would be needed for 2025-07 (Pass-A-Grille Overlay District) and 2025-12 (Sign Ordinance), but for 2025-08 (CRD-Eighth Avenue) the requirement for design review of new projects, make "strongly recommended".

Finally, Mr. Berry reviewed next steps: There has been a concerted effort among some planning organizations (e.g.1000 Friends) to reduce scope of this request. Most effort has been focused on reducing the statewide scope. Some issues with the scope of restrictions - Manatee County wetlands protections were recently preempted under SB 250 (2023). The City Commission will be adding this discussion to their agenda in the next month - Mr. Berry asked that the members consider their ideas for strategic efforts in the next year in the context of this bill. The bill may be signed in late June. It can go into law anyway without a signature.

City Attorney Brookes added that the Bill has two sections – one about Debby, Helene and Milton – and one that includes a new Florida Statute that dictates that every time there is a hurricane, there will be a one year limitation on more burdensome or restrictive LDC, Comp Plans, site plans, and moratoriums within 100 miles of landfall.

Chair Hubbard and Member Perry opined that the Bill holds to a dated understanding of storm damage. Mr. Berry mentioned that the City is seeking guidance on the Marine Turtle Lighting Ordinance that FDEP had prepared - it would be more restrictive if the City adopted it. Attorney Brookes suggested options to 'strongly recommend' vs. 'prohibit' and opt-in programs that provide a benefit for voluntary compliance.

b. CUP 25069 Corey Landings *(added)*

Chair Hubbard wanted to inform the Board and public that there is a webinar coming up on May 29th at 5:30 PM. Mr. Berry confirmed that the City will add that link to their website.

c. May 13, 2025 Commission Meeting *(added)*

Member Perry expressed concern that the applicant for the Windward Pass suggested that the Planning Board had failed in their duties in their review and recommended denial of the application in December of last year. She subsequently reviewed the Comp Plan and the criteria that the Board presented in that meeting was on target. She explained that she followed up with an email to the City Commissioners and Mayor to defend the member's decisions as called out in a public meeting. She added that the minutes of that meeting accurately reflect the Comp Plan and Land Development Code criteria that were applied in their recommendation, but the slide that was presented to the Commission did not include those details. She asked for Commissioner feedback.

Member Grocott inquired, and Mr. Berry concurred, that a draft of the recommendation slide be sent to the Board prior to presentation to the Commission for any edits. Chair Hubbard added that he also watched the 5/13 Commission meeting and got the impression that the Commissioners had watched the Planning Board in December and had a good understanding of what was actually said.

6. Adjournment - Next meeting June 16, 2025.

There being no further business, Chair Hubbard adjourned the meeting at 4:32 PM.

These minutes will be considered for approval at the June 16, 2025 meeting of the Planning Board.

PLANNING BOARD MEETING
CITY OF ST. PETE BEACH
COMMISSION CHAMBERS

Agenda Report

Agenda Title Name: Community Redevelopment Agencies

Action Request: None - for discussion purposes.

Strategic Objective:

Date: June 16, 2025

Prepared By: Gilbert Martinez, Senior Planner

Through: Laura Canary, Community Development Director

Summary of Issue: Community redevelopment agencies (CRA) are authorized by Florida Statutes 163 Part III and have historically been utilized to remediate slum and blighted areas, but have also been extended to cover coastal resort areas such as St. Pete Beach where historical density patterns, lot layouts, and transportation facilities may be deficient and/or non-reflective of current market demands. These areas are commonly associated with tax increment financing, where tax revenue for basic services in a district is frozen for a period of time (typically 1-3 decades) and the rise in revenue over that period utilized to fund public improvements that are expected to bring in greater revenue. However, TIF is far from the only tool available to Cities establishing a CRA. St. Pete Beach attempted to establish a CRA from the mid-2000s through mid-2010s but ultimately chose to withdraw its application.

CRAs begin with a finding of necessity, which St. Pete Beach completed in the early 2000s. When adequate justification is found, Cities develop and adopt a community redevelopment plan, and finally a trust fund to direct tax revenues.

This presentation will provide a basic overview of the requirements of CRAs, their benefits and challenges, and the potential value of establishing one in St. Pete Beach.

Funding: N/A

Attachments:

1. Florida Statutes Ch 163 Pt III
2. 2005 St. Pete Beach Finding of Necessity

COMMUNITY REDEVELOPMENT

163.330 Short title.—This part shall be known and may be cited as the "Community Redevelopment Act of 1969."

History.—s. 1, ch. 69-305.

163.335 Findings and declarations of necessity.—

(1) It is hereby found and declared that there exist in counties and municipalities of the state slum and blighted areas which constitute a serious and growing menace, injurious to the public health, safety, morals, and welfare of the residents of the state; that the existence of such areas contributes substantially and increasingly to the spread of disease and crime, constitutes an economic and social liability imposing onerous burdens which decrease the tax base and reduce tax revenues, substantially impairs or arrests sound growth, retards the provision of housing accommodations, aggravates traffic problems, and substantially hampers the elimination of traffic hazards and the improvement of traffic facilities; and that the prevention and elimination of slums and blight is a matter of state policy and state concern in order that the state and its counties and municipalities shall not continue to be endangered by areas which are focal centers of disease, promote juvenile delinquency, and consume an excessive proportion of its

revenues because of the extra services required for police, fire, accident, hospitalization, and other forms of public protection, services, and facilities.

(2) It is further found and declared that certain slum or blighted areas, or portions thereof, may require acquisition, clearance, and disposition subject to use restrictions, as provided in this part, since the prevailing condition of decay may make impracticable the reclamation of the area by conservation or rehabilitation; that other areas or portions thereof may, through the means provided in this part, be susceptible of conservation or rehabilitation in such a manner that the conditions and evils enumerated may be eliminated, remedied, or prevented; and that salvageable slum and blighted areas can be conserved and rehabilitated through appropriate public action as herein authorized and the cooperation and voluntary action of the owners and tenants of property in such areas.

(3) It is further found and declared that the powers conferred by this part are for public uses and purposes for which public money may be expended and police power exercised, and the necessity in the public interest for the provisions herein enacted is declared as a matter of legislative determination.

(4) It is further found that coastal resort and tourist areas or portions thereof which are deteriorating and economically distressed due to building density patterns, inadequate transportation and parking facilities, faulty lot layout, or inadequate street layout, could, through the means provided in this part, be revitalized and redeveloped in a manner that will vastly improve the economic and social conditions of the community.

(5) It is further found and declared that the preservation or enhancement of the tax base from which a taxing authority realizes tax revenues is essential to its existence and financial health; that the preservation and enhancement of such tax base is implicit in the purposes for which a taxing authority is established; that tax increment financing is an effective method of achieving such preservation and enhancement in areas in which such tax base is declining; that community redevelopment in such areas, when complete, will enhance such tax base and provide increased tax revenues to all affected taxing authorities, increasing their ability to accomplish their other respective purposes; and that the preservation and enhancement of the tax base in such areas through tax increment financing and the levying of taxes by such taxing authorities therefor and the appropriation of funds to a redevelopment trust fund bears a substantial relation to the purposes of such taxing authorities and is for their respective purposes and concerns. This subsection does not apply in any jurisdiction where the community redevelopment agency validated bonds as of April 30, 1984.

(6) It is further found and declared that there exists in counties and municipalities of the state a severe shortage of housing affordable to residents of low or moderate income, including the elderly; that the existence of such condition affects the health, safety, and welfare of the residents of such counties and municipalities and retards their growth and economic and social development; and that the elimination or improvement of such condition is a proper matter of state policy and state concern and is for a valid and desirable public purpose.

(7) It is further found and declared that the prevention or elimination of a slum area or blighted area as defined in this part and the preservation or enhancement of the tax base are not public uses or purposes for which private property may be taken by eminent domain and do not satisfy the public purpose requirement of s. 6(a), Art. X of the State Constitution.

History.—s. 2, ch. 69-305; ss. 1, 22, ch. 84-356; s. 1, ch. 98-201; s. 6, ch. 2006-11.

163.340 Definitions.— The following terms, wherever used or referred to in this part, have the following meanings:

(1) "Agency" or "community redevelopment agency" means a public agency created by, or designated pursuant to, s. 163.356 or s. 163.357.

(2) "Public body" means the state or any county, municipality, authority, special district as defined in s. 165.031(7), or other public body of the state, except a school district.

(3) "Governing body" means the council, commission, or other legislative body charged with governing the county or municipality.

(4) "Mayor" means the mayor of a municipality or, for a county, the chair of the board of county commissioners or such other officer as may be constituted by law to act as the executive head of such municipality or county.

(5) “Clerk” means the clerk or other official of the county or municipality who is the custodian of the official records of such county or municipality.

(6) “Federal Government” includes the United States or any agency or instrumentality, corporate or otherwise, of the United States.

(7) “Slum area” means an area having physical or economic conditions conducive to disease, infant mortality, juvenile delinquency, poverty, or crime because there is a predominance of buildings or improvements, whether residential or nonresidential, which are impaired by reason of dilapidation, deterioration, age, or obsolescence, and exhibiting one or more of the following factors:

(a) Inadequate provision for ventilation, light, air, sanitation, or open spaces;

(b) High density of population, compared to the population density of adjacent areas within the county or municipality; and overcrowding, as indicated by government-maintained statistics or other studies and the requirements of the Florida Building Code; or

(c) The existence of conditions that endanger life or property by fire or other causes.

(8) “Blighted area” means an area in which there are a substantial number of deteriorated or deteriorating structures; in which conditions, as indicated by government-maintained statistics or other studies, endanger life or property or are leading to economic distress; and in which two or more of the following factors are present:

(a) Predominance of defective or inadequate street layout, parking facilities, roadways, bridges, or public transportation facilities.

(b) Aggregate assessed values of real property in the area for ad valorem tax purposes have failed to show any appreciable increase over the 5 years prior to the finding of such conditions.

(c) Faulty lot layout in relation to size, adequacy, accessibility, or usefulness.

(d) Unsanitary or unsafe conditions.

(e) Deterioration of site or other improvements.

(f) Inadequate and outdated building density patterns.

(g) Falling lease rates per square foot of office, commercial, or industrial space compared to the remainder of the county or municipality.

(h) Tax or special assessment delinquency exceeding the fair value of the land.

(i) Residential and commercial vacancy rates higher in the area than in the remainder of the county or municipality.

(j) Incidence of crime in the area higher than in the remainder of the county or municipality.

(k) Fire and emergency medical service calls to the area proportionately higher than in the remainder of the county or municipality.

(l) A greater number of violations of the Florida Building Code in the area than the number of violations recorded in the remainder of the county or municipality.

(m) Diversity of ownership or defective or unusual conditions of title which prevent the free alienability of land within the deteriorated or hazardous area.

(n) Governmentally owned property with adverse environmental conditions caused by a public or private entity.

(o) A substantial number or percentage of properties damaged by sinkhole activity which have not been adequately repaired or stabilized.

However, the term “blighted area” also means any area in which at least one of the factors identified in paragraphs (a) through (o) is present and all taxing authorities subject to s. 163.387(2)(a) agree, either by interlocal agreement with the agency or by resolution, that the area is blighted. Such agreement or resolution must be limited to a determination that the area is blighted. For purposes of qualifying for the tax credits authorized in chapter 220, “blighted area” means an area as defined in this subsection.

(9) “Community redevelopment” or “redevelopment” means undertakings, activities, or projects of a county, municipality, or community redevelopment agency in a community redevelopment area for the elimination and prevention of the development or spread of slums and blight, or for the reduction or prevention of crime, or for the

provision of affordable housing, whether for rent or for sale, to residents of low or moderate income, including the elderly, and may include slum clearance and redevelopment in a community redevelopment area or rehabilitation and revitalization of coastal resort and tourist areas that are deteriorating and economically distressed, or rehabilitation or conservation in a community redevelopment area, or any combination or part thereof, in accordance with a community redevelopment plan and may include the preparation of such a plan.

(10) "Community redevelopment area" means a slum area, a blighted area, or an area in which there is a shortage of housing that is affordable to residents of low or moderate income, including the elderly, or a coastal and tourist area that is deteriorating and economically distressed due to outdated building density patterns, inadequate transportation and parking facilities, faulty lot layout or inadequate street layout, or a combination thereof which the governing body designates as appropriate for community redevelopment. For community redevelopment agencies created after July 1, 2006, a community redevelopment area may not consist of more than 80 percent of a municipality.

(11) "Community redevelopment plan" means a plan, as it exists from time to time, for a community redevelopment area.

(12) "Related activities" means:

(a) Planning work for the preparation of a general neighborhood redevelopment plan or for the preparation or completion of a communitywide plan or program pursuant to s. 163.365.

(b) The functions related to the acquisition and disposal of real property pursuant to s. 163.370(4).

(c) The development of affordable housing for residents of the area.

(d) The development of community policing innovations.

(13) "Real property" means all lands, including improvements and fixtures thereon, and property of any nature appurtenant thereto or used in connection therewith and every estate, interest, right, and use, legal or equitable, therein, including but not limited to terms for years and liens by way of judgment, mortgage, or otherwise.

(14) "Bonds" means any bonds (including refunding bonds), notes, interim certificates, certificates of indebtedness, debentures, or other obligations.

(15) "Obligee" means and includes any bondholder, agents or trustees for any bondholders, or lessor demising to the county or municipality property used in connection with community redevelopment, or any assignee or assignees of such lessor's interest or any part thereof, and the Federal Government when it is a party to any contract with the county or municipality.

(16) "Person" means any individual, firm, partnership, corporation, company, association, joint stock association, or body politic and includes any trustee, receiver, assignee, or other person acting in a similar representative capacity.

(17) "Area of operation" means, for a county, the area within the boundaries of the county, and for a municipality, the area within the corporate limits of the municipality.

(18) "Housing authority" means a housing authority created by and established pursuant to chapter 421.

(19) "Board" or "commission" means a board, commission, department, division, office, body or other unit of the county or municipality.

(20) "Public officer" means any officer who is in charge of any department or branch of the government of the county or municipality relating to health, fire, building regulations, or other activities concerning dwellings in the county or municipality.

(21) "Debt service millage" means any millage levied pursuant to s. 12, Art. VII of the State Constitution.

(22) "Increment revenue" means the amount calculated pursuant to s. 163.387(1).

(23) "Community policing innovation" means a policing technique or strategy designed to reduce crime by reducing opportunities for, and increasing the perceived risks of engaging in, criminal activity through visible presence of police in the community, including, but not limited to, community mobilization, neighborhood block watch, citizen patrol, citizen contact patrol, foot patrol, neighborhood storefront police stations, field interrogation, or intensified motorized patrol.

(24) "Taxing authority" means a public body that levies or is authorized to levy an ad valorem tax on real property located in a community redevelopment area.

History.—s. 3, ch. 69-305; s. 1, ch. 77-391; s. 1, ch. 81-44; s. 3, ch. 83-231; ss. 2, 22, ch. 84-356; s. 83, ch. 85-180; s. 72, ch. 87-243; s. 33, ch. 91-45; s. 1, ch. 93-286; s. 1, ch. 94-236; s. 1447, ch. 95-147; s. 2, ch. 98-201; s. 1, ch. 98-314; s. 2, ch. 2002-294; s. 7, ch. 2006-11; s. 1, ch. 2006-307; s. 20, ch.

2013-15; s. 7, ch. 2015-30.

163.345 Encouragement of private enterprise.—

(1) Any county or municipality, to the greatest extent it determines to be feasible in carrying out the provisions of this part, shall afford maximum opportunity, consistent with the sound needs of the county or municipality as a whole, to the rehabilitation or redevelopment of the community redevelopment area by private enterprise. Any county or municipality shall give consideration to this objective in exercising its powers under this part, including the formulation of a workable program; the approval of community redevelopment plans, communitywide plans or programs for community redevelopment, and general neighborhood redevelopment plans (consistent with the general plan of the county or municipality); the development and implementation of community policing innovations; the exercise of its zoning powers; the enforcement of other laws, codes, and regulations relating to the use of land and the use and occupancy of buildings and improvements; the development of affordable housing; the disposition of any property acquired, subject to the limitations of s. 73.013; and the provision of necessary public improvements.

(2) In giving consideration to the objectives outlined in subsection (1), the county or municipality shall consider making available the incentives provided under the Florida Enterprise Zone Act and chapter 420.

History.—s. 4, ch. 69-305; s. 4, ch. 83-231; s. 2, ch. 94-236; s. 2, ch. 98-314; s. 26, ch. 2001-60; s. 12, ch. 2005-287; s. 8, ch. 2006-11.

163.346 Notice to taxing authorities.— Before the governing body adopts any resolution or enacts any ordinance required under s. 163.355, s. 163.356, s. 163.357, or s. 163.387; creates a community redevelopment agency; approves, adopts, or amends a community redevelopment plan; or issues redevelopment revenue bonds under s. 163.385, the governing body must provide public notice of such proposed action pursuant to s. 125.66(2) or s. 166.041(3)(a) and, at least 15 days before such proposed action, mail by registered mail a notice to each taxing authority which levies ad valorem taxes on taxable real property contained within the geographic boundaries of the redevelopment area.

History.—s. 8, ch. 84-356; s. 2, ch. 93-286; s. 13, ch. 95-310.

163.350 Workable program.— Any county or municipality for the purposes of this part may formulate for the county or municipality a workable program for utilizing appropriate private and public resources to eliminate and prevent the development or spread of slums and urban blight, to encourage needed community rehabilitation, to provide for the redevelopment of slum and blighted areas, to provide housing affordable to residents of low or moderate income, including the elderly, or to undertake such of the aforesaid activities or other feasible county or municipal activities as may be suitably employed to achieve the objectives of such workable program. Such workable program may include provision for the prevention of the spread of blight into areas of the county or municipality which are free from blight through diligent enforcement of housing, zoning, and occupancy controls and standards; the rehabilitation or conservation of slum and blighted areas or portions thereof by replanning, removing congestion, providing parks, playgrounds, and other public improvements, encouraging voluntary rehabilitation, and compelling the repair and rehabilitation of deteriorated or deteriorating structures; the development of affordable housing; the implementation of community policing innovations; and the clearance and redevelopment of slum and blighted areas or portions thereof.

History.—s. 5, ch. 69-305; s. 3, ch. 84-356; s. 3, ch. 94-236; s. 3, ch. 98-314.

163.353 Power of taxing authority to tax or appropriate funds to a redevelopment trust fund in order to preserve and enhance the tax base of the authority.— Notwithstanding any other provision of general or special law, the purposes for which a taxing authority may levy taxes or appropriate funds to a redevelopment trust fund include the preservation and enhancement of the tax base of such taxing authority and the furthering of the purposes of such taxing authority as provided by law.

History.—s. 21, ch. 84-356.

163.355 Finding of necessity by county or municipality.— No county or municipality shall exercise the community redevelopment authority conferred by this part until after the governing body has adopted a resolution, supported by data and analysis, which makes a legislative finding that the conditions in the area meet the criteria described in s. 163.340(7) or (8). The resolution must state that:

(1) One or more slum or blighted areas, or one or more areas in which there is a shortage of housing affordable to residents of low or moderate income, including the elderly, exist in such county or municipality; and

(2) The rehabilitation, conservation, or redevelopment, or a combination thereof, of such area or areas, including, if appropriate, the development of housing which residents of low or moderate income, including the elderly, can afford, is necessary in the interest of the public health, safety, morals, or welfare of the residents of such county or municipality.

History.—s. 6, ch. 69-305; s. 4, ch. 84-356; s. 4, ch. 94-236; s. 3, ch. 2002-294.

163.356 Creation of community redevelopment agency.—

(1) Upon a finding of necessity as set forth in s. 163.355, and upon a further finding that there is a need for a community redevelopment agency to function in the county or municipality to carry out the community redevelopment purposes of this part, any county or municipality may create a public body corporate and politic to be known as a "community redevelopment agency." A charter county having a population less than or equal to 1.6 million may create, by a vote of at least a majority plus one of the entire governing body of the charter county, more than one community redevelopment agency. Each such agency shall be constituted as a public instrumentality, and the exercise by a community redevelopment agency of the powers conferred by this part shall be deemed and held to be the performance of an essential public function. Community redevelopment agencies of a county have the power to function within the corporate limits of a municipality only as, if, and when the governing body of the municipality has by resolution concurred in the community redevelopment plan or plans proposed by the governing body of the county.

(2) When the governing body adopts a resolution declaring the need for a community redevelopment agency, that body shall, by ordinance, appoint a board of commissioners of the community redevelopment agency, which shall consist of not fewer than five or more than nine commissioners. The terms of office of the commissioners shall be for 4 years, except that three of the members first appointed shall be designated to serve terms of 1, 2, and 3 years, respectively, from the date of their appointments, and all other members shall be designated to serve for terms of 4 years from the date of their appointments. A vacancy occurring during a term shall be filled for the unexpired term. As provided in an interlocal agreement between the governing body that created the agency and one or more taxing authorities, one or more members of the board of commissioners of the agency may be representatives of a taxing authority, including members of that taxing authority's governing body, whose membership on the board of commissioners of the agency would be considered an additional duty of office as a member of the taxing authority governing body.

(3)(a) A commissioner shall receive no compensation for services, but is entitled to the necessary expenses, including travel expenses, incurred in the discharge of duties. Each commissioner shall hold office until his or her successor has been appointed and has qualified. A certificate of the appointment or reappointment of any commissioner shall be filed with the clerk of the county or municipality, and such certificate is conclusive evidence of the due and proper appointment of such commissioner.

(b) The powers of a community redevelopment agency shall be exercised by the commissioners thereof. A majority of the commissioners constitutes a quorum for the purpose of conducting business and exercising the powers of the agency and for all other purposes. Action may be taken by the agency upon a vote of a majority of the commissioners present, unless in any case the bylaws require a larger number. Any person may be appointed as commissioner if he or she resides or is engaged in business, which means owning a business, practicing a profession, or performing a service for compensation, or serving as an officer or director of a corporation or other business entity so engaged, within the area of operation of the agency, which shall be coterminous with the area of operation of the county or municipality, and is otherwise eligible for such appointment under this part.

(c) The governing body of the county or municipality shall designate a chair and vice chair from among the commissioners. An agency may employ an executive director, technical experts, and such other agents and employees, permanent and temporary, as it requires, and determine their qualifications, duties, and compensation. For such legal service as it requires, an agency may employ or retain its own counsel and legal staff.

(d) An agency authorized to transact business and exercise powers under this part shall file with the governing body the report required pursuant to s. 163.371(2).

(e) At any time after the creation of a community redevelopment agency, the governing body of the county or municipality may appropriate to the agency such amounts as the governing body deems necessary for the administrative expenses and overhead of the agency, including the development and implementation of community policing innovations.

(4) The governing body may remove a commissioner for inefficiency, neglect of duty, or misconduct in office only after a hearing and only if he or she has been given a copy of the charges at least 10 days prior to such hearing and has had an opportunity to be heard in person or by counsel.

History.—s. 2, ch. 77-391; s. 1, ch. 83-231; s. 6, ch. 84-356; s. 903, ch. 95-147; s. 4, ch. 98-314; s. 41, ch. 2001-266; s. 4, ch. 2002-294; s. 2, ch. 2006-307; s. 2, ch. 2019-163; s. 28, ch. 2020-2.

163.357 Governing body as the community redevelopment agency.—

(1)(a) As an alternative to the appointment of not fewer than five or more than seven members of the agency, the governing body may, at the time of the adoption of a resolution under s. 163.355, or at any time thereafter by adoption of a resolution, declare itself to be an agency, in which case all the rights, powers, duties, privileges, and immunities vested by this part in an agency will be vested in the governing body of the county or municipality, subject to all responsibilities and liabilities imposed or incurred.

(b) The members of the governing body shall be the members of the agency, but such members constitute the head of a legal entity, separate, distinct, and independent from the governing body of the county or municipality. If the governing body declares itself to be an agency which already exists, the new agency is subject to all of the responsibilities and liabilities imposed or incurred by the existing agency.

(c) A governing body which consists of five members may appoint two additional persons to act as members of the community redevelopment agency. The terms of office of the additional members shall be for 4 years, except that the first person appointed shall initially serve a term of 2 years. Persons appointed under this section are subject to all provisions of this part relating to appointed members of a community redevelopment agency.

(d) As provided in an interlocal agreement between the governing body that created the agency and one or more taxing authorities, one or more members of the board of commissioners of the agency may be representatives of a taxing authority, including members of that taxing authority’s governing body, whose membership on the board of commissioners of the agency would be considered an additional duty of office as a member of the taxing authority governing body.

(2) Nothing in this part prevents the governing body from conferring the rights, powers, privileges, duties, and immunities of a community redevelopment agency upon any entity in existence on July 1, 1977, which has been authorized by law to function as a downtown development board or authority or as any other body the purpose of which is to prevent and eliminate slums and blight through community redevelopment plans. Any entity in existence on July 1, 1977, which has been vested with the rights, powers, privileges, duties, and immunities of a community redevelopment agency is subject to all provisions and responsibilities imposed by this part, notwithstanding any provisions to the contrary in any law or amendment thereto which established the entity. Nothing in this act shall be construed to impair or diminish any powers of any redevelopment agency or other entity as referred to herein in existence on the effective date of this act or to repeal, modify, or amend any law establishing such entity, except as specifically set forth herein.

History.—s. 2, ch. 77-391; s. 75, ch. 79-400; s. 2, ch. 83-231; s. 5, ch. 84-356; s. 3, ch. 2006-307.

163.358 Exercise of powers in carrying out community redevelopment and related activities.— Each county and municipality has all powers necessary or convenient to carry out and effectuate the purposes and provisions of this part, including those powers granted under s. 163.370. A county or municipality may delegate such powers to a community redevelopment agency created under s. 163.356, except the following, which continue to vest in the governing body of the county or municipality:

(1) The power to determine an area to be a slum or blighted area, or combination thereof; to designate such area as appropriate for community redevelopment; and to hold any public hearings required with respect thereto.

(2) The power to grant final approval to community redevelopment plans and modifications thereof.

(3) The power to authorize the issuance of revenue bonds as set forth in s. 163.385.

(4) The power to approve the acquisition, demolition, removal, or disposal of property as provided in s. 163.370(4) and the power to assume the responsibility to bear loss as provided in s. 163.370(4).

(5) The power to approve the development of community policing innovations.

(6) The power of eminent domain.

History.—s. 2, ch. 77-391; s. 70, ch. 81-259; s. 7, ch. 84-356; s. 34, ch. 91-45; s. 5, ch. 98-314; s. 9, ch. 2006-11.

163.360 Community redevelopment plans.—

(1) Community redevelopment in a community redevelopment area shall not be planned or initiated unless the governing body has, by resolution, determined such area to be a slum area, a blighted area, or an area in which there is a shortage of housing affordable to residents of low or moderate income, including the elderly, or a combination thereof, and designated such area as appropriate for community redevelopment.

(2) The community redevelopment plan shall:

(a) Conform to the comprehensive plan for the county or municipality as prepared by the local planning agency under the Community Planning Act.

(b) Be sufficiently complete to indicate such land acquisition, demolition and removal of structures, redevelopment, improvements, and rehabilitation as may be proposed to be carried out in the community redevelopment area; zoning and planning changes, if any; land uses; maximum densities; and building requirements.

(c) Provide for the development of affordable housing in the area, or state the reasons for not addressing in the plan the development of affordable housing in the area. The county, municipality, or community redevelopment agency shall coordinate with each housing authority or other affordable housing entities functioning within the geographic boundaries of the redevelopment area, concerning the development of affordable housing in the area.

(3) The community redevelopment plan may provide for the development and implementation of community policing innovations.

(4) The county, municipality, or community redevelopment agency may itself prepare or cause to be prepared a community redevelopment plan, or any person or agency, public or private, may submit such a plan to a community redevelopment agency. Prior to its consideration of a community redevelopment plan, the community redevelopment agency shall submit such plan to the local planning agency of the county or municipality for review and recommendations as to its conformity with the comprehensive plan for the development of the county or municipality as a whole. The local planning agency shall submit its written recommendations with respect to the conformity of the proposed community redevelopment plan to the community redevelopment agency within 60 days after receipt of the plan for review. Upon receipt of the recommendations of the local planning agency, or, if no recommendations are received within such 60 days, then without such recommendations, the community redevelopment agency may proceed with its consideration of the proposed community redevelopment plan.

(5) The community redevelopment agency shall submit any community redevelopment plan it recommends for approval, together with its written recommendations, to the governing body and to each taxing authority that levies ad valorem taxes on taxable real property contained within the geographic boundaries of the redevelopment area. The governing body shall then proceed with the hearing on the proposed community redevelopment plan as prescribed by subsection (6).

(6)(a) The governing body shall hold a public hearing on a community redevelopment plan after public notice thereof by publication in a newspaper having a general circulation in the area of operation of the county or municipality. The notice shall describe the time, date, place, and purpose of the hearing, identify generally the community redevelopment area covered by the plan, and outline the general scope of the community redevelopment plan under consideration.

(b) For any governing body that has not authorized by June 5, 2006, a study to consider whether a finding of necessity resolution pursuant to s. 163.355 should be adopted, has not adopted a finding of necessity resolution pursuant to s. 163.355 by March 31, 2007, has not adopted a community redevelopment plan by June 7, 2007, and was not authorized to exercise community redevelopment powers pursuant to a delegation of authority under s. 163.410 by a county that has adopted a home rule charter, the following additional procedures are required prior to adoption by the governing body of a community redevelopment plan under subsection (7):

1. Within 30 days after receipt of any community redevelopment plan recommended by a community redevelopment agency under subsection (5), the county may provide written notice by registered mail to the governing body of the municipality and to the community redevelopment agency that the county has competing policy goals and plans for the public funds the county would be required to deposit to the community redevelopment trust fund under the proposed community redevelopment plan.

2. If the notice required in subparagraph 1. is timely provided, the governing body of the county and the governing body of the municipality that created the community redevelopment agency shall schedule and hold a joint hearing co-chaired by the chair of the governing body of the county and the mayor of the municipality, with the agenda to be set by the chair of the governing body of the county, at which the competing policy goals for the public funds shall be discussed. For those community redevelopment agencies for which the board of commissioners of the community redevelopment agency are comprised as specified in s. 163.356(2), a designee of the community redevelopment agency shall participate in the joint meeting as a nonvoting member. Any such hearing must be held within 90 days after receipt by the county of the recommended community redevelopment plan. Prior to the joint public hearing, the county may propose an alternative redevelopment plan that meets the requirements of this section to address the conditions identified in the resolution making a finding of necessity required by s. 163.355. If such an alternative redevelopment plan is proposed by the county, such plan shall be delivered to the governing body of the municipality that created the community redevelopment agency and to the executive director or other officer of the community redevelopment agency by registered mail at least 30 days prior to holding the joint meeting.

3. If the notice required in subparagraph 1. is timely provided, the municipality may not proceed with the adoption of the plan under subsection (7) until 30 days after the joint hearing unless the governing body of the county has failed to schedule or a majority of the members of the governing body of the county have failed to attend the joint hearing within the required 90-day period.

4. Notwithstanding the time requirements established in subparagraphs 2. and 3., the county and the municipality may at any time voluntarily use the dispute resolution process established in chapter 164 to attempt to resolve any competing policy goals between the county and municipality related to the community redevelopment agency. Nothing in this subparagraph grants the county or the municipality the authority to require the other local government to participate in the dispute resolution process.

