

Appendix C. Regulations

The following regulations relate to the authority to develop and implement a Post-Disaster Redevelopment Plan as described in **Section 2**.

C.1 STATE REQUIREMENTS FOR PDRP DEVELOPMENT

All communities in Florida have already begun planning for pre-disaster mitigation and the immediate response in the post-disaster period through the Local Mitigation Strategy and Comprehensive Emergency Management Plan, respectively. Chapter 163 of the Florida Statutes requires that each general purpose local government with jurisdiction over coastal lands prepare a coastal management element in their Comprehensive Plan based on studies, surveys, and data (Section 163.3177(6)(g) F.S.). It further requires that the coastal element contain a redevelopment component outlining the principles to be used to eliminate inappropriate and unsafe development in the coastal areas when the opportunity arises. Those local governments that are not required to prepare coastal management elements are encouraged to adopt hazard mitigation/post-disaster redevelopment plans, which should, at a minimum, establish long-term policies regarding redevelopment, infrastructure, densities, nonconforming uses, and future land use patterns (Sections 163.3177(7)(l) and (2), F. S.).

Rule 9J-5 requires the preparation of post-disaster redevelopment plans, in order to reduce or eliminate the exposure of human life and public and private property to natural hazards (Section 9J-5.012 (3)(b)(8) F.A.C.). The plans must contain an identification of the coastal high-hazard areas and an inventory or analysis of natural disaster planning concerns related to post-disaster redevelopment to include:

- an inventory within the coastal high-hazard areas of the existing and proposed land use including infrastructure and beach and dune conditions (F.A.C. 9J-5.012 (2) (e));
- an inventory of structures with a history of repeated damage in coastal storms and coastal or shore protection structures (F.A.C. 9J-5.012 (2) (e)).

In addition, the plans must contain policies that:

- distinguish between immediate repair and cleanup actions needed to protect public health and safety and long-term repair and redevelopment activities (F.A.C. 9J-5.012 (3)(c)(5));
- address the removal, relocation, or structural modification of damaged infrastructure as determined appropriate by the local government but consistent with federal funding provisions and unsafe structures (F.A.C. 9J-5.012 (3)(c)(5));
- limit redevelopment in areas of repeated damage (F.A.C. 9J-5.012 (3)(c)(5)); and
- policies for incorporating the recommendations of interagency hazard mitigation reports, as deemed appropriate by the local government, into the local government's comprehensive plan when the plan is revised during the evaluation and appraisal process. (F.A.C. 9J-5.012 (3)(c)(5))

Finally, the plan must include:

- the identification of areas needing redevelopment, and measures to eliminate unsafe conditions and inappropriate uses within these areas as opportunities arise (F.A.C. 9J-5.012 (3)(c)(6));
- an analysis of the potential for relocating threatened infrastructure within the coastal high-hazard areas (F.A.C. 9J-5.012 (2) (e)); and
- an analysis of measures which could be used to reduce exposure to hazards in coastal areas, including relocation, structural modification, and public acquisition (F.A.C. 9J-5.012 (2) (e)).

Statutory requirements do not currently identify a specific state agency responsible for reviewing the plan, nor does it state specific language to be used for detailed standards. Communities are therefore able to tailor their PDRP to best address their hazards, recovery and redevelopment from potential disasters.

C.2 EMERGENCY POWERS

Chapter 252.38 of the Florida Statutes, Emergency management powers of political subdivisions, provides counties with the authority to manage emergencies countywide. It calls for the creation of an emergency management agency in each county which will provide coordination of post-disaster activities within the county, municipalities, and school board and be the liaison with the state. Section 3 of the chapter lays out the emergency powers granted to each county including expending funds, invoking mutual aid, and actions to ensure performance of public work in an emergency (see below).

Excerpt from Chapter 252.38, F.S., *Emergency management powers of political subdivisions*:

(3) EMERGENCY MANAGEMENT POWERS; POLITICAL SUBDIVISIONS.--

(a) In carrying out the provisions of ss. 252.31-252.90, each political subdivision shall have the power and authority:

1. To appropriate and expend funds; make contracts; obtain and distribute equipment, materials, and supplies for emergency management purposes; provide for the health and safety of persons and property, including emergency assistance to the victims of any emergency; and direct and coordinate the development of emergency management plans and programs in accordance with the policies and plans set by the federal and state emergency management agencies.
2. To appoint, employ, remove, or provide, with or without compensation, coordinators, rescue teams, fire and police personnel, and other emergency management workers.
3. To establish, as necessary, a primary and one or more secondary emergency operating centers to provide continuity of government and direction and control of emergency operations.
4. To assign and make available for duty the offices and agencies of the political subdivision, including the employees, property, or equipment thereof relating to firefighting, engineering, rescue, health, medical and related services, police, transportation, construction, and similar items or services for emergency operation purposes, as the primary emergency management forces of the political subdivision for employment within or outside the political limits of the subdivision.