(7) Following such hearing, the governing body may approve the community redevelopment and the plan therefor if it finds that:

(a) A feasible method exists for the location of families who will be displaced from the community redevelopment area in decent, safe, and sanitary dwelling accommodations within their means and without undue hardship to such families;

(b) The community redevelopment plan conforms to the general plan of the county or municipality as a whole;

(c) The community redevelopment plan gives due consideration to the utilization of community policing innovations, and to the provision of adequate park and recreational areas and facilities that may be desirable for neighborhood improvement, with special consideration for the health, safety, and welfare of children residing in the general vicinity of the site covered by the plans;

(d) The community redevelopment plan will afford maximum opportunity, consistent with the sound needs of the county or municipality as a whole, for the rehabilitation or redevelopment of the community redevelopment area by private enterprise; and

(e) The community redevelopment plan and resulting revitalization and redevelopment for a coastal tourist area that is deteriorating and economically distressed will reduce or maintain evacuation time, as appropriate, and ensure protection for property against exposure to natural disasters.

(8) If the community redevelopment area consists of an area of open land to be acquired by the county or the municipality, such area may not be so acquired unless:

(a) In the event the area is to be developed in whole or in part for residential uses, the governing body determines:

1. That a shortage of housing of sound standards and design which is decent, safe, affordable to residents of low or moderate income, including the elderly, and sanitary exists in the county or municipality;

2. That the need for housing accommodations has increased in the area;

3. That the conditions of blight in the area or the shortage of decent, safe, affordable, and sanitary housing cause or contribute to an increase in and spread of disease and crime or constitute a menace to the public health, safety, morals, or welfare; and

4. That the acquisition of the area for residential uses is an integral part of and is essential to the program of the county or municipality.

(b) In the event the area is to be developed in whole or in part for nonresidential uses, the governing body determines that:

1. Such nonresidential uses are necessary and appropriate to facilitate the proper growth and development of the community in accordance with sound planning standards and local community objectives.

2. Acquisition may require the exercise of governmental action, as provided in this part, because of:

a. Defective, or unusual conditions of, title or diversity of ownership which prevents the free alienability of such land;

b. Tax delinquency;

c. Improper subdivisions;

d. Outmoded street patterns;

e. Deterioration of site;

f. Economic disuse;

g. Unsuitable topography or faulty lot layouts;

h. Lack of correlation of the area with other areas of a county or municipality by streets and modern traffic requirements; or

i. Any combination of such factors or other conditions which retard development of the area.

3. Conditions of blight in the area contribute to an increase in and spread of disease and crime or constitute a menace to public health, safety, morals, or welfare.

(9) Upon the approval by the governing body of a community redevelopment plan or of any modification thereof, such plan or modification shall be deemed to be in full force and effect for the respective community redevelopment area, and the county or municipality may then cause the community redevelopment agency to carry out such plan or modification in accordance with its terms.

(10) Notwithstanding any other provisions of this part, when the governing body certifies that an area is in need of redevelopment or rehabilitation as a result of an emergency under s. 252.34(4), with respect to which the Governor has certified the need for emergency assistance under federal law, that area may be certified as a "blighted area," and the governing body may approve a community redevelopment plan and community redevelopment with respect to such area without regard to the provisions of this section requiring a general plan for the county or municipality and a public hearing on the community redevelopment.

History.—s. 7, ch. 69-305; s. 3, ch. 77-391; s. 5, ch. 83-231; s. 6, ch. 83-334; s. 9, ch. 84-356; s. 26, ch. 85-55; s. 3, ch. 93-286; s. 5, ch. 94-236; s. 3, ch. 98-201; s. 6, ch. 98-314; s. 63, ch. 99-2; s. 4, ch. 2006-307; s. 33, ch. 2011-139; s. 3, ch. 2016-198.

163.361 Modification of community redevelopment plans.—

(1) If at any time after the approval of a community redevelopment plan by the governing body it becomes necessary or desirable to amend or modify such plan, the governing body may amend such plan upon the recommendation of the agency. The agency recommendation to amend or modify a redevelopment plan may include a change in the boundaries of the redevelopment area to add land to or exclude land from the redevelopment area, or may include the development and implementation of community policing innovations.

(2) The governing body shall hold a public hearing on a proposed modification of any community redevelopment plan after public notice thereof by publication in a newspaper having a general circulation in the area of operation of the agency.

(3)(a) In addition to the requirements of s. 163.346, and prior to the adoption of any modification to a community redevelopment plan that expands the boundaries of the community redevelopment area or extends the time certain set forth in the redevelopment plan as required by s. 163.362(10), the agency shall report such proposed modification to each taxing authority in writing or by an oral presentation, or both, regarding such proposed modification.

(b) For any community redevelopment agency that was not created pursuant to a delegation of authority under s. 163.410 by a county that has adopted a home rule charter and that modifies its adopted community redevelopment plan in a manner that expands the boundaries of the redevelopment area after October 1, 2006, the following additional procedures are required prior to adoption by the governing body of a modified community redevelopment plan:

1. Within 30 days after receipt of any report of a proposed modification that expands the boundaries of the redevelopment area, the county may provide notice by registered mail to the governing body of the municipality and the community redevelopment agency that the county has competing policy goals and plans for the public funds the county would be required to deposit to the community redevelopment trust fund under the proposed modification to the community redevelopment plan.

2. If the notice required in subparagraph 1. is timely provided, the governing body of the county and the governing body of the municipality that created the community redevelopment agency shall schedule and hold a joint hearing co-chaired by the chair of the governing body of the county and the mayor of the municipality, with the agenda to be set by the chair of the governing body of the county, at which the competing policy goals for the public funds shall be discussed. For those community redevelopment agencies for which the board of commissioners of the community redevelopment agency are comprised as specified in s. 163.356(2), a designee of the community redevelopment agency shall participate in the joint meeting as a nonvoting member. Any such hearing shall be held within 90 days after receipt by the county of the recommended modification of the adopted community redevelopment plan. Prior to the joint public hearing, the county may propose an alternative modified community redevelopment plan that meets the requirements of s. 163.360 to address the conditions identified in the resolution making a finding of necessity required under s. 163.355. If such an alternative modified redevelopment plan is proposed by the county, such plan shall be delivered to the governing body of the municipality that created the community redevelopment agency and the executive director or other officer of the community redevelopment agency by registered mail at least 30 days prior to holding the joint meeting.

3. If the notice required in subparagraph 1. is timely provided, the municipality may not proceed with the adoption of a modified plan until 30 days after the joint hearing unless the governing body of the county has failed to schedule or a majority of the members of the governing body of the county have failed to attend the joint hearing within the required 90-day period.

4. Notwithstanding the time requirements established in subparagraphs 2. and 3., the county and the municipality may at any time voluntarily use the dispute resolution process established in chapter 164 to attempt to resolve any competing policy goals between the county and municipality related to the community redevelopment agency. Nothing in this subparagraph grants the county or the municipality the authority to require the other local government to participate in the dispute resolution process.

(4) A modification to a community redevelopment plan that includes a change in the boundaries of the redevelopment area to add land must be supported by a resolution as provided in s. 163.355.

(5) If a community redevelopment plan is modified by the county or municipality after the lease or sale of real property in the community redevelopment area, such modification may be conditioned upon such approval of the owner, lessee, or successor in interest as the county or municipality may deem advisable and, in any event, shall be subject to such rights at law or in equity as a lessee or purchaser, or his or her successor or successors in interest, may be entitled to assert.

History.—s. 4, ch. 77-391; s. 6, ch. 83-231; s. 904, ch. 95-147; s. 7, ch. 98-314; s. 5, ch. 2002-294; s. 5, ch. 2006-307.

163.362 Contents of community redevelopment plan.—Every community redevelopment plan shall:

(1) Contain a legal description of the boundaries of the community redevelopment area and the reasons for establishing such boundaries shown in the plan.

(2) Show by diagram and in general terms:

(a) The approximate amount of open space to be provided and the street layout.

(b) Limitations on the type, size, height, number, and proposed use of buildings.

(c) The approximate number of dwelling units.

(d) Such property as is intended for use as public parks, recreation areas, streets, public utilities, and public improvements of any nature.

(3) If the redevelopment area contains low or moderate income housing, contain a neighborhood impact element which describes in detail the impact of the redevelopment upon the residents of the redevelopment area and the surrounding areas in terms of relocation, traffic circulation, environmental quality, availability of community facilities and services, effect on school population, and other matters affecting the physical and social quality of the neighborhood.

(4) Identify specifically any publicly funded capital projects to be undertaken within the community redevelopment area.

(5) Contain adequate safeguards that the work of redevelopment will be carried out pursuant to the plan.

(6) Provide for the retention of controls and the establishment of any restrictions or covenants running with land sold or leased for private use for such periods of time and under such conditions as the governing body deems necessary to effectuate the purposes of this part.

(7) Provide assurances that there will be replacement housing for the relocation of persons temporarily or permanently displaced from housing facilities within the community redevelopment area.

(8) Provide an element of residential use in the redevelopment area if such use exists in the area prior to the adoption of the plan or if the plan is intended to remedy a shortage of housing affordable to residents of low or moderate income, including the elderly, or if the plan is not intended to remedy such shortage, the reasons therefor.

(9) Contain a detailed statement of the projected costs of the redevelopment, including the amount to be expended on publicly funded capital projects in the community redevelopment area and any indebtedness of the community redevelopment agency, the county, or the municipality proposed to be incurred for such redevelopment if such indebtedness is to be repaid with increment revenues.

(10) Provide a time certain for completing all redevelopment financed by increment revenues. Such time certain shall occur no later than 30 years after the fiscal year in which the plan is approved, adopted, or amended pursuant to s. 163.361(1). However, for any agency created after July 1, 2002, the time certain for completing all redevelopment financed by increment revenues must occur within 40 years after the fiscal year in which the plan is approved or adopted.

(11) Subsections (1), (3), (4), and (8), as amended by s. 10, chapter 84-356, Laws of Florida, and subsections (9) and (10) do not apply to any governing body of a county or municipality or to a community redevelopment agency if such governing body has approved and adopted a community redevelopment plan pursuant to s. 163.360 before chapter 84-356 became a law; nor do they apply to any governing body of a county or municipality or to a community redevelopment agency if such governing body or agency has adopted an ordinance or resolution authorizing the issuance of any bonds, notes, or other forms of indebtedness to which is pledged increment revenues pursuant only to a community redevelopment plan as approved and adopted before chapter 84-356 became a law.

History.—s. 5, ch. 77-391; s. 7, ch. 83-231; ss. 10, 22, ch. 84-356; s. 5, ch. 93-286; s. 6, ch. 94-236; s. 6, ch. 2002-294.

163.365 Neighborhood and communitywide plans.—

(1) Any municipality or county or any public body authorized to perform planning work may prepare a general neighborhood redevelopment plan for a community redevelopment area or areas, together with any adjoining areas having specially related problems, which may be of such scope that redevelopment activities may have to be carried out in stages. Such plans may include, but not be limited to, a preliminary plan which:

(a) Outlines the community redevelopment activities proposed for the area involved;

(b) Provides a framework for the preparation of community redevelopment plans; and

(c) Indicates generally the land uses, population density, building coverage, prospective requirements for rehabilitation and improvement of property and portions of the area contemplated for clearance and redevelopment.

A general neighborhood redevelopment plan shall, in the determination of the governing body, conform to the general plan of the locality as a whole and the workable program of the county or municipality.

(2) Any county or municipality or any public body authorized to perform planning work may prepare or complete a communitywide plan or program for community redevelopment which shall conform to the general plan for the development of the county or municipality as a whole and may include, but not be limited to, identification of slum or blighted areas, measurement of blight, determination of resources needed and available to renew such areas, identification of potential project areas and types of action contemplated, including the development of affordable housing if needed and appropriate for the area, and scheduling of community redevelopment activities.

(3) Authority is hereby vested in every county and municipality to prepare, adopt, and revise from time to time a general plan for the physical development of the county or municipality as a whole (giving due regard to the environs and metropolitan surroundings), to establish and maintain a planning commission for such purpose and related county or municipal planning activities, and to make available and to appropriate necessary funds therefor.

History.—s. 8, ch. 69-305; s. 7, ch. 94-236.

163.367 Public officials, commissioners, and employees subject to code of ethics.—

(1) The officers, commissioners, and employees of a community redevelopment agency created by, or designated pursuant to, s. 163.356 or s. 163.357 are subject to part III of chapter 112, and commissioners also must comply with the ethics training requirements as imposed in s. 112.3142.

(2) If any such official, commissioner, or employee presently owns or controls, or owned or controlled within the preceding 2 years, any interest, direct or indirect, in any property which he or she knows is included or planned to be included in a community redevelopment area, he or she shall immediately disclose this fact in the manner provided in part III of chapter 112. Any disclosure required to be made by this section shall be made prior to taking any official action pursuant to this section.

(3) No commissioner or other officer of any community redevelopment agency, board, or commission exercising powers pursuant to this part shall hold any other public office under the county or municipality other than his or her commissionership or office with respect to such community redevelopment agency, board, or commission.

History.—s. 6, ch. 77-391; s. 76, ch. 79-400; s. 8, ch. 83-231; s. 905, ch. 95-147; s. 3, ch. 2019-163.

163.370 Powers; counties and municipalities; community redevelopment agencies.—

(1) Counties and municipalities may not exercise the power of eminent domain for the purpose of preventing or eliminating a slum area or blighted area as defined in this part; however, counties and municipalities may acquire property by eminent domain within a community redevelopment area, subject to the limitations set forth in ss. 73.013 and 73.014 or other general law.

(2) Every county and municipality shall have all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this part, including the following powers in addition to others herein granted:

(a) To make and execute contracts and other instruments necessary or convenient to the exercise of its powers under this part.

(b) To disseminate slum clearance and community redevelopment information.

(c) To undertake and carry out community redevelopment and related activities within the community redevelopment area, which may include:

1. Acquisition of property within a slum area or a blighted area by purchase, lease, option, gift, grant, bequest, devise, or other voluntary method of acquisition.

2. Demolition and removal of buildings and improvements.

3. Installation, construction, or reconstruction of streets, utilities, parks, playgrounds, public areas of major hotels that are constructed in support of convention centers, including meeting rooms, banquet facilities, parking garages,

lobbies, and passageways, and other improvements necessary for carrying out in the community redevelopment area the community redevelopment objectives of this part in accordance with the community redevelopment plan.

4. Disposition of any property acquired in the community redevelopment area at its fair value as provided in s. 163.380 for uses in accordance with the community redevelopment plan.

5. Carrying out plans for a program of voluntary or compulsory repair and rehabilitation of buildings or other improvements in accordance with the community redevelopment plan.

6. Acquisition by purchase, lease, option, gift, grant, bequest, devise, or other voluntary method of acquisition of real property in the community redevelopment area which, under the community redevelopment plan, is to be repaired or rehabilitated for dwelling use or related facilities, repair or rehabilitation of the structures for guidance purposes, and resale of the property.

7. Acquisition by purchase, lease, option, gift, grant, bequest, devise, or other voluntary method of acquisition of any other real property in the community redevelopment area when necessary to eliminate unhealthful, unsanitary, or unsafe conditions; lessen density; eliminate obsolete or other uses detrimental to the public welfare; or otherwise to remove or prevent the spread of blight or deterioration or to provide land for needed public facilities.

8. Acquisition, without regard to any requirement that the area be a slum or blighted area, of air rights in an area consisting principally of land in highways, railway or subway tracks, bridge or tunnel entrances, or other similar facilities which have a blighting influence on the surrounding area and over which air rights sites are to be developed for the elimination of such blighting influences and for the provision of housing (and related facilities and uses) designed specifically for, and limited to, families and individuals of low or moderate income.

9. Acquisition by purchase, lease, option, gift, grant, bequest, devise, or other voluntary method of acquisition of property in unincorporated enclaves surrounded by the boundaries of a community redevelopment area when it is determined necessary by the agency to accomplish the community redevelopment plan.

10. Construction of foundations and platforms necessary for the provision of air rights sites of housing (and related facilities and uses) designed specifically for, and limited to, families and individuals of low or moderate income.

(d) To provide, or to arrange or contract for, the furnishing or repair by any person or agency, public or private, of services, privileges, works, streets, roads, public utilities, or other facilities for or in connection with a community redevelopment; to install, construct, and reconstruct streets, utilities, parks, playgrounds, and other public improvements; and to agree to any conditions that it deems reasonable and appropriate which are attached to federal financial assistance and imposed pursuant to federal law relating to the determination of prevailing salaries or wages or compliance with labor standards, in the undertaking or carrying out of a community redevelopment and related activities, and to include in any contract let in connection with such redevelopment and related activities provisions to fulfill such of the conditions as it deems reasonable and appropriate.

(e) Within the community redevelopment area:

1. To enter into any building or property in any community redevelopment area in order to make inspections, surveys, appraisals, soundings, or test borings and to obtain an order for this purpose from a court of competent jurisdiction in the event entry is denied or resisted.

2. To acquire by purchase, lease, option, gift, grant, bequest, devise, or other voluntary method of acquisition any personal or real property, together with any improvements thereon.

3. To hold, improve, clear, or prepare for redevelopment any such property.

4. To mortgage, pledge, hypothecate, or otherwise encumber or dispose of any real property.

5. To insure or provide for the insurance of any real or personal property or operations of the county or municipality against any risks or hazards, including the power to pay premiums on any such insurance.

6. To enter into any contracts necessary to effectuate the purposes of this part.

7. To solicit requests for proposals for redevelopment of parcels of real property contemplated by a community redevelopment plan to be acquired for redevelopment purposes by a community redevelopment agency and, as a result of such requests for proposals, to advertise for the disposition of such real property to private persons pursuant to s. 163.380 prior to acquisition of such real property by the community redevelopment agency.

(f) To invest any community redevelopment funds held in reserves or sinking funds or any such funds not required for immediate disbursement in property or securities in which savings banks may legally invest funds subject to their control and to redeem such bonds as have been issued pursuant to s. 163.385 at the redemption price established therein or to purchase such bonds at less than redemption price, all such bonds so redeemed or purchased to be canceled.

(g) To borrow money and to apply for and accept advances, loans, grants, contributions, and any other form of financial assistance from the Federal Government or the state, county, or other public body or from any sources, public or private, for the purposes of this part and to give such security as may be required and to enter into and carry out contracts or agreements in connection therewith; and to include in any contract for financial assistance with the Federal Government for or with respect to community redevelopment and related activities such conditions imposed pursuant to federal laws as the county or municipality deems reasonable and appropriate which are not inconsistent with the purposes of this part.

(h) To make or have made all surveys and plans necessary to the carrying out of the purposes of this part; to contract with any person, public or private, in making and carrying out such plans; and to adopt or approve, modify, and amend such plans, which plans may include, but are not limited to:

1. Plans for carrying out a program of voluntary or compulsory repair and rehabilitation of buildings and improvements.

2. Plans for the enforcement of state and local laws, codes, and regulations relating to the use of land and the use and occupancy of buildings and improvements and to the compulsory repair, rehabilitation, demolition, or removal of buildings and improvements.

3. Appraisals, title searches, surveys, studies, and other plans and work necessary to prepare for the undertaking of community redevelopment and related activities.

(i) To develop, test, and report methods and techniques, and carry out demonstrations and other activities, for the prevention and the elimination of slums and urban blight and developing and demonstrating new or improved means of providing housing for families and persons of low income.

(j) To apply for, accept, and utilize grants of funds from the Federal Government for such purposes.

(k) To prepare plans for and assist in the relocation of persons (including individuals, families, business concerns, nonprofit organizations, and others) displaced from a community redevelopment area and to make relocation payments to or with respect to such persons for moving expenses and losses of property for which reimbursement or compensation is not otherwise made, including the making of such payments financed by the Federal Government.

(l) To appropriate such funds and make such expenditures as are necessary to carry out the purposes of this part; to zone or rezone any part of the county or municipality or make exceptions from building regulations; and to enter into agreements with a housing authority, which agreements may extend over any period, notwithstanding any provision or rule of law to the contrary, respecting action to be taken by such county or municipality pursuant to any of the powers granted by this part.

(m) To close, vacate, plan, or replan streets, roads, sidewalks, ways, or other places and to plan or replan any part of the county or municipality.

(n) To organize, coordinate, and direct the administration of the provisions of this part, as they may apply to such county or municipality, in order that the objective of remedying slum and blighted areas and preventing the causes thereof within such county or municipality may be most effectively promoted and achieved and to establish such new office or offices of the county or municipality or to reorganize existing offices in order to carry out such purpose most effectively.

(o) To develop and implement community policing innovations.

(3) The following projects may not be paid for or financed by increment revenues:

(a) Construction or expansion of administrative buildings for public bodies or police and fire buildings, unless each taxing authority agrees to such method of financing for the construction or expansion, or unless the construction or expansion is contemplated as part of a community policing innovation.

(b) Installation, construction, reconstruction, repair, or alteration of any publicly owned capital improvements or projects if such projects or improvements were scheduled to be installed, constructed, reconstructed, repaired, or altered within 3 years of the approval of the community redevelopment plan by the governing body pursuant to a previously approved public capital improvement or project schedule or plan of the governing body which approved the community redevelopment plan unless and until such projects or improvements have been removed from such schedule or plan of the governing body and 3 years have elapsed since such removal or such projects or improvements were identified in such schedule or plan to be funded, in whole or in part, with funds on deposit within the community redevelopment trust fund.

(c) General government operating expenses unrelated to the planning and carrying out of a community redevelopment plan.

(4) With the approval of the governing body, a community redevelopment agency may:

(a) Prior to approval of a community redevelopment plan or approval of any modifications of the plan, acquire real property in a community redevelopment area by purchase, lease, option, gift, grant, bequest, devise, or other voluntary method of acquisition; demolish and remove any structures on the property; and pay all costs related to the acquisition, demolition, or removal, including any administrative or relocation expenses.

(b) Assume the responsibility to bear any loss that may arise as the result of the exercise of authority under this subsection, in the event that the real property is not made part of the community redevelopment area.

(5) A community redevelopment agency shall procure all commodities and services under the same purchasing processes and requirements that apply to the county or municipality that created the agency.

History.—s. 9, ch. 69-305; s. 7, ch. 77-391; s. 11, ch. 84-356; s. 7, ch. 93-286; s. 8, ch. 94-236; s. 8, ch. 98-314; s. 10, ch. 2006-11; s. 6, ch. 2006-307; s. 9, ch. 2007-5; s. 4, ch. 2019-163.

163.371 Reporting requirements.—

(1) By January 1, 2020, each community redevelopment agency shall publish on its website digital maps that depict the geographic boundaries and total acreage of the community redevelopment agency. If any change is made to the boundaries or total acreage, the agency shall post updated map files on its website within 60 days after the date such change takes effect.

(2) Beginning March 31, 2020, and not later than March 31 of each year thereafter, a community redevelopment agency shall file an annual report with the county or municipality that created the agency and publish the report on the agency's website. The report must include the following information:

(a) The most recent complete audit report of the redevelopment trust fund as required in s. 163.387(8). If the audit report for the previous year is not available by March 31, a community redevelopment agency shall publish the audit report on its website within 45 days after completion.

(b) The performance data for each plan authorized, administered, or overseen by the community redevelopment agency as of December 31 of the reporting year, including the:

1. Total number of projects started and completed and the estimated cost for each project.
2. Total expenditures from the redevelopment trust fund.
3. Original assessed real property values within the community redevelopment agency's area of authority as of the day the agency was created.
4. Total assessed real property values of property within the boundaries of the community redevelopment agency as of January 1 of the reporting year.
5. Total amount expended for affordable housing for low-income and middle-income residents.

(c) A summary indicating to what extent, if any, the community redevelopment agency has achieved the goals set out in its community redevelopment plan.

History.—s. 5, ch. 2019-163.

163.3755 Termination of community redevelopment agencies.—

(1) A community redevelopment agency in existence on October 1, 2019, shall terminate on the expiration date provided in the agency's charter on October 1, 2019, or on September 30, 2039, whichever is earlier, unless the governing body of the county or municipality that created the community redevelopment agency approves its continued existence by a majority vote of the members of the governing body.

(2)(a) If the governing body of the county or municipality that created the community redevelopment agency does not approve its continued existence by a majority vote of the governing body members, a community redevelopment agency with outstanding bonds as of October 1, 2019, that do not mature until after the termination date of the agency or September 30, 2039, whichever is earlier, remains in existence until the date the bonds mature.

(b) A community redevelopment agency operating under this subsection on or after September 30, 2039, may not extend the maturity date of any outstanding bonds.

(c) The county or municipality that created the community redevelopment agency must issue a new finding of necessity limited to timely meeting the remaining bond obligations of the community redevelopment agency.

History.—s. 6, ch. 2019-163.

163.380 Disposal of property in community redevelopment area.—The disposal of property in a community redevelopment area which is acquired by eminent domain is subject to the limitations set forth in s. 73.013.

(1) Any county, municipality, or community redevelopment agency may sell, lease, dispose of, or otherwise transfer real property or any interest therein acquired by it for community redevelopment in a community redevelopment area to any private person, or may retain such property for public use, and may enter into contracts with respect thereto for residential, recreational, commercial, industrial, educational, or other uses, in accordance with the community redevelopment plan, subject to such covenants, conditions, and restrictions, including covenants running with the land, as it deems necessary or desirable to assist in preventing the development or spread of future slums or blighted areas or to otherwise carry out the purposes of this part. However, such sale, lease, other transfer, or retention, and any agreement relating thereto, may be made only after the approval of the community redevelopment plan by the governing body. The purchasers or lessees and their successors and assigns shall be obligated to devote such real property only to the uses specified in the community redevelopment plan and may be obligated to comply with such other requirements as the county, municipality, or community redevelopment agency may determine to be in the public interest, including the obligation to begin any improvements on such real property required by the community redevelopment plan within a reasonable time.

(2) Such real property or interest shall be sold, leased, otherwise transferred, or retained at a value determined to be in the public interest for uses in accordance with the community redevelopment plan and in accordance with such reasonable disposal procedures as any county, municipality, or community redevelopment agency may prescribe. In determining the value of real property as being in the public interest for uses in accordance with the community redevelopment plan, the county, municipality, or community redevelopment agency shall take into account and give consideration to the long-term benefits to be achieved by the county, municipality, or community redevelopment agency resulting from incurring short-term losses or costs in the disposal of such real property; the uses provided in such plan; the restrictions upon, and the covenants, conditions, and obligations assumed by, the purchaser or lessee or by the county, municipality, or community redevelopment agency retaining the property; and the objectives of such plan for the prevention of the recurrence of slum or blighted areas. In the event the value of such real property being disposed of is for less than the fair value, such disposition shall require the approval of the governing body, which approval may only be given following a duly noticed public hearing. The county, municipality, or community redevelopment agency may provide in any instrument of conveyance to a private purchaser or lessee that such purchaser or lessee is without power to sell, lease, or otherwise transfer the real property without the prior written consent of the county, municipality, or community redevelopment agency until the purchaser or lessee has completed the construction of any or all improvements which he or she has obligated himself or herself to construct thereon. Real property acquired by the county, municipality, or community redevelopment agency which, in accordance with the provisions of the community redevelopment plan, is to be transferred shall be transferred as rapidly as feasible in the public interest, consistent with the carrying out of the provisions of the community redevelopment plan. Any contract for such transfer and the community redevelopment plan, or such part or parts of such contract or plan as the county, municipality, or community redevelopment agency may determine, may be recorded in the land records of the clerk of the circuit court in such manner as to afford actual or constructive notice thereof.

(3)(a) Prior to disposition of any real property or interest therein in a community redevelopment area, any county, municipality, or community redevelopment agency shall give public notice of such disposition by publication in a newspaper having a general circulation in the community, at least 30 days prior to the execution of any contract to sell, lease, or otherwise transfer real property and, prior to the delivery of any instrument of conveyance with respect thereto under the provisions of this section, invite proposals from, and make all pertinent information available to, private redevelopers or any persons interested in undertaking to redevelop or rehabilitate a community redevelopment area or any part thereof. Such notice shall identify the area or portion thereof and shall state that proposals must be made by those interested within 30 days after the date of publication of the notice and that such further information as is available may be obtained at such office as is designated in the notice. The county, municipality, or community redevelopment agency shall consider all such redevelopment or rehabilitation proposals and the financial and legal ability of the persons making such proposals to carry them out; and the county, municipality, or community redevelopment agency may negotiate with any persons for proposals for the purchase, lease, or other transfer of any real property acquired by it in the community redevelopment area. The county, municipality, or community redevelopment agency may accept such proposal as it deems to be in the public interest and in furtherance of the purposes of this part. Except in the case of a governing body acting as the agency, as provided in s. 163.357, a notification of intention to accept such proposal must be filed with the governing body not less than 30 days prior to any such acceptance. Thereafter, the county, municipality, or community redevelopment agency may execute such contract in accordance with the provisions of subsection (1) and deliver deeds, leases, and other instruments and take all steps necessary to effectuate such contract.

(b) Any county, municipality, or community redevelopment agency that, pursuant to the provisions of this section, has disposed of a real property project with a land area in excess of 20 acres may acquire an expanded area that is immediately adjacent to the original project and less than 35 percent of the land area of the original project, by purchase as provided in this chapter, and negotiate a disposition of such expanded area directly with the person who acquired the original project without complying with the disposition procedures established in paragraph (a), provided the county, municipality, or community redevelopment agency adopts a resolution making the following findings:

1. It is in the public interest to expand such real property project to an immediately adjacent area.
2. The expanded area is less than 35 percent of the land area of the original project.
3. The expanded area is entirely within the boundary of the community redevelopment area.

(4) Any county, municipality, or community redevelopment agency may temporarily operate and maintain real property acquired by it in a community redevelopment area for or in connection with a community redevelopment plan pending the disposition of the property as authorized in this part, without regard to the provisions of subsection (1), for such uses and purposes as may be deemed desirable, even though not in conformity with the community redevelopment plan.

(5) If any conflict exists between the provisions of this section and s. 159.61, the provisions of this section govern and supersede those of s. 159.61.

(6) Notwithstanding any provision of this section, if a community redevelopment area is established by the governing body for the redevelopment of property located on a closed military base within the governing body's boundaries, the procedures for disposition of real property within that community redevelopment area shall be prescribed by the governing body, and compliance with the other provisions of this section shall not be required prior to the disposal of real property.

History.—s. 11, ch. 69-305; s. 9, ch. 77-391; s. 13, ch. 84-356; s. 1, ch. 92-162; s. 906, ch. 95-147; s. 1, ch. 96-254; s. 9, ch. 98-314; s. 12, ch. 2006-11.

163.385 Issuance of revenue bonds.—

(1)(a) When authorized or approved by resolution or ordinance of the governing body, a county, municipality, or community redevelopment agency has power in its corporate capacity, in its discretion, to issue redevelopment revenue bonds from time to time to finance the undertaking of any community redevelopment under this part, including, without limiting the generality thereof, the payment of principal and interest upon any advances for surveys and plans or preliminary loans, and has power to issue refunding bonds for the payment or retirement of bonds or other obligations previously issued. For any agency created before July 1, 2002, any redevelopment revenue bonds or other obligations issued to finance the undertaking of any community redevelopment under this part shall mature within 60 years after the end of the fiscal year in which the initial community redevelopment plan was approved or adopted. For any agency created on or after July 1, 2002, any redevelopment revenue bonds or other obligations issued to finance the undertaking of any community redevelopment under this part shall mature within 40 years after the end of the fiscal year in which the initial community redevelopment plan is approved or adopted. However, in no event shall any redevelopment revenue bonds or other obligations issued to finance the undertaking of any community redevelopment under this part mature later than the expiration of the plan in effect at the time such bonds or obligations were issued. The security for such bonds may be based upon the anticipated assessed valuation of the completed community redevelopment and such other revenues as are legally available. Any bond, note, or other form of indebtedness pledging increment revenues to the repayment thereof shall mature no later than the end of the 30th fiscal year after the fiscal year in which increment revenues are first deposited into the redevelopment trust fund or the fiscal year in which the plan is subsequently amended. However, for any agency created on or after July 1, 2002, any form of indebtedness pledging increment revenues to the repayment thereof shall mature by the 40th year after the fiscal year in which the initial community redevelopment plan is approved or adopted. However, any refunding bonds issued pursuant to this paragraph may not mature later than the final maturity date of any bonds or other obligations issued pursuant to this paragraph being paid or retired with the proceeds of such refunding bonds.

(b) In anticipation of the sale of revenue bonds pursuant to paragraph (a), the county, municipality, or community redevelopment agency may issue bond anticipation notes and may renew such notes from time to time, but the maximum maturity of any such note, including renewals thereof, may not exceed 5 years from the date of issue of the original note. Such notes shall be paid from any revenues of the county, municipality, or community redevelopment agency available therefor and not otherwise pledged or from the proceeds of sale of the revenue bonds in anticipation of which they were issued.

(2) Bonds issued under this section do not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction, and are not subject to the provisions of any other law or charter relating to the authorization, issuance, or sale of bonds. Bonds issued under the provisions of this part are declared to be issued for an essential public and governmental purpose and, together with interest thereon and income therefrom, are exempted from all taxes, except those taxes imposed by chapter 220 on interest, income, or profits on debt obligations owned by corporations.

(3) Bonds issued under this section shall be authorized by resolution or ordinance of the governing body; may be issued in one or more series; and shall bear such date or dates, be payable upon demand or mature at such time or times, bear interest at such rate or rates, be in such denomination or denominations, be in such form either with or without coupon or registered, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium of payment at such place or places, be subject to such terms of redemption (with or without premium), be secured in such manner, and have such other characteristics as may be provided by such resolution or ordinance or by a trust indenture or mortgage issued pursuant thereto. Bonds issued under this section may be sold in such manner, either at public or private sale, and for such price as the governing body may determine will effectuate the purpose of this part.

(4) In case any of the public officials of the county, municipality, or community redevelopment agency whose signatures appear on any bonds or coupons issued under this part cease to be such officials before the delivery of such bonds, such signatures are, nevertheless, valid and sufficient for all purposes, the same as if such officials had remained in office until such delivery.

(5) In any suit, action, or proceeding involving the validity or enforceability of any bond issued under this part, or the security therefor, any such bond reciting in substance that it has been issued by the county, municipality, or community redevelopment agency in connection with community redevelopment, as herein defined, shall be conclusively deemed to have been issued for such purpose, and such project shall be conclusively deemed to have been planned, located, and carried out in accordance with the provisions of this part.

(6) Subsections (1), (4), and (5), as amended by s. 14, chapter 84-356, Laws of Florida, do not apply to any governing body of a county or municipality or to a community redevelopment agency if such governing body or agency has adopted an ordinance or resolution authorizing the issuance of any bonds, notes, or other forms of

indebtedness to which is pledged increment revenues pursuant only to a community redevelopment plan as approved and adopted before chapter 84-356 became a law.

History.—s. 12, ch. 69-305; s. 12, ch. 73-302; s. 2, ch. 76-147; s. 10, ch. 77-391; s. 77, ch. 79-400; ss. 14, 22, ch. 84-356; s. 6, ch. 93-286; s. 9, ch. 94-236; s. 15, ch. 95-310; s. 7, ch. 2002-294.

163.387 Redevelopment trust fund.—

(1)(a) After approval of a community redevelopment plan, there may be established for each community redevelopment agency created under s. 163.356 a redevelopment trust fund. Funds allocated to and deposited into this fund shall be used by the agency to finance or refinance any community redevelopment it undertakes pursuant to the approved community redevelopment plan. No community redevelopment agency may receive or spend any increment revenues pursuant to this section unless and until the governing body has, by ordinance, created the trust fund and provided for the funding of the redevelopment trust fund until the time certain set forth in the community redevelopment plan as required by s. 163.362(10). Such ordinance may be adopted only after the governing body has approved a community redevelopment plan. The annual funding of the redevelopment trust fund shall be in an amount not less than that increment in the income, proceeds, revenues, and funds of each taxing authority derived from or held in connection with the undertaking and carrying out of community redevelopment under this part. Such increment shall be determined annually and shall be that amount equal to 95 percent of the difference between:

1. The amount of ad valorem taxes levied each year by each taxing authority, exclusive of any amount from any debt service millage, on taxable real property contained within the geographic boundaries of a community redevelopment area; and

2. The amount of ad valorem taxes which would have been produced by the rate upon which the tax is levied each year by or for each taxing authority, exclusive of any debt service millage, upon the total of the assessed value of the taxable real property in the community redevelopment area as shown upon the most recent assessment roll used in connection with the taxation of such property by each taxing authority prior to the effective date of the ordinance providing for the funding of the trust fund.

However, the governing body may, in the ordinance providing for the funding of a trust fund established with respect to any community redevelopment area, determine that the amount to be funded by each taxing authority annually shall be less than 95 percent of the difference between subparagraphs 1. and 2., but in no event shall such amount be less than 50 percent of such difference.

(b)1. For any governing body that has not authorized by June 5, 2006, a study to consider whether a finding of necessity resolution pursuant to s. 163.355 should be adopted, has not adopted a finding of necessity resolution pursuant to s. 163.355 by March 31, 2007, has not adopted a community redevelopment plan by June 7, 2007, and was not authorized to exercise community redevelopment powers pursuant to a delegation of authority under s. 163.410 by a county that has adopted a home rule charter, the amount of tax increment to be contributed by any taxing authority shall be limited as follows:

a. If a taxing authority imposes a millage rate that exceeds the millage rate imposed by the governing body that created the trust fund, the amount of tax increment to be contributed by the taxing authority imposing the higher millage rate shall be calculated using the millage rate imposed by the governing body that created the trust fund. Nothing shall prohibit any taxing authority from voluntarily contributing a tax increment at a higher rate for a period of time as specified by interlocal agreement between the taxing authority and the community redevelopment agency.

b. At any time more than 24 years after the fiscal year in which a taxing authority made its first contribution to a redevelopment trust fund, by resolution effective no sooner than the next fiscal year and adopted by majority vote of the taxing authority's governing body at a public hearing held not less than 30 or more than 45 days after written notice by registered mail to the community redevelopment agency and published in a newspaper of general circulation in the redevelopment area, the taxing authority may limit the amount of increment contributed by the taxing authority to the redevelopment trust fund to the amount of increment the taxing authority was obligated to contribute to the redevelopment trust fund in the fiscal year immediately preceding the adoption of such resolution, plus any increase in the increment after the adoption of the resolution computed using the taxable values of any area which is subject to an area reinvestment agreement. As used in this subparagraph, the term “area reinvestment agreement” means an agreement between the community redevelopment agency and a private party, with or without additional parties, which provides that the increment computed for a specific area shall be reinvested in services or public or private projects, or both, including debt service, supporting one or more projects consistent with the community redevelopment plan that is identified in the agreement to be constructed within that area. Any such reinvestment agreement must specify the estimated total amount of public investment necessary to provide the projects or services, or both, including any applicable debt service. The contribution to the redevelopment trust fund of the increase in the increment of any area that is subject to an area reinvestment agreement following the passage of a resolution as provided in this sub-subparagraph shall cease when the amount specified in the area reinvestment agreement as necessary to provide the projects or services, or both, including any applicable debt service, has been invested.

2. For any community redevelopment agency that was not created pursuant to a delegation of authority under s. 163.410 by a county that has adopted a home rule charter and that modifies its adopted community redevelopment plan after October 1, 2006, in a manner that expands the boundaries of the redevelopment area, the amount of increment to be contributed by any taxing authority with respect to the expanded area shall be limited as set forth in sub-subparagraphs 1.a. and b.

(2)(a) Except for the purpose of funding the trust fund pursuant to subsection (3), upon the adoption of an ordinance providing for funding of the redevelopment trust fund as provided in this section, each taxing authority shall, by January 1 of each year, appropriate to the trust fund for so long as any indebtedness pledging increment revenues to the payment thereof is outstanding (but not to exceed 30 years) a sum that is no less than the increment as defined and determined in subsection (1) or paragraph (3)(b) accruing to such taxing authority. If the community redevelopment plan is amended or modified pursuant to s. 163.361(1), each such taxing authority shall make the annual appropriation for a period not to exceed 30 years after the date the governing body amends the plan but no later than 60 years after the fiscal year in which the plan was initially approved or adopted. However, for any agency created on or after July 1, 2002, each taxing authority shall make the annual appropriation for a period not to exceed 40 years after the fiscal year in which the initial community redevelopment plan is approved or adopted.

(b) Any taxing authority that does not pay the increment revenues to the trust fund by January 1 shall pay to the trust fund an amount equal to 5 percent of the amount of the increment revenues and shall pay interest on the amount of the unpaid increment revenues equal to 1 percent for each month the increment is outstanding, provided the agency may waive such penalty payments in whole or in part.

(c) The following public bodies or taxing authorities are exempt from paragraph (a):

1. A special district that levies ad valorem taxes on taxable real property in more than one county.

2. A special district for which the sole available source of revenue the district has the authority to levy is ad valorem taxes at the time an ordinance is adopted under this section. However, revenues or aid that may be dispensed or appropriated to a district as defined in s. 388.011 at the discretion of an entity other than such district shall not be deemed available.

3. A library district, except a library district in a jurisdiction where the community redevelopment agency had validated bonds as of April 30, 1984.

4. A neighborhood improvement district created under the Safe Neighborhoods Act.

5. A metropolitan transportation authority.

6. A water management district created under s. 373.069.

7. For a community redevelopment agency created on or after July 1, 2016, a hospital district that is a special district as defined in s. 189.012.

(d)1. A local governing body that creates a community redevelopment agency under s. 163.356 may exempt from paragraph (a) a special district that levies ad valorem taxes within that community redevelopment area. The local governing body may grant the exemption either in its sole discretion or in response to the request of the special district. The local governing body must establish procedures by which a special district may submit a written request to be exempted from paragraph (a).

2. In deciding whether to deny or grant a special district's request for exemption from paragraph (a), the local governing body must consider:

a. Any additional revenue sources of the community redevelopment agency which could be used in lieu of the special district's tax increment.

b. The fiscal and operational impact on the community redevelopment agency.

c. The fiscal and operational impact on the special district.

d. The benefit to the specific purpose for which the special district was created. The benefit to the special district must be based on specific projects contained in the approved community redevelopment plan for the designated community redevelopment area.

e. The impact of the exemption on incurred debt and whether such exemption will impair any outstanding bonds that have pledged tax increment revenues to the repayment of the bonds.

f. The benefit of the activities of the special district to the approved community redevelopment plan.

g. The benefit of the activities of the special district to the area of operation of the local governing body that created the community redevelopment agency.

3. The local governing body must hold a public hearing on a special district's request for exemption after public notice of the hearing is published in a newspaper having a general circulation in the county or municipality that created the community redevelopment area. The notice must describe the time, date, place, and purpose of the hearing and must identify generally the community redevelopment area covered by the plan and the impact of the plan on the special district that requested the exemption.

4. If a local governing body grants an exemption to a special district under this paragraph, the local governing body and the special district must enter into an interlocal agreement that establishes the conditions of the exemption, including, but not limited to, the period of time for which the exemption is granted.

5. If a local governing body denies a request for exemption by a special district, the local governing body shall provide the special district with a written analysis specifying the rationale for such denial. This written analysis must include, but is not limited to, the following information:

a. A separate, detailed examination of each consideration listed in subparagraph 2.

b. Specific examples of how the approved community redevelopment plan will benefit, and has already benefited, the purpose for which the special district was created.

6. The decision to either deny or grant an exemption must be made by the local governing body within 120 days after the date the written request was submitted to the local governing body pursuant to the procedures established by such local governing body.

(3)(a) Notwithstanding the provisions of subsection (2), the obligation of the governing body which established the community redevelopment agency to fund the redevelopment trust fund annually shall continue until all loans, advances, and indebtedness, if any, and interest thereon, of a community redevelopment agency incurred as a result of redevelopment in a community redevelopment area have been paid.

(b) Alternate provisions contained in an interlocal agreement between a taxing authority and the governing body that created the community redevelopment agency may supersede the provisions of this section with respect to that taxing authority. The community redevelopment agency may be an additional party to any such agreement.

(4) The revenue bonds and notes of every issue under this part are payable solely out of revenues pledged to and received by a community redevelopment agency and deposited to its redevelopment trust fund. The lien created by such bonds or notes shall not attach until the increment revenues referred to herein are deposited in the redevelopment trust fund at the times, and to the extent that, such increment revenues accrue. The holders of such bonds or notes have no right to require the imposition of any tax or the establishment of any rate of taxation in order to obtain the amounts necessary to pay and retire such bonds or notes.

(5) Revenue bonds issued under the provisions of this part shall not be deemed to constitute a debt, liability, or obligation of the public body or the state or any political subdivision thereof, or a pledge of the faith and credit of the public body or the state or any political subdivision thereof, but shall be payable solely from the revenues provided therefor. All such revenue bonds shall contain on the face thereof a statement to the effect that the agency shall not be obligated to pay the same or the interest thereon except from the revenues of the community redevelopment agency

held for that purpose and that neither the faith and credit nor the taxing power of the governing body or of the state or of any political subdivision thereof is pledged to the payment of the principal of, or the interest on, such bonds.

(6) Effective October 1, 2019, moneys in the redevelopment trust fund may be expended for undertakings of a community redevelopment agency as described in the community redevelopment plan only pursuant to an annual budget adopted by the board of commissioners of the community redevelopment agency and only for the purposes specified in paragraph (c).

(a) Except as otherwise provided in this subsection, a community redevelopment agency shall comply with the requirements of s. 189.016.

(b) A community redevelopment agency created by a municipality shall submit its annual budget to the board of county commissioners for the county in which the agency is located within 10 days after the adoption of such budget and submit amendments of its annual budget to the board of county commissioners within 10 days after the adoption date of the amended budget.

(c) The annual budget of a community redevelopment agency may provide for payment of the following expenses:

1. Administrative and overhead expenses directly or indirectly necessary to implement a community redevelopment plan adopted by the agency.

2. Expenses of redevelopment planning, surveys, and financial analysis, including the reimbursement of the governing body or the community redevelopment agency for such expenses incurred before the redevelopment plan was approved and adopted.

3. The acquisition of real property in the redevelopment area.

4. The clearance and preparation of any redevelopment area for redevelopment and relocation of site occupants within or outside the community redevelopment area as provided in s. 163.370.

5. The repayment of principal and interest or any redemption premium for loans, advances, bonds, bond anticipation notes, and any other form of indebtedness.

6. All expenses incidental to or connected with the issuance, sale, redemption, retirement, or purchase of bonds, bond anticipation notes, or other form of indebtedness, including funding of any reserve, redemption, or other fund or account provided for in the ordinance or resolution authorizing such bonds, notes, or other form of indebtedness.

7. The development of affordable housing within the community redevelopment area.

8. The development of community policing innovations.

9. Expenses that are necessary to exercise the powers granted under s. 163.370, as delegated under s. 163.358.

(7) On the last day of the fiscal year of the community redevelopment agency, any money which remains in the trust fund after the payment of expenses pursuant to subsection (6) for such year shall be:

(a) Returned to each taxing authority which paid the increment in the proportion that the amount of the payment of such taxing authority bears to the total amount paid into the trust fund by all taxing authorities for that year;

(b) Used to reduce the amount of any indebtedness to which increment revenues are pledged;

(c) Deposited into an escrow account for the purpose of later reducing any indebtedness to which increment revenues are pledged; or

(d) Appropriated to a specific redevelopment project pursuant to an approved community redevelopment plan. The funds appropriated for such project may not be changed unless the project is amended, redesigned, or delayed, in which case the funds must be reappropriated pursuant to the next annual budget adopted by the board of commissioners of the community redevelopment agency.

(8)(a) Each community redevelopment agency with revenues or a total of expenditures and expenses in excess of $100,000, as reported on the trust fund financial statements, shall provide for a financial audit each fiscal year by an independent certified public accountant or firm. Each financial audit conducted pursuant to this subsection must be conducted in accordance with rules for audits of local governments adopted by the Auditor General.

(b) The audit report must:

1. Describe the amount and source of deposits into, and the amount and purpose of withdrawals from, the trust fund during such fiscal year and the amount of principal and interest paid during such year on any indebtedness to which increment revenues are pledged and the remaining amount of such indebtedness.

2. Include financial statements identifying the assets, liabilities, income, and operating expenses of the community redevelopment agency as of the end of such fiscal year.

3. Include a finding by the auditor as to whether the community redevelopment agency is in compliance with subsections (6) and (7).

(c) The audit report for the community redevelopment agency must accompany the annual financial report submitted by the county or municipality that created the agency to the Department of Financial Services as provided in s. 218.32, regardless of whether the agency reports separately under that section.

(d) The agency shall provide a copy of the audit report to each taxing authority.

History.—s. 11, ch. 77-391; s. 78, ch. 79-400; s. 9, ch. 83-231; s. 15, ch. 84-356; s. 27, ch. 87-224; s. 35, ch. 91-45; s. 4, ch. 93-286; s. 10, ch. 94-236; s. 1, ch. 94-344; s. 10, ch. 98-314; s. 8, ch. 2002-18; s. 8, ch. 2002-294; s. 7, ch. 2006-307; s. 1, ch. 2016-155; s. 8, ch. 2019-163.

163.390 Bonds as legal investments.— All banks, trust companies, bankers, savings banks and institutions, building and loan associations, savings and loan associations, investment companies, and other persons carrying on a banking or investment business; all insurance companies, insurance associations, and other persons carrying on an insurance business; and all executors, administrators, curators, trustees, and other fiduciaries may legally invest any sinking funds, moneys, or other funds belonging to them or within their control in any bonds or other obligations issued by a county or municipality pursuant to this part or by any community redevelopment agency vested with community redevelopment powers. Such bonds and other obligations shall be authorized security for all public deposits. It is the purpose of this section to authorize all persons, political subdivisions, and officers, public or private, to use any funds owned or controlled by them for the purchase of any such bonds or other obligations. Nothing contained in this section with regard to legal investments shall be construed as relieving any person of any duty of exercising reasonable care in selecting securities.

History.—s. 13, ch. 69-305; s. 12, ch. 77-391; s. 16, ch. 84-356.

163.395 Property exempt from taxes and from levy and sale by virtue of an execution.—

(1) All property of any county, municipality, or community redevelopment agency, including funds, owned or held by it for the purposes of this part are exempt from levy and sale by virtue of an execution; and no execution or other judicial process may issue against the same, nor shall judgment against the county, municipality, or community redevelopment agency be a charge or lien upon such property. However, the provisions of this section do not apply to or limit the right of obligees to pursue any remedies for the enforcement of any pledge or lien given pursuant to this part by the county or municipality on its rents, fees, grants, or revenues from community redevelopment.

(2) The property of the county, municipality, or community redevelopment agency acquired or held for the purposes of this part is declared to be public property used for essential public and governmental purposes, and such property is exempt from all taxes of the municipality, the county, or the state or any political subdivision thereof. However, such tax exemption will terminate when the county, municipality, or community redevelopment agency sells, leases, or otherwise disposes of such property in a community redevelopment area to a purchaser or lessee which is not a public body entitled to tax exemption with respect to such property.

History.—s. 14, ch. 69-305; s. 13, ch. 77-391; s. 17, ch. 84-356.

163.400 Cooperation by public bodies.—

(1) For the purpose of aiding in the planning, undertaking, or carrying out of community redevelopment and related activities authorized by this part, any public body may, upon such terms, with or without consideration, as it may determine:

(a) Dedicate, sell, convey, or lease any of its interest in any property or grant easements, licenses, or other rights or privileges therein to a county or municipality.

(b) Incur the entire expense of any public improvements made by such public body in exercising the powers granted in this section.

(c) Do any and all things necessary to aid or cooperate in the planning or carrying out of a community redevelopment plan and related activities.

(d) Lend, grant, or contribute funds to a county or municipality; borrow money; and apply for and accept advances, loans, grants, contributions, or any other form of financial assistance from the Federal Government, the state, the county, another public body, or any other source.

(e) Enter into agreements, which may extend over any period, notwithstanding any provision or rule of law to the contrary, with the Federal Government, a county, a municipality, or another public body respecting action to be taken pursuant to any of the powers granted by this part, including the furnishing of funds or other assistance in connection with community redevelopment and related activities.

(f) Cause public buildings and public facilities, including parks, playgrounds, recreational, community, educational, water, sewer, or drainage facilities, or any other works which it is otherwise empowered to undertake to be furnished; furnish, dedicate, close, vacate, pave, install, grade, regrade, plan, or replan streets, roads, sidewalks, ways, or other places; plan or replan or zone or rezone any part of the public body or make exceptions from building regulations; and cause administrative and other services to be furnished to the county or municipality.

If at any time title to or possession of any property in a community redevelopment area is held by any public body or governmental agency, other than the county or municipality, but including any agency or instrumentality of the United States, which is authorized by law to engage in the undertaking, carrying out, or administration of community redevelopment and related activities, the provisions of the agreements referred to in this section shall inure to the benefit of and may be enforced by such public body or governmental agency. As used in this subsection, the term "county or municipality" also includes a community redevelopment agency.

(2) Any sale, conveyance, lease, or agreement provided for in this section may be made by a public body without appraisal, public notice, advertisement, or public bidding.

(3) For the purpose of aiding in the planning, undertaking, or carrying out of any community redevelopment and related activities of a community redevelopment agency or a housing authority hereunder, any county or municipality may, in addition to its other powers and upon such terms, with or without consideration, as it determines, do and perform any or all of the actions or things which, by the provisions of subsection (1), a public body is authorized to do or perform, including the furnishing of financial and other assistance.

(4) For the purposes of this section, or for the purpose of aiding in the planning, undertaking, or carrying out of community redevelopment and related activities of a county or municipality, such county or municipality may, in addition to any authority to issue bonds pursuant to s. 163.385, issue and sell its general obligation bonds. Any bonds issued by the county or municipality pursuant to this section shall be issued in the manner and within the limitations prescribed by the applicable laws of this state for the issuance and authorization of general obligation bonds by such county or municipality. Nothing in this section shall limit or otherwise adversely affect any other section of this part.

History.—s. 15, ch. 69-305; s. 14, ch. 77-391; s. 79, ch. 79-400; s. 18, ch. 84-356.

163.405 Title of purchaser.— Any instrument executed by any county, municipality, or community redevelopment agency and purporting to convey any right, title, or interest in any property under this part shall be conclusively presumed to have been executed in compliance with the provisions of this part insofar as title or other interest of any bona fide purchasers, lessees, or transferees of such property is concerned.

History.—s. 16, ch. 69-305; s. 15, ch. 77-391.

163.410 Exercise of powers in counties with home rule charters.— In any county which has adopted a home rule charter, the powers conferred by this part shall be exercised exclusively by the governing body of such county. However, the governing body of any such county which has adopted a home rule charter may, in its discretion, by resolution delegate the exercise of the powers conferred upon the county by this part within the boundaries of a municipality to the governing body of such a municipality. Such a delegation to a municipality shall confer only such powers upon a municipality as shall be specifically enumerated in the delegating resolution. Any power not specifically delegated shall be reserved exclusively to the governing body of the county. This section does not affect any community redevelopment agency created by a municipality prior to the adoption of a county home rule charter. Unless otherwise provided by an existing ordinance, resolution, or interlocal agreement between any such county and a municipality, the governing body of the county that has adopted a home rule charter shall grant in whole or in part or deny any request from a municipality for a delegation of powers or a change in an existing delegation of powers within 120 days after the receipt of all required documentation, or such request shall be deemed granted unless this period is extended by mutual consent in writing by the municipality and county. Within 30 days after receipt of the request, the county shall notify the municipality by registered mail whether the request is complete or if additional information is required. Any request by the county for additional documentation shall specify the deficiencies in the submitted documentation, if any. The county shall notify the municipality by registered mail within 30 days after receiving the additional information whether such additional documentation is complete. If the meeting of the county commission at which the request for a delegation of powers or a change in an existing delegation of powers is unable to be held due to events beyond the control of the county, the request shall be acted upon at the next regularly scheduled meeting of the county commission without regard to the 120-day limitation. If the county does not act upon the request at the next regularly scheduled meeting, the request shall be deemed granted.

History.—s. 17, ch. 69-305; s. 1, ch. 83-29; s. 9, ch. 2002-294; s. 8, ch. 2006-307.

163.415 Exercise of powers in counties without home rule charters.— The powers conferred by this part upon counties not having adopted a home rule charter shall not be exercised within the boundaries of a municipality within said county unless the governing body of the municipality expresses its consent by resolution. Such a resolution consenting to the exercise of the powers conferred upon counties by this part shall specifically enumerate the powers to be exercised by the county within the boundaries of the municipality. Any power not specifically enumerated in such a resolution of consent shall be exercised exclusively by the municipality within its boundaries.

History.—s. 18, ch. 69-305.

163.430 Powers supplemental to existing community redevelopment powers.— The powers conferred upon counties or municipalities by this part shall be supplemental to any community redevelopment powers now being exercised by any county or municipality in accordance with the provisions of any population act, special act, or under the provisions of the home rule charter for Miami-Dade County, or under the provision of the charter of the consolidated City of Jacksonville.

History.—s. 21, ch. 69-305; s. 29, ch. 2008-4.

163.445 Assistance to community redevelopment by state agencies.— State agencies may provide technical and advisory assistance, upon request, to municipalities, counties, and community redevelopment agencies for community redevelopment as defined in this part. Such assistance may include, but need not be limited to, preparation of workable programs, relocation planning, special statistical and other studies and compilations, technical evaluations and information, training activities, professional services, surveys, reports, documents, and any other similar service functions. If sufficient funds and personnel are available, these services shall be provided without charge.

History.—s. 25, ch. 69-305; s. 16, ch. 77-391; s. 19, ch. 84-356.

163.450 Municipal and county participation in neighborhood development programs under Pub. L. No. 90-448.— Nothing contained herein shall be construed to prevent a county or municipality which is engaging in community redevelopment activities hereunder from participating in the neighborhood development program under the Housing and Urban Development Act of 1968 (Pub. L. No. 90-448) or in any amendments subsequent thereto.

History.—s. 26, ch. 69-305; s. 19, ch. 85-80.

163.463 Applicability of ch. 2002-294.—

(1) Amendments to this part, as provided by this act, do not apply to any ordinance or resolution authorizing the issuance of any bond, note, or other form of indebtedness to which are pledged increment revenues pursuant to a community development plan, or amendment or modification thereto, as approved or adopted before July 1, 2002.

(2) Amendments to this part, as provided by this act, shall not apply to any ordinance, resolution, interlocal agreement, or written agreement effective before July 1, 2002, that provides for the delegation of community redevelopment powers.

(3) The amendments to ss. 163.340, 163.355, 163.361, and 163.362 by this act do not apply to or affect, directly or indirectly, any community development agency created before July 1, 2002, unless the community redevelopment area is expanded on or after July 1, 2002, in which case only the amendments to ss. 163.340 and 163.355 by this act shall apply only to such expanded area.

(4) The amendments to ss. 163.340, 163.355, 163.361, and 163.362 by this act do not apply to or affect, directly or indirectly, any municipality that has authorized a finding of necessity study by May 1, 2002, or has adopted its finding of necessity on or before August 1, 2002, and has adopted its community redevelopment plan on or before December 31, 2002.

(5) The amendments to ss. 163.340, 163.355, 163.361, and 163.362 by this act do not apply to or affect, directly or indirectly, any municipality that has submitted before August 1, 2002, its finding of necessity, or application for approval of a community redevelopment plan, or an application to amend an existing community redevelopment plan to a county that has adopted a home rule charter.

(6) The amendments to ss. 163.355, 163.362, 163.385, and 163.387 by this act do not apply to or affect, directly or indirectly, any county as defined in s. 125.011(1) or any municipality located therein.

History.—s. 10, ch. 2002-294.

PART IV
NEIGHBORHOOD IMPROVEMENT DISTRICTS

163.501 Short title.— This part may be cited as the "Safe Neighborhoods Act."

History.—s. 55, ch. 87-243; s. 1, ch. 91-86.

163.502 Legislative findings and purpose.—

(1) The Legislature hereby finds and declares that among the many causes of deterioration in the business and residential neighborhoods of the state are the following: proliferation of crime, automobile traffic flow strangled by outmoded street patterns, unsuitable topography, faulty lot layouts, fragmentation of land uses and parking areas necessitating frequent automobile movement, lack of separation of pedestrian areas from automobile traffic, lack of separation of vehicle traffic lanes and railroad traffic, and excessive noise levels from automobile traffic.

(2) The Legislature further finds and declares that safe neighborhoods are the product of planning and implementation of appropriate environmental design concepts, comprehensive crime prevention programs, land use

May 2005

City of St. Pete Beach
Redevelopment Study Area

Finding of Necessity Report

Real Estate RESEARCH
CONSULTANTS

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1. Overview and Purpose

The purpose of this analysis is to provide data that documents potentially blighting conditions, as defined in Section 163, Part III, Florida Statutes (F.S.) (the "Redevelopment Act") within the City of St. Pete Beach study area in Pinellas County, Florida.

1.1. Introduction

The analysis focuses on the land-based resources of the study area and its ability to generate economic return and local tax revenues. As a general matter, resources that are in a state of decline, approaching obsolescence, underutilized, or improperly deployed, limit the ability of a local jurisdiction to remain competitive in a larger economic context, ultimately affecting its financial condition and its level of services. Local governments that are highly dependent upon ad valorem revenues are the most vulnerable in these situations. Real property assets that are physically or functionally deteriorated or that do not meet contemporary or competitive development requirements are constrained in their ability to generate these kinds of taxes. As such, their physical character and utility, along with the services required to sustain them, are key factors in determining the economic health of the community.

As a way of documenting the condition of the study area, this analysis relies on government statistics and other data including: Pinellas County tax roll data, City prepared maps, and interpretations of City and staff supplied data which all supplement obvious observable conditions. While County tax roll data is assumed to be reliable, we cannot fully opine on its accuracy. Because the purpose and official application of the data, we believe that any errors that may exist are relatively inconsequential.

1.2. Objectives and Purposes of the Redevelopment Act

The purpose of the Redevelopment Act is to assist local governments in preventing and/or eliminating blighted conditions detrimental to the sustainability of economically and socially vibrant communities or areas. The following paragraphs describe those blighting conditions, their specific effects, and the intentions of the community redevelopment regime as a tool for implementing policy and programs.