5. To request state assistance or invoke emergency-related mutual-aid assistance by declaring a state of local emergency in the event of an emergency affecting only one political subdivision. The duration of each state of emergency declared locally is limited to 7 days; it may be extended, as necessary, in 7-day increments. Further, the political subdivision has the power and authority to waive the procedures and formalities otherwise required of the political subdivision by law pertaining to:
 - a. Performance of public work and taking whatever prudent action is necessary to ensure the health, safety, and welfare of the community.
 - b. Entering into contracts.
 - c. Incurring obligations.
 - d. Employment of permanent and temporary workers.
 - e. Utilization of volunteer workers.
 - f. Rental of equipment.
 - g. Acquisition and distribution, with or without compensation, of supplies, materials, and facilities.
 - h. Appropriation and expenditure of public funds.

(b) Upon the request of two or more adjoining counties, or if the Governor finds that two or more adjoining counties would be better served by an interjurisdictional arrangement than by maintaining separate emergency management agencies and services, the Governor may delineate by executive order or rule an interjurisdictional area adequate to plan for, prevent, mitigate, or respond to emergencies in such area and may direct steps to be taken as necessary, including the creation of an interjurisdictional relationship, a joint emergency plan, a provision for mutual aid, or an area organization for emergency planning and services. A finding of the Governor pursuant to this paragraph shall be based on one or more factors related to the difficulty of maintaining an efficient and effective emergency prevention, mitigation, preparedness, response, and recovery system on a unijurisdictional basis, such as:

1. Small or sparse population.
2. Limitations on public financial resources severe enough to make maintenance of a separate emergency management agency and services unreasonably burdensome.
3. Unusual vulnerability to emergencies as evidenced by a past history of emergencies, topographical features, drainage characteristics, emergency potential, and presence of emergency-prone facilities or operations.
4. The interrelated character of the counties in a multicounty area.
5. Other relevant conditions or circumstances.

C.3 LOCAL AUTHORITY TO DEVELOP A PDRP

Comprehensive Plan

The Hillsborough County Comprehensive Plan includes the following section on Post-Disaster Redevelopment in the Coastal Element (Hillsborough County Board of County Commissioners, 2008).

Post-Disaster Redevelopment

Issue: A high concentration of structural loss has been projected for the coastal high hazard area during hurricanes due to storm surges and high winds, and both the public and private sector would be subjected to major losses due to hurricane damage. Repairing or replacing damaged structures and infrastructure due to hurricanes will

subject them to renewed damage during any repeat occurrence of a hurricane. Hospitals, nursing homes, assisted living facilities, and correctional facilities located in the coastal high hazard area would be subjected to higher risks during a natural disaster due to special needs evacuation. These uses are best located away from the coastal high hazard area so that evacuation would not be required. Because the coastal high hazard area is subjected to major hurricane damage, this area will require mitigating steps to restrict and eliminate inappropriate and unsafe development when the opportunity arises.

Objective 12: The County shall continue to implement a post-disaster redevelopment ordinance to reduce or eliminate the exposure of human life and public and private property to natural hazards.

Policy 12.1:

The County's Comprehensive Emergency Management Plan (CEMP) shall be referred to concerning post-disaster activities within the coastal high hazard area. The CEMP specifies the actions necessary for immediate response and clearance of debris in order to protect the public health and safety.

Policy 12.2:

The County shall continue to implement, review, and amend as needed its Post-Disaster Redevelopment Ordinance, addressing long-term development, repair, and redevelopment activities, and including measures to restrict and eliminate inappropriate and unsafe development in the coastal high hazard area through Plan designated uses, zoning, and density and intensity limitations.

Policy 12.3:

The County shall maintain an inventory and assessment of the value of all public facilities within the coastal high hazard area.

Policy 12.4:

Any structure or infrastructure within the coastal planning area that is damaged in excess of 50 percent of its most recent assessed value, shall be rebuilt in conformance with all current standards and requirements, including those enacted since the construction of the structure or infrastructure, except as otherwise stated in the Hillsborough County Post Disaster Redevelopment Ordinance (Ordinance 93-20).

Comprehensive Emergency Management Plan (CEMP)

The Hillsborough County CEMP includes a Recovery Annex which specifics roles and responsibilities for disaster recovery. The following are excerpts pertinent to implementation of the PDRP.