- *Section 163.335(1), F.S. …[blighted areas] constitute a serious and growing menace, injurious to the public health, safety, morals, and welfare of the residents of the state; that the existence of such areas contributes substantially and increasingly to the spread of disease and crime, constitutes an economic and social liability imposing onerous burdens which decrease the tax base and reduce tax revenues, substantially impairs or arrests sound growth, retards the provision of housing accommodations, aggravates traffic problems, and substantially hampers the elimination of traffic hazards and the improvement of traffic facilities; and that the prevention and elimination of slums and blight is a matter of state policy and state concern in order that the state and its counties and municipalities shall not continue to be endangered by areas which are focal centers of disease, promote juvenile delinquency, and consume an excessive proportion of its revenues because of the extra services required for police, fire, accident, hospitalization, and other forms of public protection, services, and facilities.*

- *Section 163.335(2), F.S. …certain slum or blighted areas, or portions thereof, may require acquisition, clearance, and disposition subject to use restrictions, as provided in this part, since the prevailing condition of decay may make impracticable the reclamation of the area by conservation or rehabilitation; that other areas or portions thereof may, through the means provided in this part, be susceptible of conservation or rehabilitation in such a manner that the conditions and evils enumerated may be eliminated, remedied, or prevented; and that salvageable slum and blighted areas can be conserved and rehabilitated through appropriate public action as herein authorized and the cooperation and voluntary action of the owners and tenants of the property in such areas.*

- *Section 163.335(3), F.S. …powers conferred by this part are for public uses and purposes which public money may be expended and the power of eminent domain and police power exercised, and the necessity in the public interest for the provisions herein enacted is hereby declared as a matter of legislative determination.*

- *Section 163.335(5), F.S. …the preservation or enhancement of the tax base from which a taxing authority realizes tax revenues is essential to its existence and financial health; that the preservation and enhancement of such tax base is implicit in the purposes for which a taxing authority is established; that tax increment financing is an effective method of achieving such preservation and enhancement in areas in which such tax base is declining; that community redevelopment in such areas, when complete, will enhance such tax base and provide increased tax revenues to all affected taxing authorities, increasing their ability to accomplish their other respective purposes; and that the preservation and enhancement of the tax base in such areas through tax increment financing and the levying of taxes by such taxing authorities therefor and the appropriation of funds to a redevelopment trust fund bears a substantial relation to the purposes of such taxing authorities and is for their respective purposes and concerns.*

- *Section 163.335(6,) F.S. …there exists in counties and municipalities of the state a severe shortage of housing affordable to residents of low or moderate income, including the elderly; that the existence of such condition affects the health, safety, and welfare of the residents of such counties and municipalities and retards their growth and economic and social development; and that the elimination or improvement of such conditions is a proper matter of state policy and state concern is for a valid and desirable purpose.*

Under the Redevelopment Act, if an area is thought to be blighted, a resolution may be adopted by the local governing body finding that there are blighted conditions within the defined study area, and that the repair, rehabilitation, and/or redevelopment of such areas is in the interest of public health, safety, and welfare. If an area is found to have blighted conditions, the next step is to establish a Community Redevelopment Agency (CRA). The CRA, as the legal unit acting for Pinellas County and the City of St. Pete Beach, would direct the preparation of the Community Redevelopment Plan for that area described in the "Finding of Necessity Resolution". The Community Redevelopment Plan must provide physical information on the redevelopment area and identify potential project types that can diminish or eradicate the specified blighted conditions.

Under the Redevelopment Act, a Community Redevelopment Plan is subjected to a compliance review conducted by the local planning agency (LPA) before the City of St. Pete Beach can submit the report to the County Commission for approval. The LPA has up to 60 days to review the redevelopment plan as to its conformity with the County and City's comprehensive plans and provide comments to the CRA. After receiving recommendations from the LPA, the local governing body shall hold a public hearing on the approval of a Community Redevelopment Plan after public notice in a newspaper having a general circulation in the area of operation of the Community Redevelopment Area.

The next step under the Redevelopment Act is the creation of a redevelopment trust fund, established by ordinance and adopted by the City Council and then the County Commission, the governing body that created the CRA. The most recent certified real property tax roll prior to the effective date of the ordinance will be used to establish the tax base (the "Base Year") within the redevelopment area in order to calculate the tax increment. In the present case, the assumed timetable to move forward suggests that the calculation of the tax increment will rely upon the 2004 certified rolls.

After putting in place the redevelopment architecture described above, the CRA will become funded upon the availability of tax increment revenues. Tax increment revenues become available as the result of increased property assessments associated with new development and redevelopment within the redevelopment area beyond those of the Base Year. Funds allocated to and deposited into the trust account are used by the CRA to fund, finance, or refinance any community redevelopment it undertakes pursuant to the approved Community Redevelopment Plan.

Before the governing body can adopt any resolution or enact any ordinance to create a Community Redevelopment Agency, approve a Community Redevelopment Plan, or establish a redevelopment trust fund, the governing body must provide public notice of proposed actions to each taxing authority which has the power to levy ad valorem taxes within the redevelopment area boundaries. Such notice alerts taxing authorities to any possible changes in their budgets as a result of a redevelopment action.

As a policy matter, it is assumed that the following entities with ties to the activities of the local governing body will receive notice of any actions stemming from either this analysis or subsequent initiatives should they be authorized under the terms of the Redevelopment Act.

Pinellas County Government
315 Court Street
Clearwater, Florida 33756

Pinellas County Public Schools
301 4th Street S.W.
Largo, Florida 33770

Southwest Florida Water Management District
7601 U.S. Highway 301
Tampa, Florida 33637-6759

Pinellas-Anclote River Basin Board
Southwest Florida Water Management District
7601 U.S. Highway 301
Tampa, Florida 33637-6759

Pinellas County EMS
12490 Ulmerton Road
Largo, Florida 34644

Pinellas County Health Department
205 Dr. M.L. King Street North
St. Petersburg, Florida 33701

Pinellas County Mosquito Control
Pinellas County Public Works Department
4100 118th Avenue North
Clearwater, Florida 33762

Pinellas Planning Council
600 Cleveland Street, Suite 850
Clearwater, Florida 33755-4160

Juvenile Welfare Board of Pinellas County
6698 68th Avenue North, Suite A
Pinellas Park, Florida 33781-5060

City of St. Pete Beach
155 Corey Avenue
St. Pete Beach, Florida 33706

In the case of the study area, the City assumes that the City and the County will be the only taxing authorities with direct financial interest in the implementation of a formalized redevelopment process. Other entities, including at least those listed above, that also may exercise certain jurisdiction or control within the same legal boundaries defined for this study will not experience any diminution in their ad valorem revenues stemming from a resolution that defines or finds blight as described herein. These entities are, in fact, likely to experience an increase in their revenues over time as the result of such action.

1.3. Declarations and Process

Determining if blight conditions exist within the study area is an initial step in ascertaining the appropriateness of an area as a Community Redevelopment Area. This analysis documenting the extent of blight conditions and analysis in support of that documentation is referred to herein as the "Report".

This Report describes the physical, economic, and regulatory conditions within the study area that are associated with blight or its causes and discusses the need for a Community Redevelopment Area. RERC staff, working with City of St. Pete Beach staff and other consultants, analyzed government statistics, inspected the study area, and prepared this Report and the analysis contained within.

1.4. Integrity of the Study Area

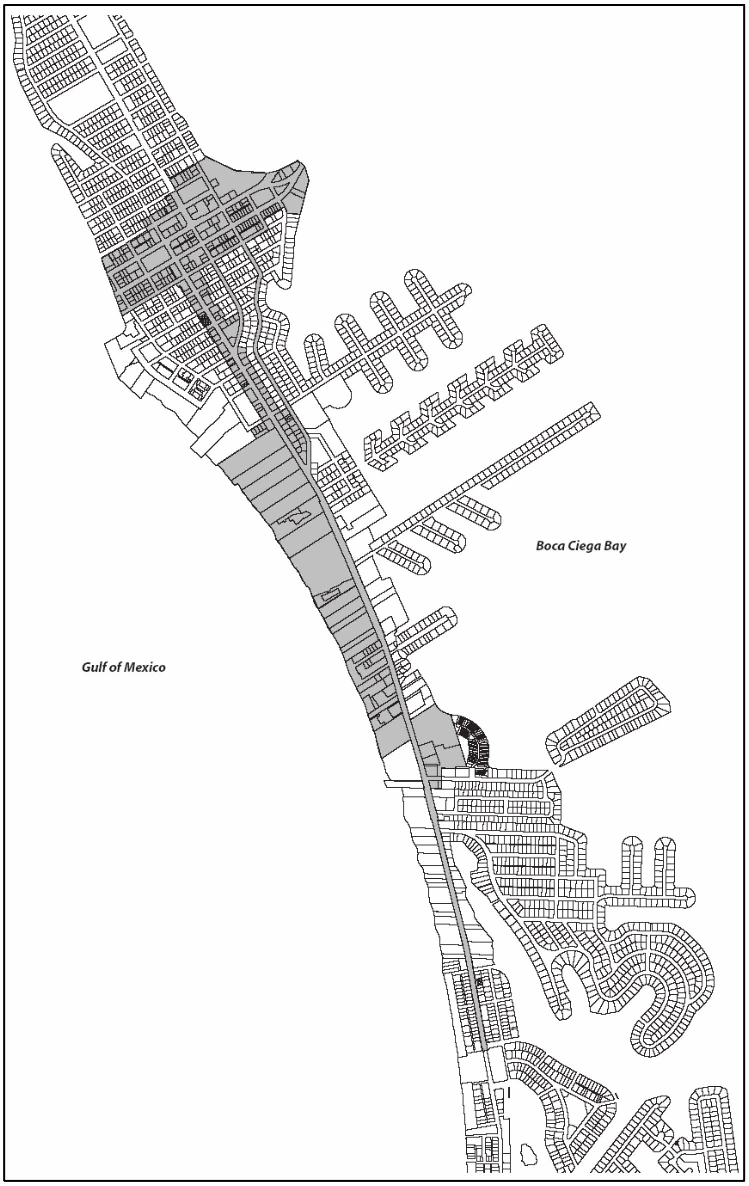
The analysis in this Report is confined to a specific geographic area within the City of St. Pete Beach generally shown in Map 1.0. These properties are identified in Appendix A for informational purposes. The list is intended to be consistent with the area shown in Map 1.0, but this list should not be construed as the official and final area which will be specified in a legal description within the Community Redevelopment Plan. The boundaries of the study area were designed to include many of the hotel and motel properties that line Gulf Boulevard, as well as the traditional downtown district defined chiefly by Corey Avenue. These areas together are the core of St. Pete Beach, and Gulf Boulevard is the single transportation link that ties the larger area together. Presently, zoning within the St. Pete Beach study area allows a mix of general land uses that include commercial, resort, institutional, and residential. The main uses in the downtown portion of the study area are commercial and office uses, while in the Gulf Boulevard portion of the study area transient accommodations represent the largest proportion of land share.

The larger study area is characterized by small lots with height and density restrictions, inadequate transportation infrastructure, strip commercial development, and resort and retail properties in need of redevelopment. The resort and commercial areas that make up most of the study area are important economic and social resources to the City of St. Pete Beach and Pinellas County. Resort and commercial areas are vulnerable because of a lack of reinvestment in existing properties. While St. Pete Beach has been a resort destination for approximately 100 years, many hotel and commercial properties have become distressed and largely functionally obsolete. The lack of investment in aged properties ultimately threatens the long-term viability of the study area and the City as a whole.

The study area is effectively comprised of two smaller contiguous areas, the traditional downtown district and the hotel and motel district to the west of Gulf Boulevard between 64th Avenue and 47th Avenue. These two areas are connected by Gulf Boulevard, the main thoroughfare of the City and the spine that organizes commercial properties. Gulf Boulevard is the transportation link that connects properties within the area. Almost all commercial and social activity within the study area takes place along this road. Virtually no businesses or hotels are accessible without some travel on Gulf Boulevard, and the character of the community is expressed along the boulevard. The Corey Avenue/Gulf Boulevard intersection is the most significant intersection within the study area and ties the resort area together with the downtown district. The boulevard is included in the study area from 77th Avenue to Pinellas Bayway Road as are the parcels that line the road from 73rd Avenue to 64th Avenue. Gulf Winds Boulevard/Boca Ciega Drive is also included in the boundary from 77th Avenue to Gulf Boulevard as is Blind Pass Road from 77th Avenue to Gulf Boulevard.

Map 1.0 Study Area

Boundary Map



Note: study area boundary is for illustrative purposes only.

Having identified the study area as a relatively discrete area dependent upon Gulf Boulevard for access between residential, hotel, and commercial properties, we considered the specific conditions that constitute blight as listed in the Redevelopment Act. The following conditions are identified by the Florida Legislature in the Redevelopment Act as being indicative of blight:

(a) Predominance of defective or inadequate street layout, parking facilities, roadways, bridges, or public transportation facilities;
(b) Aggregate assessed values of real property in the area for ad valorem tax purposes have failed to show any appreciable increase over the 5 years prior to the finding of such conditions;
(c) Faulty lot layout in relation to size, adequacy, accessibility, or usefulness;
(d) Unsanitary or unsafe conditions;
(e) Deterioration of site or other improvements;
(f) Inadequate and outdated building density patterns;
(g) Falling lease rates per square foot of office, commercial, or industrial space compared to the remainder of the county or municipality;
(h) Tax or special assessment delinquency exceeding the fair value of the land;
(i) Residential and commercial vacancy rates higher in the area than in the remainder of the county or municipality;
(j) Incidence of crime in the area higher than in the remainder of the county or municipality;
(k) Fire and emergency medical service calls to the area proportionately higher than in the remainder of the county or municipality;
(l) A greater number of violations of the Florida Building Code in the area than the number of violations recorded in the remainder of the county or municipality;
(m) Diversity of ownership or defective or unusual conditions of title which prevent the free alienability of land within the deteriorated or hazardous area; or
(n) Governmentally owned property with adverse environmental conditions caused by a public or private entity. *See* Section 163.340(8), F.S.

As this Report documents, at least five of these conditions of blight exist in the St. Pete Beach study area and are a detriment to its long-term vitality and sustainability.

1.5. Historical Perspective

Located on Florida's west coast barrier islands in Pinellas County, the City of St. Pete Beach has a history of quality residential living complimented by a vibrant hotel and resort economy. The City has a residential population of around 10,000. Though useful as a relative indicator of size, this number does not provide a full picture of the population or the economic orientation of the City. Because of the substantial number of hotels and condominiums in the City, the area experiences a seasonal population surge. A very gross level estimate would place the seasonal population in St. Pete Beach at about 16,000–17,000 persons, assuming that some part of the non-homestead condominium units and all the hotel units inventoried in the community are occupied at about 90% in the busiest period.

Corey Avenue is St. Pete Beach's traditional business district. Improvements in the physical environment need to take place to revitalize the core. Currently the area is zoned primarily for commercial development. Streetscape and other pedestrian improvements as well as zoning changes need to take place in order to help bring additional retail development, commercial development, and other types of infill projects. The Corey Avenue district needs substantial redevelopment and refocusing in order to re-identify it as the town center and energize commercial activity in the core.

The family-oriented beach community includes a mixture of small and larger resort hotels, condominiums, single-family residences, offices, and commercial facilities. The resort areas and other commercial development are concentrated along Gulf Boulevard. Much of that development consists of eroding hotel, retail, and office properties burdened with deterioration and obsolescence. Ingress and egress points to businesses along Gulf Boulevard commonly do not meet modern access control standards, and adequate pedestrian infrastructure is seriously deficient within the corridor.

With one of the largest concentrations of hotels in the State of Florida, tourism is vital to the health and tradition of the St. Pete Beach community, but the City's hotel and resort businesses face many challenges in the current market as tourism has migrated from St. Pete Beach to other areas throughout the state. Most hotel and motel properties in the study area were built from 1949 to the 1958, and only one hotel/motel was built after 1974. Because of the age and both the physical and economic deterioration of many hotels and resorts within the study area, properties struggle to sustain themselves in Florida's tourism industry. Only 20% of all hotel or motel rooms in the City are associated with a national hotel or motel brand, compared to 71% of hotels and motels in Clearwater Beach. Reinvestment can be more difficult for smaller hoteliers, and often these properties are declining. If the hotel properties in the study area do not begin to experience increased renovation and revitalization, the tourism industry in the City may become altogether obsolete. A significant decline in the St. Pete Beach tourism industry would be detrimental to the operation of the City and the County. The entire City depends on tourism, and many of the facilities within the City are oriented toward the industry. A significant portion of the City's valuations and tax collections extend from the tourism industry as documented in a 2002 report prepared by Real Estate Research Consultants (RERC) and illustrated in the following table.

City of St. Pete Beach - Top Ten Individual Tax Payers

Owner Name	Description	Year Built	Land AC	Bldg. SF	2002 Taxable Value
Resort Inns Of America Inc	Hotel/motel	1957	9.99	263,639	$35,300,000
Don Ce Sar Resort Hotel	Hotel/motel	1928	3.79	247,427	$29,800,000
Nicklaus Fla Inc	Hotel/motel	1989	8.79	179,698	$21,500,000
Hughes, R Dale Tre	Hotel/motel	1970	3.77	186,048	$11,600,000
Resort Industries Inc	Hotel/motel	1973	4.53	151,506	$11,200,000
Reef Resort Condo Assn	Condominium	1982	0.64	45,008	$10,985,400
Rosenblum, Irving M Tre	Hotel/motel	1957	5.26	86,946	$10,000,000
National Rlty Holdings Inc	Hotel/motel	1974	1.47	116,030	$9,600,000
Alden Enterprises Inc	Hotel/motel	1950	3.69	114,873	$9,100,000
Dolphin Holdings Ltd	Hotel/motel	1966	3.47	105,061	$8,500,000
		Sub Total	**45.40**	**1,496,236**	**$157,585,400**
		City Total	**2,526.46**	**14,109,354**	**$1,453,403,070**
Top 10 as a Percentage of City Total			**1.80%**	**10.60%**	**10.84%**

In 2002, the year the study by RERC was completed, the City's ten largest individual tax payers were located along Gulf Boulevard with nine of them being hotels. Property taxes on the top ten individual tax payers made up 11% of the City's total property taxes. In order to protect the tax base, the sustainability of the tourism industry must be aggressively pursued.

In addition to the challenge of marketing dated hotels, St. Pete Beach, like other coastal communities, has been met with increased state regulation in regards to development.

While state regulations were drafted to protect the coast of Florida and protect individuals from hurricane forces, tighter controls on development are frequently at odds with hotel viability. Because of the State's tight controls over what can and cannot be built or redeveloped, hotel property owners have little incentive or ability to reinvest and renovate existing hotels and resorts. Most hotel and motel developers are not permitted to build or redevelop at the density levels needed to make development or redevelopment of their resort properties economically feasible. The few resort properties that have undergone redevelopment have been converted to residential condominiums which can support higher property values and therefore need less permissible density. Condominium units are frequently inactive due to seasonal use, creating a different set of economic dynamics for the City. If the hotels within the community continue to covert to residential condominiums, the economic feasibility of the tourism and resort industry could be undermined, and the tax base of the City will diminish.

The creation of a formal redevelopment agency in the City would provide opportunities to encourage value-added businesses in the study area, upgrade and install modern infrastructure and transportation facilities, stimulate reinvestment and revitalization, and advance modern design standards. These redevelopment programs would contribute to the City's general health and tax base and serve as the main revitalization vehicle. If the City does not create a redevelopment agency, the area risks continuing decline and decay, and the City will jeopardize its market share of the resort industry.

In the initial stages of developing Chapter 163, Part III of the Florida Statutes, the Florida Legislature recognized the peculiar ebbs and flows that coastal communities experience and specifically focused on these issues in the legislation. In the definitions section of the community redevelopment legislation, coastal communities are repeatedly identified as needing special protection.

- Section 163.340(9) F.S. states: ***"Community redevelopment" or "redevelopment" means undertakings, activities, or projects of a county, municipality, or Community Redevelopment Agency in a Community Redevelopment Area for the elimination and prevention of the development or spread of slums and blight****, or for the reduction or prevention of crime, or for the provision of affordable housing, whether for rent or for sale, to residents of low or moderate income, including the elderly,* ***and may include*** *slum clearance and redevelopment in a Community Redevelopment Area or* ***rehabilitation and revitalization of coastal resort and tourist areas that are deteriorating and economically distressed****, or rehabilitation or conservation in a Community Redevelopment Area, or any combination or part thereof, in accordance with a Community Redevelopment Plan and may include the preparation of such a plan."*

- *Section 163.340(10) F.S. states:* ***"Community Redevelopment Area" means*** *a slum area, a blighted area, or an area in which there is a shortage of housing that is affordable to residents of low or moderate income, including the elderly, or* ***a coastal and tourist area that is deteriorating and economically distressed due to outdated building density patterns, inadequate transportation and parking facilities, faulty lot layout or inadequate street layout, or a combination thereof which the governing body designates as appropriate for community redevelopment."***

The legislation explicitly defines a deteriorating and economically distressed coastal and tourist area as a “Community Redevelopment Area” and includes a coastal resort redevelopment pilot project in Section163.336 F.S.

- Section163.336 F.S. states “*the Legislature recognizes that some coastal resort and tourist areas are deteriorating and declining as recreation and tourist centers. It is appropriate to undertake a pilot project to determine the feasibility of encouraging redevelopment of economically distressed coastal properties to allow full utilization of existing urban infrastructure such as roads and utility lines. Such activities can have a beneficial impact on local and state economies and provide job opportunities and revitalization of urban areas*.”

Specific references to costal resort communities and the creation of a pilot program designed to redevelop declining coastal communities indicate that the legislature was aware of and designed the legislation to assist with the unique challenges facing coastal tourist areas like St. Pete Beach, particularly in light of development restrictions placed upon coastal communities in other legislation.

2. Physical Environment Inventory

2.1. Existing Land Use

This section of the report documents the existing land uses in the area, transportation systems, utilities infrastructure, and visual character of buildings and sites that could influence development or utilization of land based assets. The existing land use inventory provides more perspective regarding the pattern of development activity, the inventory of existing land uses under current zoning regulations, the compatibility of nearby uses, and the impact of uses that may assist or deter development activity within the study area. Photographs documenting conditions in the study area are located at the end of the report in Appendix B.

The study area consists mainly of a variety of hospitality properties and other commercial properties, institutional properties, and a limited number of residential properties. The historic development pattern of the City has been suburban in nature, although the City over time has become highly urbanized. Traditionally the City has not had high design standards for new development or for redevelopment.

The residential market in Pinellas County, particularly for condominium product, has remained unabated even as the number of buildable sites has declined. There has been a continued increase in price for condominium product that reflects the steady growth in underlying land values and the difficulty associated with assemblages as well as the need to satisfy local regulatory requirements.

While land values are growing in the City, there are still pockets of deteriorated and substandard housing in the study area. Declining properties are concentrated in the northern section of the study area and are primarily multi-family rental units, (Appendix B, photos 20-30). Structures in the area have multiple code violations, higher rates of drug related crime, and absence of on-site management controls within rental complexes.

The quality and type of housing is a problem in the Corey Avenue area. Short-term rental housing and seasonal apartments are typically a detriment to other residential properties. In addition to low quality rental housing, a large storage facility and the intrusion of suburban strip retail properties undermine the residential image of the area.

Most of the hotels and motels and other commercial properties in the study area are located along Gulf Boulevard. Many of these non-residential structures are of marginal quality and are located on narrow or shallow lots creating functional redevelopment problems, (Appendix B, photos 1, 4, 9, 10, 12, 17, and 18). Because of the inadequate size of most lots, redevelopment and adapted re-use of existing structures are inhibited.

Most transient accommodations in the study area are reaching the end of their lifespan. Relatively low densities in the City's present Land Development Code prevent hotel properties from redeveloping with their existing number of units, (Appendix B, photos 13 and 18). Current density restrictions and height restrictions, high land values, and other restrictions make feasible redesign of hotels and motels difficult if not impossible. The overall, low building to land value ratios create little incentive to reinvest in current buildings. If redevelopment were physically practical, parking would begin to constrain site and implementation options.

Most properties in the study area have setbacks that are suburban in form, and the majority of commercial property owners have done little to mitigate the visual effects of their parking lots with landscaping and other buffering. (Appendix B, photos 2, 5, 17, 19, 40, 44, 46, and 51). Design standards in general have not been adequate to promote aesthetically pleasing development within the study area.

Commercial development in the study area has been disconnected from other neighboring uses with individual access points to Gulf Boulevard. Parking for businesses is typically located in the front of properties with insufficient separation between rights-of-way and parking areas, (Appendix B, photos 5, 32, 34, 37, 40, 44, 46, and 51). Lack of adequate space for buffering increases the visual impact of the asphalt width of the road and makes the regular placement of streetlamps and trees difficult. Lack of access between businesses requires individual access points to each business. These curb cuts reduce pedestrian safety and usage. While common place in the 1960s and 1970s, this type of approach to development is no longer acceptable and can be challenging to redevelop.

Competing needs of commercial and residential sites can be seen when evaluating buffers in the study area. A number of commercial properties are located directly proximate to residential uses with little attempt to establish buffer or transitional zones. (Appendix B, photos 2, 4, and 6). Many commercial structures are located on residential sized lots with parking located in front of businesses. As Gulf Boulevard has grown, additional private property depth has been lost decreasing parking areas. In many instances enough private property depth has been lost that cars are forced to back into the street in order to exit commercial parking lots, (Appendix B, photos 32, 34, 37, and 51). In other instances parking has been relocated to the back of commercial properties. Rear yard setbacks are so minimal that parking and service areas regularly back up to residential properties without proper buffering. For the residential properties located immediately adjacent to non-residential properties, this kind of placement and configuration heightens the need for regulatory controls to assure that commercial uses do not infringe on residential character. Typically, the placement of non-neighborhood commercial activities in such close proximity to residential neighborhoods results in increased complaints of noise, traffic, trespass, and code enforcement.

The predominant tenant mix in the study area does not serve the diverse needs of the residential and resort population. The area is capable of supporting more retail and other commercial development of a greater variety. While the cost of land acquisition is not currently so great as to prevent new commercial development, short-term redevelopment of existing commercial sites is essential to their ability to remain competitive and support both the existing residential and tourist markets.

Many commercial structures in the study area are physically deteriorated and economically obsolete, (Appendix B, photos 3, 7, 9, 10, 11, 12, 14, 18, and 39). Most buildings were constructed before accessible parking, large square footage and lot sizes, and back loading areas were needed. Little regard was given to setbacks and centralized parking. Because many buildings are located on inadequately sized lots, there is not space to redesign to meet modern standards. In addition, there are multiple property owners making lot assemblage difficult. Because of this, little reinvestment has been made.

The decline in the physical condition of many commercial sites in the study area can be attributed, at least in part, to the age of the structures and the site requirements during the period in which they were built. The age of the commercial structures in the study is illustrated below. The data presented is drawn from the 2004 Pinellas County tax rolls.

Number of Commercial Properties

Built - by Year

	Hotel/Motel	Other Commercial	Total
>1950	5	39	44
1950-1970	13	38	51
1971-1990	3	27	30
1991-2004	0	8	8
Total	21	112	133

In 1947 and in 1949, ten commercial properties were built, more than any other year. Of the 133 properties, 71% were built before 1971, and only 6% were built after 1990. The records demonstrate the lack of new development in the area and the dominance of the older commercial stock. Only a limited amount of commercial development has been created in St. Pete Beach in recent years, and no new motels or hotels have been constructed since 1989.

The quality of the beach as a resort and recreation amenity is also important to the continued success of St. Pete Beach as a destination. The beach is the principle focus of the hospitality industry in the study area, and it must be maintained to assure long term success for the industry. As the City has become developed, stress on the natural beach environment has occurred including damage to the dune system. Special protection must be placed upon this resource as the City grows and is redeveloped so that there is no further damage. A longer term outlook must be adopted that considers the limited nature of the beach as an asset.

There are limited pedestrian access points from Gulf Boulevard to the beach, (Appendix B, photo 47). Many of the access points that exist are labeled as private entries, and the public entries that are labeled are poorly signed. Pedestrian access to the beach must be enhanced to maximize use of the beach and increase its position as an economic benefit and a social good.

<u>Finding</u>:

The lack of design standards, general absence of buffering and commercial access control, small lot configuration, disconnected land uses, shortage of beach access points, deteriorating rental residential properties, and overall marginal quality of commercial properties collectively function to suggest an environment unsuited to contemporary development activity. The fact that the area has experienced little commercial development since 1990 speaks to the marginal environment in the study area. The faulty layout and configuration of lots in relation to size, adequacy, and usefulness are suggestive of a functionally obsolete or deteriorated commercial land use pattern.

The study area has become a highly urbanized area. Virtually all parcels in the study area have been previously developed, but many are deteriorated, and many are unoccupied. Many transient accommodations are reaching the end of their lifespan. Density and other restrictions as well as high land values make reinvestment and redevelopment difficult. Low building value to land value ratios create little incentive to reinvest in current buildings. The only redevelopment solution for most properties as currently zoned is to convert to a residential condominium use. These development patterns and conditions will only be reinforced over time if not aggressively altered.

2.2. Transportation, Road, Traffic, and Parking Characteristics

Traffic capacity is not currently a significant issue in the study area. The major thoroughfares, Gulf Boulevard, Blind Pass Road, Corey Avenue, and 75th Avenue, appear to have capacity adequate for the existing level of development in the area, but additional studies might have to be performed to ascertain longer term road capacity, given the prospect of future redevelopment within the study area. Most intersections in the City have sufficient LOS grades. The key intersection with capacity problems is the Gulf Boulevard/75th Avenue/Blind Pass Road intersection. This intersection is the primary point of traffic congestion in the study area and needs to be reorganized. The problems caused by the intersection are a result of multiple overlapping left turn movements for all three streets.

The study area has a reasonably well developed road network, although most trips in the study area require travel on either Gulf Boulevard or Blind Pass Road. Gulf Boulevard is the signature street for both St. Pete Beach and the study area. The street provides most local vehicular and pedestrian circulation for the City, but it also functions as the evacuation route for the City.

The renovation of Gulf Boulevard is crucial to the revitalization of the study area and the St. Pete Beach tourism industry. Gulf Boulevard creates citizens' and visitors' primary image of the City. The main thoroughfare of the study area is in need of renovation and beautification. Gulf Boulevard is becoming a street to avoid, and the area is beginning to lose its reputation as a special resort community. The boulevard experiences substantial pedestrian traffic typical of a resort area, yet pedestrian infrastructure is absent creating unsafe transportation conditions, (Appendix B, photos 37, 39, 40, and 42). Sidewalks are altogether absent in some places along Gulf Boulevard, and those in place are not wide enough to be located immediately alongside traffic moving at 40-60 MPH. Bike lanes are generally absent or substandard, a particularly significant issue in a resort community. These conditions need to be improved. Overall, existing transportation conditions do not create a livable space, and upgrades need to take place in order to reposition St. Pete Beach's main commercial strip.

Police report that 60% of complaints relate to transportation issues. For example, signage along the road is inadequate and would benefit from consolidation and improved organization. Because many visitors are unfamiliar with the study area, drivers run red lights and are otherwise distracted. In its present configuration, Gulf Boulevard functions solely as an arterial that facilitates high speed driving.

Gulf Boulevard has an important role to play in the health and redevelopment of the study area. Major transportation improvements need to take place to reestablish the street as a livable space including a continuous streetscape treatment that redefines the image of the road and creates a sense of place. Improvements could include the burial of power lines, the addition of new decorative streetlights and landscaping, wayfinding, and the reconfiguration of curb lines to allow for a tree lawn between the road and sidewalk.

Other transportation improvements are needed to protect cyclists on the road and pedestrians walking along and crossing Gulf Boulevard. There are bike lanes, but they are uniformly substandard and have been added as an afterthought to existing roadways, (Appendix B, photos 37, 40, 43, and 45). With planned redevelopment, bicycles can become an integral part of the transportation scheme. The boulevard needs to be re-stripped to accommodate bicycle traffic adequately. The addition of a standard bike lane will enhance the safety of citizens and tourists alike and will better provide for alternative modes of transportation. This change will also better connect motel and hotel properties to the Corey Avenue district and will accommodate non-vehicular movement throughout the study area. An adequately designed and signed bike lane could then be connected to other bike paths throughout the study area and the City creating a thorough bicycle network.

Spot medians and clear pedestrian crossings are absent in much of the study area, (Appendix B, photos 44, 46, 51, and 53). These facilities need to be installed where pedestrian traffic is high. Many restaurants and other retail are located across the street from hotels and motels encouraging pedestrian movements across Gulf Boulevard. In addition, many beach goers park on one side of the street and then must cross Gulf Boulevard to access the beach. Because adequate and clear pedestrian crossings are not provided, visitors are jaywalking under dangerous conditions, (Appendix B, photo 41). Turn lanes are used as refuge spots endangering both pedestrians and individuals in cars. Recently a young girl was killed when she and her mother were trying to cross Gulf Boulevard at 63rd Avenue to get from a convenience store back to their hotel. In total there have been five accidents involving pedestrians over the past 3 years, and 1 of those accidents led to a fatality. This life safety issue must be addressed. By adding spot medians with raised landscaped beds, the City can calm traffic, enhance the appearance of the area, and create a true pedestrian crossing refuge.