Part III Recovery, page 2:

F. The County Administrator is responsible for the overall coordination of recovery efforts. During the early phases of recovery, most efforts will be coordinated by the EOC Operations Group. All EOC Operations Group elements will be involved in recovery operations (see Basic Plan, Appendices 10 and 11 for a specific listing of departments and agencies). As the recovery process evolves and the EOC deactivates, recovery functions will be conducted and coordinated by the departments and agencies involved. Emergency Management will monitor recovery activities throughout the process.

Part III Recovery, page 37:

4. The Planning & Growth Management Department is responsible for the county's post disaster redevelopment plan. The county has a post disaster redevelopment ordinance which addresses actions to be taken with regard to redevelopment after a disaster. This

ordinance designates a Redevelopment Task Force composed of community leaders in the public and private sectors to address redevelopment issues.

5. The post disaster redevelopment plan will be updated by P&GM as required. Lessons learned from a disaster will mandate a review and update of the plan.

Hillsborough County Redevelopment Ordinance

See attached for Ordinance 93-20 pertaining to the unincorporated county.

ORDINANCE NUMBER 93-20

AN ORDINANCE TO GUIDE REDEVELOPMENT AND MITIGATION FOLLOWING A STORM EVENT OR OTHER NATURAL DISASTER WITHIN THE UNINCORPORATED AREAS OF HILLSBOROUGH COUNTY, FLORIDA; PROVIDING THE PURPOSE AND INTENT OF THE ORDINANCE; PROVIDING FOR JURISDICTION; PROVIDING DEFINITIONS; PROVIDING FOR THE ENACTMENT, RESPONSIBILITIES, COMPOSITION, CHAIRPERSON, DURATION, AND REPEALING OR EXTENDING OF A REDEVELOPMENT TASK FORCE; PROVIDING FOR DETERMINATION OF DAMAGE; PROVIDING A REDEVELOPMENT POLICY; PROVIDING FOR A DECLARATION OF AN INITIAL BUILDING MORATORIUM; PROVIDING FOR PROVISIONS FOR MORATORIUMS; PROVIDING FOR AUTHORITY; PROVIDING PENALTIES; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Hillsborough County area is vulnerable to a variety of natural or man-made hazards which may result in emergencies causing substantial injury or harm to the population or substantial damage to or loss of property; and

WHEREAS, Chapter 252, Florida Statutes, provides the Board of County Commissioners the authority to declare a state of local emergency and take actions necessary to ensure the safety and well being of its residents, visitors and property during emergencies caused by these hazards; and

WHEREAS, Chapter 125, Florida Statutes, provides the authority for the Board of County Commissioners of Hillsborough County, Florida to adopt ordinances; and

WHEREAS, pursuant to Chapter 163, Florida Statutes, the Board of County Commissioners of Hillsborough County adopted the Comprehensive Plan promulgated by Hillsborough County Ordinance Number 89-28 on July 26, 1989 and became effective on July 26, 1989; and

WHEREAS, the Hillsborough County Comprehensive Plan Coastal Management and Port Element Goal 1 requires Hillsborough County to protect, restore and appropriately manage the natural resources of the coastal area to maintain or enhance environmental quality for present and future generations by restricting development and redevelopment that would damage or destroy the natural resources of the coastal area; and

WHEREAS, the Hillsborough County Comprehensive Plan Coastal Management and Port Element Goal 2 requires Hillsborough County to strive to protect human life and property in

the Coastal High Hazard Area, and limit public expenditures for infrastructure in areas susceptible to destruction by natural disasters; and

WHEREAS, the future of Hillsborough County Comprehensive Plan's Coastal Management and Port Element Objective 12 requires that Hillsborough County develop a post-disaster redevelopment plan for the coastal high hazard area and to adopt regulations necessary for its implementation; and

WHEREAS, the future of Hillsborough County Comprehensive Plan Coastal Management and Port Element Objective 10 requires the limitation of public expenditures for infrastructure and facilities in the coastal high hazard area; and

WHEREAS, the future of Hillsborough County Comprehensive Plan Coastal Management Element Policy 12.2 requires the County, by 1992, to prepare a post-disaster redevelopment plan which includes measures to restrict and eliminate inappropriate and unsafe development in the coastal high hazard area; and

WHEREAS, the future of Hillsborough County Comprehensive Plan Coastal Management and Port Element Policy 12.5 requires the County, by 1992, to adopt a redevelopment decision-making matrix for deciding whether public infrastructure should be rebuilt, relocated or structurally modified; and

WHEREAS, it is the intent of- Hillsborough County to take reasonable action to guide redevelopment during the recovery period following an emergency, or storm event.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA:

SECTION ONE. PURPOSE AND INTENT OF ORDINANCE

It is the intent of the County to establish, prior to a storm event or emergency, a redevelopment task force which will oversee the reconstruction process and serve as an advisory committee to the Board of County Commissioners on recovery and redevelopment issues. This body will also identify opportunities to mitigate future damages through the management of recovery and redevelopment. To further this intent, the County will make every effort to develop its capacity to identify and coordinate various post-disaster recovery and redevelopment resources while at the same time ensuring maximum local control over the recovery and redevelopment process.

Following a damaging storm event or emergency, sufficient time must be provided to conduct a damage assessment, classify and categorize individual structure damages, and to conduct an evaluation into the effectiveness and enforcement of the existing building code. It is the intent of the County to allow rebuilding and redevelopment in an orderly manner in accordance with this ordinance and the future of the Hillsborough County Comprehensive Plan by controlling the issuance of building permits in order to manage the location, timing, and sequence of reconstruction and repair, as well as ensuring that mitigation occurs.

Nothing in this Ordinance construed to prohibit the County from taking any other legal action.

SECTION TWO. JURISDICTION.

This Ordinance shall apply to all areas within Hillsborough County, Florida under the jurisdiction of the Hillsborough County Board of County Commissioners.

SECTION THREE. DEFINITIONS.

The following terms and definitions shall apply for the purposes of this ordinance.

- A. "Building Value" means the latest total assessment of all improvements on a parcel of land recorded on the Hillsborough County Property Appraiser's file before the structure was damaged. Building value for structures not yet on the rolls of the Property Appraiser or under construction shall be valued by an alternative method.
- B. "Building Official" means the Director of the Building Department or his/her designee, who is hereby designated by the Board of County Commissioners of Hillsborough County, Florida to implement, administer and enforce the building permit moratoria provisions of this ordinance.
- C. "Damage Assessment" means a systematic procedure for evaluating damage to public and private property, based on current replacement cost. The assessment is used to determine if the area can qualify for federal or state disaster assistance.
- D. "Destroyed Structure" means a structure that is a total loss or damaged to such an extent that repairs are not technically or economically feasible. The indicator for this category is

if the cost of repairing the structure exceeds fifty (50%) percent of the replacement cost of the structure at the time of damage or destruction.

- E. "Emergency" means any occurrence, or threat thereof, whether accidental, natural, or caused by man, in war or in peace, which results or may result in substantial injury or harm to the population or substantial damage to or loss of property (Chapter 252, Florida Statutes -1989).
- F. "Local Damage Assessment Team" means a group of individuals designated by the local jurisdiction to perform a damage assessment according to State and Federal requirements.
- G. "Major Damaged Structure" means a structure that can be made habitable with extensive repairs. Damage may include foundation, roof structure, and major structural components. The indicator for this category is if the cost to repair is greater than twenty percent (20% and up to and including fifty percent (50%) of the replacement cost at the time of damage.
- H. "Minor Damaged Structure" means a structure that can be made habitable in a short period of time with minimal repairs. Damages may include doors, windows, floors, roofs, mechanical systems, and for other minor structural damage. The threshold in this category is if the cost to repair is less than or equal to twenty percent (20%) of the replacement cost of the structure at the time of damage.
- I. "Redevelopment Task Force" means a group of officials designated by and for purposes of this ordinance, as outlined in Section Four of this Ordinance.
- J. "Replacement Cost" means the actual cost to repair, reconstruct, rebuild or replace a damaged structure. For purposes of this ordinance, the replacement cost shall be compared to the structure's building value contained in the Hillsborough County Property Appraiser's file to determine the percent of the structure damaged category.
- K. "Storm Event" means any severe, natural weather event causing damage and destruction of property. A storm event shall include, but not be limited to, hurricanes, tropical storms, severe thunderstorms, tornadoes, and waterspouts.
- L. "Structure" as defined in the Land Development Code, means anything constructed or erected which requires location on the ground or attachment to something having a fixed location on

the ground, including but not limited to principal or accessory buildings, signs, fences, walls, ridges, monuments, flagpoles, antennas, transmission poles, towers and cables.

SECTION FOUR. REDEVELOPMENT TASK FORCE.

- A. Planning Role of the Redevelopment Task Force. The Redevelopment Task Force shall meet on a continuing and regularly scheduled basis to discuss its specific roles and responsibilities in accordance with this ordinance, and relative issues associated with the recovery from a major storm event or emergency. This would include, but not be limited to, setting its own procedures and rules, preparing a redevelopment plan for the County, developing procedures to carry out the County's redevelopment policy, developing policies for redeveloping land areas that have sustained repeated damages from storm events, developing priorities for relocating and acquiring damaged property, establishing special committees and subcommittees within the task force to deal with specific issues during the disaster recovery process, establishing criteria to determine reconstruction and redevelopment priorities,. developing procedures that promote the mitigation of future disaster damage through activities carried out during recovery and redevelopment, and recommending changes to the Hillsborough County Post-Disaster Redevelopment Ordinance and "the Hillsborough County ,comprehensive Plan.