Currently school buses pick up and drop off on Gulf Boulevard instead of side streets. This practice causes significant safety issues on a street with a high speed limit and already inadequate pedestrian conditions. Because many drivers are unfamiliar with the area and because of the size of the road, drivers frequently do not stop for school buses. Pedestrian improvements and the relocation of bus stops should better improve safety.

The entire pedestrian environment along Gulf Boulevard is not consistent with the character of the area as a walkable, family-oriented resort area. Gulf Boulevard is given mainly to automobile traffic, with the pedestrian realm a distant second thought. The sheer size, and therefore speed, of the road makes it an almost impenetrable barrier for pedestrians trying to cross from the hotels on the west side to the restaurants and attractions on the east side. Much could be done to rebalance the roadway environment, to allow for pedestrian safety and comfort in addition to vehicular mobility.

The consolidation of driveways along Gulf Boulevard should become a priority for the City. In some areas, in as little as 100', 15 driveway cutouts are located along Gulf Boulevard. Excessive ingress and egress along Gulf Boulevard impedes north and south movement. Curb cuts cause significant pedestrian safety risks and make consistent streetscape treatment virtually impossible. Many driveways are abandoned or duplicative, (Appendix B, photos 40, 46, and 51). Some cutouts should be strategically removed with the consent of property owners. The City could use incentives to stimulate the consolidation of cutouts and should amend the land development code incorporating appropriate design criteria to ensure that new developments meet modern access requirements.

Because there are inadequate back or front loading areas at many commercial properties along Gulf Boulevard, delivery trucks are forced to unload in the middle turn lane along Gulf Boulevard. This not only impedes traffic flow, but causes a safety risk to drivers as well as delivery workers. A solution must be created to allow deliveries to be safely and efficiently made to businesses.

Other transportation problems become apparent at night. Inadequate parking at local bars causes traffic backups and dangerous road conditions in the evening. Vehicular traffic backs up on Gulf Boulevard as cars line up to get into local bars. Except for a metered parking lot adjacent to the County Park, there are no public parking lots or garages in the study area.

Other conditions also create dangers on Gulf Boulevard. Flooding can be a significant barrier to transportation after hard rain storms. The police department is upgrading all of its police cars to SUVs so that their movement will not be impeded after rain storms. One area where flooding is a significant issue is at 58th Avenue and Gulf Boulevard.

In the study area, Blind Pass Road functions as an important neighborhood connector from Gulf Boulevard to 75th Avenue and could be reclaimed as a neighborhood street. Currently Blind Pass Road carries relatively few cars but is oversized with long radii that facilitate high speed driving. Street trees and sidewalks are generally absent and need to be provided to buffer residential uses from the road in order to reduce the disinvestment of properties along the road. With 36' rights-of-way, room is available to add sidewalks and bike lanes along the road. In addition there is room for either a wide tree lawn between the road and a newly installed sidewalk or a grand boulevard treatment.

Other transportation links may also be deficient and in need of improvement. The study area's streets, particularly neighborhood connectors such as Boca Ciega and Gulf Winds, have insufficient street trees, wayfinding, traffic calming devises, pedestrian walkways, pedestrian crossings, and legal bike lanes with appropriate signage. Current pedestrian infrastructure conditions are unacceptable in the context of contemporary design standards as they impede alternative modes of mobility and pose a safety risk to community residents and visitors. Corey Avenue also needs to undergo improvements. Although sidewalks along Corey Avenue have been expanded in some places, they are narrow and in disrepair in others. All study area streets should undergo pedestrian improvements to better facilitate the movement of people and to make the roads more than just automobile corridors. Transit, which is mostly lacking, should be incorporated in the design of the transportation network, and the redevelopment of that network should provide a quality image for the City that enhances livability and safety.

Overall there were approximately 205 reported automobile accidents in the general study area over the past three years compared to 168 in the remainder of St. Pete Beach. A few locations saw a significant number of accidents including 50 75th Avenue (24), 75th Avenue and Blind Pass Road (13), 75th Avenue and Gulf Boulevard (10), Corey Avenue and Gulf Boulevard (7), and 6200 Gulf Boulevard (7).

<u>Finding</u>:

Traffic capacity in the study area is adequate for the current level of development. However, further studies will be required to determine the impacts of major redevelopment efforts occurring in the study area.

Much of the transportation infrastructure in the study area is outdated and is in need of renovation and beautification. While there is substantial pedestrian traffic in the resort area, the transportation network in the study area does not safely accommodate this mode of transportation. The transportation network has been designed to function solely as a vehicle mover. Sidewalks and bicycle paths have emerged in contemporary planning practice as an important component in community "place making". These amenities combine to create neighborhoods that would be considered safe and desirable for residents of all ages. The study area is devoid of such facilities. Major infrastructure improvements are needed to remedy this including, standard sized bicycle lanes, spot medians, and clear pedestrian crossings as well as a continuous streetscape treatment that redefines the road’s image and creates a sense of place. The boulevard needs to be redefined to help connect resort properties to one another and the town center and to stimulate new investment in both commercial and residential properties that surround the road network.

The consolidation of driveways along Gulf Boulevard needs to be a priority for the City. The commercial properties fronting the major arterials impact current movements associated with ingress and egress. The abundance of commercial curb cuts would be aggressively managed in today’s regulatory environment. These conditions make a continuous streetscape program difficult and are dangerous for cyclists and pedestrians. Some cutouts should be strategically removed with property owners’ consent.

While the current network of roads can accommodate emergency traffic and evacuation, the system is well below the design standards that are needed to support a flourishing resort community. The costs of maintaining and upgrading the transportation network can only be expected to increase, and there are no palatable budgetary mechanisms to deal with the conditions described.

2.3. Stormwater

The study area is part of the Florida Gulf of Mexico barrier island system in Pinellas County. The barrier islands were originally built up from sand and shell as a result of wave and tidal action. This porous material provides excellent drainage when left undeveloped. Impervious surfaces such as streets, parking lots, and building sites associated with development alter the natural drainage pattern. Flooding occurs in areas of low elevation because of the volume of rainfall and the lack of adequate drainage. Most properties provide little or no stormwater related infrastructure. Many of the current land uses in the study area predate the City's current development controls, and those built 30 to 40 years ago commonly do not meet today's drainage standards. Although the stormwater system is designed to meet SWFWMD standards, because of the proximity to the Gulf of Mexico and the Boca Ciega Bay and the low elevation of the study area, in the case of high tides and heavy rain little can be done to prevent flooding and ponding. Intersections flood during hard rains and high tides. The intersections of Gulf Boulevard and Gulf Winds Road and 75th Avenue and Boca Ciega Drive experience bad flooding after down pours.

A significant stormwater issue in the study area is the quality of discharged water. Currently there is little treatment of stormwater. Stormwater runs through swales, is collected through pipes, and then is discharged into the Boca Ciega Bay. Because many developments use the entire impervious service of their lots, grass swales are rarely adequate for filtering. New developments, with modern grass swale requirements, would allow for a better filtering system and cleaner water. In the near future, the City expects to build two stormwater filtration facilities to more adequately remove contaminants from the stormwater before it enters the bay.

<u>Finding</u>:

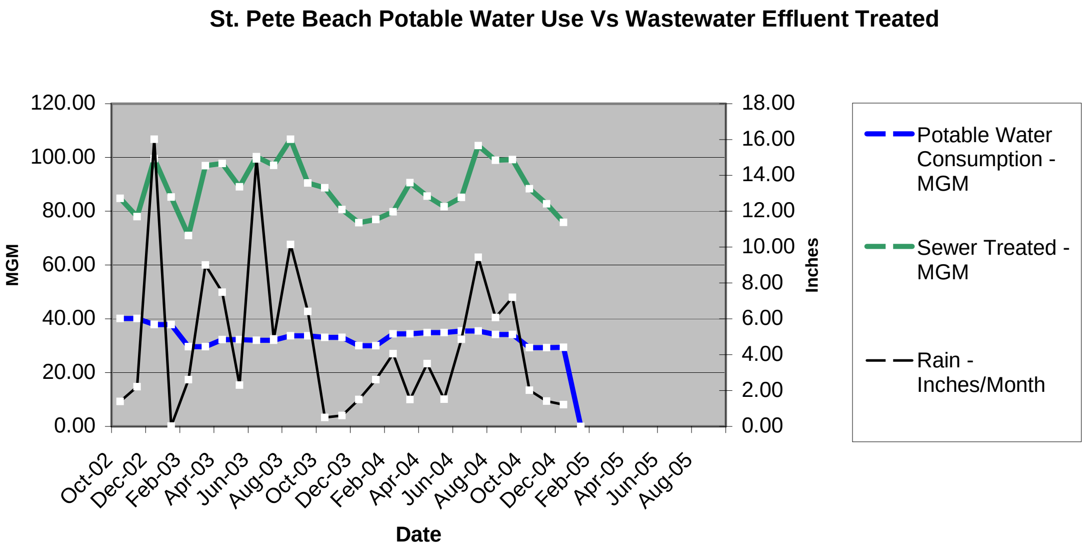
Although the City has well draining soil and certain design features are in place to handle stormwater, the proximity to the Gulf of Mexico and the Boca Ciega Bay, as well as the elevation of the study area mean that in the case of high tides and heavy rain little can be done to prevent flooding and ponding. An increase of impervious surface and grass swales in the study area could bring some flooding relief.

Water quality is the chief concern for the stormwater management system. Currently there are not treatment plants in the City, and stormwater that enters the Boca Ciega Bay undergoes little filtering because almost all impervious surface in the area has been absorbed by low density development and surface parking lots.

2.4. Wastewater

Wastewater is collected in lines owned by the City of St. Pete Beach and pumped to the City of St. Petersburg through the Pasadena Master Pump Station. The pump station is designed to process about 5.5 million gallons per day with no more than an average of 3 million of those gallons per day contributed by the City of St. Pete Beach. The City of St. Petersburg's Northwest Treatment Facility can treat up to 22 million gallons per day and up to 30 million gallons per day for limited times under peak conditions. Currently there are no capacity issues.

While there are no septic systems in the study area, there are still significant sanitary sewer issues. Leaks of groundwater and stormwater into the sanitary sewer system, a process called infiltration/inflow, increase the quantity of wastewater that needs to be pumped for treatment. The following graph illustrates daily rainfall and compares wastewater flow generated to potable water use in the City of St. Pete Beach.



For every one gallon of potable water use, the City is pumping out approximately two gallons. It is apparent when comparing use trends to rainfall that the St. Pete Beach wastewater collection system is receiving a significant quantity of inflow/infiltration.

The main cause of infiltration is the seepage of groundwater into the wastewater system through broken or cracked pipes. Sanitary sewer pipes in the study area were installed over 50 years ago, and most pipes in the area are VCP clay pipes. Because the water table in the study area is above the VCP pipes, the wastewater system is submerged in ground water. Stormwater entering the system can overload the collection system and cause sanitary sewer overflows.

In 2004 the wastewater treatment budget of the City was $3.3 million, and half of the budget went towards treatment. Treating extra water added by infiltration costs the same as treating normal domestic wastewater. The City only bills for potable water consumed, so infiltration causes a strain on the sanitary sewer budget. Replacing old pipes with modern plastic materials would reduce flows by 20%. An additional 10% could be saved by sealing manhole covers in conjunction with replacing pipes. The cost of replacing pipes is estimated to be $60 per foot assuming a 10” gravity line less than 6’ deep. Ultimately the City should be at a one to one potable water consumed to water treated ratio. As properties are redeveloped upgrading will be possible. Any reduction in the quantity of infiltration entering the collection system provides direct reduction in pumping and treatment costs to the City.

Finding:

Infiltration of groundwater into the sanitary sewer system in the study area is a concern to the City of St. Pete Beach. This system failure is primarily caused by old pipes that need to be repaired or replaced. The cost to treat infiltrating water absorbs a significant portion of the wastewater budget.

The City has calculated that replacing old VCP pipes with plastic pipes could cost several million dollars but would significantly reduce the infiltration of groundwater into the wastewater system. Deteriorating pipes are most rationally replaced by the City as specific properties and other infrastructure are redeveloped. Significant efficiencies and cost savings could also be attained by adjusting the direction of flow in the basin.

2.5. Potable Water

The study area is served by the Pinellas County Utility, which provides both distribution and billing. Pinellas County does not limit the amount of water used by its customers at the current time, and has no future plans to do so. Currently there is adequate supply and water pressure to provide both potable supply and fire suppression for all development within the study area. St. Pete Beach uses a more significant amount of potable water than may otherwise be necessary, because most of the transient accommodations in the study area were built in the 1950s and 1960s before most water saving fixtures were available. Some of these properties still feature older plumbing fixtures and many have deferred maintenance. Current low-flow devises, shower heads, taps, and toilets will assist in reducing average water usage in newly developed and redeveloped hotels compared to older devices.

Finding:

Potable water is distributed throughout the study area by Pinellas County Utility. There are not significant problems with potable water supply. The study area could see a reduction in average per unit water usage if hotels and motels redevelop with low-flow devises.

2.6. Overall Site and Plat Conditions

Part of the decline in the physical condition of commercial sites and some residential sites in the study area can be attributed to the age of the structures, many of which were developed from the 1950s to the 1970s. Commercial sites within the study area are inadequate in size due to narrow or shallow lots. In today's market the small size of many commercial lots in the study area, particularly older hotel and motel lots, makes redevelopment functionally difficult if not impossible. When developed originally, the sizes of lots in the study area were adequate for transient uses. Today, these properties are deficient in modern site requirements and are difficult to redevelop with modern amenities such as larger pools, spacious units, rooms with views of the ocean, and secure parking. Without modern amenities, resort redevelopment typically does not make economic sense particularly considering the low building value to land value ratios that define the economic rationale for property owners. Instead properties are either deteriorating or are being redeveloped and converted to residential condominiums which can generate more income for the property owners given the limited transient redevelopment possibilities, (Appendix B, photos 12, 14, 17, and 18).

Other types of commercial properties are also deficient in size and difficult to improve (Appendix B, photos 9 and 10). The size of the commercial lots makes it impractical to pursue anything other than low value, single purpose activities. Even if adjacent lots are assembled, the depth of lots makes redevelopment impractical. In addition, most businesses are set back from Gulf Boulevard with insufficient parking conditions. Parking is typically located in front of Gulf Boulevard properties, and cars often must back out of lots onto the main thoroughfare causing dangerous road conditions for all drivers. Because lots are small, there are no means to redesign the layout of parking. Service areas are located in the back with limited screening to adjacent residential property. This negatively affects residential lots, which decline and serve as the de facto buffer. In addition, many existing service areas are not of adequate size to accommodate delivery trucks. Insensitivity to site size and ingress and egress must be evaluated by the City, and solutions to solve these problems must be identified.

The proliferation of small transient and commercial lots throughout the study area virtually assures a character of development that is no longer sustainable. The faulty layout and configurations of lots in relation to size, adequacy, and usefulness are suggestive of a functionally obsolete or deteriorated commercial land use pattern. A majority of properties in the study area are non-conforming properties on small lots that cannot be redeveloped without extensive land assemblage under current standards.

There is a perception that the market could support increased commercial activity, but high land values, many reaching appraised taxable value above $2,000,000 per acre along Gulf Boulevard, limited permissible densities, dysfunctional properties, height restrictions, and other restrictions make redevelopment and intensification difficult. This is significant as many hotel structures are reaching the end of their useful life and need to be upgraded or redeveloped.

Land Development Code and State regulations make the redevelopment of resort properties challenging. Height restrictions prevent many properties from reaching their maximum allowable densities. Because of height restrictions, surface parking lots have been built instead of including parking as part of the main structure. Property owners have maximized their building square footage on individual lots with little regard for needed setbacks. Many properties use the entire impervious surface of their lots to build, leaving no room for landscaping, drainage, or open space, (Appendix B, photos 1, 2, 3, 8, 9, 12, 17, 18, 20, 21, and 22).

Density limits on resort properties also do not allow owners to maximize revenue generated from their land. Before density restrictions were in place, some properties in the study area were developed with densities in excess of allowable limits, (Appendix B, photos 13 and 18). Because of a lack of grandfathered densities in the Land Development Code many hotel properties would lose units if redevelopment were to take place. This dissuades property owners from significantly reinvesting in their businesses. While transient properties may be granted greater density than multi-family residential properties, height restrictions prevent these resorts from reaching maximum allowable density. Redevelopment into larger condominium units then becomes the most practical redevelopment option.

Analysis provided by RERC in 2003 indicates property owners need approximately a five to one ratio of hotel dwelling units per acre to residential dwelling units per acre in order to make hotel development economically beneficial. Hotel redevelopment supports development costs of $15,000-$40,000 per unit based on a 2002 RERC study. A $1,000,000 an acre hotel site would need 25-66 units per acre to justify the land expense. In many cases this is beyond the allowable density, and the costs for demolition or the cost of property assembly needed to create a modern site are not calculated in the expense. Hotels cannot support nearly as high land costs per unit as condominium product. Condominiums can support land prices of $25,000-$150,000 and up per unit. As older hotel and motel properties need to be redeveloped, the costs associated frequently exceed the allowable development rights. Properties are losing their competitive position to condominiums as a real estate investment. If the pattern is not altered, the tax base of the City will suffer. While property taxes may not be dramatically different initially, the long-term effects would lead to a decrease in bed taxes and sales taxes. It is estimated that tourists spend four to five times as much daily compared to permanent residents.

Finding:

The study area has become a highly urbanized area, dependent on tourist activities and not easily reconfigured to other purposes or activities. Most properties in the study area have been previously developed, but many are deteriorated and many are unoccupied. Lots are too small to support anything other than residential or commercial activity of marginal value. Most transient accommodations are reaching the end of their lifespan. Current conditions make redevelopment of commercial and transient properties exceedingly difficult. In addition, low building value to land value ratios create little incentive to reinvest in current resort properties. The only redevelopment solution for most properties is to convert to a residential condominium use. These development patterns and conditions will only be reinforced over time if not aggressively altered.

2.7. Visual Character, Existing Building and Site Conditions Analysis

The photographs in Appendix B are reflective of the overall conditions pertinent to the study area. Although most single family homeowners have maintained their properties in the study area, many of the rental properties are dilapidated and poorly maintained. In addition, by today's standards, the non-residential inventory is functionally deteriorated and obsolete by the constraints of small sites, regulations, structure placement, and access.

The transportation infrastructure in the study area upon which the long term sustainability of the neighborhood and area depends is not adequate to support a vibrant community and resort industry. Lack of streetscape as well as pedestrian and cycling facilities limit the uses of the network and stunt redevelopment prospects.

The several conditions documented in this analysis act together to undermine any economic values perceived to exist for key tourist uses in the area because they retard a normally functioning market for transactional activity. It is this normally functioning market that acts as the floor for economic value. If that floor cannot be maintained through a continuing exchange between buyers and sellers, economic values will eventually erode. Once that pattern is established, it becomes increasingly difficult to arrest the decline. In addition, the documented conditions are such that they combine to create a physical and social context that is not viable for long term stability.

It is almost axiomatic that areas exhibiting the many deficiencies, inadequacies or deteriorated infrastructure documented in the study area have a greater likelihood of slipping into irreversible economic and physical obsolesce.

3. Real Estate Development and Investment Activity

3.1. Reported Investment and Disinvestment Activity

There are an estimated 378 residential and 133 commercial structures in the study area, of those commercial structures 21 are hotels or motels. According to current tax records, approximately 590 properties comprise the study area.

In 2004, the total tax base in the study area was about $309 million with approximately 72% associated with commercial development. It is not surprising that all of the study area's ten largest *individual* tax payers are hotels and motels essentially located on Gulf Boulevard.

Many buildings in the study area are beginning to reach the end of their useful life. Building value to land value ratios are comparatively low, particularly for various commercial properties which basically have a 1:1 building value to land value ratio. This is a common signal indicating a need for reinvestment or redevelopment. Land values are high enough to justify significantly more density, but the increase in density is not normally allowed by code.

The biggest barrier to both tourist oriented uses and residential uses is not demand itself but rather the challenge of creating products that can function within the constraints imposed by site availability and costs. In the 2002 study these conditions do not appear to have changed. RERC completed several hypothetical economic comparisons that point to the difficulty in balancing land costs, density, and the problems associated with site assemblages. In effect, land costs are very high in this setting, and there must be some means of recognizing these values if they are to support a pattern of development favorable to the economic and social interest of the community.

In the ordering of priorities from the hospitality industry, the concerns are not about upgrades but rather concerns are about physically replacing rooms or their equivalents and the City's political and regulatory role in supporting development. The industry reports mixed signals and information that makes it difficult to determine how individual properties should respond to density, coastal controls, and the demands of DCA. Many properties exceed allowable density limits in the study area. If they were to build modern facilities on their property, they would lose many of the transient units that they currently operate. This is a major disincentive for development within the study area.

The development and redevelopment of hospitality facilities is economically difficult in the current economic and regulatory environment for additional reasons. In order for new hotel and motel development to make economic sense to an investor, developers need to be entitled to develop approximately five transient units to every one condominium unit that would be allowed. Most areas in the study area only allow two transient units to every one developable condominium unit. This in effect causes condominium development to be the default redevelopment choice.

As land increases in value disproportionately to the transient structure, it is no longer viable to reinvest unless upgrades can be substantial. The demand for condominium product has driven land value so high in the study area that no other use can economically compete under the current comprehensive plan and land development codes. In this market, only condominium product offers the immediate prospect of satisfying land values in almost any location. If the lodging stock is to be revitalized, increased heights or densities that invite reinvestment are needed.

Given the expected cost of new hotel development, which can range from $50,000 per room excluding land for a limited service concept to $400,000 for a luxury concept, there are only limited options for new development. The above costs allow a maximum land cost per room that scales up to about $40,000 per room such that a higher end, 300 room property could expect to invest some $9,000,000 - $11,000,000 in land. Pending further analysis, it appears that current land valuations, in tandem with existing operations that generate adequate revenues and caps on densities, pose a situation where land costs make new hotel development potentially prohibitive absent some focused intervention to bring values more in line with those needed to support new development.

While land costs are high as they are expected to be in a coastal setting, they are not beyond what the commercial market might otherwise support. Still, redevelopment of Gulf Boulevard is probably necessary to spur a healthy mix of retail, restaurants, and other commercial uses in the study area. The downtown area has significant commercial redevelopment potential, but has experienced little new construction for many years. A mix of uses and additional infrastructure improvements need to be pursued to make this a vibrant area.

The residential market in the study area, particularly for condominium product, has remained unabated even as the number of buildable sites has declined. There has been a continued increase in price for condominium product that reflects the steady growth in underlying land values and the difficulty associated with assemblages as well as the need to satisfy local regulatory requirements. Activity is distributed in a wide range of prices. As expected, there are distinctions among beach, intracoastal, and non-water front locations. Still, the values are quite high with substantial residential condominium sales activity averaging $328,000 from 2003-2004. In 2004, according to current property tax records, a total of 11 condominium units had qualified sales with 82 percent, priced in excess of $325,000.

Finding:

Although the study area has continued to attract some investment, it suffers physical and economic deterioration and dysfunction. Because of regulatory controls and land costs, the study area is underutilized. At a time when the City and County, like many local governments, face budget constraints and pressures to contain growth within a manageable area, the study area offers the prospect of efficient, economically worthwhile, and orderly development, if the documented conditions can be corrected or controlled through a redevelopment regime.

On balance, the market in St. Pete Beach is very favorable for condominiums which are strongly encouraged through allowable densities, and the market is moderately favorable for other commercial development, but the health of the hospitality industry does not favor new development. In the current situation, values work immediately against new hotel development. Barriers are primarily regulatory and an aggressive strategy must intervene or condominium construction will, in effect, become the default development option. Apartment development, in particular, seems unlikely but might be encouraged to provide for diversity in the housing stock.

The analysis reveals the difficulty of maintaining the present land values if new development or major reinvestment is deemed desirable. Only the highest assumed land values can be absorbed and generally at intensities or densities that are beyond those reasonably encouraged or delivered except in the most highly urbanized markets. At the very least, the analysis points to the immediate need for enhancements so those that wish to retain their property are encouraged to reinvest and/or upgrade. In the context of expressed concerns about entitlement preservation, it is absolutely essential to work toward some kind of intervention strategy.

3.2. Crime and Illegal Acts

Major crime is not a significant issue in the study area, but there are areas within the study area where crime has been particularly noteworthy. The northern part of the study area faces some serious issues including drug activity, domestic abuse, prostitution, alcohol violations, and noise complaints. Recently a drug bust was made in which 18 people were arrested. Much of this crime could be attributed to the low-quality short-term rental housing in the area.

Police are also active in the beach portion of the study area where, according to police officials, there are an excessive number of service calls. Currently theft and alcohol related issues such as drunk driving and alcohol related assaults are the most significant issues along the beach. The St. Pete Beach Police Department also responds to car theft, hotel and motel room theft, beach theft, and vending machine theft.

Police frequently respond to calls relating to bars and alcohol issues in the area. Aside from drunk driving and assault cases, the police respond to many noise complaints made from nearby residents and visitors. Because some high-rise hotels and condos are located next to one-story bars a tunnel effect is created for the noise produced. Since bars are open until 2 a.m. this has become a major complaint by people in the area.

While the police department operates under a community policing philosophy, no specific initiative is in place. The department works to empower neighborhoods and problem solve.

<u>Finding</u>:

Although major crime is not pervasive in the study area, there are sections of the study area which require frequent police activity. The northern section of the study area requires significant police attention and needs reinvestment to improve the quality of housing stock in the area and reduce crime. The beach area has problems somewhat unique to the hospitality uses in the area. Solutions for theft in the area and alcohol related crimes should be sought.

3.3 Code Violations

There are isolated areas within the study area where code enforcement is a serious issue. Violations are primarily located in the northern section of the study area. Code violations such as trash violations, minimum housing standard violations, yard violations, and dumpster violations can be regularly seen and lead to blight. Sanitation, plumbing and structural problems, damaged roads, and other life safety issues are prevalent in the area. Bricked up and boarded up windows are pervasive in much of the rental housing in this section of the City. Roaches have also been reported as a problem at some properties. Many rental properties in this section are deteriorated with ongoing maintenance issues.

<u>Finding:</u>

The northern section of the study area has some pervasive code violation issues, particularly among its residential rental properties. These issues lead to life safety concerns, and continued code enforcement is necessary to address problems and bring stability to the neighborhood.

4. Criteria for Determining Blight

In effect, the Redevelopment Act establishes three discrete pathways to determine if a study area is a "blighted area", sufficient to warrant the full application redevelopment powers conveyed under Chapter 163.

- The first alternative ("Alternative One") involves the layering of two tests. The first test is broadly conditional and the second test is criteria specific. Both tests must conclude that the described conditions exist affirmatively.

- The second alternative ("Alternative Two") involves a specific agreement among parties subject to a prospective trust fund agreement. Where such agreement exists, then the jurisdiction seeking to designate a redevelopment area need pass a less rigorous test. As in the first alternative, this test relates to specific criteria and it must conclude affirmatively.

- Notwithstanding the requirements for the first or second alternative, the third alternative ("Alternative Three") involves the Governor certifying the need for emergency assistance under federal law as a result of an emergency under s. 252.34(3), F.S.

4.1. Alternative One

The *first* of Alternative One's two tests requires that a study area identified as a blighted area contain a "substantial number of deteriorated, or deteriorating structures, in which conditions, as indicated by government-maintained statistics or other studies, are leading to economic distress or endanger life or property ".

The *second* of Alternative One's two tests is that the area must be one in "which two or more of the following factors are present".

a) Predominance of defective or inadequate street layout, parking facilities, roadways, bridges, or public transportation facilities;
b) Aggregate assessed values of real property in the area for ad valorem tax purposes have failed to show any appreciable increase over the 5 years prior to the finding of such conditions;
c) Faulty lot layout in relation to size, adequacy, accessibility, or usefulness;
d) Unsanitary or unsafe conditions;
e) Deterioration of site or other improvements;
f) Inadequate and outdated building density patterns;
g) Falling lease rates per square foot of office, commercial, or industrial space compared to the remainder of the county or municipality;
h) Tax or special assessment delinquency exceeding the fair value of the land;
i) Residential and commercial vacancy rates higher in the area than in the remainder of the county or municipality;
j) Incidence of crime in the area higher than in the remainder of the county or municipality;
k) Fire and emergency medical service calls to the area proportionately higher than in the remainder of the county or municipality;
l) A greater number of violations of the Florida Building Code in the area than the number of violations recorded in the remainder of the county or municipality;
m) Diversity of ownership or defective or unusual conditions of title which prevent the free alienability of land within the deteriorated or hazardous area; or
n) Governmentally owned property with adverse environmental conditions caused by a public or private entity.

4.2. Alternative Two

The Redevelopment Act also allows that a blighted area may be "any area in which at least one of the factors identified in paragraphs (a) through (n) of Section 163.40(8), F.S. are present and all taxing authorities (as such term is defined in the Redevelopment Act) subject to Section 163.387(2)(a), F.S. agree, either by interlocal agreement or agreements with the agency or by resolution, that the area is blighted.

4.3. Alternative Three

The Redevelopment Act also provides that “when the governing body certifies that an area is in need of redevelopment or rehabilitation as a result of an emergency under s. 252.34(3), F.S., with respect to which the Governor has certified the need for emergency assistance under federal law, that area may be certified as a “blighted area”, and the governing body may approve a community redevelopment plan and community redevelopment with respect to such area without regard to the provisions of this section requiring a general plan for the county or municipality and a public hearing on the community redevelopment”, Section 163.360(10), F.S. On September, 1, 2004, Governor Jeb Bush declared a state of emergency for the entire State of Florida by Executive Order 04-192 because of Hurricane Francis. On September 4, 2004, FEMA designated Pinellas County as a disaster area by FEMA-1545-DR.

4.4. Assessment of "Substantial Number of Deteriorated or Deteriorating Structures"

The Redevelopment Act provides little specific criteria or guidance in Section 163.340(8), F.S. regarding the definition or attributes of deteriorating structures other than that implied in the Redevelopment Act which focuses on a series of indicators that in the aggregate are assumed to lead to economic, physical, or social distress. In this case, single-family residential buildings are mostly of acceptable physical condition, but there are a substantial number of deteriorated rental units and non-residential structures in the study area that satisfy the intent of the legislation.

Declining properties are prevalent in the northern section of the study area, particularly among the multi-family rental units. Structures in the area have multiple code violations, higher rates of drug related crime, and absence of on-site management controls within rental complexes. Many of these buildings have boarded up or bricked up windows, chipped paint, and overall deteriorating site conditions.

In the context of assessing substantial deterioration under the Redevelopment Act, we also believe the term “structures” reasonably includes not only the buildings in the area but also the infrastructure built or constructed decades ago now incapable of supporting substantial redevelopment in the future. The transportation infrastructure upon which the long-term sustainability of the study area depends is deteriorated and insufficient to support a vibrant residential and resort community.

The conditions and circumstances documented in this Report and readily observable in the study area evidence a "substantial number of deteriorated, or deteriorating structures" leading to economic distress that, in their current condition, are certainly capable of endangering life, property, and economic vitality if not substantially modified, retrofitted, repaired, rebuilt, or redeveloped entirely. The *overall* conditions in the study area are such that they combine to create a context of functional and physical deterioration which is conducive to economic, physical, and social distress.

4.5. Blight Factors Present in the Study Area

Of the fourteen conditions indicative of blight listed in the Redevelopment Act, our analysis indicates that at least five such conditions exist in the study area and are retarding its immediate and longer term social, economic, and physical development. Alternative One requires that at least *two* criteria be satisfied. Alternative Two requires that only *one* criterion be satisfied. Alternative Three requires a separate set of conditions. Below is a summary of the criteria that apply to the study area.