- B. Activation of the Redevelopment Task Force. For post-disaster responsibilities, the redevelopment task force shall be activated and mobilized upon the request by the Board of County Commissioners or when directed by the County Administrator.

- C. Responsibilities of the Redevelopment Task Force. The redevelopment task force shall be responsible for advising the Board of County Commissioners on a wide range of post-disaster recovery, reconstruction, and mitigation issues. The task force shall have the following responsibilities:
 - 1. To receive and review damage reports and other analyses of post-disaster conditions. To compare these conditions with mitigation opportunities identified prior to the disaster to discern appropriate areas for post-disaster change and innovation. Where needed, the task force can review alternative mechanisms for bringing these changes about and recommend the coordination of internal and external resources for achieving these ends.

2. In addition to the responsibilities above, the Redevelopment Task Force shall:
 - a. Initiate recommendations for the enactment, repealing or extension of emergency ordinances and resolutions for consideration.
 - b. Review the nature of damages, identify and evaluate alternate program objectives for repairs and reconstruction, and formulate recommendations to guide recovery.
 - c. Formulate special committees and sub-committees as situations warrant.
 - d. Recommend and implement an economic recovery program focusing on rapid recovery of tourism industry, utilizing funding sources set aside for this purpose.
 - e. Recommend rezoning changes in areas of damage when deemed appropriate.
 - f. Set a calendar of milestones for redevelopment tasks.
 - g. Recommend the repealing or extension of moratoria.
 - h. Recommend land areas and land use types that will receive priority in recovery.
 - i. Recommend blanket reductions in non-vital zoning regulations and development standards (e.g., buffering, open space, side yard setbacks, etc.) to minimize the need for individual variances or compliance determinations prior to reconstruction.
 - j. Recommend procedures to document actual uses, densities and intensities and compliance with regulations in effect at the time of construction, through such means as photographs, diagrams, plans, affidavits, permits, appraisals, tax records, etc.
 - k. Evaluate hazards and the effectiveness of mitigation policies and recommend the amendment of policies as appropriate.
 - l. If *necessary*, recommend land areas for the redevelopment of land uses that sustained or has

sustained repeated damages from storm events.

- m. Initiate recommendations for relocation and acquisition of property.
 - n. Initiate a property owner notification program, to inform non-resident property owners of damages incurred to their property; and post-disaster conditions and requirements imposed by the county.
 - o. Participate in federal and state hazard mitigation planning.
 - p. Initiate hazard mitigation projects or recommend programs for which would be considered for state or federal funding.
 - q. Evaluate damaged public facilities-and formulate mitigation options (i.e., repair, replace, modify or relocate).
 - r. Participate in the preparation of a redevelopment plan in coordination with other federal, state and local emergency officials.
 - s. Review emergency actions and recommend amendments to Hillsborough County's Post-Disaster Redevelopment Ordinance, Peacetime Emergency Plan, Emergency Operations Center's Standard Operating Procedures, and the Administrative Code.
3. The Redevelopment Task Force shall recommend appointment of the following positions:
- a. Disaster Recovery Redevelopment Coordinator
 - (1) Purpose. To facilitate the coordination of disaster assistance from the federal government and state agencies available to Hillsborough County following a storm event or emergency.
 - (2) Duties. Shall consist of, but not be limited to, the following:
 - (a) Determine the types of assistance available to the County and the types of assistance most needed.
 - (b) Assist in the local coordination of federal

and state disaster recovery efforts.

- (c) Provide local assistance to facilitate federal and state disaster assistance.
- (d) Act as facilitator in securing federal or state disaster assistance.
- (e) Inform the community of types of disaster assistance available.
- (f) Other duties as directed by the redevelopment task force or the Board of County Commissioners.

b. Economic Recovery Coordinator.

- (1) Purpose. To facilitate the coordination of economic recovery with the business community following a storm event or emergency.
- (2) Duties. Shall consist of, but not limited to, the following:
 - (a) Determine the potential or actual impacts to the local economy and determine short and long term strategies for consideration.
 - (b) Assist in the local coordination of federal and state economic recovery efforts.
 - (c) Act as a facilitator in disseminating accurate information to and from the business community.
 - (d) Inform the business community of the types of disaster assistance available.
 - (e) Other duties as directed by the redevelopment task force or the Board of County Commissioners.

c. Hazard Mitigation Coordinator.

- (1) Purpose. To facilitate the coordination of hazard mitigation assistance from the federal government and state agencies available to Hillsborough County following a storm event or emergency.

- (2) *Duties.* Shall consist of, but not limited to, the following:
 - (a) Determine the types of hazard mitigation assistance or funding available to the County and the types of assistance most needed.
 - (b) Assist in the local coordination of federal and state hazard mitigation efforts.
 - (c) Provide local assistance to facilitate federal and state hazard mitigation assistance programs.
 - (d) Act as a facilitator in securing federal or state hazard mitigation funding for local hazard mitigation projects.
 - (e) Other duties as directed by the redevelopment task force or the Board of County Commissioners.
4. The Redevelopment Task Force may recommend any changes in the Comprehensive Plan, Land Development Code, building codes or any other ordinances which it deems necessary or advisable to prevent a recurrence of damages.
5. The Redevelopment Task Force may also undertake a similar process for non-mitigative local objectives and opportunities. The task force may recommend for Board of County Commissioners consideration the following specific opportunities:
 - a. Enhancement of local recreational and open space opportunity.
 - b. Enhancement of public access to estuary and riverine systems.
 - c. Enhancement and restoration of local natural ecosystems.
 - d. Reduction of traffic congestion, noise, and other transportation-related projects.
 - e. Enhancement of the long-term economic vitality of the local commercial and industrial base.

D. Composition of the Redevelopment Task Force. The Redevelopment Task Force will be composed of the individuals (or their designees) that reflect a broad-based representation of community interests and shall be appointed annually by the Board of County Commissioners. The redevelopment task force shall consist of, but not be limited to, the following individuals:

1. County Administrator
2. County Citizens Assistance and Information Director
3. County Attorney
4. County Public Safety Director
5. County Community Action and Planning Director
6. County Planning and Development Management Director
7. County Building Department Director
8. County Public Utilities Director
9. County Budget Director
10. County Roads and Streets Department Director
11. County Port Authority Director
12. County Sheriff's Office Liaison
13. County Housing and Community Development Director
14. County Commerce Department Director
15. County Facilities Management Director
16. County Emergency Planning Operations Director
17. County Engineering and Construction Services Director
18. County Environmental Protection Commission Director
19. Planning Commission Executive Director
20. City of Temple Terrace Liaison
21. City of Tampa Liaison
22. City of Plant City Liaison
23. Chamber of Commerce Representative
24. Board of Realtors Representative
25. Tampa Electric Company Representative
26. General Telephone Company Representative
27. Builder's Association of Greater Tampa Representative
28. American Institute of Architects' Representative
29. Associated General Contractor's Representative
30. American Society of Civil Engineer's Representative

E. Chairperson of the Redevelopment Task Force. The County Administrator (or his/her designee) will serve as the Chairperson of the Redevelopment Task Force.

F. Duration of the Redevelopment Task Force. In the event of a disaster, the redevelopment task force shall be activated and mobilized for a minimum period of sixty (60) days following the request of the Board of County Commissioners or the County Administrator's direction.

G. Repealing or Extending of the Redevelopment Task Force. The activation of the redevelopment task force may be repealed or extended upon resolution by the Board of County Commissioners.

SECTION FIVE. DETERMINATION OF DAMAGE. BUILD-BACK POLICY. MORATORIA AND EMERGENCY REPAIRS.

A. Emergency Repairs.

1. No construction or reconstruction activity may be undertaken without a building permit while a building moratorium is in effect, except for emergency repairs necessary to prevent injury, loss of life, imminent collapse or other additional damage to the structure or its contents. For illustrative purposes only, items that constitute emergency repairs may include temporary roof repairs to avoid further water damage, minor repairs to steps and the temporary shoring up of a structure to avoid imminent collapse.
2. Activities required to protect the public health, safety and welfare shall be exempted from these provisions of this ordinance and shall include repairs to potable water, waste water, power and communications facilities; emergency stabilization of roadways; police, fire and medical facilities; essential governmental facilities; debris removal; and stabilization or removal of structures about to collapse. .
3. Nothing in this Ordinance shall be construed to exempt State and Federal permit regulations.

B. Determination of Damage. The primary task of the Local Damage Assessment Team is to identify structures which have been damaged as a result of the storm event or emergency. The County damage assessment team will recommend to the County Building Department Director those structures which have: (1) been destroyed; (2) received major damage; and (3) received minor damage. The Building Department Director will then inspect the damaged structures and place each structure in one of the damaged categories. The assessment will also serve as a basis for determining if an initial building moratoria will be declared.