Predominance of defective or inadequate street layout, parking facilities, roadways, bridges, or public transportation facilities. (Section 163.340(8)a, F.S.).

The totality of the study area is comprised of a transportation system that falls below current standards and requires a substantial budgetary commitment to maintain and/or upgrade over time. The key intersection with capacity problems is the Gulf Boulevard/75th Avenue/Blind Pass Road intersection. This intersection is the primary traffic obstruction in the study area and needs to be reorganized. Other solutions would require major infrastructure changes including acquiring private property to increases roadway rights-of-way.

Driveways and curb cuts along Gulf Boulevard are not consolidated. In as little as 100', 15 driveway cutouts can be found along sections of Gulf Boulevard. Driveways cause significant vehicle and pedestrian safety risks because of the multiple points of potential conflict. The frequency of curb cuts makes consistent streetscape treatment virtually impossible.

Because there are inadequate back or front loading areas at many commercial properties along Gulf Boulevard, delivery trucks are forced to unload in the middle turn lane along Gulf Boulevard. This impedes traffic flow and presents a safety risk to drivers as well as delivery workers.

Gulf Boulevard is the signature street for both St. Pete Beach and the study area, but the road functions solely as a vehicle mover. The main thoroughfare of the study area has an outdated transportation network including, inadequate streetscape, transit facilities, and safety features. The street design does not provide adequate public beach access and is generally deficient of public parking. Except for a metered parking lot adjacent to the County Park and other on-street parking areas, there are no public parking lots or garages in the study area. Overall the existing infrastructure does not provide adequate connections between resort properties and the town center or support a more livable space. The absence of pedestrian transportation infrastructure is further evidence of an inadequate transportation system. Additionally, the bike network in the study area is not sufficient to accommodate alternatives modes of transportation, making the overall transportation network inadequate.

Neighborhood connectors such as Boca Ciega and Gulf Winds, lack street trees, signage, traffic calming measures, pedestrian walkways, pedestrian crossings, and legal bike lanes with appropriate signage. Current pedestrian infrastructure conditions are unacceptable in the context of contemporary design standards as they impede alternative modes of mobility. Their current state of disrepair and deterioration discourage investment in the neighborhood because the context is not favorable to long-term ownership of property.

Blind Pass Road between Gulf Boulevard and 75th Avenue carries relatively few cars but is oversized with long radii that facilitate high speed driving along the neighborhood corridor. Street trees and sidewalks are inadequate and do not buffer residential uses from the road.

The conditions outlined in this report contribute to the disinvestment of properties along the road. The costs of maintaining and upgrading the entire transportation network can only be expected to increase, and there are no palatable budgetary mechanisms to deal with the conditions described.

Faulty layout in relation to size, adequacy, accessibility and usefulness. (Chapter 163.340(8)c F.S.).

The study area is not an area of open land easily reconfigured. The study area has a deficient pattern of existing development that precludes modern standards, design, and safety provisions. The non-residential inventory is obsolete by the constraints of small or non-conforming sites, regulations, structure placement, and access. Most commercial buildings in the study area violate at least some current land development regulations.

In today's market the small size of many hotel and motel parcels, make redevelopment of properties functionally impossible. Resort properties are deficient in modern site requirements, and the size of lots in combination with height limits makes it difficult to redevelop with contemporary amenities. Height limits cause developers to utilize the entire impervious surface of their lots for the primary structure and surface parking. Without modern amenities resort redevelopment may not be justifiable economically, particularly considering the low building to land value ratios that define the economic rationale for property owners.

Contemporary development practices favor larger sites to enable a variety and mix of uses and activities. The commercial lots in the study area are largely economically dysfunctional or deteriorated because they do not meet contemporary design and investor requirements. The current commercial properties on Gulf Blvd from approximately 60th Avenue to 73rd Avenue are about 110' deep, which is typically a residential size. To the extent that there are commercial uses on lots that are too small, there has been a resulting impact on residential properties, in the form of incompatible uses being placed in very close proximity without adequate buffers, and sporadic, irregular, poorly managed conversions of residential to retail. Over time, these parcels have evolved into commercial uses, in part as a result of the changing character of Gulf Boulevard as a regional road. However, the shallow parcel depths do not accommodate modern commercial development or parking, and as Gulf Blvd has been incrementally widened, this dysfunctionality has been exacerbated. This phenomenon has also taken place on Blind Pass Road from 76th Avenue to approximately 80th Avenue.

The typical lot dimensions, in conjunction with immediate proximity to residential areas, preclude adequate space for landscaping or other treatments that might buffer residential zones from commercial uses. Parking for businesses is typically located in the front of the property with insufficient space for landscaping. These design practices increase the appearance of the asphalt width of the road, makes the regular placement of streetlights and trees difficult, and requires individual access points to each business. In some cases, parking has been forced behind commercial properties because of road widening. Rear yard setbacks are so minimal that parking and service areas back up to residential properties without proper buffering. As noted, because of the size and current setbacks service traffic is not easily managed. In many cases redevelopment will never adequately accommodate on site service needs. Overall, current lot layout in the study area makes redevelopment functionally difficult, and the faulty layout and configuration of lots in relation to size, adequacy, and accessibility are suggestive of a functionally obsolete or deteriorated commercial land use pattern.

Unsanitary or unsafe conditions. (Section 163.340(8)d, F.S.).

The study area experiences substantial pedestrian traffic typical of a resort area, yet pedestrian infrastructure is absent creating unsafe transportation conditions. Crosswalks from existing parking to the beach are deficient. Spot medians and clear pedestrian crossings are lacking in many areas with high pedestrian traffic creating dangerous conditions. Turn lanes are repeatedly used as refuge spots endangering both pedestrians and vehicular traffic. Cycling conditions are dangerous on the study area's roads.

Designated bike lanes have been added as an afterthought and do not meet transportation width standards. Currently school buses pick up and drop off on Gulf Boulevard causing safety risks particularly considering the inadequate pedestrian conditions along the road. While accidents will occur, whatever safeguards are put in place, clearly having pedestrian and cycling facilities would diminish the number of accidents that might involve pedestrians. Left unchecked, the frequency of accidents will most likely continue to escalate.

Excessive curb cuts in the study area also reduce pedestrian safety. The multiple driveways cause significant pedestrian safety risks and pose safety risks to drivers due to excessive ingress and egress movement. Parking is typically located in front of many commercial properties, and cars often must back out of lots onto the main thoroughfare causing dangerous road conditions.

There are also sanitary and safety concerns about the quality of discharged stormwater. Currently there are not treatment facilities in the City, and stormwater that enters the Boca Ciega Bay undergoes little filtering because almost all ground surface in the area has been absorbed by low density development and surface parking lots.

While there are no septic systems in the study area, there are still sanitary sewer issues. Wastewater pipes in the study area were installed over 50 years ago, and most lines in the area are comprised of VCP clay pipe. The materials allow leakage and infiltration problems.

Floodwater mitigation is not a significant priority for the City, but safety issues still persist. Because of the study area's proximity to the Gulf of Mexico and the Boca Ciega Bay and the low elevation of the study area, and because there is insufficient natural drainage in the area, in the case of high tides and heavy rain little can be done to prevent flooding. When ponding of water occurs and intersections and roads flood, it becomes difficult for safety vehicles to operate. In addition, traffic accidents may occur.

Additional public safety issues occur in the study area. The northern section of the study area requires police attention due to criminal issues. The area has pervasive code violation problems among its residential rental properties, raising life safety concerns. In the Gulf Boulevard commercial area, public safety issues occur because of the use of alcohol in commercial properties serving the beach. Police activity in this area typically involves drunk driving and disorderly conduct and fighting that is intensified because of alcohol use.

Deterioration of site or other improvements. (Section 163.340(8)e, F.S.).

By contemporary standards, the non-residential inventory suffers physical deterioration and dysfunction. The primary concern is deterioration in context and setting which will discourage long-term sustainability and lead to a reduction in useful life more rapidly than would be the case in a stable commercial environment.

Many properties within the study area are deteriorated and/or unoccupied. Most transient accommodations are reaching the end of their lifespan, and the redevelopment of hospitality facilities is economically difficult in the current economic and regulatory environment. Many of the commercial improvements in the study area do not meet the demands of a modern marketplace. Although they may not be excessively deteriorated from a physical standpoint, many are nearing or have reached the end of their useful economic life and are functionally deteriorated.

The sanitary sewer system has deteriorated in the study area. Sanitary sewer pipes in the study area are outdated and are causing severe infiltration problems. A significant portion of the wastewater budget is going towards the treatment of infiltrated water. This creates a burden on the sanitary sewer budget considering that only consumed potable water is billed.

Inadequate and outdated building patterns. (Section 163.340(8)f, F.S.).

Inadequate and outdated building patterns are prevelent in the study area and can be spotted based on an informal assessment of conditions in the area. The potential intensity of future development is constrained by the dimensions of existing lots in the study area. Contemporary deisgn and regulatory practices are violated by conditions in the study area, and inadequate and outdated building patterns prevent modern standards from being implemented. Deficiencies related to inadequate and outdated building patterns include the following:

- Height restrictions and density restrictions create undesirable design
- Comprehensive Plan and State regulations based on hurricane evacuation at odds with redevelopment
- Planned density difficult to achieve relative to the size and adequacy of platted lots
- Absence or deterioration of infrastructure
- Lack of adaquate sidewalks and pedestrian facilitites
- Unrestricted and divided ingress and egress among numerous commercial properties
- Commercial infringement into residential areas stemming from the asbence of transtional zones that would create buffering opportunities, inadequate lot depth, and poor design contols.

5. Conclusions

The study area is one in which a substantial number of deteriorated structures exist and are materially injurious to both the area's and community's overall sustainability. These deteriorated structures and conditions are such they *"are leading to economic distress or endanger life or property…."* as described in the Redevelopment Act.

Such evidence of deteriorated conditions gleaned from study and observation, together with cited and inferred government statistics and other data identify multiple dimensions of social, physical, and economic hardship associated with deteriorated conditions and broad decline, demonstrate a substantial record of blight existing throughout the study area. Our review indicates that conditions in the study area demonstrated five of the earmarks of blight. In addition, because the Governor certified the need for emergency assistance under federal law in the study area, the area may be certified as blighted by the governing body.

The information summarized in this Report is adequate for Pinellas County to acknowledge the described conditions and to adopt a resolution that declares the rehabilitation, redevelopment, and conservation of the study area is in the interest of public health, safety, morals, and welfare.

6. Next Steps: Community Redevelopment Plan and Trust Fund

Identifying a specific Community Redevelopment Area, determining that such area is a blighted area as required by the Redevelopment Act, and establishing a Community Redevelopment Agency are the next logical steps Pinellas County and St. Pete Beach face. Assuming these actions take place, creating a Community Redevelopment Plan for St. Pete Beach is the next step in the redevelopment implementation protocol. A Community Redevelopment Plan cannot be initiated until the City Council and County Commission has formally acknowledged the conditions of blight described herein.

The Community Redevelopment Plan must conform to a variety of criteria established in Section 163.360, F.S. Further, the Community Redevelopment Plan must contain certain elements articulated in Section 163.362, F.S. Collectively, it is the purpose of such elements to serve as a legal framework for activating strategies which would contain these blighted conditions, remove such conditions, and promote development and or redevelopment that facilitates sound, sustainable growth in the St. Pete Beach area of Pinellas County.

The Community Redevelopment Plan need not be a capital improvement plan in the typical sense, but rather can be a framework for creating and implementing a redevelopment strategy that complies with the dictates of the Redevelopment Act. The development of a Community Redevelopment Plan must not only meet the legal requirements of the Redevelopment Act, but foster and facilitate the attraction of capable and cooperative redevelopment partners. Accordingly, a Community Redevelopment Plan that contemplates the attraction of redevelopment partners and recognizes the practical challenges of redevelopment (e.g. the business risks of ownership consolidation and negotiations with multiple qualified redevelopment partners which will demand flexibility as well as the need to leverage available tax increment financing capabilities) can be a particularly powerful tool for the City and County.

The process for considering and adopting a Community Redevelopment Plan also requires mailed notice to all taxing authorities as well as a published notice. Prior to consideration of a Community Redevelopment Plan, the Community Redevelopment Agency must submit the plan to the local planning agency of the County so they may review the Community Redevelopment Plan and make recommendations as to its conformity with the comprehensive plan for the development of the City and County as a whole. This analysis by the local planning agency is a relatively narrow analysis, but is a required intermediate step. Upon submission of the Community Redevelopment Plan to the County and each taxing authority, a public hearing concerning the redevelopment plan is also required. Following such public hearing and a determination by the City and County approving the plan and confirming various statutorily required findings, the Community Redevelopment Plan may then be adopted.

Following the adoption of the Community Redevelopment Plan, City and County ordinances are necessary to establish a community redevelopment trust fund. Funds allocated to and deposited into this fund shall be used by the Community Redevelopment Agency to finance community redevelopment identified in the Community Redevelopment Plan.

Parcels in Study Area

Old Pin	New Pin
62153136001000000001	363115001000000001
62163206081720000170	063216081720000170
62163206114840000011	063216114840000011
62153136181880000001	363115181880000001
62153136183650000001	363115183650000001
62153136307170000001	363115307170000001
62163206340410000001	063216340410000001
62153201000001100610	013215000001100610
62153136000004400300	363115000004400300
62153136000004400200	363115000004400200
62153136000004400100	363115000004400100
62153136050940250040	363115050940250040
62153136050940260060	363115050940260060
62163206081000000060	063216081000000060
62153136783360070040	363115783360070040
62153136779940420050	363115779940420050
62153136779940470060	363115779940470060
62153136779940540151	363115779940540151
62153136779940560060	363115779940560060
62153136779940570050	363115779940570050
62153136779940570070	363115779940570070
62153136779940570090	363115779940570090
62153136779940570100	363115779940570100
62153136779940570120	363115779940570120
62153136779940710120	363115779940710120
62153136779942250060	363115779942250060
62153136001000000010	363115001000000010
62153136001000000020	363115001000000020
62153136001000000030	363115001000000030
62153136001000000040	363115001000000040
62153136001000000050	363115001000000050
62153136001000000060	363115001000000060
62163206061110000001	063216061110000001
62163206061110000103	063216061110000103
62163206061110000104	063216061110000104
62163206061110000105	063216061110000105
62163206061110000106	063216061110000106
62163206061110000107	063216061110000107
62163206061110000109	063216061110000109
62163206061110000201	063216061110000201
62163206061110000202	063216061110000202
62163206061110000203	063216061110000203

Parcels in Study Area

Old Pin	New Pin
62163206061110000204	063216061110000204
62163206061110000205	063216061110000205
62163206061110000206	063216061110000206
62163206061110000207	063216061110000207
62163206061110000208	063216061110000208
62163206061110000209	063216061110000209
62163206061110000210	063216061110000210
62163206061110000301	063216061110000301
62163206061110000302	063216061110000302
62163206061110000303	063216061110000303
62163206061110000304	063216061110000304
62163206061110000305	063216061110000305
62163206061110000306	063216061110000306
62163206061110000307	063216061110000307
62163206061110000308	063216061110000308
62163206061110000309	063216061110000309
62163206061110000310	063216061110000310
62163206061110000401	063216061110000401
62163206061110000402	063216061110000402
62163206061110000403	063216061110000403
62163206061110000404	063216061110000404
62163206061110000405	063216061110000405
62163206061110000406	063216061110000406
62163206061110000407	063216061110000407
62163206061110000408	063216061110000408
62163206061110000409	063216061110000409
62163206061110000410	063216061110000410
62163206061110000501	063216061110000501
62163206061110000502	063216061110000502
62163206061110000503	063216061110000503
62163206061110000504	063216061110000504
62163206061110000505	063216061110000505
62163206061110000506	063216061110000506
62163206061110000507	063216061110000507
62163206061110000508	063216061110000508
62163206061110000509	063216061110000509
62163206061110000510	063216061110000510
62163206061110000601	063216061110000601
62163206061110000602	063216061110000602
62163206061110000603	063216061110000603
62163206061110000604	063216061110000604
62163206061110000605	063216061110000605
62163206061110000606	063216061110000606

Parcels in Study Area

Old Pin	New Pin
62163206061110000607	063216061110000607
62163206061110000608	063216061110000608
62163206061110000609	063216061110000609
62163206061110000610	063216061110000610
62163206061110000701	063216061110000701
62163206061110000702	063216061110000702
62163206061110000703	063216061110000703
62163206061110000704	063216061110000704
62163206061110000705	063216061110000705
62163206061110000706	063216061110000706
62163206061110000707	063216061110000707
62163206061110000708	063216061110000708
62163206061110000709	063216061110000709
62163206061110000710	063216061110000710
62163206061110000801	063216061110000801
62163206061110000802	063216061110000802
62163206061110000803	063216061110000803
62163206061110000804	063216061110000804
62163206061110000805	063216061110000805
62163206061110000806	063216061110000806
62163206061110000807	063216061110000807
62163206061110000808	063216061110000808
62163206061110000809	063216061110000809
62163206061110000810	063216061110000810
62163206061110000901	063216061110000901
62163206061110000902	063216061110000902
62163206061110000903	063216061110000903
62163206061110000904	063216061110000904
62163206061110000905	063216061110000905
62163206061110000906	063216061110000906
62163206061110000907	063216061110000907
62163206061110000908	063216061110000908
62163206061110000909	063216061110000909
62163206061110000910	063216061110000910
62163206061110001001	063216061110001001
62163206061110001002	063216061110001002
62163206061110001003	063216061110001003
62163206061110001004	063216061110001004
62163206061110001005	063216061110001005
62163206061110001006	063216061110001006
62163206061110001007	063216061110001007
62163206061110001008	063216061110001008
62163206114840000010	063216114840000010

Parcels in Study Area

Old Pin	New Pin
62153201181420000000	013215181420000000
62153201181420000001	013215181420000001
62153136181880000010	363115181880000010
62153136181880000020	363115181880000020
62153136181880000030	363115181880000030
62153136181880000040	363115181880000040
62153136181880000050	363115181880000050
62153136181880000060	363115181880000060
62153136183650000010	363115183650000010
62153136183650000020	363115183650000020
62153136183650000030	363115183650000030
62153136183650000040	363115183650000040
62153136183650000050	363115183650000050
62153136183650000060	363115183650000060
62153136307170006630	363115307170006630
62153136307170006640	363115307170006640
62153136307170006650	363115307170006650
62153136307170006660	363115307170006660
62153136307170006670	363115307170006670
62163206341370000001	063216341370000001
62163206341370001010	063216341370001010
62163206341370001020	063216341370001020
62163206341370001030	063216341370001030
62163206341370001040	063216341370001040
62163206341370002010	063216341370002010
62163206341370002020	063216341370002020
62163206341370002030	063216341370002030
62163206341370002040	063216341370002040
62163206341370003010	063216341370003010
62163206341370003020	063216341370003020
62163206341370003030	063216341370003030
62163206341370003040	063216341370003040
62163206341370004010	063216341370004010
62163206341370004020	063216341370004020
62163206341370004030	063216341370004030
62163206341370004040	063216341370004040
62163206341370005010	063216341370005010
62163206341370005020	063216341370005020
62163206341370005030	063216341370005030
62163206341370005040	063216341370005040
62163206341370006010	063216341370006010
62163206341370006020	063216341370006020
62163206341370006030	063216341370006030

Parcels in Study Area

Old Pin	New Pin
62163206341370006040	063216341370006040
62163206341370007010	063216341370007010
62163206341370007020	063216341370007020
62163206341370007030	063216341370007030
62163206341370007040	063216341370007040
62163206341370008010	063216341370008010
62163206341370008020	063216341370008020
62163206341370008030	063216341370008030
62163206341370008040	063216341370008040
62163206341370009010	063216341370009010
62163206341370009020	063216341370009020
62163206341370009030	063216341370009030
62163206341370009040	063216341370009040
62163206340410002010	063216340410002010
62163206340410002020	063216340410002020
62163206340410002040	063216340410002040
62163206340410003010	063216340410003010
62163206340410003020	063216340410003020
62163206340410003030	063216340410003030
62163206340410003040	063216340410003040
62163206340410004010	063216340410004010
62163206340410004020	063216340410004020
62163206340410004030	063216340410004030
62163206340410004040	063216340410004040
62163206340410005010	063216340410005010
62163206340410005020	063216340410005020
62163206340410005030	063216340410005030
62163206340410005040	063216340410005040
62163206340410006010	063216340410006010
62163206340410006020	063216340410006020
62163206340410006030	063216340410006030
62163206340410006040	063216340410006040
62163206341830000001	063216341830000001
62163206341830000101	063216341830000101
62163206341830000102	063216341830000102
62163206341830000103	063216341830000103
62163206341830000104	063216341830000104
62163206341830000105	063216341830000105
62163206341830000106	063216341830000106
62163206341830000107	063216341830000107
62163206341830000108	063216341830000108
62163206341830000201	063216341830000201
62163206341830000202	063216341830000202

Parcels in Study Area

Old Pin	New Pin
6216320634183000020 3	063216341830000203
6216320634183000020 4	063216341830000204
62163206341830000205	063216341830000205
62163206341830000206	063216341830000206
62163206341830000207	063216341830000207
62163206341830000208	063216341830000208
62163206341830000301	063216341830000301
62163206341830000302	063216341830000302
62163206341830000303	063216341830000303
62163206341830000304	063216341830000304
62163206341830000305	063216341830000305
62163206341830000306	063216341830000306
62163206341830000307	063216341830000307
62163206341830000308	063216341830000308
62163206341830000401	063216341830000401
62163206341830000402	063216341830000402
62163206341830000403	063216341830000403
62163206341830000404	063216341830000404
62163206341830000405	063216341830000405
62163206341830000406	063216341830000406
62163206341830000407	063216341830000407
62163206341830000408	063216341830000408
62163206341830000501	063216341830000501
62163206341830000502	063216341830000502
62163206341830000503	063216341830000503
62163206341830000504	063216341830000504
62163206341830000505	063216341830000505
62163206341830000506	063216341830000506
62163206341830000507	063216341830000507
62163206341830000508	063216341830000508
62163206793780000105	063216793780000105
62163206793780000106	063216793780000106
62163206793780000107	063216793780000107
62163206793780000108	063216793780000108
62163206793780000109	063216793780000109
62163206793780000110	063216793780000110
62163206793780000201	063216793780000201
62163206793780000202	063216793780000202
62163206793780000203	063216793780000203
62163206793780000204	063216793780000204
62163206793780000205	063216793780000205
62163206793780000206	063216793780000206
62163206793780000207	063216793780000207

Parcels in Study Area

Old Pin	New Pin
62163206793780000208	063216793780000208
62163206793780000209	063216793780000209
62163206793780000210	063216793780000210
62163206793780000301	063216793780000301
62163206793780000302	063216793780000302
62163206793780000303	063216793780000303
62163206793780000304	063216793780000304
62163206793780000305	063216793780000305
62163206793780000306	063216793780000306
62163206793780000307	063216793780000307
62163206793780000308	063216793780000308
62163206793780000309	063216793780000309
62163206793780000310	063216793780000310
62163206793780000401	063216793780000401
62163206793780000402	063216793780000402
62163206793780000403	063216793780000403
62163206793780000404	063216793780000404
62163206793780000405	063216793780000405
62163206793780000406	063216793780000406
62163206793780000407	063216793780000407
62163206793780000408	063216793780000408
62163206793780000409	063216793780000409
62163206793780000410	063216793780000410
62163206793780000501	063216793780000501
62163206793780000502	063216793780000502
62163206793780000503	063216793780000503
62163206793780000504	063216793780000504
62163206793780000505	063216793780000505
62163206793780000506	063216793780000506
62163206793780000507	063216793780000507
62163206793780000508	063216793780000508
62163206793780000509	063216793780000509
62163206793780000510	063216793780000510
62163206793780000601	063216793780000601
62163206793780000602	063216793780000602
62163206793780000603	063216793780000603
62163206793780000604	063216793780000604
62163206793780000605	063216793780000605
62163206793780000606	063216793780000606
62163206793780000607	063216793780000607
62163206793780000608	063216793780000608
62163206793780000609	063216793780000609
62163206793780000610	063216793780000610

Parcels in Study Area

Old Pin	New Pin
62163206793780000701	063216793780000701
62163206793780000702	063216793780000702
62163206793780000703	063216793780000703
62163206793780000704	063216793780000704
62163206793780000705	063216793780000705
62163206793780000706	063216793780000706
62163206793780000707	063216793780000707
62163206793780000708	063216793780000708
62163206793780000709	063216793780000709
62163206793780000710	063216793780000710
62163206793780000801	063216793780000801
62163206793780000802	063216793780000802
62163206793780000803	063216793780000803
62163206793780000804	063216793780000804
62163206793780000805	063216793780000805
62163206793780000806	063216793780000806
62163206793780000807	063216793780000807
62163206793780000808	063216793780000808
62163206793780000809	063216793780000809
62163206793780000810	063216793780000810
62163206793780000901	063216793780000901
62163206793780000902	063216793780000902
62163206793780000903	063216793780000903
62163206793780000904	063216793780000904
62163206793780000905	063216793780000905
62163206793780000906	063216793780000906
62163206793780000907	063216793780000907
62163206793780000908	063216793780000908
62163206793780000909	063216793780000909
62163206793780000910	063216793780000910
62163206793780001001	063216793780001001
62163206793780001002	063216793780001002
62163206793780001003	063216793780001003
62163206793780001004	063216793780001004
62163206793780001005	063216793780001005
62163206793780001006	063216793780001006
62163206793780001007	063216793780001007
62163206793780001008	063216793780001008
62163206793780001009	063216793780001009
62163206793780001010	063216793780001010
62163206793780001101	063216793780001101
62163206793780001102	063216793780001102
62163206793780001104	063216793780001104

Parcels in Study Area

Old Pin	New Pin
62163206793780001105	063216793780001105
62163206793780001106	063216793780001106
62163206793780001107	063216793780001107
62163206793780001108	063216793780001108
62163206793780001109	063216793780001109
62163206793780001110	063216793780001110
62153136050940260010	363115050940260010
62163206081000000120	063216081000000120
62163206081000000130	063216081000000130
62163206081180000460	063216081180000460
62163206081720000210	063216081720000210
62153136347760060010	363115347760060010
62153136000004400400	363115000004400400
62153125780840000141	253115780840000141
62153136779940540150	363115779940540150
62153136779940560010	363115779940560010
62153136779940560020	363115779940560020
62153136779940560050	363115779940560050
62153136779940560070	363115779940560070
62153136779940560100	363115779940560100
62153136779940570010	363115779940570010
62153136779940570020	363115779940570020
62153136779940570060	363115779940570060
62153136779940570110	363115779940570110
62153136779940570130	363115779940570130
62153136779940570150	363115779940570150
62153136779940570160	363115779940570160
62153136779940580020	363115779940580020
62153136779940580030	363115779940580030
62153136779940580050	363115779940580050
62153136779940580080	363115779940580080
62153136779940680130	363115779940680130
62153136779940700004	363115779940700004
62153136779940710050	363115779940710050
62153136779940710100	363115779940710100
62153136779940710130	363115779940710130
62153136779940710140	363115779940710140
62153136779940740060	363115779940740060
62153136779942250030	363115779942250030
62153136779942250050	363115779942250050
62153136779942250070	363115779942250070
62153136779942250080	363115779942250080
62153136779942250081	363115779942250081

Parcels in Study Area

Old Pin	New Pin
62153136050940260020	363115050940260020
62153136306720530020	363115306720530020
62153136306720530030	363115306720530030
62153136306720530040	363115306720530040
62153136306720530050	363115306720530050
62153136306720530060	363115306720530060
62153136306720530070	363115306720530070
62153136306720530080	363115306720530080
62153136306720620240	363115306720620240
62153136306720620250	363115306720620250
62153136306720620260	363115306720620260
62153136306720620270	363115306720620270
62153136306720620280	363115306720620280
62153136306720620290	363115306720620290
62153136306720620300	363115306720620300
62153201347940060100	013215347940060100
62153201347940060110	013215347940060110
62153201347940060120	013215347940060120
62153201347940060130	013215347940060130
62153201347940060140	013215347940060140
62153136347760050120	363115347760050120
62153136347760050140	363115347760050140
62153136000003100400	363115000003100400
62153136000003100600	363115000003100600
62153136783360040010	363115783360040010
62153136783360050090	363115783360050090
62153136783360050100	363115783360050100
62153136783360080110	363115783360080110
62153136783360080270	363115783360080270
62153136783360080280	363115783360080280
62153136783360080290	363115783360080290
62153136783360080300	363115783360080300
62153136779940430130	363115779940430130
62153136779940540030	363115779940540030
62153136779940540110	363115779940540110
62153136779940540140	363115779940540140
62153136779940550150	363115779940550150
62153136779940560110	363115779940560110
62153136779940570030	363115779940570030
62153136779940580010	363115779940580010
62153136779940600140	363115779940600140
62153136779940600150	363115779940600150
62153136779940610090	363115779940610090

Parcels in Study Area

Old Pin	New Pin
62153136779940620030	363115779940620030
62153136779940620050	363115779940620050
62153136779940620130	363115779940620130
62153136779940700002	363115779940700002
62153136779940700003	363115779940700003
62153136779940700006	363115779940700006
62153136779940700007	363115779940700007
62153136779940710060	363115779940710060
62153136779940710070	363115779940710070
62153136779940740160	363115779940740160
62153136000003100100	363115000003100100
62153136347760010030	363115347760010030
62153136347760020090	363115347760020090
62153136347760050090	363115347760050090
62153136347760050150	363115347760050150
62153136347760060060	363115347760060060
62153136347760060070	363115347760060070
62163206000003300800	063216000003300800
62163206000003300500	063216000003300500
62163206000003301000	063216000003301000
62153136783360030010	363115783360030010
62153136783360040050	363115783360040050
62153136783360040060	363115783360040060
62153136783360050010	363115783360050010
62153136783360050070	363115783360050070
62153136783360070060	363115783360070060
62153136783360080010	363115783360080010
62153136779940420010	363115779940420010
62153136779940420030	363115779940420030
62153136779940430140	363115779940430140
62153136779940470030	363115779940470030
62153136779940540050	363115779940540050
62153136779940540090	363115779940540090
62153136779940540120	363115779940540120
62153136779940540130	363115779940540130
62153136779940540180	363115779940540180
62153136779940560130	363115779940560130
62153136779940590010	363115779940590010
62153136779940600010	363115779940600010
62153136779940600070	363115779940600070
62153136779940600080	363115779940600080
62153136779940600130	363115779940600130
62153136779940600160	363115779940600160

Parcels in Study Area

Old Pin	New Pin
62153136779940610010	363115779940610010
62153136779940610030	363115779940610030
62153136779940610120	363115779940610120
62153136779940620090	363115779940620090
62153136779940680010	363115779940680010
62153136779940680030	363115779940680030
62153136779940680140	363115779940680140
62153136779940740130	363115779940740130
62153136779940750010	363115779940750010
62153136347760060050	363115347760060050
62163206655200000010	063216655200000010
62153136783360020030	363115783360020030
62153136783360070010	363115783360070010
62153125780840000143	253115780840000143
62153136779940420040	363115779940420040
62153136779940460130	363115779940460130
62153136779940600110	363115779940600110
62153136779940690110	363115779940690110
62153136779940740100	363115779940740100
62153136306720520100	363115306720520100
62153136306720530010	363115306720530010
62153136347760050110	363115347760050110
62153136347760050160	363115347760050160
62153136783360020010	363115783360020010
62153136783360030080	363115783360030080
62153136779940430150	363115779940430150
62153136779940540040	363115779940540040
62153136779940550030	363115779940550030
62153136779940560120	363115779940560120
62153136779940670010	363115779940670010
62153136779940710150	363115779940710150
62153136779940730150	363115779940730150
62153136306720620230	363115306720620230
62153136000001400300	363115000001400300
62153136347760050100	363115347760050100
62153136347760060030	363115347760060030
62153136779940620040	363115779940620040
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62153136779940740070	363115779940740070
62163206081000000140	063216081000000140
62163206081540000010	063216081540000010

Parcels in Study Area

Old Pin	New Pin
62163206000003301400	063216000003301400
62153136135900000010	363115135900000010
62153136000001400100	363115000001400100
62153136347760050130	363115347760050130
62153136347760060040	363115347760060040
62153136783360010010	363115783360010010
62153136783360040020	363115783360040020
62153125780840000142	253115780840000142
62153136779940580040	363115779940580040
62153136779940580060	363115779940580060
62153136779940600120	363115779940600120
62153136779940620080	363115779940620080
62153136779940690010	363115779940690010
62153136779940690060	363115779940690060
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62163206000003300300	063216000003300300
62163206000002300200	063216000002300200
62163206000003300400	063216000003300400

Parcels in Study Area

Old Pin	New Pin
62153201000001100600	013215000001100600
62163206000002300300	063216000002300300
62163206000003200500	063216000003200500
62163206801720000010	063216801720000010
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62153136779940690030	363115779940690030

APPENDIX B

Study Area Photographs

The following photographs document the overall conditions pertinent to the study area and outlined in the Finding of Necessity report. Although most single family homeowners have maintained their properties in the study area, many of the rental properties are dilapidated and poorly maintained. In addition, by today's standards, the non-residential inventory is functionally deteriorated and obsolete by the constraints of small sites, regulations, structure placement, and access.

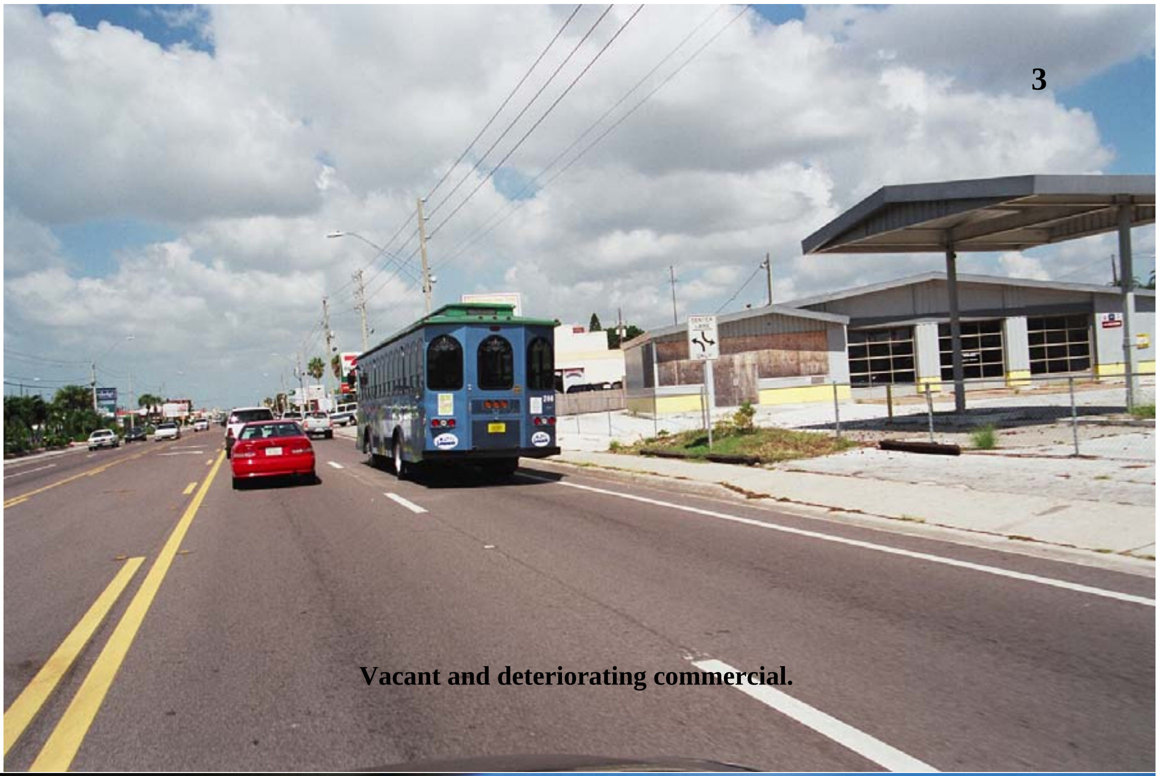
The transportation infrastructure in the study area upon which the long term sustainability of the neighborhood and area depends is not adequate to support a vibrant community and resort industry. Lack of streetscape as well as pedestrian and cycling facilities limit the uses of the network and stunt redevelopment prospects.

1

FEMA noncompliance. Density noncompliance. Sign ordinance. Infrastructure issues.

2

FEMA noncompliance. Setbacks. Dumpster enclosure in disrepair.



3

Vacant and deteriorating commercial.

4

No buffer. Shallow lot.

5

FEMA noncompliance. Setbacks. Parking and building code violations.

6

No buffer. Shallow lot.

7

Formerly commercial water sport site. Abandoned. Violation of dock ordinance. Deteriorating.

8

FEMA noncompliance. Landscaping requirements. Buffer requirements.

9

Vacant commercial. FEMA noncompliance. Setbacks. Parking requirements.

10

Deteriorating. Boarded up windows.

11

Deteriorating. Vacant.

12

FEMA noncompliance. Setback violations.

13

Density noncompliance. Parking structure setbacks. Flooding issues. City Coastal Construction Setback Line runs through the middle of the building.

14

Deteriorating site. Building Code violations.

15

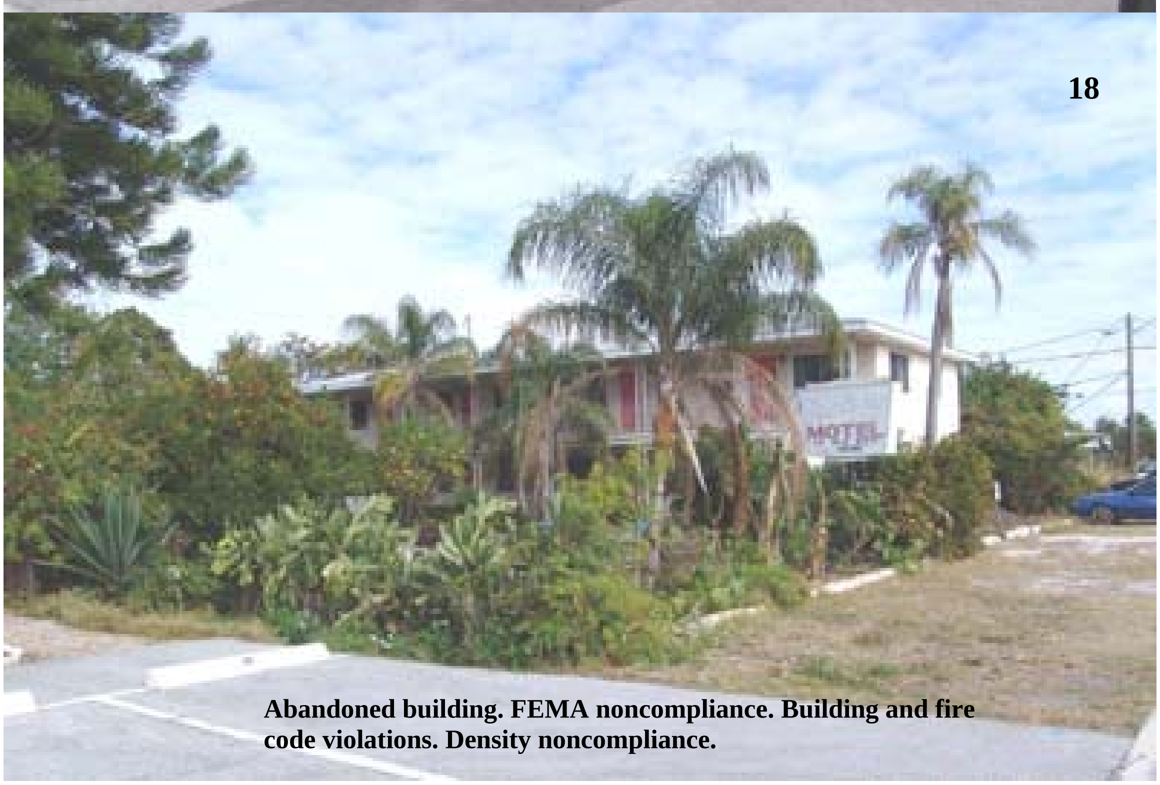
Deteriorating site. Building Code violations.

16

Deteriorating site. Building Code violations.

17

FEMA noncompliance. Setback violations.

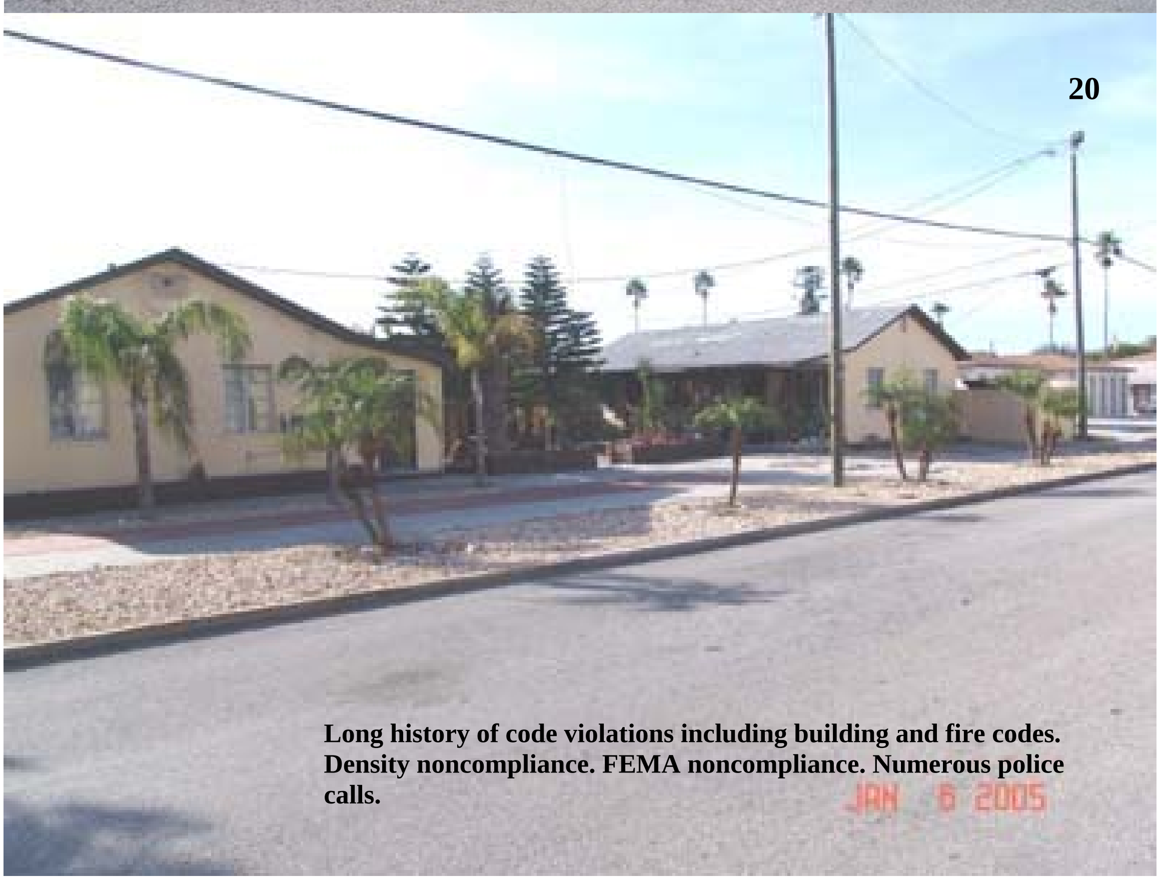


18

Abandoned building. FEMA noncompliance. Building and fire code violations. Density noncompliance.


19

Excessive use of impervious surface.



20

Long history of code violations including building and fire codes. Density noncompliance. FEMA noncompliance. Numerous police calls.

21

Long history of code violations including building and fire codes. Density noncompliance. FEMA noncompliance. Numerous police calls.

22

Abandoned apartment building. FEMA noncompliance. Density Noncompliance. Building code violations.

23

Deteriorating. Lack of buffer.

24

Building code violations. Density noncompliance. FEMA noncompliance. Multiple police calls.


25
Deteriorating.


26
Deteriorating. Boarded up windows.


27
Deteriorating.


28
Deteriorating.

29

Deteriorating Structure.

30

Yard trash. Deteriorating.

31

Abandoned. FEMA noncompliance. Building Code violations. Side-walk deterioration. Impervious surface.

32

Parking. Ingress and egress. Small lot. Impervious surface. No buffer.

33

No buffer between uses. Impervious surface. Inadequate service area. Shallow lots.

34

Insufficient parking conditions. Shallow lot. No buffer.

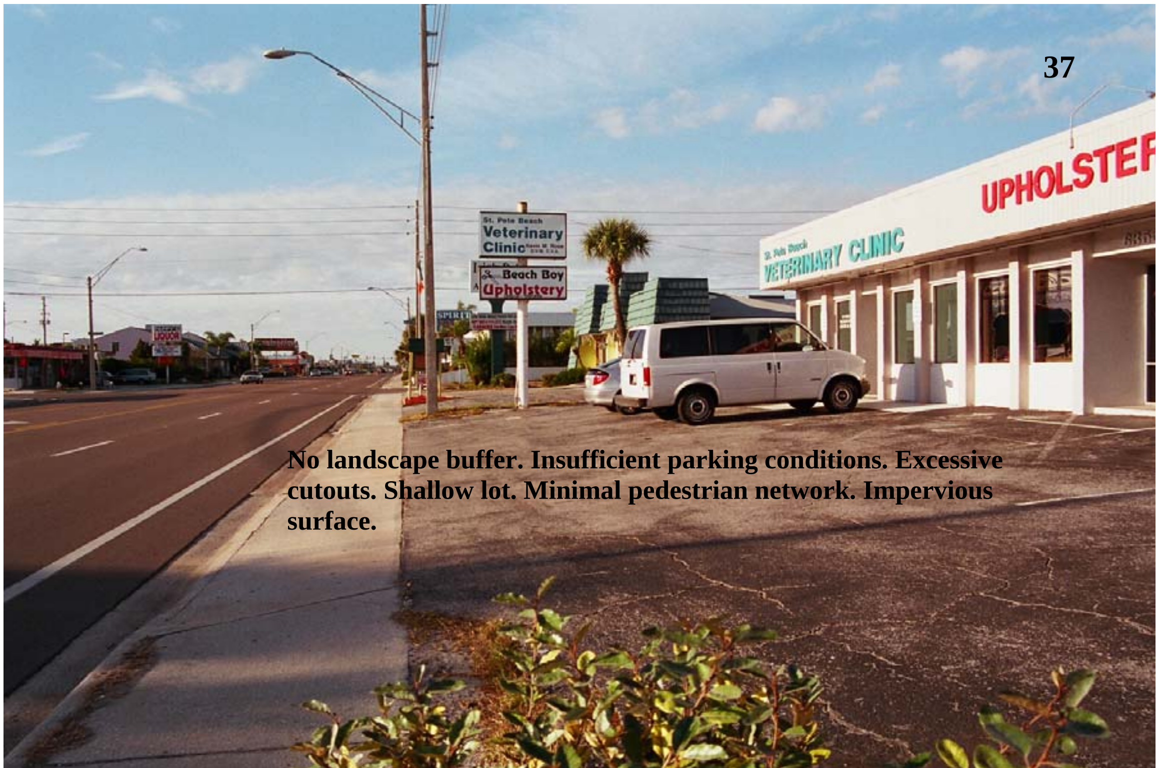
35

No screening between uses. Impervious surface.

36

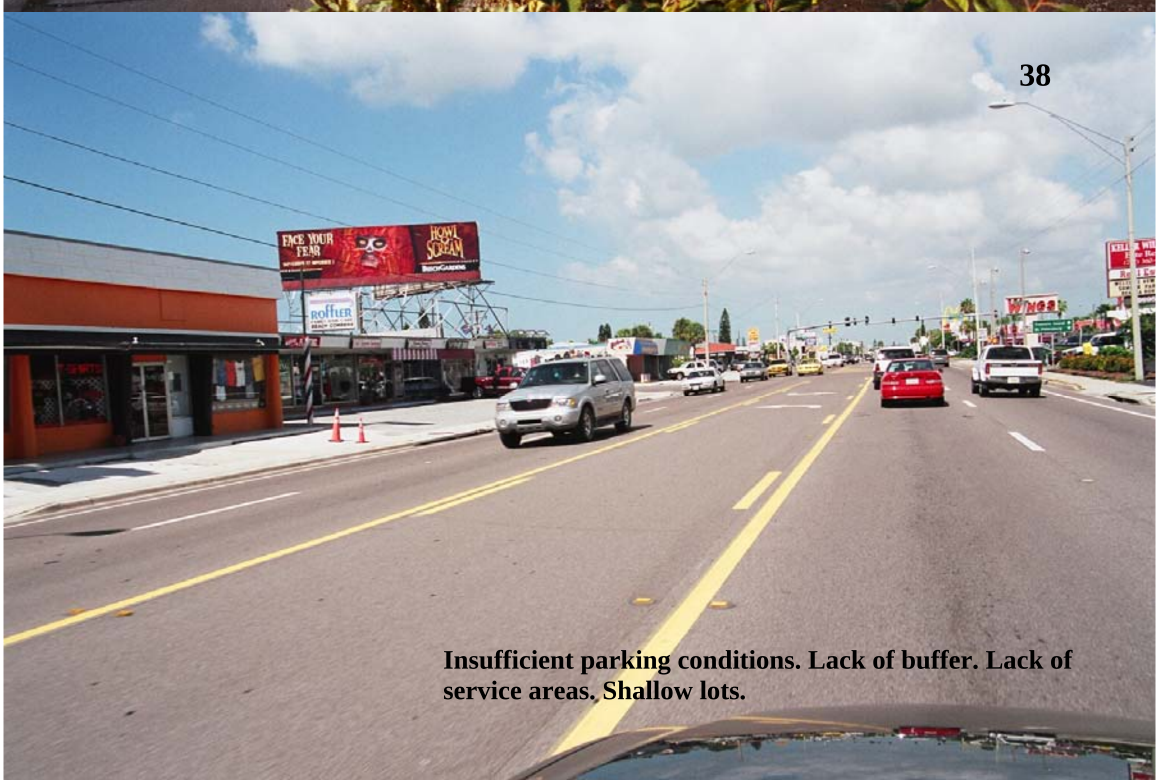
Abandoned. FEMA violations. Density violations. Building code violations.

37



No landscape buffer. Insufficient parking conditions. Excessive cutouts. Shallow lot. Minimal pedestrian network. Impervious surface.

38



Insufficient parking conditions. Lack of buffer. Lack of service areas. Shallow lots.

39

No buffering. Impervious surface. Narrow lot.

40

Ingress and egress. Insufficient parking conditions.
Lack of buffer. Lack of service areas. Shallow lots.

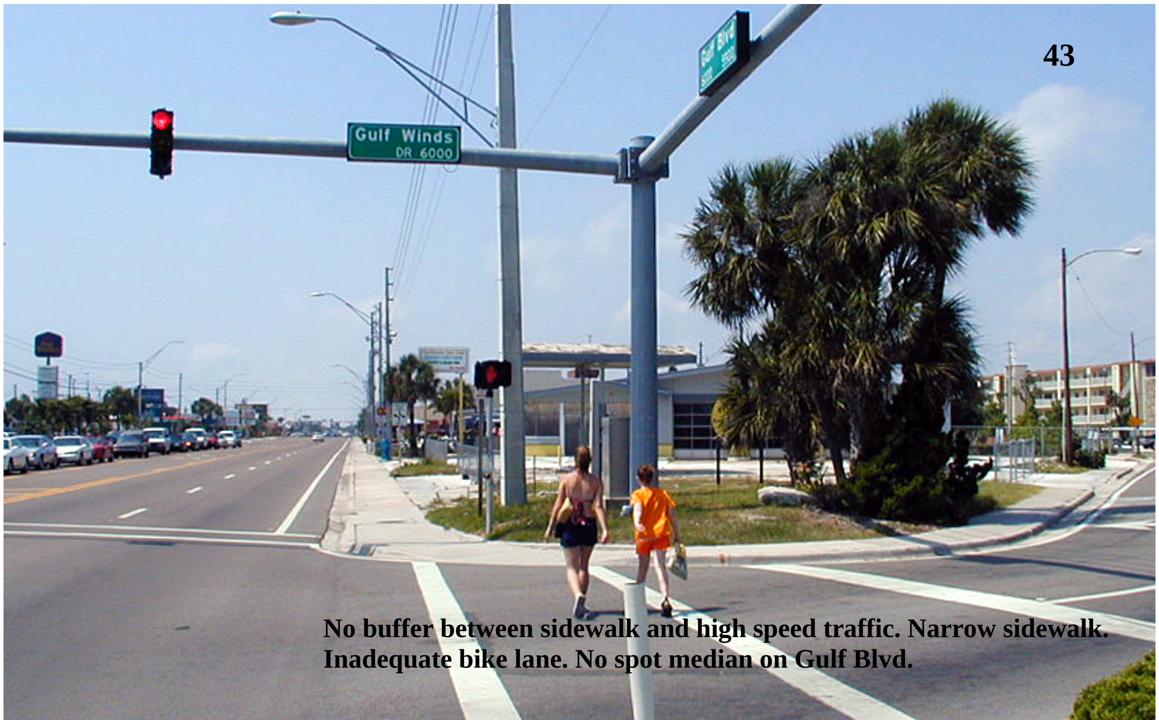
41

No crosswalk or spot median. Dangerous pedestrian conditions. No streetscape.

42

Minimal sidewalk and landscaping.

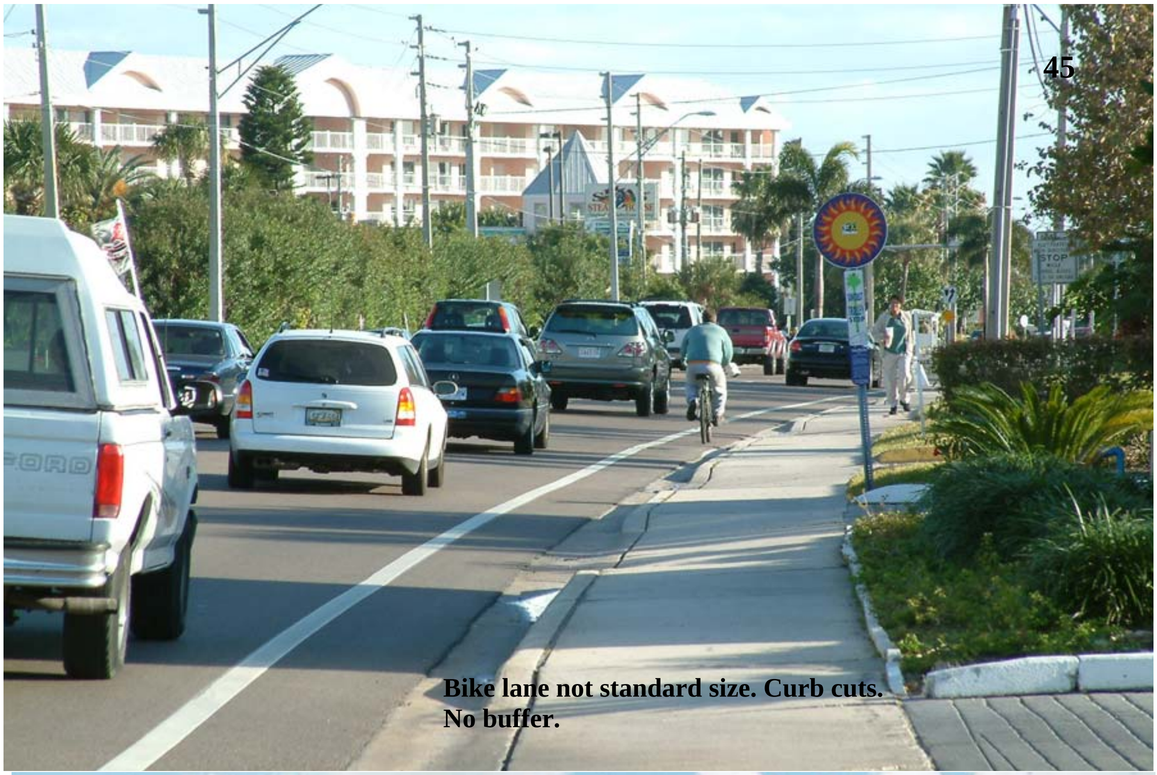
43



No buffer between sidewalk and high speed traffic. Narrow sidewalk. Inadequate bike lane. No spot median on Gulf Blvd.

44

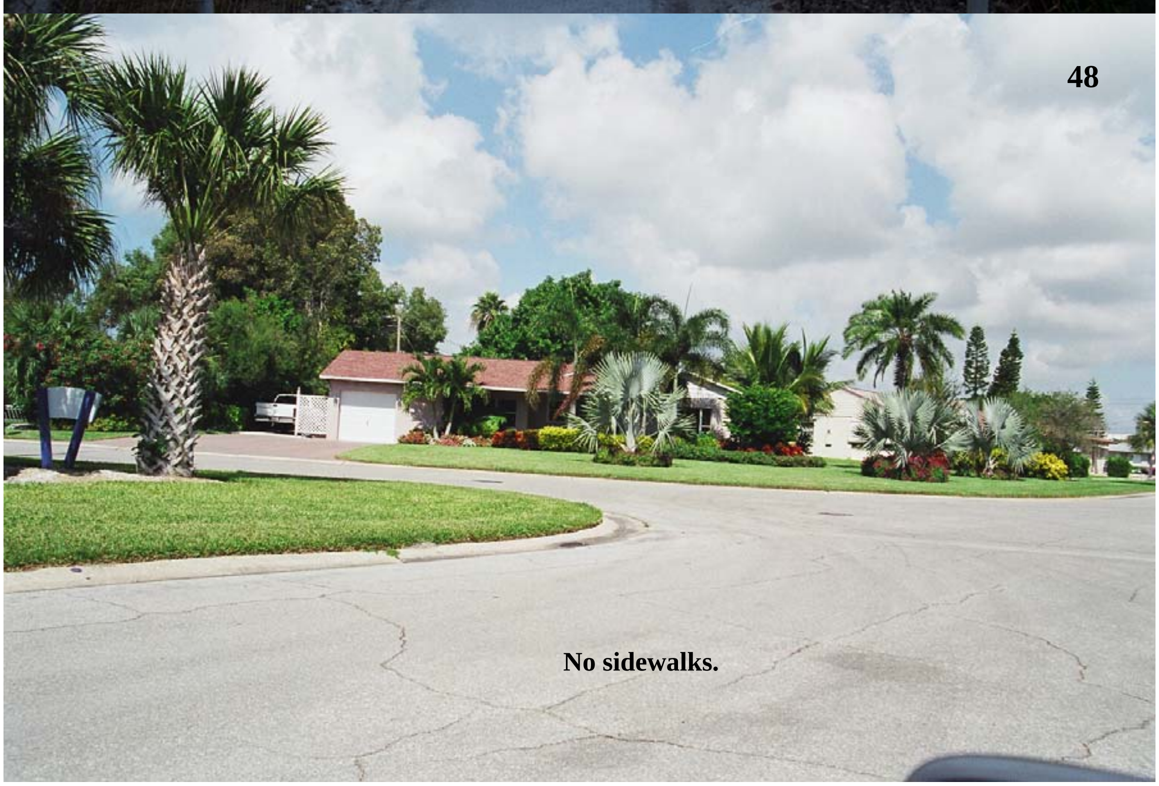
Inadequate pedestrian infrastructure. No crosswalk. No buffer.


45
Bike lane not standard size. Curb cuts.
No buffer.


46
Ingress and egress. Deteriorating infrastructure.
Inadequate pedestrian conditions.

47

Signage. Beach access.



48

No sidewalks.

49

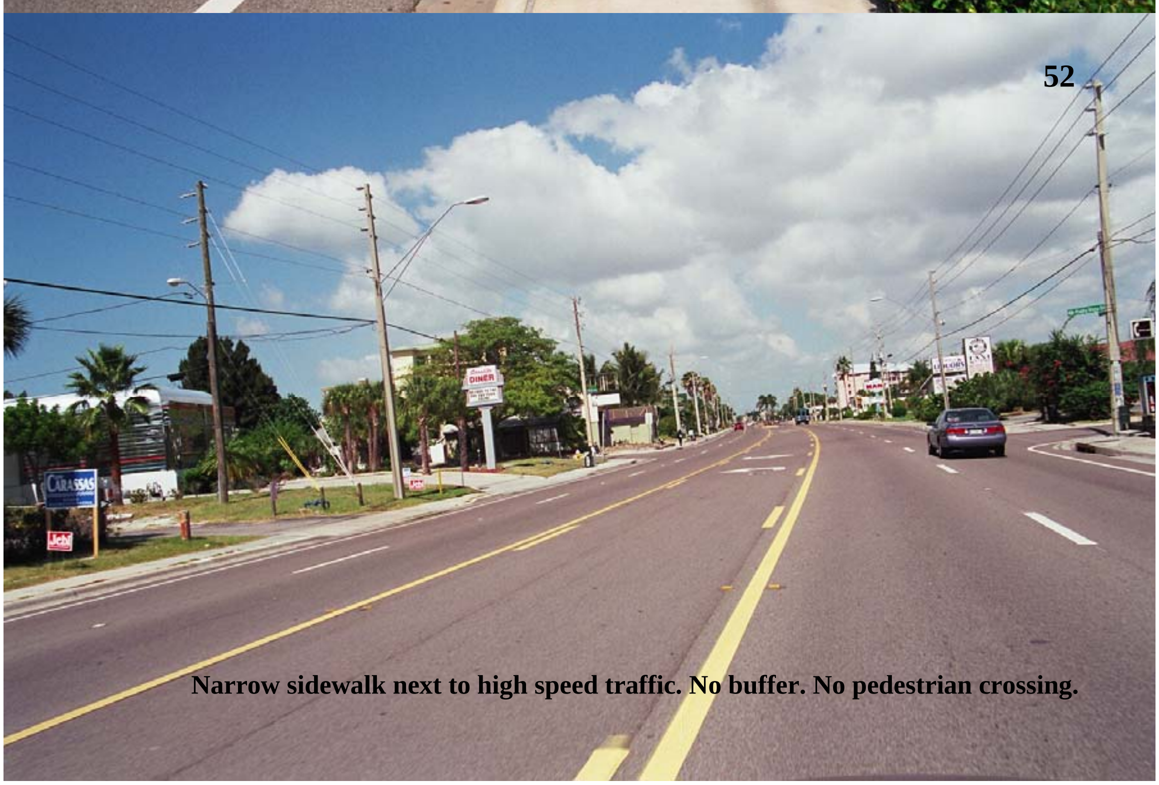
Deficient pedestrian conditions.

50

No bike facilities. Oversized residential road.

51

No buffers. Excessive ingress and egress. Bike lane not standard size. Inadequate landscaping and streetscape. Narrow sidewalk. No signage. Inadequate pedestrian crossing.



52

Narrow sidewalk next to high speed traffic. No buffer. No pedestrian crossing.