C. County Build-back Policy. Structures which have been damaged by a storm event or emergency to the extent that the cost of their reconstruction or repair exceeds fifty percent (50%) of the replacement cost of the structure may be reconstructed at (but not to exceed) the legally documented actual use, density

and intensity existing at the time of destruction, thereby allowing such structures to be rebuilt or replaced to the size, style, and type of their original construction, including their original square footage; provide, however, that applicable federal and state regulations, local building and life safety codes, and other local regulations do not preclude reconstruction otherwise intended by this policy.

In accordance with this policy, the Ordinance shall provide that:

1. Structures damaged less than fifty percent (50%) of their replacement cost at the time of damage can be rebuilt to their original conditions, subject only to current building and life safety codes.
 2. Structures damaged more than fifty percent (50%) of their replacement cost at the time of damage can be rebuilt to their original square footage and use density or intensity, provided that they comply with:
 - a) federal requirements for elevation above the 100-year flood level;
 - b) building code requirements for flood-proofing;
 - c) current building and life safety codes;
 - d) state Coastal Construction Control Lines; and
 - e) any required land development regulations (other than density or intensity), unless compliance with such regulations would preclude reconstruction otherwise intended by the build-back policy.
 3. No provision is made to redevelop property containing damaged structures for a more intense use or at a density higher than the original lawful density. Redevelopment at a higher density or more intense use shall be permitted in accordance with the current land development regulations and no redevelopment at a higher density or more intense use shall commence until appropriate Zoning Development Review Building Permit and other applicable approvals are granted.
- D. Declaration of an Initial Building Moratorium. An initial building moratorium shall be declared in effect for all or part of the County when one or more of the following actions or findings are determined:

1. The County is declared a disaster area either by the Governor of the State of Florida or the President of the United States.
2. Upon the finding by the Board of County Commissioners of the existence of a state of local emergency in accordance with Chapter 252 of the Florida Statutes.
3. The inability of the County to maintain acceptable levels of public service as determined by the County Administrator or the Board of County Commissioners.

E. Moratoria. The following moratoria will apply accordingly to all or part of the County, for the purpose of prioritizing reconstruction immediately needed for the public health, safety and welfare.

1. Initial building moratorium. The initial building moratorium may be in effect for up to 72 hours. No building permits shall be issued during this time period. After expiration of this initial building moratorium, the following moratoria shall then apply.
2. Destroyed structure moratorium. "No building permit may be issued within thirty (30) days following the declaration of the initial building moratorium for the replacement of any structure which has been destroyed. When a building permit is issued, structures damaged more than fifty percent (50%) of their replacement cost at the time of damage can be rebuilt to their original intensity and density, provided that they comply with:
 - a) federal requirements for elevation above the 100- year flood level;
 - b) building code requirements for flood-proofing;
 - c) current building and life safety codes;
 - d) state Coastal Construction Control Lines; and
 - e) any required land development regulations (other than density or intensity), unless compliance with such regulations would preclude compliance with otherwise intended by the build-back policy.
3. Major damaged structure moratorium. No building permit for repairs of a major damaged structure may be issued for at least ten (10) days following the declaration of the initial

building moratorium. When a building permit is issued, structures damaged greater than twenty percent (20%) and up to and including fifty percent (50%) of the replacement cost at the time of damage can be repaired to their original condition, subject to current building and life safety codes.

4. Minor damaged structure moratorium. No building permits for the repair of minor damaged structures may be issued for at least four (4) days following the declaration of the initial building moratorium. When a building permit is issued, structures damaged twenty percent (20%) or less than the replacement cost at the time of damage can be repaired to their original condition, subject to current building and life safety codes.
5. New development moratorium. Issuance of building permits for new construction not related to the rebuilding or repairing of storm damage of a structure may not be issued for at least thirty (30) days following the declaration of the initial building moratorium. The redevelopment task force shall determine and advise the Board of County Commissioners whether a new development moratorium is required based upon the results of damage assessment and recommendations from the Building Department Director.
6. Outstanding building permit moratorium.
 - a. All building permits which were issued prior to the storm event or emergency may be suspended for a minimum period of thirty (30) days following the expiration of the initial building moratorium, unless the Building Department Director determines on a case-by-case basis that sufficient inspection staff is available to adequately inspect the structures should construction begin or resume.
 - b. The County reserves the right to reinspect any and all building permit work in place prior to the storm event or emergency to verify that the work in place was not damaged during the storm event or emergency. In the event that the County determines that the building permit work in place was damaged during the storm event or emergency or suspects that damage incurred, the owner shall be responsible for rework, removal, retesting, and uncovering work to facilitate inspection, so that compliance with the building permit documents and the building code can be ensured.

7. Outstanding development order moratorium

- a. All development orders issued prior to a "storm event" or emergency may be suspended for a minimum period of thirty (30) days following the expiration of the initial building moratorium. Suspension of the development order shall mean that no development order work is authorized and that no development order inspections by the Hillsborough County Planning and Development Management Department will be performed during the moratorium. Applications for development orders suspended under this section shall be adjusted accordingly to reflect the time period covered by this thirty (30) day moratorium.
- b. The County reserves the right to reinspect any and all development order work in place prior to the storm event or emergency to verify that the work in place was not damaged during the storm event or emergency. In the event that the County determines that development order work in place was damaged during the storm event or emergency or suspects that damage occurred, the developer shall be responsible for rework, removal, retesting, and uncovering work to facilitate inspection, so that compliance with the development order documents and the development standards ordinance can be ensured.

8. Site plan review moratorium.

- a. Review of site plans which have been submitted to the County prior to the storm event or emergency may be suspended by the County staff of Board of County Commissioners for a period of thirty (30) days following the declaration of the initial building moratorium. All submittal dates and review periods shall be adjusted accordingly to reflect the time period covered by the thirty (30) day moratorium.
- b. New site plans, zoning requests or subdivision plats may not be accepted by the County for a period of thirty (30) days following the declaration of the initial building moratorium.

9. Duration of Moratorium. All moratoria, other than the initial building moratorium as enacted, shall be in effect for the length of time described above and may be repealed or extended upon resolution by the Board of County Commissioners.

E. Emergency Repairs.

1. No construction or reconstruction activity may be undertaken without a building permit while a building moratorium is in effect, except emergency repairs necessary to prevent injury, loss of life, imminent collapse or other additional damage to the structure or its contents. For illustrative purposes only, items that constitute emergency repairs may include temporary roof repairs to avoid further water damage, minor repairs to steps and the temporary shoring up of a structure to avoid imminent collapse.
2. Activities required to protect the public health, safety and welfare shall be exempted from these provisions of this ordinance and shall include repairs to potable water, waste water, power and communications facilities emergency stabilization of roadways; police, fire and medical facilities essential governmental facilities debris removal and stabilization or removal of structures about to collapse.
3. Nothing in this Ordinance shall be construed to exempt State and Federal permit regulations.

SECTION SIX. AUTHORITY.

Nothing in the Ordinance shall be construed to limit the authority of the Board of County Commissioners to declare, repeal or extend a state of local emergency or take any action prescribed herein when sitting in regular or special session.

SECTION SEVEN. PENALTIES.

- A. Any person, firm, company or corporation who refuses to comply with or violates any section of this Ordinance, or the emergency measures which may be made effective pursuant to this Ordinance, shall be guilty of a misdemeanor of the second degree, and upon conviction for such offense, shall be punished by a fine not to exceed five-hundred dollars (\$500.00) or by imprisonment not to exceed sixty (60) days in the Hillsborough County Jail, or both, in the discretion of the Court hearing the case. Each day of continued non-compliance or violation shall constitute a separate offense. In addition to this penalty, any construction licensee of Hillsborough County or the State of Florida who violates any provision of this Ordinance or the emergency measures which

are effective as a result of this Ordinance, shall be charged with said violation and have the matter heard before the appropriate Hillsborough County Board, state administrative proceeding, or court of law.

- B. Nothing contained herein shall prevent the County from taking such other lawful action in any court of competent jurisdiction as is necessary to prevent or remedy any refusal to comply with, or violation of, this Ordinance or the emergency measures which may be made effective according to this Ordinance. Such other lawful action shall include but shall not be limited to, an equitable action for injunctive relief or an action at law for damages.

SECTION EIGHT. CONFLICT AND SEVERABILITY.

This Ordinance shall supersede any other land development regulation regardless of when they were adopted. If any phrase or portion of this Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion.

SECTION NINE. EFFECTIVE DATE.

This Ordinance shall become effective upon receipt of official acknowledgement from the Secretary of State that said Ordinance has been filed.

STATE OF FLORIDA)

COUNTY OF HILLSBOROUGH)

I, RICHARD AKE, Clerk of the Circuit Court and Ex-Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of an Ordinance adopted by the Board at its regular meeting of July 29, 1993, as the same appears of record in Minute book 206 of the Public Records of Hillsborough County, Florida.

Witness my hand and official seal this the 4th day of August, 1993.

RICHARD AKE, CLERK
By: _____

APPROVED BY COUNTY ATTORNEY


Approved As To Form And
Legal Sufficiency.