53
No bike lane. Inadequate pedestrian crossing. Spot medians.

PLANNING BOARD MEETING
CITY OF ST. PETE BEACH
COMMISSION CHAMBERS

Agenda Report

Agenda Title Name:	Florida Model Lighting Ordinance for Sea Turtle Protection
Action Request:	None - for discussion purposes.
Strategic Objective:	
Date:	June 16, 2025
Prepared By:	Brandon Berry, Senior Planner
Through:	Laura Canary, Community Development Director
Summary of Issue:	The City has been working on a revised beach ordinance since 2022, and due to both significant feedback and pending Senate Bill 180, has chosen to split the revisions into multiple parts. Within the Planning Board's purview is the City's marine lighting ordinance, Division 44, which was last majorly updated in 2007. The adopted regulations pertain to both new and existing developments but contain standards that are outdated and ineffective at preventing false crawls and hatchling misdirection. To remedy this, and as an exercise to discuss the potential limitations from Senate Bill 180, Staff intends to begin discussion on the model ordinance with the Board. While Senate Bill 180 prohibits most amendments to place greater burdens on development until late 2027, development as defined by statute specifically excludes exterior decoration and interior alterations, such as relocating lights away from windows. At the same time, the City faces some unique challenges pertaining to use of spectrometers to assess the wavelength of existing development, particularly in cases where property ownership extends to the mean high water line.
Funding:	N/A
Attachments:	1. State of Florida Model Lighting Ordinance

CHAPTER 62B-55
MODEL LIGHTING ORDINANCE FOR MARINE TURTLE PROTECTION

62B-55.001 Purpose and Intent.

Rulemaking Authority 161.163 FS. Law Implemented 161.163 FS. History–New 3-30-93, Formerly 16B-55.001, Repealed 11-26-15.

62B-55.002 Definitions.

(1) "Artificial light" or "artificial lighting" means the light emanating from any human-made device.

(2) "Beach" means the zone of unconsolidated material that extends landward from the mean low water line to the place where there is a marked change in material or physiographic form, or to the line of permanent vegetation, usually the effective limit of storm waves.

(3) "Local government" means any county listed in Rule 62B-55.003, F.A.C., and any municipality, community development district, or special taxing district within those counties.

(4) "Marine turtle" is any turtle, including all life stages from egg to adult, of the species *Caretta caretta* (loggerhead), *Chelonia mydas* (green), *Dermochelys coriacea* (leatherback), *Eretmochelys imbricata* (hawksbill), and *Lepidochelys kempi* (Kemp's ridley). For purposes of this rule, marine turtle is synonymous with sea turtle.

Rulemaking Authority 161.163 FS. Law Implemented 161.163 FS. History–New 3-30-93, Formerly 16B-55.002, Amended 12-15-20.

62B-55.003 Marine Turtle Nesting Areas.

Scientific investigations have demonstrated that marine turtles can nest along the entire coastline of the state. Historical data are not sufficient to exclude any county as an area utilized by marine turtles for nesting. For the purposes of this rule, however, the coastal areas of the state utilized, or likely to be utilized, by marine turtles for nesting include all beaches adjoining the waters of the Atlantic Ocean, the Gulf of Mexico, and the Straits of Florida and located within Bay, Brevard, Broward, Charlotte, Collier, Dade, Duval, Escambia, Flagler, Franklin, Gulf, Indian River, Lee, Manatee, Martin, Monroe, Nassau, Okaloosa, Palm Beach, Pinellas, St. Johns, St. Lucie, Santa Rosa, Sarasota, Volusia, and Walton Counties; and all inlet shorelines of those beaches.

Rulemaking Authority 161.63 FS. Law Implemented 161.163 FS. History–New 3-30-93, Formerly 16B-55.003.

62B-55.004 General Guidance to Local Governments.

The State of Florida Model Lighting Ordinance for Sea Turtle Protection effective December 15, 2020, which is hereby adopted and incorporated by reference and is available at http://www.flrules.org/Gateway/reference.asp?No=Ref-12398 and https://floridadep.gov/rcp/beaches, provides guidelines for local government regulations that control artificial lighting to protect sea turtles.

Rulemaking Authority 161.63 FS. Law Implemented 161.163 FS. History–New 3-30-93, Formerly 16B-55.004, Amended 12-15-20.

62B-55.005 Prohibition of Activities Disruptive to Marine Turtles.

Rulemaking Authority 161.63 FS. Law Implemented 161.163 FS. History–New 3-30-93, Formerly 16B-55.005, Repealed 12-15-20.

62B-55.006 Model Standards for New Beachfront Lighting.

Rulemaking Authority 161.63 FS. Law Implemented 161.163 FS. History–New 3-30-93, Formerly 16B-55.006, Repealed 12-15-20.

62B-55.007 Model Standards For Existing Beachfront Lighting.

Rulemaking Authority 161.63 FS. Law Implemented 161.163 FS. History–New 3-30-93, Formerly 16B-55.007, Repealed 12-15-20.

62B-55.008 Proposed Enforcement and Penalties.

Rulemaking Authority 161.63 FS. Law Implemented 161.163 FS. History–New 3-30-93, Formerly 16B-55.008, Repealed 12-15-20.

62B-55.009 Monitoring and Reporting Guidance.

Rulemaking Authority 161.63 FS. Law Implemented 161.163 FS. History–New 3-30-93, Formerly 16B-55.009, Repealed 11-26-15.

City/County of __________, Florida

Chapter ___.

MODEL LIGHTING ORDINANCE FOR SEA TURTLE PROTECTION

Table of Contents

ORDINANCE NUMBER 20__-__

LAND DEVELOPMENT CODE

AN ORDINANCE OF THE CITY/COUNTY OF ________ AMENDING CITY/COUNTY CODE CHAPTER____ PROVIDING FOR AMENDMENTS TO ADOPT MODEL LIGHTING REQUIREMENTS; PROVIDING FOR REPEAL OF ORDINANCES; PROVIDING FOR TERRITORY EMBRACED; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION INTO THE CODE OF ORDINANCES; PROVIDING FOR EFFECTIVE DATE.

SECTION___-1. – BASIS OF ORDINANCE

Sec. ___-1.1. - Findings of Fact

***Whereas, the City/County of** __________recognizes that light pollution of beaches is a serious threat to sea turtles and other species inhabiting its beaches; and

***Whereas, the City/County of** __________recognizes that nesting adult and hatchling sea turtles are negatively affected by light pollution created by artificial light visible from any portion of the beach; and

***Whereas, the City/County of** __________recognizes that sea turtles are protected by federal and state law; and

***Whereas, the City/County of** _________ recognizes that both its economy and the quality of life of its residents are enriched by a healthy sea turtle population; and

***Whereas, the City/County of** __________ desires to minimize the detrimental effect on nesting sea turtle populations, and other listed sensitive wildlife by implementing a system of rules and regulations that reduces the amount of artificial light intentionally or unintentionally visible from beaches;

> **Guidance: These generic Findings of Fact are illustrative only. Findings of Fact should relate to the specific context of the County or City adopting a sea turtle lighting ordinance and may include data on sea turtle nesting, and disorientation/misorientation if available. It may also include information on the qualitative and quantitative value of sea turtles to the specific beachfront economies.*

NOW, THEREFORE, BE IT ORDAINED, BY THE CITY COUNCIL/BOARD OF COUNTY COMMISSIONERS OF THE CITY/COUNTY OF _________ ON THIS ___ DAY OF ____, 20__.

Sec. ___-1.2. - Title of Ordinance

This ordinance shall be referred to as the **City/County of** _________ Lighting Ordinance for Sea Turtle Protection.

Sec. ___-1.3. - Ordinance Purpose and Objectives

The purpose of this Ordinance is to protect nesting and hatchling sea turtles on the beaches in the **City/County of** ________ by ensuring that their nesting habitat is not degraded by artificial light. The objective of the ordinance is for the appropriate design and implementation of coastal lighting systems to ensure that light pollution does not interfere with sea turtle nesting and hatching events while at the same time protecting public safety. In order to further the objective of full implementation, this Ordinance also includes provisions designed to educate residents and beach users in the **City/County of ________** on the benefits of appropriate coastal lighting and provides for regular inspections to ensure compliance with the acceptable lighting standards.

Sec. ___-1.4. - Definitions

1. **Artificial Light:** the light emanating from any human-made device.

2. **Beach:** the zone of unconsolidated material that extends landward from the mean low water line to the place where there is marked change in material or physiographic form, or to the line of permanent vegetation.

3. **Certified Wildlife Lighting:** lighting fixtures and bulbs reviewed and approved with conditions of use through the Florida Fish and Wildlife Conservation Commission's Wildlife Lighting Certification Process and published at https://myfwc.com/conservation/you- conserve/lighting/criteria/certified/.

4. **Cumulatively Visible:** light from numerous artificial light sources that as a group can be seen by an observer standing anywhere on the beach.

5. **Directly Visible:** occurs when glowing elements, lamps, globes, or reflectors of an artificial light source can be seen by an observer standing anywhere on the beach.

6. **Foot-Candle:** the English unit for measuring illuminance; the uniform illumination of a surface one foot away from a point source of one candela; one lumen per square foot; equal to 10.76 lux.

7. **Frontal Dune:** the first natural or man-made mound or bluff of sand which is located landward of the beach and which has sufficient vegetation, height, continuity, and configuration to offer protective value.

8. **Full Cutoff:** a lighting fixture constructed in such a manner that no light emitted by the fixture, either directly from the lamp or a diffusing element or indirectly by reflection or refraction from any part of the luminaire, is projected at or above 90° as determined by photometric test or certified by the fixture manufacturer.

9. **Fully Shielded:** a lighting fixture constructed in such a manner that the glowing elements, lamps, globes, or reflectors of the fixture are completely covered by an opaque material to prevent them from being directly visible from the beach. Any structural part of the light fixture providing this shielding must be permanently affixed.

10. **Indirectly Visible:** light reflected from glowing elements, lamps, globes, or reflectors of an artificial light source that can be seen by an observer standing anywhere on the beach without the light source being directly visible.

11. **Long Wavelength:** a lamp or light source emitting light wavelengths of 560 nanometers or greater and absent wavelengths below 560 nanometers.

12. **Nesting Season:** For the **City/County of** _________, the sea turtle nesting period is from __________ of each year.

    Guidance: For Brevard, Indian River, St. Lucie, Martin, Palm Beach, and Broward Counties, the sea turtle nesting period is from March 1 through October 31 of each year. For Bay, Charlotte, Collier, Dade, Duval, Escambia, Flagler, Franklin, Gulf, Lee, Manatee, Monroe, Nassau, Okaloosa, Pinellas, St. Johns, St. Lucie, Santa Rosa, Sarasota, Volusia, and Walton Counties, the sea turtle nesting period is from May 1 through October 31.

13. **Nighttime:** the locally effective time period between sunset and sunrise.

14. **Non-egress Lighting:** exterior lighting that is not being used to light a distinct route or meet minimum requirements for emergency access to or from a building, including but not limited to decorative lights (e.g. strobe lights, string lights, etc.), balcony lights, landscape lights, and uplights.

15. **Outdoor Area:** any portion of a property that could have an artificial light source not attached to a permanent structure, including but not limited to pathway lighting, landscape lighting, pool lighting, etc.

16. **Sea Turtle:** any turtle, including all life stages from egg to adult, of these species: Green (*Chelonia mydas*), Leatherback (*Dermochelys coriacea*), Loggerhead (*Caretta caretta*), Hawksbill (*Eretmochelys imbricata*), and Kemp's ridley (*Lepidochelys kempii*). For the purposes of this ordinance, the term sea turtle is synonymous with marine turtle.

17. **Sea Turtle Nesting Habitat:** all sandy beaches adjoining the waters of the Atlantic Ocean, the Gulf of Mexico, and the Straits of Florida in all coastal counties and all inlet shorelines of those beaches. Nesting habitat includes all sandy beach and unvegetated or sparsely vegetated dunes immediately adjacent to the sandy beach and accessible to nesting female turtles.

18. **Temporary Lighting:** any non-permanent light source that may be hand-held or portable including but not limited to tiki torches, lanterns, flashlights (including cell phone flashlights), candles, flash photography, etc.

19. **Tinted glass:** glass modified via tinting, film or other material to reduce the inside to outside light transmittance value.

SECTION ___-2. - SEA TURTLE LIGHTING DISTRICT

Sec. ___-2.1. - Applicability

1. An overlay district, known as the *Sea Turtle Lighting District*, is hereby established within the **City/County of _________.**

2. The *Sea Turtle Lighting District* shall include all properties within the **City/County of** _________, that may produce artificial light directly, indirectly, or cumulatively visible from any portion of the beach, regardless of whether those properties are beachfront properties.

3. The provisions of this Ordinance apply to new and existing artificial lighting visible from the beach from all buildings and related infrastructure, including streetscapes, parking lots, outdoor areas, landscaping, as well as public parks and recreational areas and all other activities within the *Sea Turtle Lighting District.*

4. The provisions of this Ordinance are not intended to prevent the use of any design, materials or method of installation or operation not specifically prescribed herein, provided any such alternate has been approved. The **City/County of** __________ may approve any such proposed alternate provided it:

   a. Provides at least approximate equivalence to the applicable specific requirements of this Ordinance, and;

   b. Is otherwise satisfactory or complies with the intent of this Ordinance, and;

   c. Has been designed or approved by a registered lighting or electrical engineer and is supported by calculations showing that the design submitted meets that intent of the Ordinance. This sub-section shall not have the effect of waiving the lumen caps specified in this Ordinance.

   d. Has been determined to meet requirements for Certified Wildlife Lighting and/or lights that meet FWC's Wildlife Lighting Guidelines, including long wavelength light sources (without the use of filters), full cut-off, and fully shielded fixtures.

5. Any person substantially aggrieved by any decision of the *Beach Lighting Inspector* or the *Building Official* made in administration of this Ordinance has the right and responsibilities of appeal to the *Advisory/Appeals Board* of this jurisdiction.

*Guidance: This Model establishes an Overlay District for the purpose of implementing the ordinance. This ordinance could be applied by simply consolidating (2) and (3) above and making it applicable to "all properties within the **City/County of** __________ that may produce artificial light directly, indirectly, or cumulatively visible from any portion of the beach, regardless of whether those properties are beachfront properties." However, creating a District may have other benefits which include incorporating other Sea Turtle best management practices not related to lighting, as well as raising awareness through signage, etc.*

Sec. ___-2.2. - Annual Public Notice

At least thirty days prior to the commencement of every sea turtle nesting season, the **City/County of** __________ shall provide notice to affected persons within the *Sea Turtle Lighting District* of the provisions contained in this Ordinance.

Declaring an official annual "lights out for sea turtles" day either the first Monday in February or April depending on the county, could also be useful. Another alternative would be designating the responsible department or official for implementing the ordinance and noticing the public.

SECTION ___-3. - LIGHTING PROVISIONS

Sec. ___-3.1. – General

Guidance: In order to provide the highest level of protection for nesting marine turtles and their hatchlings, local governments are encouraged to adopt all of the following standards for artificial beachfront lighting sources.

1. The following standards for artificial light sources are intended to help minimize harmful effects of light pollution in sea turtle nesting areas. The use of Certified Wildlife Lighting will provide the highest level of protection for nesting sea turtles and their hatchlings. Certified Wildlife Lighting refers to lighting fixtures and bulbs reviewed and approved through the Florida Fish and Wildlife Conservation Commission's Wildlife Lighting Certification Process and published at https://myfwc.com/conservation/you-conserve/lighting/criteria/certified/. Certified Wildlife Lighting and/or lights that meet FWC's Wildlife Lighting Guidelines, must be installed and maintained according to the approved conditions of use to achieve the light pollution reduction objectives of this Ordinance.

   Guidance: The FWC Certified Wildlife Lighting website references the required options and bulleted caveats for each certified fixture. These conditions of approved use are also included in the certification letter issued to the manufacturer for the fixture. FWC Sea Turtle Lighting Guidelines can be accessed at the Sea Turtles and Lights webpage at https://myfwc.com/wildlifehabitats/wildlife/sea-turtle/lighting/.

2. New construction refers to all new construction of or additions and alterations to buildings, pools, pavement, other structures, landscape areas or lighting systems, including the change or resumption of land use. The most protective lighting standards apply to new construction visible from the beach.

3. Existing artificial lighting refers to lighting fixtures, sources and systems operating prior to the effective date of this ordinance. Existing lights and light sources that are visible from the beach shall be replaced or modified to conform to standards given in Section -3.7. In order to bring existing lighting systems into future compliance with this Ordinance, standards for new coastal construction shall be applied when permits are sought for new structures or the alteration, movement, enlargement, replacement or installation of new lighting systems.

Sec. ___-3.2. Exterior and Interior Lighting Affixed to New Structures, New Construction and Improvements to Existing Structures

1. All lighting affixed to the exterior of new permanent structures, construction or additions shall be long wavelength, downward directed, full cutoff, fully shielded and mounted as close to the ground or finished floor surface as possible to achieve the required foot-candles.

2. As an exception to -3.2.1. above, non-egress lighting may be affixed to the landward exterior of permanent structures provided that the fixtures are fitted with a long wavelength source and are not directly, indirectly, or cumulatively visible from any portion of the beach.

3. Lighting at egress points shall be limited to the minimum number of fixtures and foot-candles necessary to meet federal, state, and local safety requirements.

4. Locations including but not limited to stairwells, elevators, parking garages, or courtyards shall not produce light that is directly, indirectly, or cumulatively visible from any portion of the beach. Light screens, shades or curtains shall be used to block visibility of interior lights from the beach. Light screens shall be used on open or enclosed staircases on the seaward or shore-perpendicular side of a building or for parking garages to limit visiblity of lights from the nesting beach.

5. All glass windows, walls, railings and doors on the seaward and shore-perpendicular sides of any new construction shall use tinted glass with an inside to outside light transmittance value of 45 percent or less.

   Guidance: Local governments may apply special considerations to control interior lighting from being directly visible from the beach.

6. Emergency lights are not subject to the above standards if on a separate circuit and activated only during power outtages or other situations in which emergency lighting is necessary for public safety.

Sec. ___-3.3. - Outdoor Areas

1. All lighting of outdoor areas shall be long wavelength, downward directed, full cutoff, fully shielded and mounted as close to the ground or finished floor surface as possible to achieve the required foot-candles.

2. Lighting of paths, walks and routes of building access shall use low level fixtures such as step, paver, path, recessed wall or bollard lights. Bollard lights are not to exceed 42 inches in height and other low level fixtures are to meet the height requirements of FWC's Wildlife Lighting Guidelines. Fixtures shall be downward directed and utilize long wavelength lamps and beachside shields.

3. As an exception to -3.3.1. above, non-egress outdoor lighting may be installed landward of buildings or other opaque structures provided that they are fitted with long wavelength light sources and are not directly, indirectly, or cumulatively visible from any portion of the beach.

4. Internally or externally lighted signs shall not be located on the seaward and shore-perpendicular sides of any structures, and shall not produce light that is directly, indirectly, or cumulatively visible from any portion of the beach.

5. Ponds and fountains on the seaward and shore-perpendicular sides of any structures shall not produce light that is directly, indirectly, or cumulatively visible from any portion of the beach.

6. Fire pits located on the seaward and shore-perpendicular sides of any structure shall be shielded with an opaque structure or partition, and positioned such that the flame is not directly, indirectly, or cumulatively visible from any portion of the beach. Bonfires and bonfire pits are prohibited within sea turtle nesting habitat during sea turtle nesting season.

7. Televisions or other illuminated screens shall be located landward of the dune and shall be shielded or positioned such that they are not directly, indirectly, or cumulatively visible from the beach.

Sec. ___-3.4. - Parking Areas and Roadways

1. All lighting of parking areas and roadways shall be long wavelength, downward directed, full cutoff, fully shielded, and mounted to the minimum level required to maintain compliance with federal, state and local law.

2. Parking area and roadway lighting shall be shielded from the beach via vegetation, natural features, or artificial structures rising from the ground. These shall prevent artifical light sources, including but not limited to vehiclular headlights, from producing light that is directly, indirectly, or cumulatively visible from any portion of the beach.

3. Lighting of roadways and parking areas shall produce no more lighting than the minimum requirement as outlined by federal, state and local law.

4. Lighting of parking areas and roadways shall consist of either:

   a. Ground-level downward-directed fixtures, equipped with interior dark-colored, non-reflective baffles or louvers, mounted either with a wall mount, on walls or piles, facing away from the beach, or

   b. Bollard-type fixtures, which do not extend more than 42 inches above the adjacent floor or deck, measured from the bottom of fixture, equipped with downward-directed louvers that completely hide the light source, and externally shielded on the side facing the beach, or

   c. Pole-Mounted Lights, if required, shall adhere to the restrictions located in subsection -3.4.5.

5. Pole-mounted lights shall only be used in parking areas and roadways when mounting the lights at lower elevations cannot practicably comply with minimum light levels set forth in applicable federal and state laws designed to protect public safety. If required, pole-mounted lights shall be:

   a. Located on the landward sides of buildings and shall not produce light that is directly, indirectly, or cumulatively visible from any portion of the beach,

   b. Mounted at the minimum height required to meet the minimum light level requirement-, and

   c. Downward-directed onto non-reflective surfaces.

   Guidance: Roadway and parking area lighting designed pursuant to Section 231.2.1 Wildlife-Sensitive Conventional Lighting of the Florida Department of Transportation (FDOT) Design Manual (January 1, 2020) available at https://www.fdot.gov/roadway/fdm/default.shtm and meeting the requirements of Section 992-2.4.2, Luminaires for Wildlife-Sensitive Conventional Lighting, of the FDOT "Standard Specifications for Road and Bridge Construction (January 2020)," and available at https://www.fdot.gov/programmanagement/implemented/specbooks/default.shtm, are expected to meet the minimum standards of this section.

6. Equipment yards, storage yards, and temporary security lights shall also adhere to the lighting restrictions contained in this Section.

Sec. ___-3.5. - Pool Areas

1. Lighting of pool decks, pool facilties, swimming pools, and spas shall be long wavelength and fully shielded.

2. Lighting of the pool water surfaces and the pool wet deck surfaces shall comply with the minimum light levels set forth in applicable federal and state laws designed to protect public safety.

3. Above-water lighting of pool decks, pool facilties, swimming pools, and spas shall otherwise adhere to the applicable requirements for acceptable light fixtures contained in Section 1 and Section 2 of this Section.

4. Underwater lighting of pools or spa light shall:

    a. Be mounted horizontally in the wall,

    b. Not produce light that is directly, indirectly, or cumulatively visible from any portion of the beach, and

    c. Shall comply with minimum light levels set forth in applicable federal and state laws designed to protect public safety.

Sec. ___-3.6. - Beach Access Points and Dune Walkovers

1. Lighting of beach access points shall be located and configured to only illuminate areas landward of the beach and frontal dune. All lighting of beach access points shall be long wavelength, downward directed, full cutoff and fully shielded and shall not be directly, indirectly, or cumulatively visible from the beach.

2. Lights are allowable on dune walkovers or elevated boardwalks only as required for building code purposes and may only be installed landward of the frontal dune. Walkover lighting shall not be directly, indirectly or cumulatively visible from the beach.

Sec. ___-3.7. – Existing Exterior and Interior Lighting

1. Reduce or eliminate the negative effects of existing exterior artificial lighting through the following measures:

    a. Reposition, modify or remove existing lighting fixtures so that the point source of light or any reflective surface of the light fixture is no longer directly, indirectly or cumulatively visible from the beach;

    b. Replace fixtures having an exposed light source with fully shielded fixtures;

    c. Replace any light source, light bulb or lamp that is not long wavelength (e.g. incandescent, fluorescent, or high intensity lighting) with the lowest wattage long wavelength (e.g. LED or low pressure sodium) light source or lamp available for the specific application;

d. Replace non-directional fixtures with directional fixtures that point down and away from the beach;

e. Provide shields for fixtures visible from the beach and not practical to immediately be replaced. Beachside shields are to cover 270 degrees and extend below the bottom edge of the fixture on the seaward side so that the light source or any reflective surface of the light fixture is not visible from the beach;

f. Replace pole lamps with low-profile, low-level luminaries so that the light source or any reflective surface of the light fixture is not visible from the beach;

g. Plant or improve vegetation buffers between the light source and the beach to screen light from the beach;

h. Construct a ground level barrier landward of the beach and frontal dune to shield light sources from the beach. Ground-level barriers are to be considered a last resort when no other remediation of the light source is feasible. Ground level barriers may be subject to state coastal construction control line regulations under section 161.053, Florida Statutes, and must not interfere with sea turtle nesting or hatchling emergence, or cause short- or long- term damage to the beach and dune system;

i. Permanently remove or permanently disable any fixture which cannot be brought into compliance with the provisions of these standards.

2. Take one or more of the following measures to minimize interior light emanating from doors and windows within line-of-sight of the beach:

   a. Apply window tint or film that meets the light transmittance standards for tinted glass;

   b. Rearrange lamps and other moveable fixtures away from windows;

   c. Use opaque shades or room darkening window treatments (e.g., blinds, curtains, screens) to shield interior lights from the beach.

Guidance: In order to provide the highest level of protection for nesting marine turtles and their hatchlings, local governments are directed to adopt all of the above standards for existing artificial beachfront lighting sources.

Sec. ___-3.8. – Pier Structures

1. Lighting of pier structures projecting over the beach or over water shall be long wavelength, downward-directed, and fully shielded.

2. Lighting of pier structures projecting over the beach, or over water, shall be mounted no higher than 42 inches above the deck surface. These shall be directed onto the deck surface only, preventing light pollution or light spillage beyond the walking surface.

3. Lighting of pier structures projecting over the beach or over water shall comply with minimum light levels set forth in applicable federal and state laws designed to protect public safety.

Guidance: Note that the pier light standards do not address light sources from illuminated screens or signage associated with restrooms or bait shops on piers.

Sec. ___-3.9. - Special Events, Motor Vehicles, and Temporary Lighting

1. Lighting associated with a special event that may directly, indirectly, or cumulatively be visible from any portion of the beach shall not be authorized at nighttime during sea turtle nesting season.

2. The operation of all motorized vehicles, except emergency and law enforcement vehicles or those permitted on the beach for sea turtle conservation in accordance with Florida Statute 379.2431 (1), or other research and conservation, shall be prohibited on the beach at nighttime during sea turtle nesting season.

3. Within sea turtle nesting season, temporary work zone lighting for roadway construction and during declared emergencies shall be directed away from the beach to avoid illumination of or direct visibility from the beach. Work zone luminaires shall be shielded to avoid lighting areas outside of the immediate construction area.

4. All other temporary construction lighting shall be:

    a. Inclusive of all the standards of this Section, including using fixtures that are long wavelength, downward directed, full cutoff, and fully shielded so light is not directly or indirectly visible from the beach, and

    b. Turned off during nighttime in sea turtle nesting season, or if authorized by the *Beach Lighting Inspector* during sea turtle nesting season, shall only be allowed from 6:00am to 9:00pm, must be restricted to the minimal amount necessary, and shall incorporate all the standards of this Section, and

    c. Mounted less than eight feet above the adjacent floor or deck, measured from the bottom of fixture, and

    d. Restricted to the minimal number of foot-candles necessary to conform to the applicable construction safety regulations.

5. Handheld and other portable temporary lighting shall not be directed toward or used in a manner that disturbs sea turtles or other coastal wildlife.

SECTION ___-4. - COMPLIANCE AND ENFORCEMENT PROCEDURES

Sec. ___-4.1. - Beach Lighting Inspector

1. A position, known as the **City/County of __________** *Beach Lighting Inspector*, is hereby established.

    Guidance: While the model creates a beach lighting inspector, local governments may choose to identify someone already on staff, such as a code enforcement officer, for the position. It is *most important that the designated individual receive appropriate training.*

2. It shall be the duty of the City/County Manager to appoint the *Beach Lighting Inspector*. The *Beach Lighting Inspector* shall have the necessary training, technical knowledge, and resources to enable them to effectively carry out the duties of this office. The *Beach Lighting Inspector* may access resources provided by other local, state or federal agencies such as the *Sample Beach Lighting Survey Worksheet*, training, and other information available from the Florida Fish and Wildlife Conservation Commission.

3. The *Beach Lighting Inspector* shall be responsible for:

    a. Inspecting the entire beach within the jurisdictional boundaries of the **City/County of** _________ regularly during sea turtle nesting season to determine the extent of compliance with this Ordinance.

    b. In the event of the finding of a violation at a particular public or private property, conducting further inspections at the property at any time beginning on the night after the deadline date given on the written notice of violation. These follow-up inspections shall continue until the lighting has been brought into compliance with this Ordinance.

    c. *Beach Lighting Inspector* responsibilities may also include preparation of reports, issuance of non-compliance notices, outreach and education, supporting administrative actions before a review board or special magistrate, or attending building permit pre-application and pre-construction conferences.

    Guidance: At minimum, night time lighting surveys and compliance inspections are recommended before and during sea turtle nesting season. Compliance inspections that are conducted frequently throughout the nesting season may be beneficial to local governments in identifying and addressing noncompliant lighting.

4. It shall be unlawful for any person to interfere with, or in any manner hinder the *Beach Lighting Inspector*, or any of their assistants, while in the discharge of their duties under the terms of this Ordinance.

5. It shall be unlawful for any person to knowingly conceal or disable any lighting on a property before it has been inspected by the *Beach Lighting Inspector*.

Sec. ___-4.2. - Notice of Violation

1. Upon finding any violation of this Ordinance, the *Beach Lighting Inspector* shall deliver a written notice of the violation of this Ordinance to the property owner and direct said owner to promptly remove or remediate lighting not in compliance with this Ordinance.

2. The time allowed for making the repairs shall be stated in the notice and should the responsible party neglect or refuse to remove or remediate non-compliance within the specified time stated in the notice, the party so offending shall commit a violation of this Ordinance and be penalized as provided in Subsection ___-4.3 of this Ordinance.

Sec. ___-4.3. - Penalties

1. Any person who takes any action or omission in violation of any provision of this Ordinance and fails to resolve such violation after proper notice is provided, shall be subject to a fine of up to $____ per day per violation for initial violations, and $ ____ per day per violation for repeat violations. All penalties incurred as a result of violation of this Ordinance shall continue to accrue until such violations are cured.

2. The **City/County of _________** shall have the right to encumber such property in violation of this Ordinance with a lien for an amount equal to the total amount of fines owed at the time such lien is recorded.

Sec. ___-4.4. - Sea Turtle Fund

1. A *Sea Turtle Fund* is hereby established within the **City/County of _________.**

2. All funds collected as a result of the issuance of fines under Section 3 of this Part shall be deposited in the *Sea Turtle Fund*. The funds in this account shall be used for:

    a. Assistance to property owners for the procurement of light systems equipment and materials that comply with this Ordinance and reduce the amount of artificial beach lighting,

    b. Educational materials to inform the general public on the threats of artificial lighting to sea turtles, including but not limited to signs, door knockers, pamphlets, stickers, public service announcements, and other awareness campaigns, and

    c. Equipment, materials and other resources supporting compliance assistance and enforcement by the *Beach Lighting Inspector*.

    d. Other reasonable efforts to protect the sea turtle population within the **City/County of** _________, including but not limited to research and conservation projects.

3. The **City/County of** _________ may contribute funding from other sources into the *Sea Turtle Fund* for uses consistent with the purposes set forth above.

SECTION ___-5. - OTHER CLAUSES

Sec. ___-5.1. - Conflict with Other Ordinances

If this Ordinance conflicts with any other Ordinance or requirement of the **City/County of _________,** then this Ordinance shall control during sea turtle nesting season. Deviations from this Ordinance shall be subject to the variance procedures as established by this City/County.

Sec. ___-5.2. - Severability

If any Section or Subsection of this Ordinance is invalidated for any reason, the effected portion may be eliminated or modified to correct the reason of invalidation, if feasible without materially altering or negating the Ordinance Goals and the principles of sea turtle lighting.

Sec. ___-5.3. - Effective Date

The **City/County of** _________ Lighting Ordinance for Sea Turtle Protection shall become effective upon recommendation by ____________ and approval by the _____________.